

# Virginia

Supreme Court of Virginia  
Office of the Executive Secretary



## 2011 Judicial Boundary Realignment Study Report



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## I. EXECUTIVE SUMMARY

During the 2011 General Assembly Session, two bills were introduced that would have redrawn existing judicial circuit and district boundaries. These bills, House Bill 1990 and Senate Bill 1240, would have reduced the current 31 judicial circuits and 32 judicial districts to 19 judicial circuits and 19 judicial districts, and would have reduced the total number of circuit and district judges authorized pursuant to the Code of Virginia from 402 to 382. Both House Bill 1990 and Senate Bill 1240 were left in the Senate Courts of Justice Committee.

At the conclusion of the 2011 General Assembly Session, the Honorable Henry L. Marsh, III, Chair of the Senate Courts of Justice Committee, wrote a letter requesting the Supreme Court of Virginia to review the judicial circuits and districts proposed by House Bill 1990 and Senate Bill 1240, and to provide its recommendations for changes to the judicial boundary lines, including the number of judges designated to serve in each judicial circuit and district, by November 1, 2011.

In response to Senator Marsh's letter, the Chief Justice formed a study committee. As part of the study, input was solicited from judges, clerks, bar associations, attorneys and other organizations and entities that interact with the courts. The Study Committee analyzed all of the information collected, which included population data and currently available caseload data. Six regional public meetings were held across the Commonwealth during July 2011 to solicit feedback on the proposed legislative model (House Bill 1990/ Senate Bill 1240) and two judicial boundary models developed by the Study Committee for consideration.

Despite the significant efforts of the Study Committee, its work was constrained by the condensed time period allotted for the study and limited existing resources; in particular, many of the data elements necessary for a comprehensive study are not currently captured and could not be collected in time for the Study Committee to consider them. While the available data clearly show that Virginia's population and caseloads have increased and outpaced the growth in judicial resources, the caseload statistics alone should not provide the basis for the realignment of judicial boundaries. Judicial redistricting studies require extensive data collection and the analysis of actual judicial workload. The preferred method of judicial workload analysis is the weighted caseload study.

Virginia's judicial system does not currently utilize a weighted caseload system to assess workload, nor do specific workload standards exist for judges. In contrast to raw caseload data, a weighted caseload system, with agreed upon weights for the various case types, takes into account the fact that all cases are not equally difficult and should not, therefore, be counted equally when measuring workload. The lack of such a system or measures was the most fundamental challenge to the Study Committee in its efforts to redraw Virginia's judicial boundaries to ensure more efficient allocation and utilization of judicial resources. Until such standards are developed and implemented, existing data can tell only part of the story.

Given these limitations, the Supreme Court of Virginia makes the following recommendations:

**Recommendation 1:** No changes should be made to judicial boundaries until the Judiciary completes a comprehensive study of judicial caseloads and workloads, including development of a "weighted caseload" system to more precisely measure and compare judicial caseloads.

- Such a study would take approximately eighteen months and would include the development of a comprehensive workload model, providing an objective means of determining the need for judges, assessing the distribution of judges throughout Virginia, and linking judicial resource levels with measurable performance indicators, such as time to disposition and clearance rate.

- Funds should be made available to support such a study to be conducted by a third party entity with expertise in workload assessments, specifically, the development of a comprehensive weighted caseload system.

**Recommendation 2:** Although no changes to judicial boundaries are recommended at this time, if the General Assembly determines that changes to judicial boundaries are necessary, a regional approach creating a regional overlay on existing judicial circuits and districts is recommended, as illustrated by the Judicial Boundary Realignment Study (JBRS) Regional Model in *Figure 27* and *Table 23* on pages 35 and 36, respectively. Such an approach would leave intact all current boundaries for Virginia’s judicial circuits and districts and create 12 regions for purposes of assessing judicial workload need and distributing judicial resources.

- This recommendation includes filling existing judicial vacancies that are currently funded but unfilled, which would result in a total of 390 circuit and district judgeships.
- This recommendation also includes funding for five additional judgeships, including three circuit court judges and two general district court judges. Specifically, the recommendation is for a circuit court judgeship in each of the following proposed Regions: 6, 10 and 12. A general district court judgeship is recommended for both proposed Region 4 and proposed Region 5.
- In order to implement a regional approach, the Code of Virginia should be amended as suggested in the draft included as *Appendix E*.

## II. BACKGROUND

### A. Historical Context

Virginia's judicial circuits and districts have not been significantly changed since 1973<sup>1</sup>, when the General Assembly enacted legislation that established 30 judicial circuits and created a unified district court system comprised of 31 new judicial districts. Prior to July 1, 1973, there were 40 judicial circuits in Virginia, 20 corporation courts and numerous county and municipal courts, juvenile and domestic relations courts, and regional juvenile and domestic relations courts.

The actions of the 1973 General Assembly were based upon recommendations contained in the December 10, 1971 *Report of the Court System Study Commission* (the *I'Anson Report*), a Commission chaired by then-Justice Lawrence W. I'Anson of the Supreme Court of Virginia, and in the October 1, 1972 *Report of the Judicial Council Concerning Establishment of District Courts* pursuant to Chapter 708, 1972 Acts of Assembly. The *I'Anson Report* is the final report of the comprehensive study conducted by the Court System Study Commission, created by the 1968 Regular Session of the General Assembly.

The *I'Anson Report* recommended significant changes to the judicial system in Virginia, including the establishment of a Court of Appeals, a restructuring of the courts of record that revised and enlarged the circuits, organization of the courts not of record into a unified district court system with the establishment of general district and juvenile and domestic relations district courts in each city and county, and the re-designation of justices of the peace as magistrates. Subsequently, at the request of the 1972 Session of the General Assembly, the Judicial Council of Virginia submitted an organizational plan, proposing boundaries for the judicial circuits and the unified district court system.

### B. 2011 Legislation

During the 2011 General Assembly Session, two bills were introduced that would have reduced the current 31 judicial circuits and 32 judicial districts to 19 judicial circuits and 19 judicial districts. These bills, House Bill 1990 and Senate Bill 1240 (*Appendix A*), also would have reduced the total number of circuit and district judges authorized pursuant to the Code of Virginia from 402 to 382. House Bill 1990, which was introduced by Delegate William R. Janis, passed the House of Delegates and was referred to the Senate Courts of Justice Committee. Senate Bill 1240, which was introduced by Senator John S. Edwards, also was referred to the Senate Courts of Justice Committee. The Senate Courts of Justice Committee took no action on either House Bill 1990 or Senate Bill 1240, and the bills were left in the Committee.

At the conclusion of the 2011 General Assembly Session, the Honorable Henry L. Marsh, III, Chair of the Senate Courts of Justice Committee, wrote a letter (*Appendix B*) to the Chief Justice of the Supreme Court of Virginia, the Honorable Cynthia D. Kinser, requesting that the Supreme Court review the judicial circuits and districts proposed by House Bill 1990 and Senate Bill 1240, and provide its recommendations for changes to the judicial boundary lines, including the number of judges designated to serve in each judicial circuit and district. Senator Marsh requested that the Court submit its recommendations to the Senate Courts of Justice Committee by November 1, 2011.

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<sup>1</sup> In 1977, the Thirty-First Judicial Circuit was created by the General Assembly, consisting of Prince William County and the Cities of Manassas and Manassas Park. The 1977 General Assembly also changed the designation of the Counties of Accomack and Northampton from the Thirty-First Judicial District to Judicial District 2A. The Thirty-First Judicial District was assigned to Prince William County and the Cities of Manassas and Manassas Park. Other boundaries enacted in 1973 for the circuits and districts have remained, with the exception of four localities that were moved to adjacent circuits/districts in the 1980s. Additionally, there have been changes made in the classifications of the cities of the Commonwealth that comprise the circuits and districts.

### III. CREATION OF THE JUDICIAL BOUNDARY REALIGNMENT STUDY COMMITTEE

In response to Senator Marsh's request for input, Chief Justice Kinser appointed a 22-member study committee. In appointing members to the Judicial Boundary Realignment Study Committee (Study Committee), the Chief Justice sought to balance the goal of broad representation with a committee that was manageable in size. The Study Committee, comprised primarily of judges, also included clerks of court from the general district, juvenile and domestic relations district, combined district and circuit courts, attorneys representing statewide bar associations, and a chief magistrate. A Study Committee membership list is included as *Appendix C*.

At the initial meeting of the Study Committee, held on April 14, 2011, the Chief Justice charged the Study Committee with gathering as much information as possible in order to determine how judicial resources are being utilized and to make recommendations for the most efficient use of judicial resources in a way that promotes the administration of justice. As part of its charge, the Study Committee was directed to hold public meetings across the state and to seek extensive input prior to making its recommendations to the Court addressing judicial boundaries and the number of judges to serve in each circuit and district.

To facilitate the Study Committee's work, an Executive Committee and four subcommittees were created: a Chief Judge Duties Subcommittee, an Interagency Impact Subcommittee, an Implementation and Fiscal Impact Subcommittee, and a Statutory Subcommittee. A list of members for the Executive Committee and the four subcommittees is included as *Appendix D*.

The **Executive Committee**, comprised of the Chair of the Study Committee, and the Chairs of each of the four subcommittees, worked throughout the study period to guide the data analysis and the development of the various factors used in redrawing both the newly proposed judicial circuits and districts and the boundaries of the regions set forth in the Study Committee's regional model. Members of the Executive Committee worked with staff in the Office of the Executive Secretary to develop data collection instruments used to gather information on what factors should be considered in the boundary study, which was particularly important for the initial survey of judges and clerks, and for the development of the data collection sheets designed to measure judges' daily work schedules and activities.

The Executive Committee reviewed detailed reports on the various survey results, as well as demographic, geographic, and judicial workload and caseload data. It also guided the use of information from judges, clerks, and others from around the state as various boundary models were developed. Due to the time constraints under which the boundary study was conducted, the Executive Committee selected the factors used to develop the boundary models, worked to finalize the models and developed the recommendations for additional judgeships that were prepared for presentation to the Study Committee.

The **Chief Judge Duties Subcommittee** reviewed relevant statutory authorities that define the responsibilities of chief judges in Virginia, as well as statutory authorities from several other states and, thereafter, considered how realigning judicial boundaries would affect the workload and responsibilities of chief circuit and district judges.<sup>2</sup> Specifically, the Subcommittee looked closely at the authority, workload, and length of terms of chief judges, and considered whether statutory changes would be required to accommodate realigned judicial boundaries. The Subcommittee also recognized and discussed the need for training of chief judges, the need for increased technological resources and capabilities to support expanded circuits and districts, and the necessity of a transition period if judicial boundaries are changed to ensure that all positions and services are effectively transferred to the new circuits and districts. Finally, the Chief Judge

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<sup>2</sup> By statute, chief judges for each judicial circuit and district are chosen by their colleagues to exercise certain administrative duties. See Va. Code §§ 16.1-69.11, 16.1-69.35 and 17.1-501.

Duties Subcommittee considered how a regional model, versus changing circuit and district boundaries, would affect chief judges. The Subcommittee discussed the potential merits of creating a regional chief judge position concluding that regular meetings and cooperation among chief judges in each region would sufficiently balance workloads within each region without the creation of regional or "super-chief" judge positions.

The **Interagency Impact Subcommittee** examined the impact of judicial boundary realignment on agencies, organizations, and localities. The Subcommittee sought and reviewed input from a variety of entities that interact with the courts to enable them to identify issues and concerns related to redrawing judicial boundaries. Based on the input received, the Interagency Impact Subcommittee recommended that changes to the existing boundaries be made only if they could be justified by an improvement in the delivery of court services. Given the community ties that have developed over the nearly 40 years the current boundaries have been in place, the Subcommittee recommended that the circuits and districts continue to be comprised of areas (i) reasonable in size where the judges and court personnel could continue to develop an understanding of the communities they serve, and (ii) that honor the relationships and collaborations already formed for the efficient and effective sharing of resources and services. Finally, the Interagency Impact Subcommittee suggested that consideration be given to developing solutions to the problem of workload distribution (e.g., regional designations or enhanced powers of the chief judges), rather than adjusting the geographical boundaries of the circuits and districts.

The **Implementation and Fiscal Impact Subcommittee** identified potential implementation issues and assessed the fiscal impact of the various proposed models for realigning judicial boundaries. The Subcommittee discussed how judicial practice, docket management and clerks' office operations would be affected by realignment of judicial boundaries, in addition to the potential impact on entities whose work is interdependent on the courts, and for which organization, administration, information technology or funding is tied to the present configuration of judicial circuits and districts. The Subcommittee explored how a decrease in the number of sitting judges, a reduction in the number of judicial circuits and districts, an increase in the size of the areas served, and growth in judicial travel requirements would affect current expenditures. The Subcommittee recognized that local funding of court administrative personnel in judges' chambers has been established based on existing circuits, and that realignment may disrupt such funding and result in a loss of these and other administrative positions, negatively impacting the workflow in circuit court clerks' offices. The Subcommittee also considered the potential impact of realignment on local budgets, including costs associated with collateral services such as overtime pay for sheriffs' deputies covering longer court dockets, and longer periods of incarceration for inmates awaiting trial.

The **Statutory Subcommittee** conducted a review of the Code of Virginia and the Rules of Court to identify statutes and rules that would potentially require amendments to implement changes to circuit and district boundaries. Amendments to several Code sections were drafted by the Subcommittee in anticipation of recommendations for new circuits and districts. The Statutory Subcommittee also reviewed regional models used in other states as the Committee began to consider a regional approach. Ultimately, the Subcommittee drafted statutory language to implement the regional model as recommended by the Study Committee, which is included as *Appendix E*.

The Executive Committee and each of the Subcommittees met multiple times to accomplish the specific duties assigned to them. The Study Committee met three times on April 14, June 20, and August 26, 2011, and its recommendations were presented to a joint meeting of the Committee on District Courts and the Judicial Council of Virginia on September 19, 2011. A time line depicting the work of the Study Committee is included as *Appendix F*.

#### IV. INPUT SOUGHT FOR STUDY COMMITTEE

To inform its recommendations for the realignment of the circuit and district boundaries, the Study Committee sought input not only from judges and clerks, who would be expected to experience the most direct impact of any boundary changes, but also from attorneys, bar associations and other entities and organizations that interact with the courts. Several different approaches were used to gather information and receive input from those potentially affected by a change to the judicial circuits and districts.

All circuit and district court judges and clerks were asked to complete a survey that was designed to elicit feedback on the factors and issues that should be considered for this study. The surveys were administered online from March 21 through April 1, 2011. A copy of the survey distributed to judges and a copy of the survey distributed to clerks are included as *Appendix G* and *Appendix H*, respectively.

Responses to the surveys were received from 354 judges (95% of judges) and 305 clerks (92% of clerks). The surveys identified 16 factors that could be considered, and also provided an opportunity for judges and clerks to identify other factors. The responding judge or clerk was asked to indicate approval or disapproval of each factor and to rank the five most important factors. Although survey responses indicate that judges and clerks have different perspectives, the factor that received the greatest number of “most important” votes as well as the highest number of “top five” votes among both groups was “New Cases per Judge.” Similarly, the factors receiving the second and third highest numbers of top five votes from both groups were “Hearings Per Judge” and “Judges’ Travel Time Between Courthouses,” respectively. Thereafter, responses among the two groups began to diverge, with “Bench Time” and “Geography” receiving the fourth- and fifth-most top five votes among judges compared to “Total Clerk Positions” and “Bench Time” among clerks.

*Tables 1* and *2* below illustrate the percentage of top five votes that each of the 16 specified factors received from judges and clerks, respectively. The responses of the judges and clerks were used to guide the work of the Study Committee by focusing appropriate attention in the analysis on those topics identified as important.

**Table 1**  
*Top 5 Factors – Judges*

New Cases per Judge	72.9%
Hearings per Judge	67.1%
Travel Time	62.7%
Bench Time	51.0%
Geography	40.4%
Population Trends	38.4%
Concluded Cases per Judge	36.1%
Length of Cases	35.7%
Service Delivery Areas	35.3%
Communities of Interest	33.7%
Total Clerk Positions	24.7%
Case Scheduling	16.9%
Court Administration	16.5%
Current Judges' Residences	16.5%
Non-English Speaking Litigants	14.9%
Self-Represented Litigants	10.2%

**Table 2**  
*Top 5 Factors – Clerks*

New Cases per Judge	60.2%
Hearings per Judge	59.8%
Travel Time	49.3%
Total Clerk Positions	47.4%
Bench Time	41.5%
Concluded Cases per Judge	37.0%
Case Scheduling	35.6%
Service Delivery Areas	29.2%
Length of Workday	28.3%
Geography	26.0%
Population Trends	24.2%
Current Judges' Residences	23.7%
Court Administration	13.2%
Communities of Interest	11.9%
Self-Represented Litigants	8.7%
Non-English Speaking Litigants	4.1%

To assist the Study Committee's research, Chief Justice Kinser sent letters to organizations and agencies ("affected entities") that interact with the court system, seeking input regarding the factors or issues that should be considered by the Study Committee. Each letter requested the recipient to provide the input of the agency or the members of the organization they represent. The Chief Justice's letters, sent to affected entities in March 2011, requested that input be submitted in April so that the Study Committee could consider the comments as it began its work. A sample letter to the affected entities and a list of organizations and agencies to which such a letter was sent are included as *Appendix I* and *Appendix J*, respectively.

To gather more detailed information about court dockets, circuit and district court clerks were asked to document the schedules of each judge who sits in their court during a "typical" month. Court schedule forms, sent to all clerks at the end of April 2011, were designed to give an overview of how each circuit and district court currently coordinates judges' schedules to cover the cases in all jurisdictions within the circuit or district during a typical month. A copy of the Clerks' Survey of Court Schedules is included as *Appendix K*.

To complement the court schedule information sought from clerks, all circuit and district judges were asked to complete Weekly Activity Logs during the first four weeks of May 2011 in order to capture actual time spent completing their judicial duties. The Weekly Activity Logs, which were designed to develop information on the length of an average judicial workday, are discussed in greater detail in Section VI.C.

A dedicated email address (JBRS@courts.state.va.us) was created to facilitate the submission of written comments to the Study Committee. Numerous written comments were received through the "JBRS" email account, surface mail and hand-delivery. Sixteen attorneys and 13 bar associations, eight local and five statewide, commented. Comments also were received from 10 legislators, five law enforcement agencies, three local governments, five state agencies or bodies, and two local departments of social services. Those who work within the Judicial Branch also submitted comments, including four clerks and 14 judges. Nine additional comments were received from other local organizations or entities, including a court services unit, a chamber of commerce, a criminal justice board, and a community corrections agency. An additional three comments were received from statewide organizations, and one comment was submitted by a mediator. A summary of written comments received addressing boundary realignment proposals is included as *Appendix L*.

During the month of July, the Study Committee held six regional public meetings across the Commonwealth in order to receive direct feedback from the public. To encourage broad participation at the public meetings, information on the dates, times and locations of these meetings was placed on Virginia's Judicial System Web site (courts.state.va.us), and a media release was issued on June 28, 2011. Local newspapers, Virginia Lawyers Weekly and other specialty media covered the work of the Study Committee. Affected entities that had received the letter from the Chief Justice were sent letters by the Honorable Thomas D. Horne, Chief Judge of the 20th Judicial Circuit and the Chair of the Study Committee, advising them of the dates of the regional public meetings and inviting them to attend. All circuit and district court judges and clerks were provided the dates and locations of the regional meetings via email.

Several members of the Study Committee attended each regional public meeting. At each meeting, a brief overview of the study was provided, including information on the legislation introduced during the 2011 Session of the General Assembly that prompted the study, the organization of the Study Committee, a summary of the data analysis conducted to date, and details of the proposed legislative model and the two Study Committee judicial boundary models developed for consideration. The first model presented the boundaries as redrawn by House Bill 1990 and Senate Bill 1240 into 19 judicial circuits and districts from the current 31 and 32, respectively. The second model changed the judicial boundary lines to create 27 judicial circuits and districts. The third model presented an alternative concept that left the existing judicial circuits

and districts intact, and created a regional overlay that organized the existing circuits and districts into regions. The handouts distributed at the regional public meetings, which illustrate each of the three models discussed and list the jurisdictions comprising the circuits, districts, and regions under the various models, are attached as *Appendix M*.

1. **Far Southwest Virginia:** The first regional public meeting was held in Abingdon on July 7, 2011, with approximately 60 people attending the meeting and nine providing public comment.
2. **Central Virginia:** The second meeting was held in Henrico on July 11, 2011, with approximately 40 people in attendance and five providing public comment.
3. **Northern Virginia:** Fairfax was the location of the third meeting on July 13, 2011. Eighteen of the approximately 60 attendees provided public comment.
4. **Hampton Roads:** The fourth meeting was held in Portsmouth on July 14, 2011, with two of the approximately 20 attendees providing public comment.
5. **Shenandoah Valley:** The fifth meeting was held in Weyers Cave on July 18, 2011, with approximately 60 people attending and 13 providing public comment.
6. **Southside Virginia:** The sixth and final meeting was held in Danville on July 21, 2011. Approximately 45 people attended the meeting and seven provided public comment.

A summary of the comments received at the six regional public meetings is included as *Appendix N*.

On the day of each regional public meeting, the Study Committee also held a regional judges' meeting at a local courthouse to afford judges an opportunity to ask questions, discuss the study and share comments with their colleagues and with members of the Study Committee. Approximately 110 judges attended these six meetings. Many of the judges also attended the regional public meetings.

## **V. LIMITATIONS OF THE JUDICIAL BOUNDARY REALIGNMENT STUDY**

At the end of February 2011, Senator Marsh wrote to the Chief Justice requesting that the Court review the judicial boundaries proposed by House Bill 1990 and Senate Bill 1240 and make recommendations for changes to the boundary lines, including the number of judges to serve in each circuit and district court. Senator Marsh asked the Court to respond to the Senate Courts of Justice Committee by November 1, 2011. This provided the Court eight months to prepare and submit its recommendations, which is less time than is normally required to complete studies of this magnitude involving extensive data collection and analysis.<sup>3</sup>

In addition to time limitations, the work of the Study Committee also was constrained by limited existing resources. Many of the data elements necessary for a comprehensive study of judicial boundaries are not currently captured and could not be collected in time for the Study Committee to consider them. Furthermore, no additional funding was available to hire consultants with expertise in judicial workload analysis. Accordingly, in making its recommendations, the Study Committee was required to focus its analysis on currently available data, primarily raw caseload numbers.

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<sup>3</sup> Other states have expended extensive resources over the course of 18-24 months to complete the complex analysis typically involved in similar workload, performance, and redistricting studies. The cost of similar studies completed by the National Center for State Courts in recent years has ranged from approximately \$150,000 to approximately \$550,000. The National Center for State Courts, headquartered in Williamsburg, Virginia, is the leader in workload assessment for courts and their justice system partners.

When considering redrawing judicial boundaries, significant consideration must be given to resource issues such as the number of judges required and where they should be located. The required number and location of judges are, in turn, heavily influenced by the amount of work that must be performed, now and in the anticipated future. In assessing current and future workloads and associated judgeship needs, the preferred method of analysis is the weighted caseload study. Simply counting cases without a weighted caseload system does not account for the fact that some cases are plea agreements that may take minutes of a court's time while others may be complex, multiple day or multiple week trials.

A weighted caseload system, with agreed upon weights, would take into account the fact that all case types are not equal and should not, therefore, be counted equally when measuring workload. Similarly, weighted caseload systems recognize that judges, whether because of work styles, travel, or other factors, spend different amounts of time within their average workdays handling cases, necessitating the determination of an agreed upon "average" judge day for each type of court that can be used in statewide calculations. In a typical weighted caseload study, raw caseload numbers are adjusted by case weights to obtain a measure of total annual workload, measured in minutes. This workload number is then divided by a "judge year work value" that represents the amount of minutes that one average judge has available in an average year to conduct case-related business. The resulting number represents how many full-time-equivalent (FTE) judges are needed to handle the workload. Weighted caseload systems also may be designed to include information on necessary staff support levels.

Virginia's court system does not currently utilize a weighted caseload system to assess judicial workload, nor do specific workload standards exist for judges. The lack of these measures constituted the most fundamental challenge to the Study Committee in its efforts to redraw Virginia's judicial boundaries to ensure more efficient allocation and utilization of judicial resources.

Workload standards, developed through a rigorous weighted caseload study, are generally accurate for several years; however, periodic updating is necessary to ensure that the standards continue to represent judicial workload accurately. The primary challenge of a weighted caseload model lies in the time and cost necessary to develop such a system, and the complexity involved in ascertaining the case weights to be used and what constitutes an average judge day. A preliminary estimate for conducting a weighted caseload study in Virginia was supplied by the National Center for State Courts (NCSC).<sup>4</sup> The NCSC's experts believe a study of Virginia's circuit and district courts to develop a comprehensive workload model that includes a weighted caseload system would take approximately eighteen months and cost approximately \$240,000. The comprehensive workload model would provide an objective means of determining the need for judges and their distribution around the state and linking judicial resource levels with measurable performance indicators, such as time to disposition and clearance rate of cases. This model also would be used to create an empirically-based assessment tool to evaluate issues related to judicial realignment.

Balancing workloads, however, should not be the end of the analysis. Meaningful access to the courts is a fundamental right. While the fair distribution of caseloads and administrative duties is a significant step toward the efficient management of judicial resources, if cases are not processed and heard in a timely manner, with courts and judges allocating the time necessary to provide a fair hearing, then the workload analysis means little. It is essential that the workload of the courts be analyzed in the context of overall court performance to determine the number of judges required to ensure that courts and judges are providing timely and fair hearings. In juvenile and domestic relations district courts, in particular, continuity of individual judges assigned to foster care cases and cases involving specific families or juveniles contributes significantly to the quality of the judge's decisions and to efficiency in hearings.

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<sup>4</sup> In the last 15 years, the NCSC has conducted workload assessments in over half the states, usually using some form of weighted caseload analysis. It completed a *Virginia Indigent Defense Commission Attorney and Support Staff Workload Assessment* in 2010. Judicial boundary studies are less common, but the NCSC recently completed such a study in Alabama.

## VI. REVIEW OF DATA

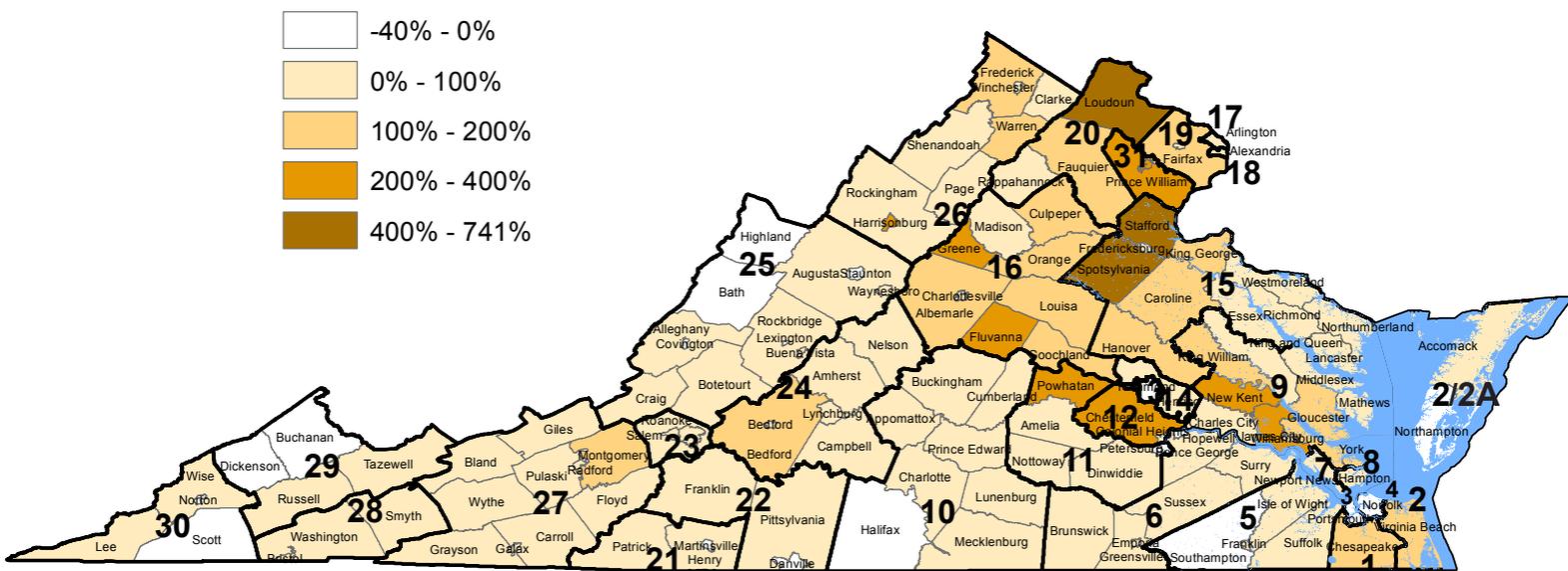
In order to better understand what judicial boundaries would best serve Virginia in the future, the Study Committee reviewed relevant changes that have occurred in the state as a whole and among the circuits and districts since the current boundaries were established in the early 1970s.

### A. Population Growth

The Commonwealth of Virginia has experienced significant population changes since the early 1970s. While several jurisdictions have experienced tremendous population growth, others have decreased in population. In addition to population growth, there also has been a shift in where people live, from rural to suburban and urban areas. Such changes necessarily have an impact on the courts as increased numbers of citizens turn to the courts to settle their disputes.

Virginia's population increased 72.0% from 4,651,487<sup>5</sup> in 1970 to 8,001,024<sup>6</sup> in 2010. The fastest growing localities from 1970 to 2010 were the counties of Loudoun (740.7%), Spotsylvania (645.2%), Stafford (424.5%), Chesterfield (310.5%), and James City (275.3%).<sup>7</sup> Both Spotsylvania and Stafford counties are located in the current 15th Judicial Circuit, which has increased 207.7% in population since 1970. The localities that constitute the current 20th Circuit (Loudoun, Fauquier, and Rappahannock) collectively increased the most at 460.0%.

**Figure 1**  
Percent Change in Population, 1970 - 2010  
Current Circuits / Districts

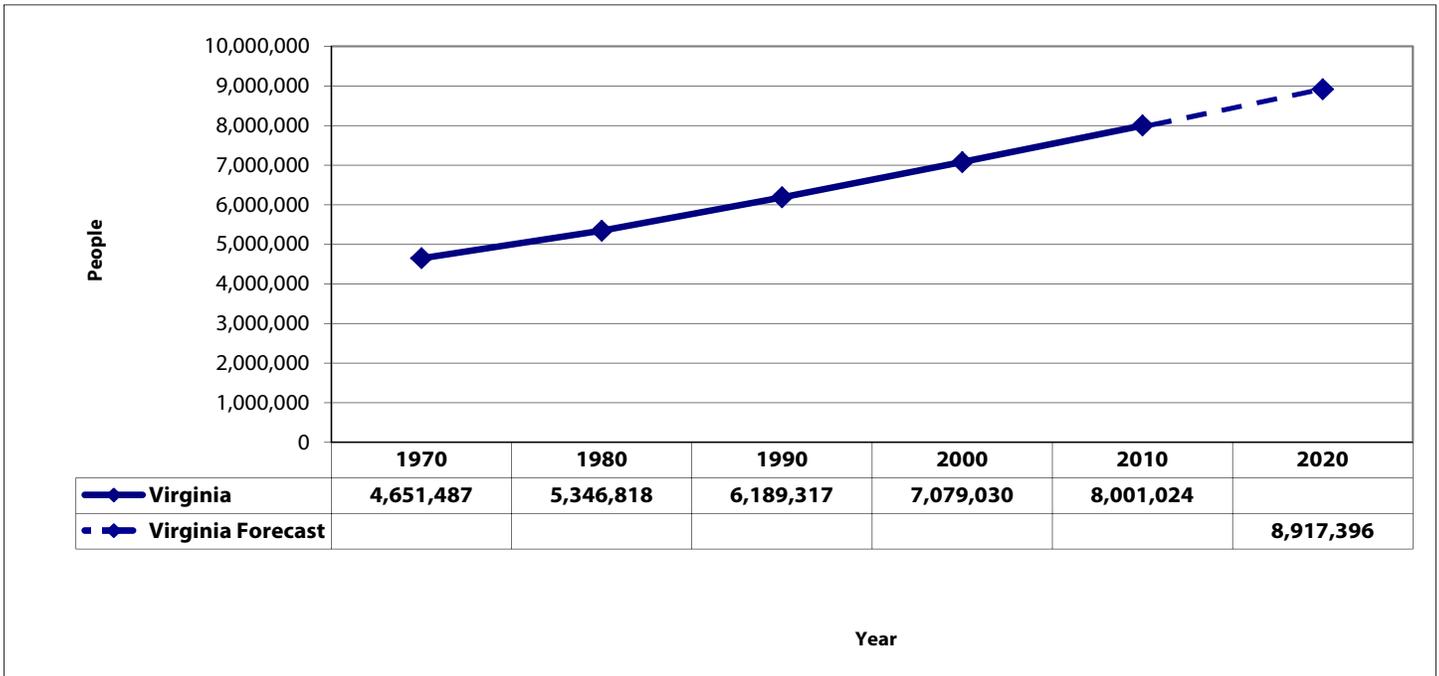


5 Revised intercensal population estimates for Virginia localities, 1970 - 1980. Sources: U.S. Bureau of the Census and Weldon Cooper Center for Public Service, [www.coopercenter.org/demographics/virginia-population-estimates](http://www.coopercenter.org/demographics/virginia-population-estimates).

6 July 1, 2010 Population Estimates for Virginia and its Counties and Cities. Published on April 12, 2011 by the Weldon Cooper Center for Public Service, Demographics & Workforce Group, [www.coopercenter.org/demographics/](http://www.coopercenter.org/demographics/).

7 Population percent changes in this report were calculated by the Office of the Executive Secretary of the Supreme Court of Virginia.

**Figure 2**  
*Historical and Projected Virginia Population Growth, 1970-2020*



Population Data Sources: Revised intercensal population estimates for Virginia localities, 1970 - 1980, 1980 - 1990, 1990 - 2000, 2000 - 2009 by Weldon Cooper Center for Public Service; July 1, 2010 Population Estimates for Virginia and its Counties and Cities. Published on April 12, 2011 by the Weldon Cooper Center for Public Service, Demographics & Workforce Group, [www.coopercenter.org/demographics](http://www.coopercenter.org/demographics); and U.S. Bureau of the Census.

Population Forecasts Source: Virginia Workforce Connection, Labor Market Information (LMI), Virginia Employment Commission

**Table 3**  
*Population Growth by Locality, 1970-2010*

<b>Top 10 Localities</b>		<b>Bottom 10 Localities</b>	
Loudoun County	740.7%	Highland County	-8.2%
Spotsylvania County	645.2%	Bath County	-8.9%
Stafford County	424.5%	Petersburg City	-10.2%
Chesterfield County	310.5%	Portsmouth City	-13.9%
James City County	275.3%	Northampton County	-14.2%
Powhatan County	264.4%	Richmond City	-18.1%
Prince William County	261.8%	Norfolk City	-21.2%
Manassas City	251.6%	Buchanan County	-24.9%
Greene County	250.7%	Martinsville City	-29.7%
New Kent County	247.7%	Covington City	-40.7%

Population Data Source: Revised intercensal population estimates for Virginia localities, 1970 - 1980. Sources: U.S. Bureau of the Census and Weldon Cooper Center for Public Service and July 1, 2010 Population Estimates for Virginia and its Counties and Cities. Published on April 12, 2011 by the Weldon Cooper Center for Public Service, Demographics & Workforce Group, [www.coopercenter.org/demographics/](http://www.coopercenter.org/demographics/).

**Table 4**  
*Population Growth by Judicial Circuit/District, 1970-2010*

<b>Circuit/ District</b>	<b>1970</b>	<b>2010</b>	<b>Percent Change</b>
1	89,580	222,209	148.1%
2*	215,552	483,547	124.3%
3	110,963	95,535	-13.9%
4	307,951	242,803	-21.2%
5	88,771	147,007	65.6%
6	100,985	113,065	12.0%
7	138,177	180,719	30.8%
8	120,779	137,436	13.8%
9	112,093	264,051	135.6%
10	138,272	160,007	15.7%
11	90,697	117,010	29.0%
12	92,142	333,647	262.1%
13	249,431	204,214	-18.1%
14	154,364	306,935	98.8%
15	159,014	489,216	207.7%
16	154,250	334,887	117.1%
17	185,056	219,959	18.9%
18	110,927	139,966	26.2%
19	477,041	1,104,291	131.5%
20	68,724	384,887	460.0%
21	85,836	86,462	0.7%
22	133,343	162,720	22.0%
23	181,436	214,210	18.1%
24	167,915	252,681	50.5%
25	173,550	222,102	28.0%
26	168,867	347,380	105.7%
27	187,204	266,913	42.6%
28	87,041	104,919	20.5%
29	112,497	113,976	1.3%
30	84,816	94,174	11.0%
31	128,704	454,096	252.8%

\*Population figures only apply to the 2nd Judicial Circuit (Accomack, Northampton, and Virginia Beach). In 1970, District 2 (Virginia Beach) had a population of 172,106 and increased 154.5% to 437,994 in 2010. The 1970 population in District 2A (Accomack and Northampton) was 43,446, which increased 4.8% to 45,553 in 2010.

Sources: Revised intercensal population estimates for Virginia localities, 1970 - 1980 by Weldon Cooper Center for Public Service; July 1, 2010 Population Estimates for Virginia and its Counties and Cities. Published on April 12, 2011 by the Weldon Cooper Center for Public Service, Demographics & Workforce Group, [www.coopercenter.org/demographics](http://www.coopercenter.org/demographics); and U.S. Bureau of the Census.

## B. Growth in Caseloads and Caseloads per Judge

The workload of the courts also has changed significantly since the current judicial boundaries were established in the 1970s. However, the increase in the number of judges has not kept pace with the tremendous population growth or increased caseloads that Virginia has experienced. Between 1980<sup>8</sup> and 2010, Virginia's population grew by 49.3%, and the total caseload in Virginia's circuit and district courts increased by 84.9% (from 2,194,363 to 4,057,661 cases<sup>9</sup>). However, during that time, the total number of circuit and district judgeships only increased by 41.3% (from 276 to 390<sup>10</sup>).

### 1. Circuit Courts<sup>11</sup>

From 1980 to 2010, total new cases in Virginia's circuit courts increased by 108.2%, from 138,986 to 289,378 (see *Table 5*). A greater portion of this change is attributable to criminal case filings, which increased by 200.1%, than to civil case filings, which increased by only 37.9%. In 1980, criminal case filings composed only 43.4% of all new cases, but in 2010, the 180,825 criminal case filings approached two thirds (62.5%) of the new cases. Circuit judgeships increased 38.7% over this same period, from 111 to 154 judgeships. However, the creation of new circuit judgeships has lagged behind the caseload growth as the average number of new cases per judge has increased 50.1% since 1980 from 1,252 to 1,879 cases.

*Table 5*  
Changes in Circuit Court New Cases, Judgeships, and New Cases per Judge, 1980-2010

Circuit	New Cases			Judgeships			New Cases Per Judge		
	1980	2010	Change	1980	2010	Change	1980	2010	Change
1	2,484	8,786	253.7%	2.00	5.00	150.0%	1,242	1,757	41.5%
2	7,826	16,686	113.2%	7.00	10.00	42.9%	1,118	1,669	49.2%
3	4,098	7,377	80.0%	3.00	5.00	66.7%	1,366	1,475	8.0%
4	14,612	16,088	10.1%	9.00	9.00	0.0%	1,624	1,788	10.1%
5	3,118	5,593	79.4%	3.00	3.00	0.0%	1,039	1,864	79.4%
6	2,073	4,575	120.7%	2.00	2.00	0.0%	1,037	2,288	120.7%
7	4,003	7,846	96.0%	3.00	4.00	33.3%	1,334	1,962	47.0%
8	2,799	4,768	70.3%	2.00	4.00	100.0%	1,400	1,192	-14.8%
9	2,955	7,543	155.3%	3.00	4.00	33.3%	985	1,886	91.4%
10	2,402	6,733	180.3%	2.00	3.00	50.0%	1,201	2,244	86.9%
11	1,966	5,074	158.1%	2.00	3.00	50.0%	983	1,691	72.1%
12	3,143	10,190	224.2%	2.00	5.00	150.0%	1,572	2,038	29.7%
13	8,461	13,599	60.7%	8.00	7.00	-12.5%	1,058	1,943	83.7%
14	3,860	10,191	164.0%	4.00	5.00	25.0%	965	2,038	111.2%
15	4,666	20,011	328.9%	4.00	8.00	100.0%	1,167	2,501	114.4%
16	4,620	9,123	97.5%	4.00	5.00	25.0%	1,155	1,825	58.0%
17	3,659	4,631	26.6%	4.00	3.00	-25.0%	915	1,544	68.8%
18	3,326	6,166	85.4%	3.00	3.00	0.0%	1,109	2,055	85.4%
19	12,309	21,524	74.9%	9.00	15.00	66.7%	1,368	1,435	4.9%
20	2,117	8,064	280.9%	2.00	4.00	100.0%	1,059	2,016	90.5%
21	3,697	4,581	23.9%	2.00	3.00	50.0%	1,849	1,527	-17.4%
22	4,035	7,981	97.8%	3.00	4.00	33.3%	1,345	1,995	48.3%
23	6,176	8,140	31.8%	5.00	6.00	20.0%	1,235	1,357	9.8%
24	5,052	8,422	66.7%	4.00	5.00	25.0%	1,263	1,684	33.4%
25	4,623	8,711	88.4%	3.00	4.00	33.3%	1,541	2,178	41.3%
26	3,496	12,345	253.1%	3.00	5.00	66.7%	1,165	2,469	111.9%
27	4,210	12,079	186.9%	3.00	5.00	66.7%	1,403	2,416	72.1%
28	2,327	5,981	157.0%	2.00	3.00	50.0%	1,164	1,994	71.4%
29	3,805	9,469	148.9%	3.00	4.00	33.3%	1,268	2,367	86.6%
30	3,690	7,850	112.7%	2.00	3.00	50.0%	1,845	2,617	41.8%
31	3,378	9,251	173.9%	3.00	5.00	66.7%	1,126	1,850	64.3%
Totals:	138,986	289,378	108.2%	111.00	154.00	38.7%	1,252	1,879	50.1%

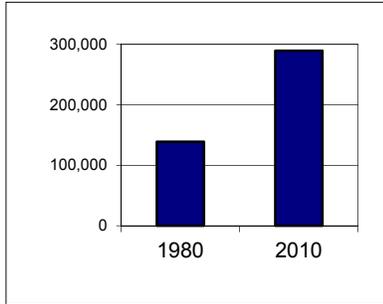
8 In examining growth in caseloads and judgeships, this report uses 1980 as a baseline rather than 1970 due to the significant changes in judicial boundaries that occurred during the 1970s.

9 The caseload statistical data included in this report are taken from the Courts Automated Information System (CAIS - CMS). Courts not using this system transmit their own manually- or electronically-tabulated data to the Office of the Executive Secretary. These courts include Alexandria (18th Judicial Circuit) and Fairfax (19th Judicial Circuit). Prince William County (31st Judicial Circuit) began using CAIS - CMS during 2009, and Virginia Beach (2nd Judicial Circuit) stopped using CAIS - CMS in 2009.

10 The number of current judgeships is based on the 154 circuit, 120 general district, and 116 juvenile and domestic relations judgeships funded as of July 1, 2011.

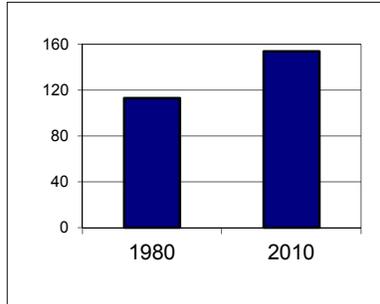
11 Circuit courts are the general jurisdiction trial courts of record handling adjudication of felony charges, all civil disputes seeking over \$25,000 in damages, divorce proceedings, appeals from district courts, and a range of other discrete proceedings.

**Figure 3**  
Circuit Court  
New Cases



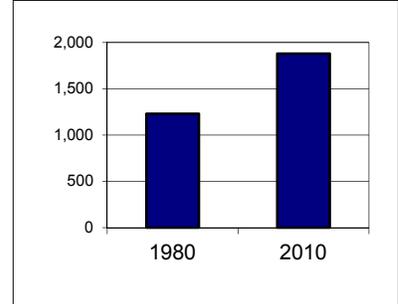
108.2% increase

**Figure 4**  
Circuit Court  
Authorized Judgeships



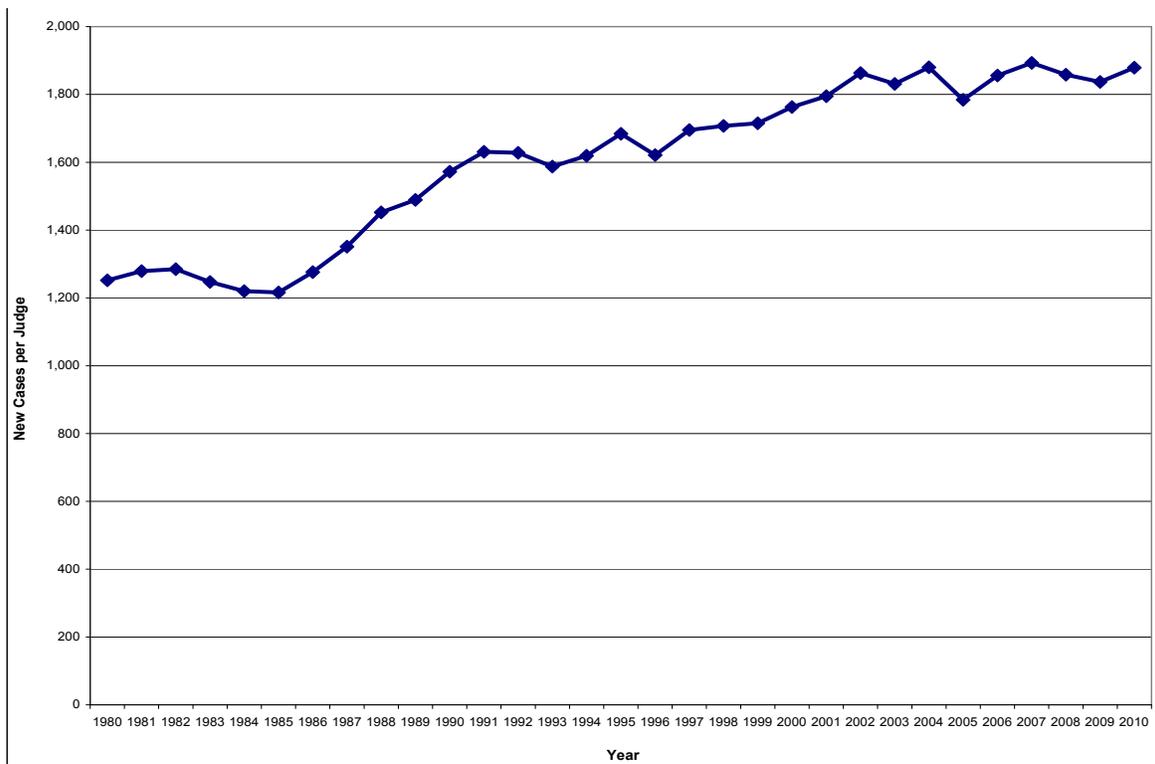
38.7% increase

**Figure 5**  
Circuit Court  
New Cases Per Judge

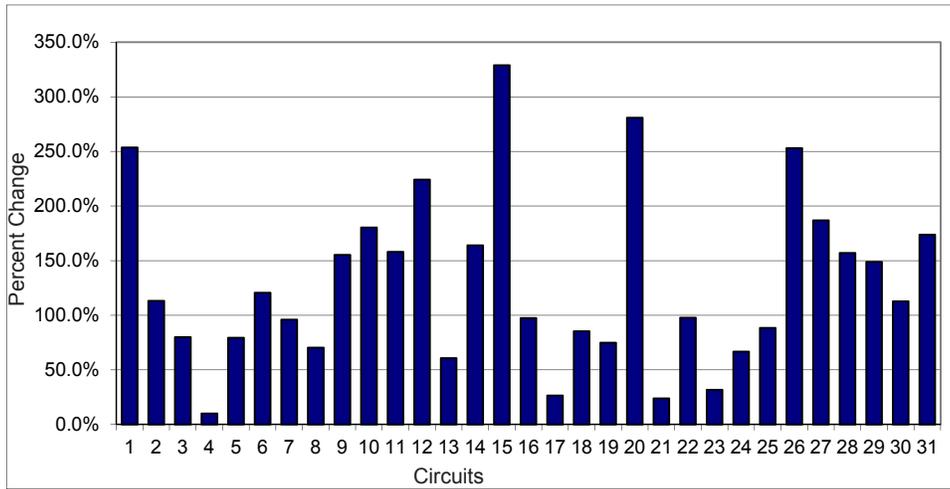


50.1% increase

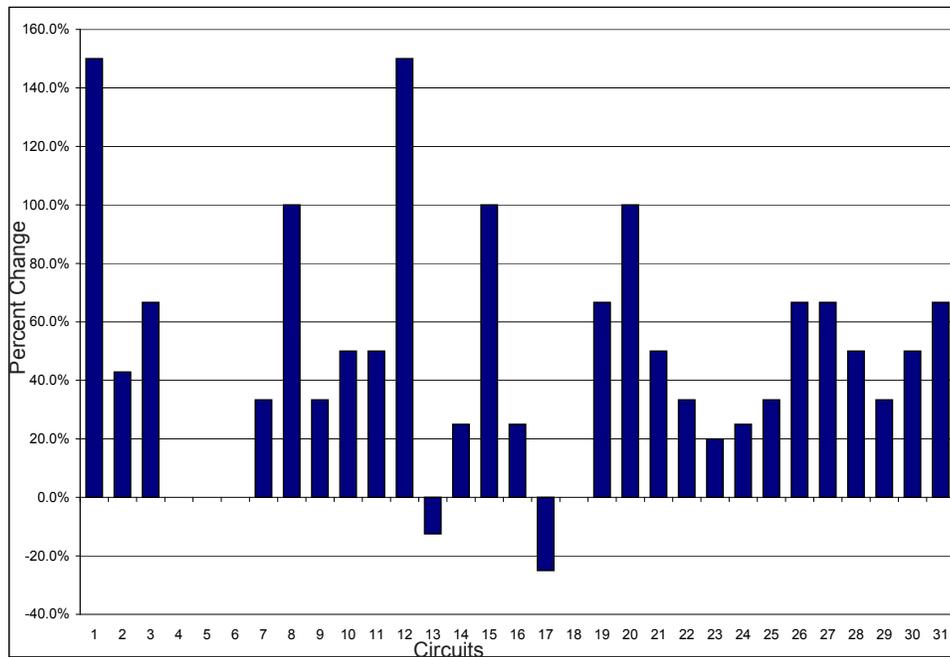
**Figure 6**  
New Cases per Circuit Court Judge, 1980-2010



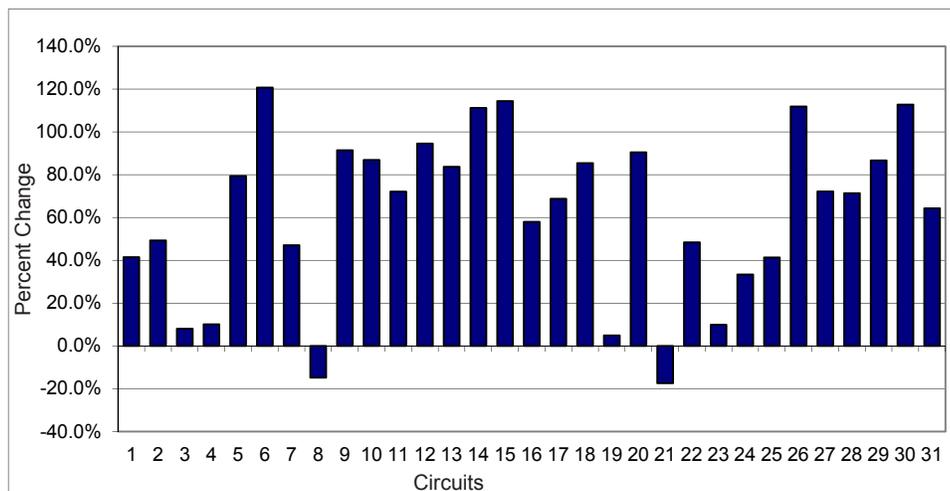
**Figure 7**  
Circuit Court Percent Increase in New Cases, 1980-2010



**Figure 8**  
Circuit Court Percent Change in Judgeships, 1980-2010



**Figure 9**  
Circuit Court Percent Change in New Cases per Judge, 1980-2010



The caseload of every circuit increased between 1980 and 2010. Five circuits had an increase of over 200%: the 15th Circuit (328.9%), the 20th Circuit (280.9%), the 1st Circuit (253.7%), the 26th Circuit (253.1%), and the 12th Circuit (224.2%). Judgeship increases have not tracked with the degree and location of caseload increases. Among the five circuits identified above, judgeships increased from two to five in the 1st Circuit (150%), but in the other four circuits, judgeships increased by no more than 100%. As a result of the disproportionate changes in caseloads and judgeships, the number of new cases per judge in some circuits is significantly (at least 20%) higher than the state average of 1,879: the 6th Circuit (+21.7%), the 15th Circuit (+33.1%), the 26th Circuit (+31.4%), the 27th Circuit (+28.6%), the 29th Circuit (+26.0%), and the 30th Circuit (+39.3%) (see *Table 12* on page 25). Moreover, the current state average of new cases per judge is over 50% above the state average of new cases per judge in 1980, which was only 1,252.

## 2. General District Courts<sup>12</sup>

From 1980 to 2010, total new cases increased by 75.6% in the general district courts, from 1,860,060 to 3,265,992 (see *Table 6*). Subdividing the totals by case type, civil cases increased by 45.6% to 834,105; criminal cases increased by 17.1% to 385,633; and traffic cases increased by 113.7% to 2,046,254. Over the same three decades, general district authorized judgeships only increased 21.5%, from 98.75 to 120. The average number of new cases per judge in 1980 was 18,836 compared to 27,217 cases in 2010, representing a caseload increase per judge of 44.5%.

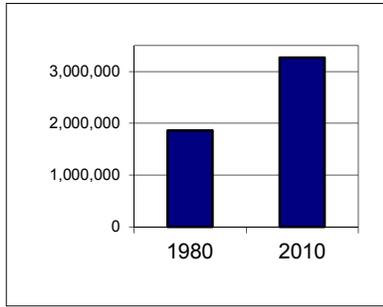
**Table 6**  
*Changes in General District Court New Cases, Judgeships, and New Cases per Judge, 1980-2010*

District	New Cases			Judgeships			New Cases Per Judge		
	1980	2010	Change	1980	2010	Change	1980	2010	Change
1	33,811	88,837	162.7%	2.00	4.00	100.0%	16,906	22,209	31.4%
2	79,664	194,372	144.0%	3.00	6.00	100.0%	26,555	32,395	22.0%
2A	13,706	30,470	122.3%	0.75	1.00	33.3%	18,275	30,470	66.7%
3	47,162	47,446	0.6%	3.00	3.00	0.0%	15,721	15,815	0.6%
4	160,939	134,256	-16.6%	5.00	6.00	20.0%	32,188	22,376	-30.5%
5	34,825	62,683	80.0%	2.00	3.00	50.0%	17,413	20,894	20.0%
6	50,229	124,573	148.0%	2.00	3.00	50.0%	25,115	41,524	65.3%
7	70,229	95,023	35.3%	3.00	4.00	33.3%	23,410	23,756	1.5%
8	46,666	73,890	58.3%	2.00	3.00	50.0%	23,333	24,630	5.6%
9	37,805	85,303	125.6%	2.00	3.00	50.0%	18,903	28,434	50.4%
10	52,640	68,385	29.9%	3.00	3.00	0.0%	17,547	22,795	29.9%
11	37,380	70,739	89.2%	2.00	2.00	0.0%	18,690	35,370	89.2%
12	35,981	131,250	264.8%	3.00	4.00	33.3%	11,994	32,813	173.6%
13	189,164	175,013	-7.5%	7.00	7.00	0.0%	27,023	25,002	-7.5%
14	60,280	132,397	119.6%	3.00	4.00	33.3%	20,093	33,099	64.7%
15	70,675	201,654	185.3%	4.00	6.00	50.0%	17,669	33,609	90.2%
16	66,928	121,191	81.1%	4.00	4.00	0.0%	16,732	30,298	81.1%
17	45,956	79,075	72.1%	3.00	3.00	0.0%	15,319	26,358	72.1%
18	35,007	36,275	3.6%	2.00	2.00	0.0%	17,504	18,138	3.6%
19	138,943	331,962	138.9%	7.00	10.00	42.9%	19,849	33,196	67.2%
20	24,863	107,834	333.7%	2.00	4.00	100.0%	12,432	26,959	116.9%
21	18,857	25,188	33.6%	2.00	2.00	0.0%	9,429	12,594	33.6%
22	35,469	49,921	40.7%	2.00	2.00	0.0%	17,735	24,961	40.7%
23	68,122	106,565	56.4%	5.00	5.00	0.0%	13,624	21,313	56.4%
24	61,327	86,400	40.9%	4.00	4.00	0.0%	15,332	21,600	40.9%
25	53,135	94,227	77.3%	4.00	3.70	-7.5%	13,284	25,467	91.7%
26	72,882	131,603	80.6%	4.00	4.30	7.5%	18,221	30,605	68.0%
27	52,789	127,427	141.4%	3.00	4.00	33.3%	17,596	31,857	81.0%
28	28,377	59,170	108.5%	2.00	2.00	0.0%	14,189	29,585	108.5%
29	44,521	37,396	-16.0%	3.00	2.00	-33.3%	14,840	18,698	26.0%
30	32,421	29,023	-10.5%	2.00	2.00	0.0%	16,211	14,512	-10.5%
31	59,307	126,444	113.2%	3.00	4.00	33.3%	19,769	31,611	59.9%
Totals:	1,860,060	3,265,992	75.6%	98.75	120.00	21.5%	18,836	27,217	44.5%

NOTE: One judge served District 2A in 1980, presiding in both the general district (.75 FTE) and juvenile and domestic relations (.25 FTE) courts.

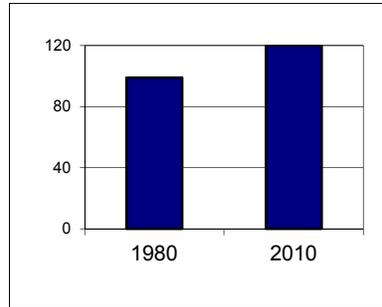
<sup>12</sup> General district courts handle civil disputes where \$25,000 or less in damages is sought, the trial of misdemeanor charges and traffic infractions, preliminary hearings for felony charges, and other discrete types of proceedings, such as protective orders between persons who are not family or household members.

**Figure 10**  
General District Court  
New Cases



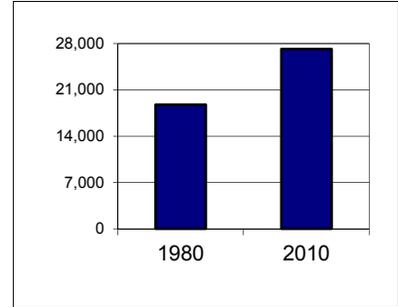
75.6% increase

**Figure 11**  
General District Court  
Authorized Judgeships



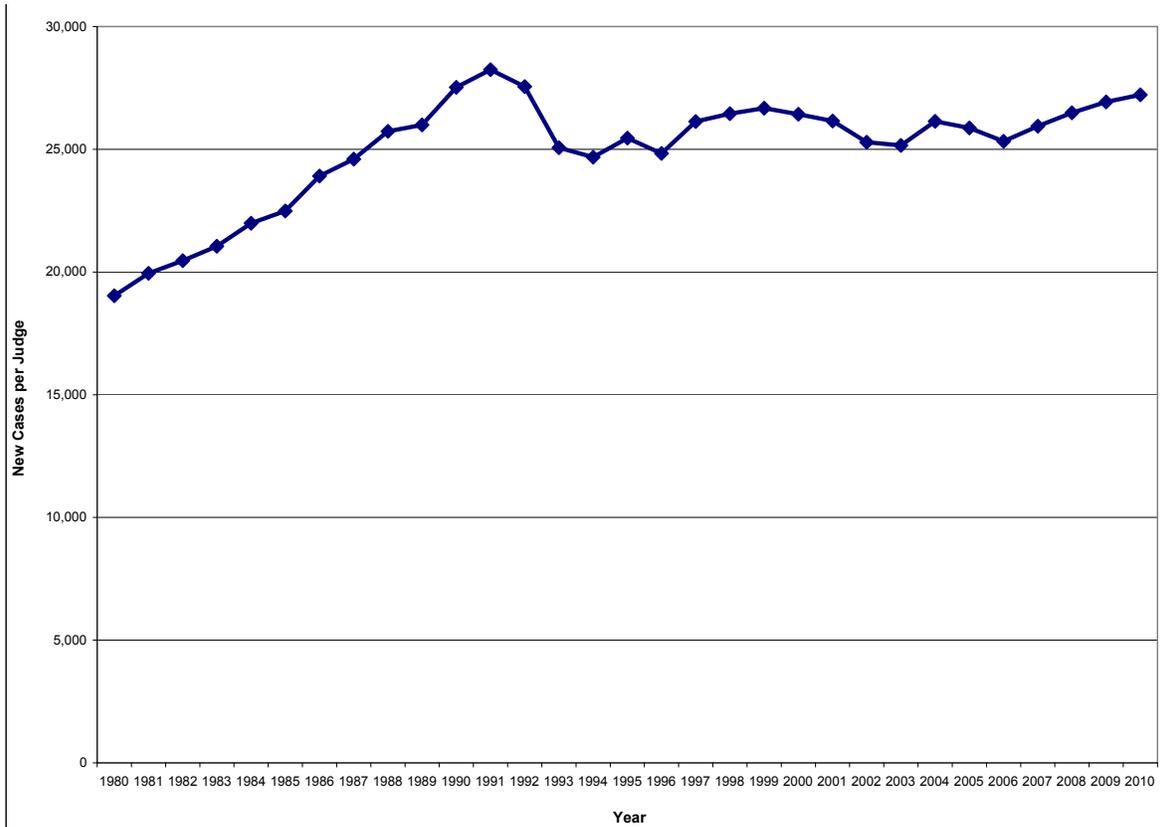
21.5% increase

**Figure 12**  
General District Court  
New Cases Per Judge

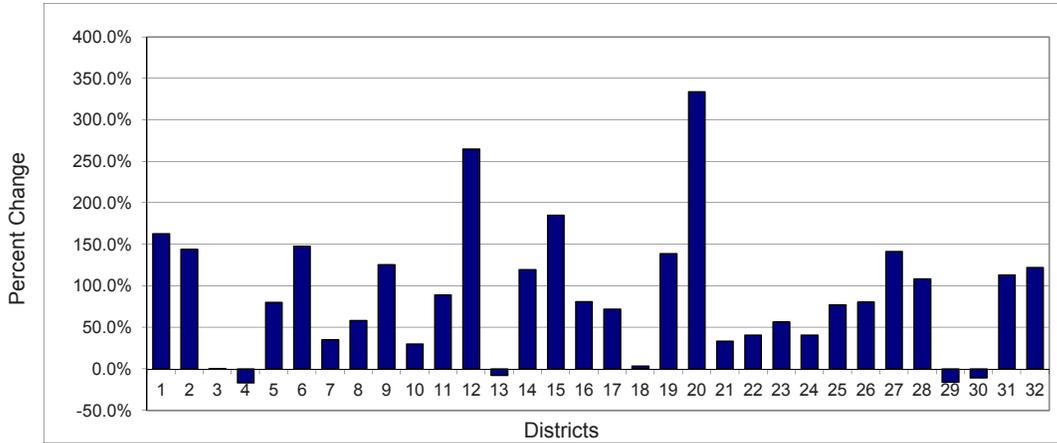


44.5% increase

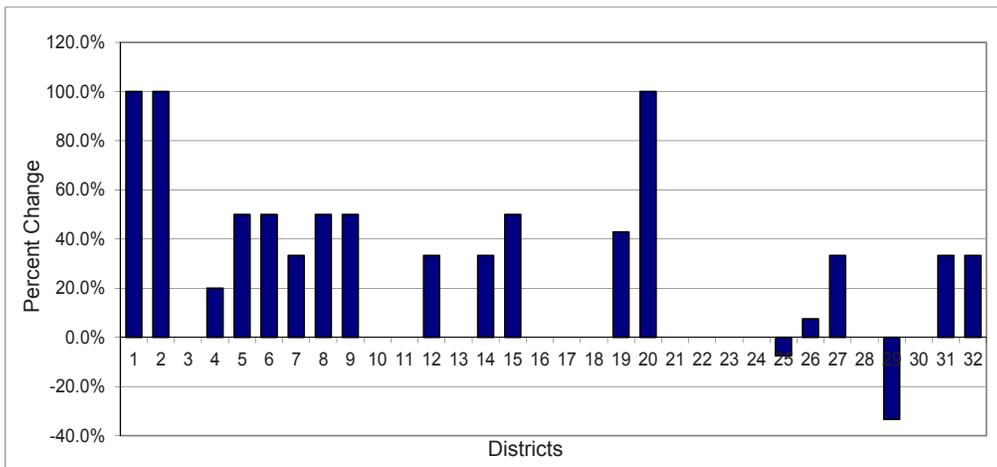
**Figure 13**  
New Cases per General District Court Judge



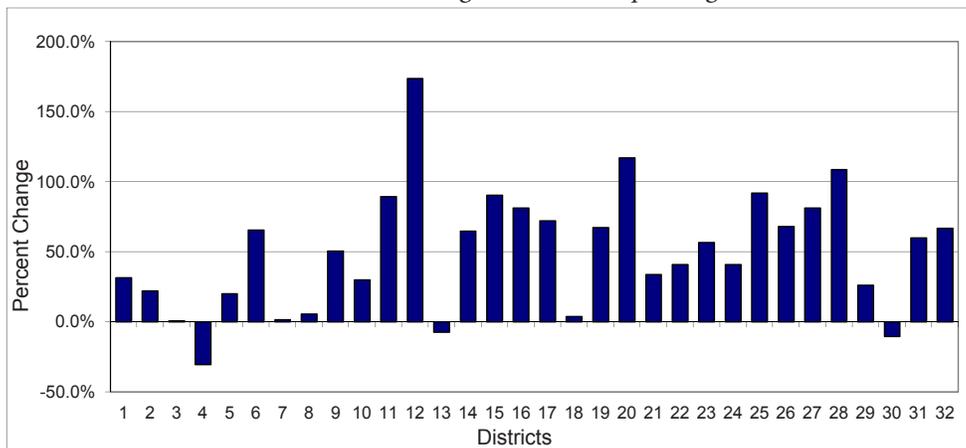
**Figure 14**  
*General District Court Percent Increase in New Cases, 1980-2010*



**Figure 15**  
*General District Court Percent Change in Judgeships, 1980-2010*



**Figure 16**  
*General District Percent Change in New Cases per Judge, 1980-2010*



Annual general district court case filings have increased substantially (approximately 150% or greater) since 1980 in five of the judicial districts. These five districts were the 20th Judicial District (333.7%), the 12th District (264.8%), the 15th District (185.3%), the 1st District (162.7%) and the 6th District (148.0%). Each of these five districts experienced an increase in authorized judgeships, but only within a range of from 33% to 100%. Despite the increase of one judge in the 12th District (from three to four), each judge there must now handle 2.7 times as many new cases in 2010 as in 1980.

### 3. Juvenile and Domestic Relations District Courts<sup>13</sup>

The total number of new cases per judge in the juvenile and domestic relations district courts increased by 157.2% from 195,317 in 1980 to 502,291 in 2010 (see *Table 7*). Domestic relations/adult cases increased 289.2% to 246,001 while juvenile cases increased 94.0% to 256,290. Over the same time span, authorized judgeships in the juvenile and domestic relations districts rose by only 75.1%, from 66.25 to 116. While the average number of new cases per judge was 2,948 in 1980, despite an increase in the number of juvenile and domestic relations district court judgeships authorized, the average number of new cases per judge grew 46.9% by 2010 to 4,330 cases per judge.

*Table 7*

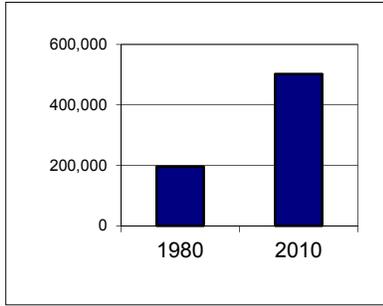
*Changes in Juvenile and Domestic Relations District Court New Cases, Judgeships, and New Cases per Judge, 1980-2010*

District	New Cases			Judgeships			New Cases Per Judge		
	1980	2010	Change	1980	2010	Change	1980	2010	Change
1	4,166	14,167	240.1%	2.00	3.00	50.0%	2,083	4,722	126.7%
2	13,534	29,052	114.7%	3.00	7.00	133.3%	4,511	4,150	-8.0%
2A	934	3,097	231.6%	0.25	1.00	300.0%	3,736	3,097	-17.1%
3	3,433	12,181	254.8%	2.00	3.00	50.0%	1,717	4,060	136.5%
4	10,571	23,060	118.1%	3.00	5.00	66.7%	3,524	4,612	30.9%
5	4,226	9,211	118.0%	1.00	2.00	100.0%	4,226	4,606	9.0%
6	2,881	8,590	198.2%	2.00	2.00	0.0%	1,441	4,295	198.2%
7	4,145	14,110	240.4%	2.00	4.00	100.0%	2,073	3,528	70.2%
8	4,752	12,936	172.2%	2.00	3.00	50.0%	2,376	4,312	81.5%
9	4,136	14,396	248.1%	2.00	3.00	50.0%	2,068	4,799	132.0%
10	4,880	12,818	162.7%	2.00	3.00	50.0%	2,440	4,273	75.1%
11	4,368	9,689	121.8%	2.00	2.00	0.0%	2,184	4,845	121.8%
12	5,265	23,790	351.9%	2.00	5.00	150.0%	2,633	4,758	80.7%
13	12,628	16,662	31.9%	3.00	5.00	66.7%	4,209	3,332	-20.8%
14	7,127	21,557	202.5%	2.00	4.00	100.0%	3,564	5,389	51.2%
15	7,578	36,279	378.7%	2.00	7.00	250.0%	3,789	5,183	36.8%
16	5,877	20,292	245.3%	2.00	4.00	100.0%	2,939	5,073	72.6%
17	3,227	4,871	50.9%	2.00	2.00	0.0%	1,614	2,436	50.9%
18	2,550	5,275	106.9%	1.00	2.00	100.0%	2,550	2,638	3.4%
19	17,370	26,662	53.5%	5.00	8.00	60.0%	3,474	3,333	-4.1%
20	3,710	12,112	226.5%	1.00	3.00	200.0%	3,710	4,037	8.8%
21	3,498	8,535	144.0%	1.00	2.00	100.0%	3,498	4,268	22.0%
22	5,964	13,888	132.9%	2.00	3.00	50.0%	2,982	4,629	55.2%
23	9,941	18,022	81.3%	3.00	4.00	33.3%	3,314	4,506	36.0%
24	7,196	21,469	198.3%	3.00	5.00	66.7%	2,399	4,294	79.0%
25	5,814	17,992	209.5%	3.00	4.00	33.3%	1,938	4,498	132.1%
26	6,889	24,712	258.7%	2.00	5.00	150.0%	3,445	4,942	43.5%
27	6,968	18,962	172.1%	3.00	4.00	33.3%	2,323	4,741	104.1%
28	4,557	9,957	118.5%	1.00	2.00	100.0%	4,557	4,979	9.2%
29	5,390	9,939	84.4%	2.00	2.00	0.0%	2,695	4,970	84.4%
30	3,776	7,839	107.6%	1.00	2.00	100.0%	3,776	3,920	3.8%
31	7,966	20,169	153.2%	2.00	5.00	150.0%	3,983	4,034	1.3%
Totals:	195,317	502,291	157.2%	66.25	116.00	75.1%	2,948	4,330	46.9%

NOTE: One judge served District 2A in 1980, presiding in both the general district (.75 FTE) and juvenile and domestic relations (.25 FTE) courts.

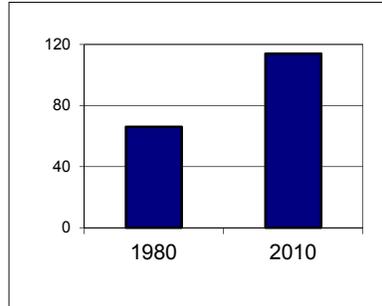
<sup>13</sup> Juvenile and domestic relations district courts have jurisdiction over proceedings involving the custody, visitation, support, and the control or disposition of a child who is abused, neglected, in need of services, abandoned, truant, a runaway, delinquent, violates traffic laws, requires commitment for mental illness or consent to medical treatment. These courts also have jurisdiction over the parents, guardians and legal custodians of such children and over other adults involved in foster care proceedings, paternity determinations, domestic violence, offenses against family or household members, and spousal support matters.

**Figure 17**  
*Juvenile and Domestic Relations  
 District Court  
 New Cases*



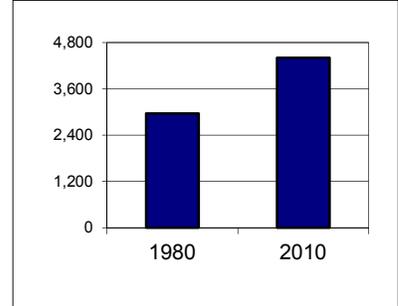
157.2% increase

**Figure 18**  
*Juvenile and Domestic Relations  
 District Court  
 Authorized Judgeships*



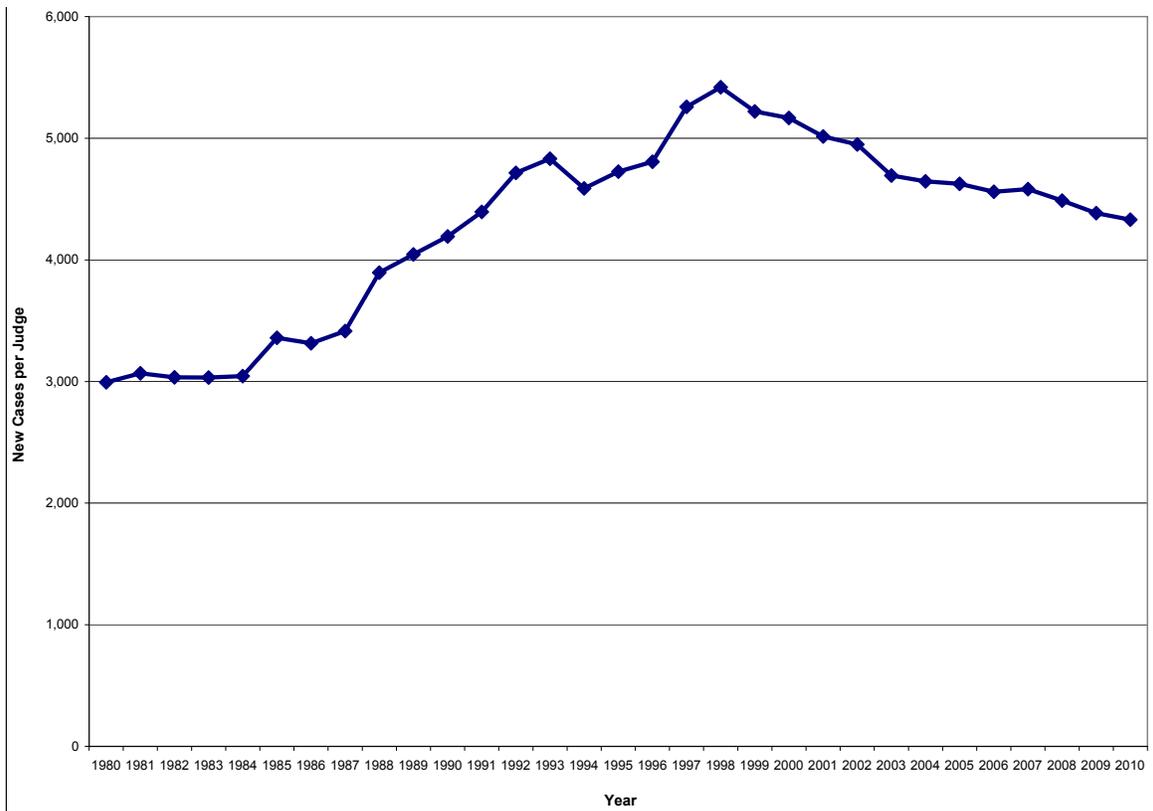
75.1% increase

**Figure 19**  
*Juvenile and Domestic Relations  
 District Court  
 New Cases Per Judge*



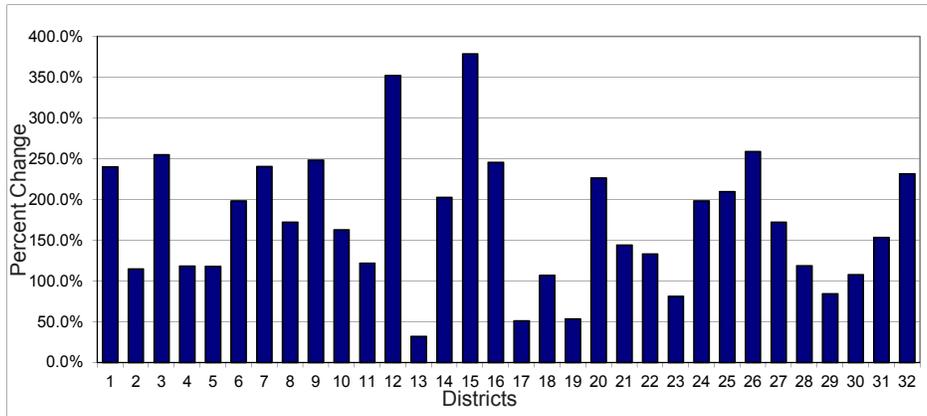
46.9% increase

**Figure 20**  
*New Cases per Juvenile and Domestic Relations District Court Judge*



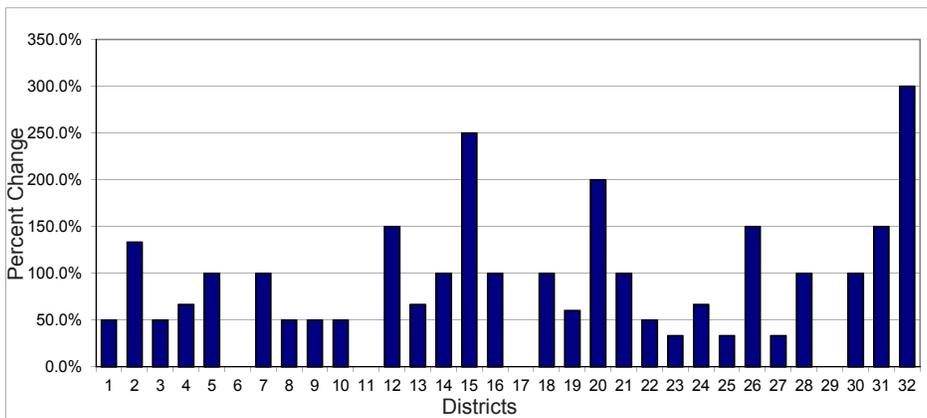
**Figure 21**

*Juvenile and Domestic Relations District Court Percent Increase in New Cases, 1980-2010*



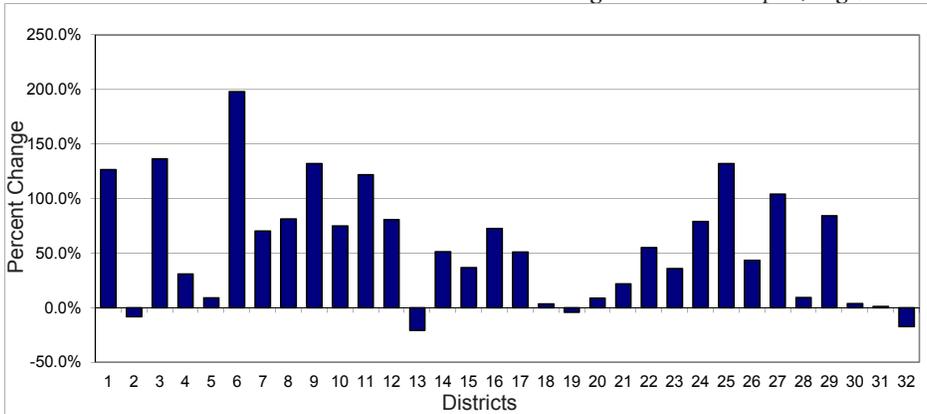
**Figure 22**

*Juvenile and Domestic Relations District Court Percent Change in Judgeships, 1980-2010*



**Figure 23**

*Juvenile and Domestic Relations District Court Percent Change in New Cases per Judge, 1980-2010*



All juvenile and domestic relations district courts have seen an increase in caseload from 1980 to 2010. Juvenile and domestic relations district courts in two judicial districts, the 15th District (378.7%) and the 12th District (351.9%), experienced increases in excess of 350%. Six other districts had increases over 240%: the 26th District (258.7%), the 3rd District (254.8%), the 9th District (248.1%), the 16th District (245.3%), the 7th District (240.4%), and the 1st District (240.1%). The growth of domestic relations/adult cases has been particularly notable in some districts, exceeding 500% in the 12th District (599.5%), the 15th District (564.6%), the 31st District (516.8%), and the 16th District (503.0%).

Although judgeships have increased in all but four judicial districts for the juvenile and domestic relations district courts, the growth of new cases in some districts has outpaced the increase in judgeships, resulting in levels of new cases per judge that are higher than the state average. For example, the 15th District has had an increase from two to seven judges but, with an average of 5,183 new cases per judge, is still 19.7% above the state average. In the 14th and 16th Districts, each of which has increased from two to four judgeships, their average new cases per judge are 24.5% and 17.2% above the state average, respectively (see *Table 14* on page 26).

### C. Weekly Activity Logs

In their responses to the initial request for input regarding factors that should be considered by the Study Committee, judges stressed the importance of tracking the amount of time that they spend on the bench, traveling between courthouses, reviewing files, cases and statutes, and conducting other judicial activities. In an attempt to capture this critical information, judges were asked to complete Weekly Activity Logs designed to provide information on the length and activities of an average judicial workday during the first four weeks of May 2011. Copies of the separate Weekly Activity Log forms created for circuit and district court judges are included as *Appendix O* and *Appendix P*, respectively.

Both the circuit and district Weekly Activity Logs tracked the judges' time spent on "In Court Case Specific Activities" such as pretrial hearings, trials and post-adjudication matters; on "In Chambers Case Specific Activities" such as trial preparation, reviewing files, signing orders, and writing decisions; and on "Non-Case Specific Activities" such as work related travel time, community outreach/public speaking, attendance at judicial education programs and work related committee meetings, and court administration and personnel issues.

Activity logs were completed by 94% (351 of 374) of circuit and district judges. On average, juvenile and domestic relations district court judges spent the greatest amount of time on case and non-case specific activities per day, at 8 hours and 1 minute (8:01), compared to 7 hour and 52 minutes (7:52) for circuit judges, and 7 hours and 25 minutes (7:25) for general district judges. Across all three types of court, rural<sup>14</sup> judges reported spending the most time on judicial activities (see *Tables 8, 9, and 10*), with the greatest disparity being in circuit courts, where the rural judges reported spending an average of 44 minutes longer than their urban counterparts on case and non-case specific activities. Not surprisingly, rural judges averaged more time in travel than urban judges. Based on statewide data, circuit judges spent, on average, 5 hours and 51 minutes (5:51) of their workdays on case-specific activities; general district judges spent 4 hours and 46 minutes (4:46); and juvenile and domestic relations district judges spent 5 hours and 43 minutes (5:43).

While the Study Committee undertook to measure judicial schedules and workday activities using the Weekly Activity Logs, given the limited time available for the study, only four weeks of actual data could be collected. Although the data were useful in establishing generally how Virginia's judges spend "a typical day" in activities such as bench time, time in chambers, and time traveling from one court to another or "riding the circuit," the data were too limited to establish workload standards or to measure the full-time equivalency of judgeships currently serving in each individual Virginia locality. Such data are critical to a thorough study of judicial boundaries and judicial resource utilization.

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<sup>14</sup> For administrative purposes, in the 1970s, Virginia's courts implemented a classification system that designated each circuit and district as either "urban" or "rural." These designations were made at the circuit/district level, and were primarily tied to whether the circuit/district was comprised of a single jurisdiction or multiple jurisdictions that covered a large geographic area. The following circuits and districts have an "urban" designation: 1, 2, 3, 4, 7, 8, 12, 13, 14, 17, 18, 19, 23, and 31; the remaining circuits and districts are designated as "rural."

**Table 8**  
*Circuit Court Activity Log<sup>15</sup> Average Times*

	<b>State</b>	<b>Urban</b>	<b>Rural</b>
	<b>Average Time (hr:min)</b>	<b>Average Time (hr:min)</b>	<b>Average Time (hr:min)</b>
<b>In Court Case Specific Activities</b>	3:36	3:29	3:46
<b>In Chamber Case Specific Activities</b>	2:15	2:04	2:31
<b>Non-Case Specific Activities</b>	1:59	1:59	1:58
<b>State Average Workday</b>	<b>7:52</b>	<b>7:33</b>	<b>8:17</b>

**Table 9**  
*General District Court Activity Log Average Times*

	<b>State</b>	<b>Urban</b>	<b>Rural</b>
	<b>Average Time (hr:min)</b>	<b>Average Time (hr:min)</b>	<b>Average Time (hr:min)</b>
<b>In Court Case Specific Activities</b>	3:46	3:34	4:01
<b>In Chamber Case Specific Activities</b>	1:00	0:58	1:02
<b>Non-Case Specific Activities</b>	2:38	2:42	2:34
<b>State Average Workday</b>	<b>7:25</b>	<b>7:15</b>	<b>7:38</b>

**Table 10**  
*Juvenile and Domestic Relations District Court Activity Log Average Times*

	<b>State</b>	<b>Urban</b>	<b>Rural</b>
	<b>Average Time (hr:min)</b>	<b>Average Time (hr:min)</b>	<b>Average Time (hr:min)</b>
<b>In Court Case Specific Activities</b>	4:34	4:15	4:56
<b>In Chamber Case Specific Activities</b>	1:09	1:08	1:11
<b>Non-Case Specific Activities</b>	2:17	2:19	2:16
<b>State Average Workday</b>	<b>8:01</b>	<b>7:42</b>	<b>8:23</b>

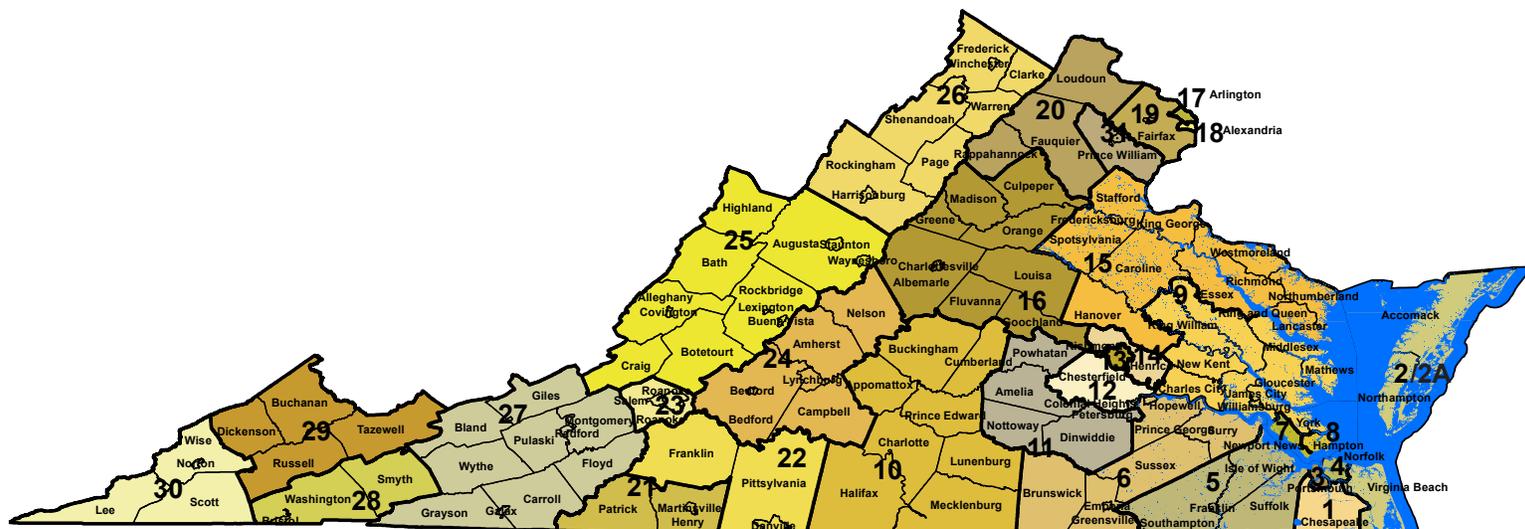
## VII. MODELS

### A. Existing Judicial Circuit and District Boundaries

Currently, there are 31 judicial circuits and 32 judicial districts in the Commonwealth, which are comprised of 369 different courts that serve Virginia’s counties and cities. Although the Code of Virginia authorizes 402 judgeships, only 390 of those judgeships (154 circuit, 120 general district, and 116 juvenile and domestic relations district) are presently funded. The existing judicial boundaries are illustrated below in *Figure 24*, which is followed by a list of the specific localities that comprise each judicial circuit and district in *Table 11*.

15 Although the Weekly Activity Logs captured information for the first four weeks of May 2011, May 9-11 were excluded for circuit court judges due to their attendance at the mandatory meeting of the Judicial Conference of Virginia.

**Figure 24**  
Existing Judicial Boundaries



**Table 11**  
Existing Judicial Boundaries and Localities Served

Judicial Circuits (31)	Localities	Judicial Districts (32)	Localities
1	Chesapeake	1	Chesapeake
2	Virginia Beach, Accomack, Northampton	2	Virginia Beach
3	Portsmouth	2A	Accomack, Northampton
4	Norfolk	3	Portsmouth
5	Franklin City, Isle of Wight, Southampton, Suffolk	4	Norfolk
6	Brunswick, Emporia, Greensville, Hopewell, Prince George, Surry, Sussex	5	Franklin City, Isle of Wight, Southampton, Suffolk
7	Newport News	6	Brunswick, Emporia, Greensville, Hopewell, Prince George, Surry, Sussex
8	Hampton	7	Newport News
9	Charles City, Gloucester, James City, King & Queen, King William, Mathews, Middlesex, New Kent, Poquoson, Williamsburg, York	8	Hampton
10	Appomattox, Buckingham, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg, Prince Edward	9	Charles City, Gloucester, James City, King & Queen, King William, Mathews, Middlesex, New Kent, Poquoson, Williamsburg, York
11	Amelia, Dinwiddie, Nottoway, Petersburg, Powhatan	10	Appomattox, Buckingham, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg, Prince Edward
12	Chesterfield, Colonial Heights	11	Amelia, Dinwiddie, Nottoway, Petersburg, Powhatan
13	Richmond City	12	Chesterfield, Colonial Heights
14	Henrico	13	Richmond City
15	Caroline, Essex, Fredericksburg, Hanover, King George, Lancaster, Northumberland, Richmond County, Spotsylvania, Stafford, Westmoreland	14	Henrico
16	Albemarle, Charlottesville, Culpeper, Fluvanna, Goochland, Greene, Louisa, Madison, Orange	15	Caroline, Essex, Fredericksburg, Hanover, King George, Lancaster, Northumberland, Richmond County, Spotsylvania, Stafford, Westmoreland
17	Arlington, Falls Church	16	Albemarle, Charlottesville, Culpeper, Fluvanna, Goochland, Greene, Louisa, Madison, Orange
18	Alexandria	17	Arlington, Falls Church
19	Fairfax City, Fairfax County	18	Alexandria
20	Fauquier, Loudoun, Rappahannock	19	Fairfax City, Fairfax County
21	Henry, Martinsville, Patrick	20	Fauquier, Loudoun, Rappahannock
22	Danville, Franklin County, Pittsylvania	21	Henry, Martinsville, Patrick
23	Roanoke City, Roanoke County, Salem	22	Danville, Franklin County, Pittsylvania
24	Amherst, Bedford City, Bedford County, Campbell, Lynchburg, Nelson	23	Roanoke City, Roanoke County, Salem
25	Alleghany, Augusta, Bath, Botetourt, Buena Vista, Covington, Craig, Highland, Lexington, Rockbridge, Staunton, Waynesboro	24	Amherst, Bedford City, Bedford County, Campbell, Lynchburg, Nelson
26	Clarke, Frederick, Harrisonburg, Page, Rockingham, Shenandoah, Warren, Winchester	25	Alleghany, Augusta, Bath, Botetourt, Buena Vista, Covington, Craig, Highland, Lexington, Rockbridge, Staunton, Waynesboro
27	Bland, Carroll, Floyd, Galax, Giles, Grayson, Montgomery, Pulaski, Radford, Wythe	26	Clarke, Frederick, Harrisonburg, Page, Rockingham, Shenandoah, Warren, Winchester
28	Bristol, Smyth, Washington	27	Bland, Carroll, Floyd, Galax, Giles, Grayson, Montgomery, Pulaski, Radford, Wythe
29	Buchanan, Dickenson, Russell, Tazewell	28	Bristol, Smyth, Washington
30	Lee, Norton, Scott, Wise	29	Buchanan, Dickenson, Russell, Tazewell
31	Manassas, Manassas Park, Prince William	30	Lee, Norton, Scott, Wise
		31	Manassas, Manassas Park, Prince William

In 2010, the last full calendar year for which data are available, the average number of new cases per judge statewide for circuit judges was 1,879; for general district judges, 20,968<sup>16</sup>; and for juvenile and domestic relations district judges, 4,330. There were six judicial circuits with new cases per judge of more than 20% above the state average of 1,879. The 30th Judicial Circuit was the highest with an average number of new cases per judge of 2,617, which is 39.3% above the state average (see *Table 12*). Four judicial circuits showed new cases per judge of more than 20% below the state average. For general district courts, there were six judicial districts with new cases per judge of more than 20% above the state average of 20,968, and six judicial districts with averages more than 20% below the state average (see *Table 13*). For juvenile and domestic relations district courts, only one judicial district exceeded the 20% threshold, the 14th District with 5,389 new cases per judge, which was 24.5% above the state average. Five judicial districts reported new cases per judge more than 20% below the state average (see *Table 14*).

The average number of new cases per judge has been a commonly used measure of judicial workload in Virginia as those figures are readily available. However, “cases per judge” is the simplest measure of judicial workload and should not be relied upon alone as a measure sufficiently detailed to justify boundary changes. This is due in part to the fact that using raw caseload numbers assumes that all cases are equal and take the same amount of a court’s time. Additionally, using raw caseload numbers fails to adequately account for discrepancies in how courts, especially circuit courts, count and process cases. A weighted caseload system, on the other hand, would allow for a thorough analysis by considering other factors and translating caseload figures into true judicial workloads.

**Table 12**  
*Circuit Courts – Workload Analysis*

Circuit	Current Judges	New Cases	New Cases per Judge	% Above/Below State Avg. (1,879)
1	5	8,786	1,757	-6.5%
2	10	16,686	1,669	-11.2%
3	5	7,377	1,475	-21.5%
4	9	16,088	1,788	-4.9%
5	3	5,593	1,864	-0.8%
6	2	4,575	2,288	21.7%
7	4	7,846	1,962	4.4%
8	4	4,768	1,192	-36.6%
9	4	7,543	1,886	0.4%
10	3	6,733	2,244	19.4%
11	3	5,074	1,691	-10.0%
12	5	10,190	2,038	8.5%
13	7	13,599	1,943	3.4%
14	5	10,191	2,038	8.5%
15	8	20,011	2,501	33.1%
16	5	9,123	1,825	-2.9%
17	3	4,631	1,544	-17.8%
18	3	6,166	2,055	9.4%
19	15	21,524	1,435	-23.6%
20	4	8,064	2,016	7.3%
21	3	4,581	1,527	-18.7%
22	4	7,981	1,995	6.2%
23	6	8,140	1,357	-27.8%
24	5	8,422	1,684	-10.4%
25	4	8,711	2,178	15.9%
26	5	12,345	2,469	31.4%
27	5	12,079	2,416	28.6%
28	3	5,981	1,994	6.1%
29	4	9,469	2,367	26.0%
30	3	7,850	2,617	39.3%
31	5	9,251	1,850	-1.5%
<b>State</b>	<b>154</b>	<b>289,378</b>	<b>1,879</b>	

Judicial circuits/districts showing cases per judge greater than 20% **above** the 2010 state average  
 Judicial circuits/districts showing cases per judge greater than 20% **below** the 2010 state average

<sup>16</sup> In the analyses of the models in this section, the general district numbers for new cases per judge exclude prepaid traffic cases because they do not require judicial attention. Consequently, the 20,968 new cases per judge reported here is less than is reported for 2010 in the historical analysis in Section VI.B.2.

**Table 13**  
*General District Courts – Workload Analysis*

District	Current Judges	Adjusted* New Cases	Adjusted *New Cases/ Judge	% Above/Below State Avg. (20,968)
1	4.0	73,015	18,254	-12.9%
2	6.0	162,028	27,005	28.8%
2A	1.0	21,854	21,854	4.2%
3	3.0	41,951	13,984	-33.3%
4	6.0	119,011	19,835	-5.4%
5	3.0	48,691	16,230	-22.6%
6	3.0	81,881	27,294	30.2%
7	4.0	84,424	21,106	0.7%
8	3.0	62,370	20,790	-0.8%
9	3.0	66,255	22,085	5.3%
10	3.0	52,070	17,357	-17.2%
11	2.0	54,856	27,428	30.8%
12	4.0	106,302	26,576	26.7%
13	7.0	161,428	23,061	10.0%
14	4.0	109,707	27,427	30.8%
15	6.0	152,866	25,478	21.5%
16	4.0	87,449	21,862	4.3%
17	3.0	52,755	17,585	-16.1%
18	2.0	27,469	13,735	-34.5%
19	10.0	217,634	21,763	3.8%
20	4.0	68,308	17,077	-18.6%
21	2.0	20,719	10,360	-50.6%
22	2.0	41,286	20,643	-1.5%
23	5.0	87,290	17,458	-16.7%
24	4.0	66,992	16,748	-20.1%
25	3.7	66,314	17,923	-14.5%
26	4.3	99,046	23,034	9.9%
27	4.0	87,698	21,925	4.6%
28	2.0	40,271	20,136	-4.0%
29	2.0	32,696	16,348	-22.0%
30	2.0	23,001	11,501	-45.2%
31	4.0	98,565	24,641	17.5%
<b>State</b>	<b>120.0</b>	<b>2,516,202</b>	<b>20,968</b>	

\*Adjusted caseload does not include prepaid traffic infractions.

Judicial circuits/districts showing cases per judge greater than 20% **above** the 2010 state average

Judicial circuits/districts showing cases per judge greater than 20% **below** the 2010 state average

**Table 14**  
*Juvenile and Domestic Relations District Courts – Workload Analysis*

District	Current Judges	New Cases	New Cases/ Judge	% Above/Below State Avg. (4,330)
1	3	14,167	4,722	9.1%
2	7	29,052	4,150	-4.2%
2A	1	3,097	3,097	-28.5%
3	3	12,181	4,060	-6.2%
4	5	23,060	4,612	6.5%
5	2	9,211	4,606	6.4%
6	2	8,590	4,295	-0.8%
7	4	14,110	3,528	-18.5%
8	3	12,936	4,312	-0.4%
9	3	14,396	4,799	10.8%
10	3	12,818	4,273	-1.3%
11	2	9,689	4,845	11.9%
12	5	23,790	4,758	9.9%
13	5	16,662	3,332	-23.0%
14	4	21,557	5,389	24.5%
15	7	36,279	5,183	19.7%
16	4	20,292	5,073	17.2%
17	2	4,871	2,436	-43.8%
18	2	5,275	2,638	-39.1%
19	8	26,662	3,333	-23.0%
20	3	12,112	4,037	-6.8%
21	2	8,535	4,268	-1.4%
22	3	13,888	4,629	6.9%
23	4	18,022	4,506	4.1%
24	5	21,469	4,294	-0.8%
25	4	17,992	4,498	3.9%
26	5	24,712	4,942	14.1%
27	4	18,962	4,741	9.5%
28	2	9,957	4,979	15.0%
29	2	9,939	4,970	14.8%
30	2	7,839	3,920	-9.5%
31	5	20,169	4,034	-6.8%
<b>State</b>	<b>116</b>	<b>502,291</b>	<b>4,330</b>	

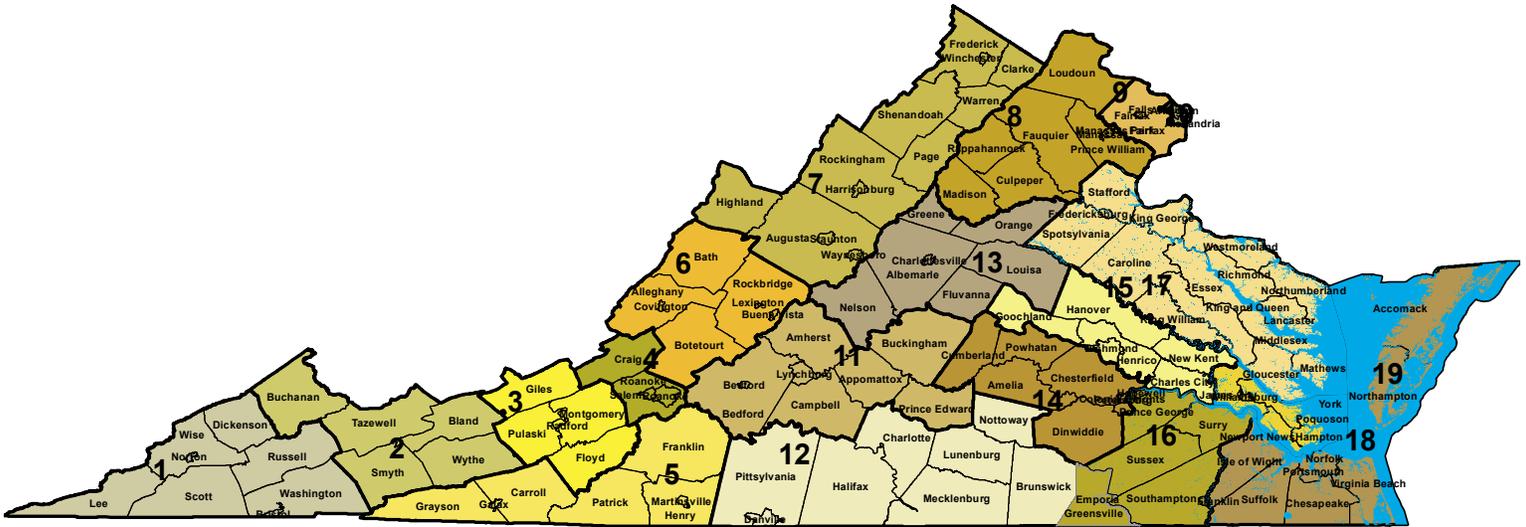
Judicial circuits/districts showing cases per judge greater than 20% **above** the 2010 state average

Judicial circuits/districts showing cases per judge greater than 20% **below** the 2010 state average

## B. Janis-Edwards Model

House Bill 1990 and Senate Bill 1240 redrew the boundaries for Virginia’s existing 31 judicial circuits and 32 judicial districts to create 19 new judicial circuits and districts (the Janis-Edwards Model). In addition, this Model reduces to 382 the number of judgeships authorized (146 circuit, 121 general district, and 115 juvenile and domestic relations district). The new boundaries for the proposed 19 circuits and districts under this Model are illustrated in *Figure 25* below, followed by a list in *Table 15* of the localities that comprise them. The Janis-Edwards Model was one of the three proposals included in the handouts (see Map 1 in *Appendix M*) distributed at the regional public meetings held across the Commonwealth in July.

**Figure 25**  
Janis-Edwards Model (HB1990-SB1240)



**Table 15**  
Janis-Edwards Model Judicial Boundaries and Localities Served

Judicial Circuits/Districts (19)	Localities
1	Bristol, Dickenson, Lee, Norton, Russell, Scott, Washington, Wise
2	Bland, Buchanan, Smyth, Tazewell, Wythe
3	Floyd, Giles, Montgomery, Pulaski, Radford
4	Craig, Roanoke City, Roanoke County, Salem
5	Carroll, Franklin County, Galax, Grayson, Henry, Martinsville, Patrick
6	Alleghany, Bath, Botetourt, Buena Vista, Covington, Lexington, Rockbridge
7	Augusta, Clarke, Frederick, Harrisonburg, Highland, Page, Rockingham, Shenandoah, Staunton, Warren, Waynesboro, Winchester,
8	Culpeper, Fauquier, Loudoun, Madison, Manassas, Manassas Park, Prince William, Rappahannock
9	Fairfax City, Fairfax County
10	Alexandria, Falls Church, Arlington
11	Lynchburg, Amherst, Appomattox, Bedford City, Bedford County, Buckingham, Campbell, Prince Edward
12	Brunswick, Charlotte, Danville, Halifax, Lunenburg, Mecklenburg, Nottoway, Pittsylvania
13	Charlottesville, Albemarle, Fluvanna, Greene, Louisa, Nelson, Orange
14	Colonial Heights, Petersburg, Amelia, Chesterfield, Cumberland, Dinwiddie, Powhatan
15	Charles City, Goochland, Hanover, Henrico, New Kent, Richmond City
16	Emporia, Franklin City, Greenville, Hopewell, Prince George, Southampton, Surry, Sussex
17	Caroline, Essex, Fredericksburg, Gloucester, King and Queen, King George, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond County, Spotsylvania, Stafford, Westmoreland
18	Hampton, James City, Newport News, Poquoson, Williamsburg, York
19	Accomack, Chesapeake, Isle of Wight, Norfolk, Northampton, Portsmouth, Suffolk, Virginia Beach

A preliminary workload analysis using the proposed boundaries and number of judgeships under the Janis-Edwards Model shows that the state average of new cases per judge for circuit judges would increase by 5.5% to 1,982 cases per judge. Only nominal changes would result to the state average for general district judges (a decrease from 20,968 to 20,795 cases per judge) and juvenile and domestic relations district judges (an increase from 4,330 to 4,368 cases per judge). However, several circuits and districts would continue to experience workloads considerably higher than 20% above the current state averages. The current state averages of new cases per judge for circuit, general district and juvenile and domestic relations district court are each already approximately 45 to 50% higher than they were in 1980.

Under the Janis-Edwards Model, six judicial circuits would experience new cases per judge levels that are 20% above the current state average. The highest of these would be the proposed 7th Circuit (46.2% above the state average) and the proposed 2nd Circuit (41.6% above the state average). Three circuits would have new cases per judge more than 20% below the estimated state average (see *Table 16*). Among general district courts, the highest new cases per judge levels would occur in the proposed 14th District (26.9% above the state average) and the proposed 16th District (30.0% above the state average) (see *Table 17*). For juvenile and domestic relations district courts, judges in the proposed 3rd District would experience new cases per judge 37.9% above the state average, and judges in the proposed 5th District would have an average number of cases per judge 31.4% above the state average (see *Table 18*).

**Table 16**  
*Janis-Edwards Model*  
*Circuit Courts – Workload Analysis*

Circuit	Proposed Judges*	New Cases	New Cases per Judge	% Above/Below State Avg. (1,879)
1	6	14,756	2,459	30.9%
2	4	10,642	2,661	41.6%
3	3	7,360	2,453	30.6%
4	6	8,354	1,392	-25.9%
5	5	9,509	1,902	1.2%
6	3	4,364	1,455	-22.6%
7	6	16,478	2,746	46.2%
8	10	18,994	1,899	1.1%
9	15	21,524	1,435	-23.6%
10	5	10,797	2,159	14.9%
11	5	10,350	2,070	10.2%
12	5	11,094	2,219	18.1%
13	4	7,148	1,787	-4.9%
14	7	15,012	2,145	14.1%
15	13	29,215	2,247	19.6%
16	2	5,163	2,582	37.4%
17	8	18,420	2,303	22.5%
18	10	17,092	1,709	-9.0%
19	29	53,106	1,831	-2.5%
<b>State</b>	<b>146</b>	<b>289,378</b>	<b>1,982</b>	<b>5.5%</b>

\*Judge levels and allocations were set forth by proposed legislation (HB1990/SB1240).

Judicial circuits/districts showing cases per judge greater than 20% **above** the 2010 state average  
 Judicial circuits/districts showing cases per judge greater than 20% **below** the 2010 state average

**Table 17**  
*Janis-Edwards Model*  
*General District Courts – Workload Analysis*

District	Proposed Judges*	Adjusted New Cases**	Adjusted New Cases** per Judge	% Above/Below State Avg (20,968)
1	3	60,764	20,255	-3.4%
2	4	57,518	14,380	-31.4%
3	3	48,690	16,230	-22.6%
4	5	88,408	17,682	-15.7%
5	3	48,511	16,170	-22.9%
6	3	31,368	10,456	-50.1%
7	6	132,874	22,146	5.6%
8	9	182,627	20,292	-3.2%
9	10	217,634	21,763	3.8%
10	6	80,224	13,371	-36.2%
11	4	79,777	19,944	-4.9%
12	4	80,579	20,145	-3.9%
13	3	70,592	23,531	12.2%
14	6	159,707	26,618	26.9%
15	13	316,260	24,328	16.0%
16	3	81,751	27,250	30.0%
17	6	146,219	24,370	16.2%
18	9	179,895	19,988	-4.7%
19	21	452,804	21,562	2.8%
<b>State</b>	<b>121</b>	<b>2,516,202</b>	<b>20,795</b>	<b>-0.8%</b>

\*Judge levels and allocations were set forth by proposed legislation (HB1990/SB1240).

\*\*Adjusted caseload does not include prepaid traffic infractions.

Judicial circuits/districts showing cases per judge greater than 20% **above** the 2010 state average  
 Judicial circuits/districts showing cases per judge greater than 20% **below** the 2010 state average

**Table 18**  
*Janis-Edwards Model*  
*Juvenile and Domestic Relations District Courts – Workload Analysis*

District	Proposed Judges*	New Cases	New Cases per Judge	% Above/Below State Avg. (4,330)
1	4	19,035	4,759	9.9%
2	3	11,685	3,895	-10.0%
3	2	11,943	5,972	37.9%
4	4	18,416	4,604	6.3%
5	3	17,063	5,688	31.4%
6	2	6,839	3,420	-21.0%
7	7	35,471	5,067	17.0%
8	9	37,621	4,180	-3.5%
9	8	26,662	3,333	-23.0%
10	4	10,146	2,537	-41.4%
11	6	24,551	4,092	-5.5%
12	5	19,225	3,845	-11.2%
13	3	14,973	4,991	15.3%
14	7	33,342	4,763	10.0%
15	10	46,227	4,623	6.8%
16	2	9,324	4,662	7.7%
17	7	35,647	5,092	17.6%
18	9	35,019	3,891	-10.1%
19	20	89,102	4,455	2.9%
<b>State</b>	<b>115</b>	<b>502,291</b>	<b>4,368</b>	<b>0.9%</b>

\*Judge levels and allocations were set forth by proposed legislation (HB1990/SB1240).

Judicial circuits/districts showing cases per judge greater than 20% **above** the 2010 state average  
 Judicial circuits/districts showing cases per judge greater than 20% **below** the 2010 state average

Although there would be cost savings associated with reducing by 20 the number of active circuit and district judges authorized in the Code, such a reduction in the number of judges would further exacerbate delays in hearing and adjudicating cases caused by the current, unfilled judicial vacancies. Additionally, although this Model purports to balance caseloads and more efficiently distribute judicial resources, caseloads are not equalized. In fact, there continue to be many circuits and districts with new cases per judge numbers that are greater than 20% above and below the statewide average, as illustrated in *Tables 16, 17 and 18* above.

In many areas of the state, there are already significant delays in civil cases due to the necessity to hear criminal matters in compliance with speedy trial requirements. The high volume of criminal matters in some courts, combined with a reduction in the number of judges as proposed under the Janis-Edwards Model, would likely lengthen many courts' days because of the need to resolve criminal cases in a timely manner, resulting in longer days for sheriffs' deputies, and therefore, additional overtime costs. Fewer judges may also result in an increase in the number of jail inmates held at any one time and for longer periods of time awaiting trial, affecting due process rights and increasing costs to localities. Increased judicial workload and travel time also may prevent Departments of Social Services from meeting federally mandated timeframes, which could then affect Title VI-E reimbursements for children in foster care who are otherwise eligible for such reimbursements.

Another disadvantage of this model relates to the geographical and topographical barriers that are present in some of the newly created circuits and districts, particularly in Southwest Virginia where mountains divide many of the new circuits and districts burdening a judge's ability to travel among the jurisdictions. Not only do these geographical barriers affect a judge's ability to travel, they also have contributed to how communities historically have interacted with one another and established cultural ties. This Model divides many neighboring communities that have long established partnerships and collaboration, and instead combines jurisdictions that historically have had few ties. Additionally, although not divided by geographical or topographical barriers, the larger circuits and districts created in some areas such as Northern Virginia and Hampton Roads raised concerns about high levels of traffic that, even at short distances, can impair travel. Larger circuits and districts will also increase the administrative responsibilities of the chief judges in those circuits and districts.

With the new circuits and districts created under this Model, many long-standing community partnerships will need to be restructured, requiring the redirection of limited resources. This would be particularly significant in juvenile and domestic relations district courts where some affected entities (e.g., Court Services Units, Court Appointed Special Advocates) are tied to current judicial districts. For example, judicial consultation is required in hiring, demotion or transferring Court Services Unit (CSU) staff under Va. Code §§ 16.1-235, 16.1-236, and 16.1-236.1. The establishment of the 19 new districts may require reconfiguration of CSU branch offices and local budgets pursuant to the requirements of Code § 16.1-234. Other local agreements to provide resources, such as local funding of court administrative expenses (e.g., personnel, technology) within existing circuits and districts also may be disrupted by this proposed boundary realignment.

The establishment of large circuits and districts as proposed in this Model also increases the likelihood that judges will serve as presiding judges in circuits and districts where they do not reside, resulting in judges who are less familiar with the communities they are serving. Judicial travel also will necessarily increase, as the remaining judges will be required to travel greater distances. A reduction in the number of sitting judges also may result in an additional increase in the use of retired and substitute judges. Both have already been in high demand due to the current unfilled judicial vacancies. Additionally, computer systems and databases maintained by the Office of the Executive Secretary that are tied to the existing judicial boundaries would need to be adapted for the redrawn circuits and districts.



**Table 19**  
*JBRS New Boundary Model*  
*Proposed Judicial Boundaries and Localities Served*

Judicial Circuits/Districts (25)	Localities
1	Accomack, Chesapeake, Virginia Beach, Northampton
2	Norfolk, Portsmouth
3	Hampton, James City, Newport News, Poquoson, Williamsburg, York
4	Brunswick, Emporia, Franklin City, Greenville, Isle of Wight, Southampton, Suffolk, Sussex, Surry
5	Charles City, Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, New Kent, Northumberland, Richmond County, Westmoreland
6	Dinwiddie, Hopewell, Petersburg, Prince George
7	Chesterfield, Colonial Heights
8	Richmond City
9	Hanover, Henrico
10	Caroline, Fredericksburg, King George, Spotsylvania, Stafford
11	Manassas, Manassas Park, Prince William
12	Fairfax City, Fairfax County
13	Alexandria, Arlington, Falls Church
14	Loudoun
15	Culpeper, Fauquier, Greene, Madison, Orange, Rappahannock
16	Albemarle, Amelia, Charlottesville, Cumberland, Fluvanna, Goochland, Louisa, Powhatan
17	Clarke, Frederick, Harrisonburg, Page, Rockingham, Shenandoah, Warren, Winchester
18	Alleghany, Augusta, Bath, Botetourt, Buena Vista, Craig, Highland, Lexington, Roanoke City, Roanoke County, Rockbridge, Salem, Staunton, Waynesboro
19	Amherst, Appomattox, Bedford City, Bedford County, Buckingham, Campbell, Lynchburg, Nelson
20	Charlotte, Halifax, Lunenburg, Mecklenburg, Nottoway, Prince Edward
21	Danville, Franklin County, Henry, Martinsville, Patrick, Pittsylvania
22	Floyd, Giles, Montgomery, Pulaski, Radford
23	Bland, Carroll, Galax, Grayson, Wythe
24	Bristol, Buchanan, Russell, Smyth, Tazewell, Washington
25	Dickenson, Lee, Norton, Scott, Wise

As with the Janis-Edwards Model, the JBRS New Boundary Model divides many existing judicial boundaries to create new circuits and districts. The division of communities of interest under this Model creates similar difficulties to those identified for the Janis-Edwards Model, including disturbing long-standing community partnerships, which may require the redirection of limited resources, the disruption of local funding of court administrative and personnel expenses, and judges who are less familiar with the communities they serve. The expansion of some circuits and districts may result in increased costs for travel reimbursement. The redrawn circuits and districts also will require modification of computer systems and databases maintained by the Office of the Executive Secretary that are tied to the existing judicial boundaries.

A judicial workload analysis<sup>17</sup> of the proposed circuit boundaries for the JBRS New Boundary Model reflects five judicial circuits with workload demands exceeding by more than 20% the state average number of new cases per judge (1,879) (see *Table 20*). The creation of five additional circuit court judgeships (in the proposed 5th, 10th, 17th, 23rd, and 25th Circuits) would bring all circuits within the 20% threshold with the highest new cases per judge figure expected in the proposed 25th Circuit at 13.6% above the estimated state average. Under this Model, only one circuit would have a new case per judge rate greater than 20% below the state average.

<sup>17</sup> The judicial workload analysis conducted for the JBRS New Boundary Model is based on the 154 circuit, 120 general district, and 116 juvenile and domestic relations district judgeships funded as of July 1, 2011.

The judicial workload analysis of the JBRS New Boundary Model for the general district courts reveals five proposed judicial districts with new cases per judge figures that would exceed the state workload average of 20,968 by more than 20%: the 6th, 7th, 9th, 10th, and 22nd Districts (see *Table 21*). While creating an additional general district court judgeship in each of these districts would ensure that no district would exceed the state average by more than 20%, considerable workload issues would remain in several other proposed districts (the 5th, 11th, and 17th Districts). For the juvenile and domestic relations district courts, six proposed districts would require additional judgeships to bring them below the 20% threshold: the 5th, 6th, 9th, 10th, 20th, and 23rd Districts (see *Table 22*).

In summary, under the JBRS New Boundary Model, the proposed 25 judicial circuits and districts created would require 16 judgeships (five circuit, five general district and six juvenile and domestic relations district), in addition to those currently funded, to bring the new cases per judge level for each court below the 20% threshold. This would result in 159 circuit judges, 125 general district judges, and 122 juvenile and domestic relations district court judges. Raw caseload numbers primarily were used to draw the proposed circuits and districts for the JBRS New Boundary Model and to conduct the workload analysis, which suggested the need for new judgeships in the circuits and districts. As has been indicated, there are discrepancies in how courts count cases, and in how long different types of cases take to process and adjudicate. Without a weighted caseload system where those discrepancies are taken into account, the system cannot ensure that this Model is most efficiently utilizing the allocated judicial resources.

**Table 20**  
*JBRS New Boundary Model*  
*Circuit Courts – Workload and Judgeship Analysis*

Proposed Circuit	Current Funded Judgeships				Current Funded Judgeships With Recommended Additional Judgeships				
	Proposed Judges	New Cases	New Cases per Judge	% Above or Below State Avg. (1,879)	Recommended Additional Judgeships	Proposed Judges	New Cases	New Cases per Judge	% Above or Below State Avg. (1,879)
1	15	25,472	1,698	-9.6%	-	15	25,472	1,698	-9.6%
2	14	23,465	1,676	-10.8%	-	14	23,465	1,676	-10.8%
3	11	17,092	1,554	-17.3%	-	11	17,092	1,554	-17.3%
4	4	7,904	1,976	5.2%	-	4	7,904	1,976	5.2%
5	2	5,184	2,592	37.9%	1	3	5,184	1,728	-8.0%
6	3	5,799	1,933	2.9%	-	3	5,799	1,933	2.9%
7	5	10,190	2,038	8.5%	-	5	10,190	2,038	8.5%
8	7	13,599	1,943	3.4%	-	7	13,599	1,943	3.4%
9	7	14,108	2,015	7.3%	-	7	14,108	2,015	7.3%
10	6	13,975	2,329	24.0%	1	7	13,975	1,996	6.2%
11	5	9,251	1,850	-1.5%	-	5	9,251	1,850	-1.5%
12	15	21,524	1,435	-23.6%	-	15	21,524	1,435	-23.6%
13	6	10,797	1,800	-4.2%	-	6	10,797	1,800	-4.2%
14	3	5,988	1,996	6.2%	-	3	5,988	1,996	6.2%
15	3	5,083	1,694	-9.8%	-	3	5,083	1,694	-9.8%
16	4	8,294	2,074	10.3%	-	4	8,294	2,074	10.3%
17	5	12,345	2,469	31.4%	1	6	12,345	2,058	9.5%
18	9	15,960	1,773	-5.6%	-	9	15,960	1,773	-5.6%
19	5	9,536	1,907	1.5%	-	5	9,536	1,907	1.5%
20	3	5,871	1,957	4.1%	-	3	5,871	1,957	4.1%
21	6	11,451	1,909	1.6%	-	6	11,451	1,909	1.6%
22	4	8,471	2,118	12.7%	1	4	8,471	2,118	12.7%
23	2	4,719	2,360	25.6%	-	3	4,719	1,573	-16.3%
24	7	14,765	2,109	12.3%	-	7	14,765	2,109	12.3%
25	3	8,535	2,845	51.4%	1	4	8,535	2,134	13.6%
<b>State</b>	<b>154</b>	<b>289,378</b>	<b>1,879</b>		<b>5</b>	<b>159</b>	<b>289,378</b>	<b>1,820</b>	

Judicial circuits/districts showing cases per judge greater than 20% **above** the 2010 state average

Judicial circuits/districts showing cases per judge greater than 20% **below** the 2010 state average

**Table 21**  
**JBRs New Boundary Model**  
**General District Courts – Workload and Judgeship Analysis**

Proposed District	Current Funded Judgeships				Current Funded Judgeships With Recommended Additional Judgeships				
	Proposed Judges	*Adjusted New Cases	*Adjusted New Cases per Judge	% Above or Below State Avg. (20,968)	Recommended Additional Judgeships	Proposed Judges	*Adjusted New	*Adjusted New Cases per Judge	% Above or Below State Avg. (20,968)
1	11	256,897	23,354	11.4%	-	11	256,897	23,354	11.4%
2	9	160,962	17,885	-14.7%	-	9	160,962	17,885	-14.7%
3	9	179,895	19,988	-4.7%	-	9	179,895	19,988	-4.7%
4	5	104,708	20,942	-0.1%	-	5	104,708	20,942	-0.1%
5	2	49,218	24,609	17.4%	-	2	49,218	24,609	17.4%
6	2	65,642	32,821	56.5%	1	3	65,642	21,881	4.4%
7	4	106,302	26,576	26.7%	1	5	106,302	21,260	1.4%
8	7	161,428	23,061	10.0%	-	7	161,428	23,061	10.0%
9	5	138,563	27,713	32.2%	1	6	138,563	23,094	10.1%
10	4	107,946	26,987	28.7%	1	5	107,946	21,589	3.0%
11	4	98,565	24,641	17.5%	-	4	98,565	24,641	17.5%
12	10	217,634	21,763	3.8%	-	10	217,634	21,763	3.8%
13	6	80,224	13,371	-36.2%	-	6	80,224	13,371	-36.2%
14	3	50,031	16,677	-20.5%	-	3	50,031	16,677	-20.5%
15	2	43,989	21,995	4.9%	-	2	43,989	21,995	4.9%
16	4	82,573	20,643	-1.6%	-	4	82,573	20,643	-1.6%
17	4	99,046	24,762	18.1%	-	4	99,046	24,762	18.1%
18	8	146,395	18,299	-12.7%	-	8	146,395	18,299	-12.7%
19	4	74,890	18,723	-10.7%	-	4	74,890	18,723	-10.7%
20	3	45,623	15,208	-27.5%	-	3	45,623	15,208	-27.5%
21	4	59,355	14,839	-29.2%	-	4	59,355	14,839	-29.2%
22	2	51,340	25,670	22.4%	1	3	51,340	17,113	-18.4%
23	2	39,008	19,504	-7.0%	-	2	39,008	19,504	-7.0%
24	4	69,098	17,275	-17.6%	-	4	69,098	17,275	-17.6%
25	2	26,870	13,435	-35.9%	-	2	26,870	13,435	-35.9%
<b>State</b>	<b>120</b>	<b>2,516,202</b>	<b>20,968</b>		<b>5</b>	<b>125</b>	<b>2,516,202</b>	<b>20,130</b>	

\*Adjusted caseload does not include prepaid traffic infractions.

  Judicial circuits/districts showing cases per judge greater than 20% **above** the 2010 state average  
  Judicial circuits/districts showing cases per judge greater than 20% **below** the 2010 state average

**Table 22**  
**JBRs New Boundary Model**  
**Juvenile and Domestic Relations District Courts – Workload and Judgeship Analysis**

Proposed District	Current Funded Judgeships				Current Funded Judgeships With Recommended Additional Judgeships				
	Proposed Judges	New Cases	New Cases per Judge	% Above or Below State Avg. (4,330)	Recommended Additional Judgeships	Proposed Judges	New Cases	New Cases per Judge	% Above or Below State Avg. (4,330)
1	11	46,316	4,211	-2.8%	-	11	46,316	4,211	-2.8%
2	8	35,241	4,405	1.7%	-	8	35,241	4,405	1.7%
3	9	35,019	3,891	-10.1%	-	9	35,019	3,891	-10.1%
4	3	12,841	4,280	-1.1%	-	3	12,841	4,280	-1.1%
5	2	10,592	5,296	22.3%	1	3	10,592	3,531	-18.5%
6	2	11,256	5,628	30.0%	1	3	11,256	3,752	-13.4%
7	5	23,790	4,758	9.9%	-	5	23,790	4,758	9.9%
8	5	16,662	3,332	-23.0%	-	5	16,662	3,332	-23.0%
9	5	27,148	5,430	25.4%	1	6	27,148	4,525	4.5%
10	5	26,519	5,304	22.5%	1	6	26,519	4,420	2.1%
11	5	20,169	4,034	-6.8%	-	5	20,169	4,034	-6.8%
12	8	26,662	3,333	-23.0%	-	8	26,662	3,333	-23.0%
13	4	10,146	2,537	-41.4%	-	4	10,146	2,537	-41.4%
14	2	7,912	3,956	-8.6%	-	2	7,912	3,956	-8.6%
15	3	13,177	4,392	1.4%	-	3	13,177	4,392	1.4%
16	5	24,700	4,940	14.1%	-	5	24,700	4,940	14.1%
17	4	17,419	4,355	0.6%	-	4	17,419	4,355	0.6%
18	7	33,178	4,740	9.5%	-	7	33,178	4,740	9.5%
19	6	23,895	3,983	-8.0%	-	6	23,895	3,983	-8.0%
20	2	10,529	5,265	21.6%	1	3	10,529	3,510	-18.9%
21	5	21,168	4,234	-2.2%	-	5	21,168	4,234	-2.2%
22	3	13,198	4,399	1.6%	-	3	13,198	4,399	1.6%
23	1	7,019	7,019	62.1%	1	2	7,019	3,510	-19.0%
24	4	18,268	4,567	5.5%	-	4	18,268	4,567	5.5%
25	2	9,467	4,734	9.3%	-	2	9,467	4,734	9.3%
<b>State</b>	<b>116</b>	<b>502,291</b>	<b>4,330</b>		<b>6</b>	<b>122</b>	<b>502,291</b>	<b>4,117</b>	

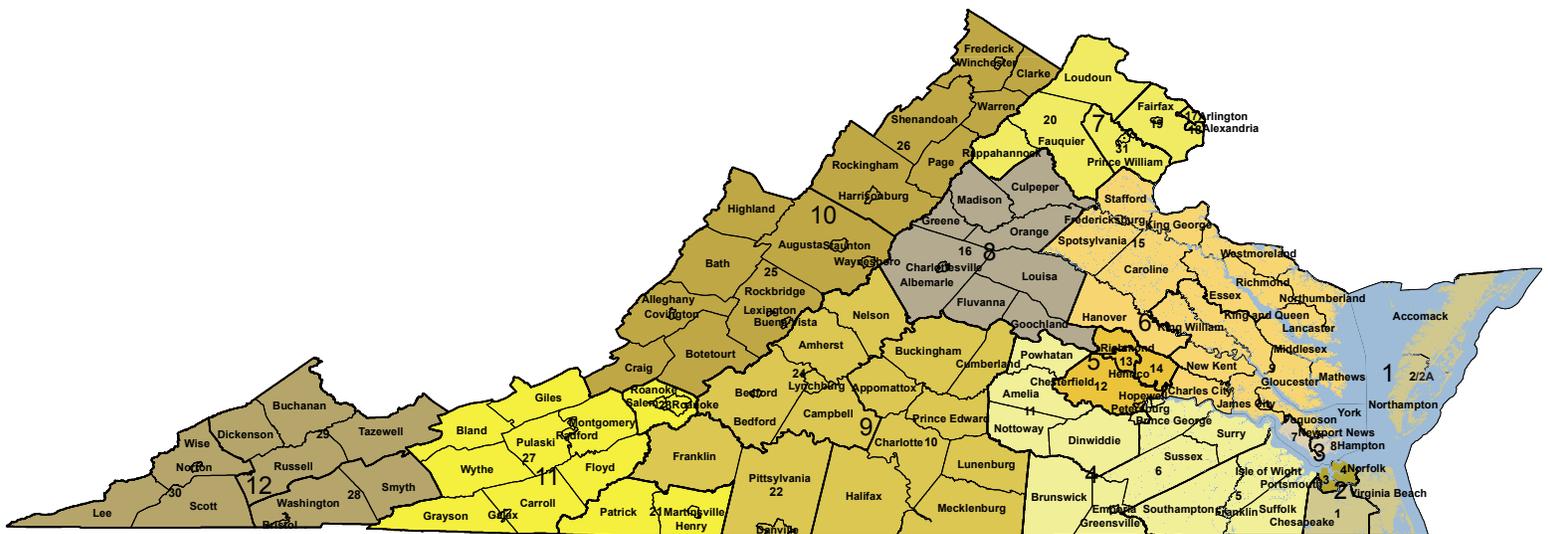
  Judicial circuits/districts showing cases per judge greater than 20% **above** the 2010 state average  
  Judicial circuits/districts showing cases per judge greater than 20% **below** the 2010 state average

## D. JBRS Regional Model

As the Study Committee considered the complete redrawing of the judicial circuit and district boundaries, it also examined issues related to judicial administration and how to most efficiently distribute judicial resources across the Commonwealth. In considering these issues, the Study Committee developed a proposal that would distribute available judicial resources across larger areas or regions and allow for the shifting of judicial resources between jurisdictions with greater resources available and those where more resources are needed to deal with excessive workload pressures. This approach would leave the current judicial boundaries in Virginia intact, but place a regional overlay on the existing circuits and districts. The regions would be used for purposes of assessing judicial workload and distributing judicial resources on a targeted basis to meet the changing needs of the circuits and districts and more effectively deal with varying workload pressures.

The initial regional model proposed by the Study Committee included 11 regions. This initial model, presented at the public meetings across the state in July, is included as Map 3 in *Appendix M*. As a result of feedback received and further review of the data available, the Study Committee modified its suggested regional boundaries to create the JBRS Regional Model comprised of the 12 regions illustrated in *Figure 27* below. A list of the circuits and districts that comprise each region for the JBRS Regional Model follows in *Table 23*.

*Figure 27*  
*JBRS Regional Model*



**Table 23**  
*JBRS Regional Model Proposed Judicial Boundaries with Existing Circuits and Districts*

<b>Regions (12)</b>	<b>Judicial Circuits</b>	<b>Judicial Districts</b>
1	1st, 2nd	1st, 2nd, 2A
2	3rd, 4th	3rd, 4th
3	7th, 8th	7th, 8th
4	5th, 6th, 11th	5th, 6th, 11th
5	12th, 13th, 14th	12th, 13th, 14th
6	9th, 15th	9th, 15th
7	17th, 18th, 19th, 20th, 31st	17th, 18th, 19th, 20th, 31st
8	16th	16th
9	10th, 22nd, 24th	10th, 22nd, 24th
10	25th, 26th	25th, 26th
11	21st, 23rd, 27th	21st, 23rd, 27th
12	28th, 29th, 30th	28th, 29th, 30th

The judicial workload analysis for the JBRS Regional Model reflects three regions where the circuit courts would have a new cases per judge average greater than 20% above the state average of 1,879 (see *Table 24*). Specifically, the 6th, 10th, and 12th Regions would experience new cases per judge figures that are above the state average by 22.2%, 24.5% and 24.0%, respectively. An additional circuit judgeship in each of these three regions would help to address the most serious workload issues among the circuit courts. Under the JBRS Regional Model, no regions would have circuit court caseloads more than 20% below the state average.

For the districts courts, the judicial workload analysis results in no regions with a new cases per judge figure that is 20% above the statewide average for either general district or juvenile and domestic relations district court (see *Tables 25 and 26*, respectively). However, there are two regions where the general district courts would continue to face significant workload pressures. In the 4th Region, two of the three judicial districts would face new cases per judge figures that are over 30% above the state average (the 6th District at 30.2% above, and the 11th District at 30.8% above) (see *Table 27*). In the 5th Region, two of the three districts would have new cases per judge averages that are above the state average (the 12th District at 26.7% above, and the 14th District at 30.8% above). An additional general district court judgeship in each of these two regions would help to reduce these workload inequities. There are two regions where the juvenile and domestic relations district courts are nearing the 20% threshold (the 8th Region is 17.2% above the state average, and the 6th Region is 17% above).

**Table 24**  
**JBRs Regional Model**  
**Circuit Courts – Workload and Judgeship Analysis**

Proposed Region	Authorized Judges	Current Funded Judgeships				Current Funded Judgeships With Recommended Additional Judgeships				
		Judges	New Cases	New Cases per Judge	% Above or Below State Avg. (1,879)	Recommended Additional Judgeships	Judges	New Cases	New Cases per Judge	% Above or Below State Avg. (1,879)
1	15	15	25,472	1,698	-9.6%	-	15	25,472	1,698	-9.6%
2	14	14	23,465	1,676	-10.8%	-	14	23,465	1,676	-10.8%
3	9	8	12,614	1,577	-16.1%	-	8	12,614	1,577	-16.1%
4	8	8	15,242	1,905	1.4%	-	8	15,242	1,905	1.4%
5	18	17	33,980	1,999	6.4%	-	17	33,980	1,999	6.4%
6	12	12	27,554	2,296	22.2%	1	13	27,554	2,120	12.8%
7	31	30	49,636	1,655	-11.9%	-	30	49,636	1,655	-11.9%
8	5	5	9,123	1,825	-2.9%	-	5	9,123	1,825	-2.9%
9	12	12	23,136	1,928	2.6%	-	12	23,136	1,928	2.6%
10	9	9	21,056	2,340	24.5%	1	10	21,056	2,106	12.1%
11	14	14	24,800	1,771	-5.7%	-	14	24,800	1,771	-5.7%
12	10	10	23,300	2,330	24.0%	1	11	23,300	2,118	12.7%
<b>State</b>	<b>157</b>	<b>154</b>	<b>289,378</b>	<b>1,879</b>		<b>3</b>	<b>157</b>	<b>289,378</b>	<b>1,843</b>	

Judicial circuits/districts showing cases per judge greater than 20% **above** the 2010 state average  
 Judicial circuits/districts showing cases per judge greater than 20% **below** the 2010 state average

**Table 25**  
**JBRs Regional Model**  
**General District Courts – Workload and Judgeship Analysis**

Proposed Region	Authorized Judges	Current Funded Judgeships				Current Funded Judgeships With Recommended Additional Judgeships				
		Judges	*Adjusted New Cases	*Adjusted New Cases per Judge	% Above or Below State Avg. (20,968)	Recommended Additional Judgeships	Judges	*Adjusted New Cases	*Adjusted New Cases per Judge	% Above or Below State Avg. (20,968)
1	12	11	256,897	23,354	11.4%	-	11	256,897	23,354	11.4%
2	9	9	160,962	17,885	-14.7%	-	9	160,962	17,885	-14.7%
3	7	7	146,794	20,971	0.0%	-	7	146,794	20,971	0.0%
4	9	8	185,428	23,179	10.5%	1	9	185,428	20,603	-1.7%
5	16	15	377,437	25,162	20.0%	1	16	377,437	23,590	12.5%
6	9	9	219,121	24,347	16.1%	-	9	219,121	24,347	16.1%
7	25	23	464,731	20,206	-3.6%	-	23	464,731	20,206	-3.6%
8	4	4	87,449	21,862	4.3%	-	4	87,449	21,862	4.3%
9	9	9	160,348	17,816	-15.0%	-	9	160,348	17,816	-15.0%
10	9	8	165,360	20,670	-1.4%	-	8	165,360	20,670	-1.4%
11	12	11	195,707	17,792	-15.2%	-	11	195,707	17,792	-15.2%
12	7	6	95,968	15,995	-23.7%	-	6	95,968	15,995	-23.7%
<b>State</b>	<b>128</b>	<b>120</b>	<b>2,516,202</b>	<b>20,968</b>		<b>2</b>	<b>122</b>	<b>2,516,202</b>	<b>20,625</b>	

\*Adjusted caseload does not include prepaid traffic infractions.

Judicial circuits/districts showing cases per judge greater than 20% **above** the 2010 state average  
 Judicial circuits/districts showing cases per judge greater than 20% **below** the 2010 state average

**Table 26**  
**JBRs Regional Model**  
**Juvenile and Domestic Relations District Courts – Workload and Judgeship Analysis**

Proposed Region	Authorized Judges	Current Funded Judgeships			
		Judges	New Cases	New Cases per Judge	% Above or Below State Avg. (4,330)
1	11	11	46,316	4,211	-2.8%
2	8	8	35,241	4,405	1.7%
3	7	7	27,046	3,864	-10.8%
4	6	6	27,490	4,582	5.8%
5	15	14	62,009	4,429	2.3%
6	10	10	50,675	5,068	17.0%
7	20	20	69,089	3,454	-20.2%
8	4	4	20,292	5,073	17.2%
9	11	11	48,175	4,380	1.1%
10	9	9	42,704	4,745	9.6%
11	10	10	45,519	4,552	5.1%
12	6	6	27,735	4,623	6.8%
<b>State</b>	<b>117</b>	<b>116</b>	<b>502,291</b>	<b>4,330</b>	

Judicial circuits/districts showing cases per judge greater than 20% **above** the 2010 state average  
 Judicial circuits/districts showing cases per judge greater than 20% **below** the 2010 state average

The JBRS Regional Model would allow the judicial system to adapt to future changes in workloads without significant disruption to the judiciary or support services. Current circuit and district boundaries remain intact, preserving existing communities of interest, while minimizing the impact to current funding mechanisms of courts by localities. This approach also allows greater flexibility in the ongoing management and administration of diverse court caseloads.

Adoption of the statutory changes that are proposed to implement a regional model will eliminate the need for cross-designations to authorize judges to sit in other circuits and districts within a region (see *Appendix E* for proposed statutory changes). To allay concerns that the JBRS Regional Model will create an additional layer of bureaucracy, the Study Committee designed the regional system so that the existing chief judges from each type of court in each region would work collaboratively with one another to more effectively meet the caseload demands of their region. A “regional chief judge” position is not suggested for each region. Instead, under the proposed statutory language, chief judges of the circuit, general district, and juvenile and domestic relations district courts in each region will meet separately at least twice each year to review the workload of their respective courts within the region. The JBRS Regional Model will require judges to be more flexible as they will be under an obligation to respond if called upon to assist their colleagues outside their current circuits and districts, but within the region. Travel time for judges who are providing assistance within some regions also may increase thereby adding to costs incurred for travel reimbursement.

As reflected in *Tables 24, 25 and 26* above, the JBRS Regional Model best equalizes caseloads across the Commonwealth. However, as with the other models described above, raw caseload numbers were the primary data relied upon to create these regions. Unless and until a weighted caseload system is implemented, Virginia’s courts cannot accurately determine whether caseloads are being equitably distributed or whether the system is efficiently and effectively utilizing its judicial resources.

**Table 27**  
**JBRs Regional Model**  
**Workload and Judgeship Analysis**  
**Current Funded Positions as of 7/1/2011**

Current Circuit/District	Proposed Region (Map 4)	Funded Judicial Positions			Circuit Courts			General District Courts			J&DR Distric Courts		
		Circuit Judges	GD Judges	JDR Judges	New Cases	New Cases per Judge	% Above or Below State Avg. (1,879)	*Adjusted New Cases	*Adjusted New Cases per Judge	% Above or Below State Avg. (20,968)	New Cases	New Cases per Judge	% Above or Below State Avg. (4,330)
1	1	5.0	4.0	3.0	8,786	1,757	-6.5%	73,015	18,254	-12.9%	14,167	4,722	9.1%
2	1	10.0	6.0	7.0	16,686	1,669	-11.2%	162,028	27,005	28.8%	29,052	4,150	-4.2%
2A	1	0.0	1.0	1.0	-	-	-	21,854	21,854	4.2%	3,097	3,097	-28.5%
<b>Region 1</b>		<b>15.0</b>	<b>11.0</b>	<b>11.0</b>	<b>25,472</b>	<b>1,698</b>	<b>-9.6%</b>	<b>256,897</b>	<b>23,354</b>	<b>11.4%</b>	<b>46,316</b>	<b>4,211</b>	<b>-2.8%</b>
3	2	5.0	3.0	3.0	7,377	1,475	-21.5%	41,951	13,984	-33.3%	12,181	4,060	-6.2%
4	2	9.0	6.0	5.0	16,088	1,788	-4.9%	119,011	19,835	-5.4%	23,060	4,612	6.5%
<b>Region 2</b>		<b>14.0</b>	<b>9.0</b>	<b>8.0</b>	<b>23,465</b>	<b>1,676</b>	<b>-10.8%</b>	<b>160,962</b>	<b>17,885</b>	<b>-14.7%</b>	<b>35,241</b>	<b>4,405</b>	<b>1.7%</b>
7	3	4.0	4.0	4.0	7,846	1,962	4.4%	84,424	21,106	0.7%	14,110	3,528	-18.5%
8	3	4.0	3.0	3.0	4,768	1,192	-36.6%	62,370	20,790	-0.9%	12,936	4,312	-0.4%
<b>Region 3</b>		<b>8.0</b>	<b>7.0</b>	<b>7.0</b>	<b>12,614</b>	<b>1,577</b>	<b>-16.1%</b>	<b>146,794</b>	<b>20,971</b>	<b>0.0%</b>	<b>27,046</b>	<b>3,864</b>	<b>-10.8%</b>
5	4	3.0	3.0	2.0	5,593	1,864	-0.8%	48,691	16,230	-22.6%	9,211	4,606	6.4%
6	4	2.0	3.0	2.0	4,575	2,288	21.7%	81,881	27,294	30.2%	8,590	4,295	-0.8%
11	4	3.0	2.0	2.0	5,074	1,691	-10.0%	54,856	27,428	30.8%	9,689	4,845	11.9%
<b>Region 4</b>		<b>8.0</b>	<b>8.0</b>	<b>6.0</b>	<b>15,242</b>	<b>1,905</b>	<b>1.4%</b>	<b>185,428</b>	<b>23,179</b>	<b>10.5%</b>	<b>27,490</b>	<b>4,582</b>	<b>5.8%</b>
12	5	5.0	4.0	5.0	10,190	2,038	8.5%	106,302	26,576	26.7%	23,790	4,758	9.9%
13	5	7.0	7.0	5.0	13,599	1,943	3.4%	161,428	23,061	10.0%	16,662	3,332	-23.0%
14	5	5.0	4.0	4.0	10,191	2,038	8.5%	109,707	27,427	30.8%	21,557	5,389	24.5%
<b>Region 5</b>		<b>17.0</b>	<b>15.0</b>	<b>14.0</b>	<b>33,980</b>	<b>1,999</b>	<b>6.4%</b>	<b>377,437</b>	<b>25,162</b>	<b>20.0%</b>	<b>62,009</b>	<b>4,429</b>	<b>2.3%</b>
9	6	4.0	3.0	3.0	7,543	1,886	0.4%	66,255	22,085	5.3%	14,396	4,799	10.8%
15	6	8.0	6.0	7.0	20,011	2,501	33.1%	152,866	25,478	21.5%	36,279	5,183	19.7%
<b>Region 6</b>		<b>12.0</b>	<b>9.0</b>	<b>10.0</b>	<b>27,554</b>	<b>2,296</b>	<b>22.2%</b>	<b>219,121</b>	<b>24,347</b>	<b>16.1%</b>	<b>50,675</b>	<b>5,068</b>	<b>17.0%</b>
17	7	3.0	3.0	2.0	4,631	1,544	-17.8%	52,755	17,585	-16.1%	4,871	2,436	-43.8%
18	7	3.0	2.0	2.0	6,166	2,055	9.4%	27,469	13,735	-34.5%	5,275	2,638	-39.1%
19	7	15.0	10.0	8.0	21,524	1,435	-23.6%	217,634	21,763	3.8%	26,662	3,333	-23.0%
20	7	4.0	4.0	3.0	8,064	2,016	7.3%	68,308	17,077	-18.6%	12,112	4,037	-6.8%
31	7	5.0	4.0	5.0	9,251	1,850	-1.5%	98,565	24,641	17.5%	20,169	4,034	-6.8%
<b>Region 7</b>		<b>30.0</b>	<b>23.0</b>	<b>20.0</b>	<b>49,636</b>	<b>1,655</b>	<b>-11.9%</b>	<b>464,731</b>	<b>20,206</b>	<b>-3.6%</b>	<b>69,089</b>	<b>3,454</b>	<b>-20.2%</b>
16	8	5.0	4.0	4.0	9,123	1,825	-2.9%	87,449	21,862	4.3%	20,292	5,073	17.2%
<b>Region 8</b>		<b>5.0</b>	<b>4.0</b>	<b>4.0</b>	<b>9,123</b>	<b>1,825</b>	<b>-2.9%</b>	<b>87,449</b>	<b>21,862</b>	<b>4.3%</b>	<b>20,292</b>	<b>5,073</b>	<b>17.2%</b>
10	9	3.0	3.0	3.0	6,733	2,244	19.4%	52,070	17,357	-17.2%	12,818	4,273	-1.3%
22	9	4.0	2.0	3.0	7,981	1,995	6.2%	41,286	20,643	-1.6%	13,888	4,629	6.9%
24	9	5.0	4.0	5.0	8,422	1,684	-10.4%	66,992	16,748	-20.1%	21,469	4,294	-0.8%
<b>Region 9</b>		<b>12.0</b>	<b>9.0</b>	<b>11.0</b>	<b>23,136</b>	<b>1,928</b>	<b>2.6%</b>	<b>160,348</b>	<b>17,816</b>	<b>-15.0%</b>	<b>48,175</b>	<b>4,380</b>	<b>1.1%</b>
25	10	4.0	3.7	4.0	8,711	2,178	15.9%	66,314	17,923	-14.5%	17,992	4,498	3.9%
26	10	5.0	4.3	5.0	12,345	2,469	31.4%	99,046	23,034	9.9%	24,712	4,942	14.1%
<b>Region 10</b>		<b>9.0</b>	<b>8.0</b>	<b>9.0</b>	<b>21,056</b>	<b>2,340</b>	<b>24.5%</b>	<b>165,360</b>	<b>20,670</b>	<b>-1.4%</b>	<b>42,704</b>	<b>4,745</b>	<b>9.6%</b>
21	11	3.0	2.0	2.0	4,581	1,527	-18.7%	20,719	10,360	-50.6%	8,535	4,268	-1.4%
23	11	6.0	5.0	4.0	8,140	1,357	-27.8%	87,290	17,458	-16.7%	18,022	4,506	4.1%
27	11	5.0	4.0	4.0	12,079	2,416	28.6%	87,698	21,925	4.6%	18,962	4,741	9.5%
<b>Region 11</b>		<b>14.0</b>	<b>11.0</b>	<b>10.0</b>	<b>24,800</b>	<b>1,771</b>	<b>-5.7%</b>	<b>195,707</b>	<b>17,792</b>	<b>-15.2%</b>	<b>45,519</b>	<b>4,552</b>	<b>5.1%</b>
28	12	3.0	2.0	2.0	5,981	1,994	6.1%	40,271	20,136	-4.0%	9,957	4,979	15.0%
29	12	4.0	2.0	2.0	9,469	2,367	26.0%	32,696	16,348	-22.0%	9,939	4,970	14.8%
30	12	3.0	2.0	2.0	7,850	2,617	39.3%	23,001	11,501	-45.2%	7,839	3,920	-9.5%
<b>Region 12</b>		<b>10.0</b>	<b>6.0</b>	<b>6.0</b>	<b>23,300</b>	<b>2,330</b>	<b>24.0%</b>	<b>95,968</b>	<b>15,995</b>	<b>-23.7%</b>	<b>27,735</b>	<b>4,623</b>	<b>6.8%</b>
<b>State</b>		<b>154.0</b>	<b>120.0</b>	<b>116.0</b>	<b>289,378</b>	<b>1,879</b>		<b>2,516,202</b>	<b>20,968</b>		<b>502,291</b>	<b>4,330</b>	

\*Adjusted caseload does not include prepaid traffic infractions.

Judicial circuits/districts showing cases per judge greater than 20% **above** the 2010 state average.

Judicial circuits/districts showing cases per judge greater than 20% **below** the 2010 state average.

**Table 28**  
**JBRs Regional Model**  
**Workload and Judgeship Analysis**  
**Current Funded Positions as of 7/1/2011 with Five Recommended Additional Judgeships**

Current Circuit/District	Proposed Region	Funded Judicial Positions			Circuit Courts			General District Courts			J&DR Distric Courts		
		Circuit Judges	GD Judges	JDR Judges	New Cases	New Cases per Judge	% Above or Below State Avg. (1,879)	*Adjusted New Cases	*Adjusted New Cases per Judge	% Above or Below State Avg. (20,968)	New Cases	New Cases per Judge	% Above or Below State Avg. (4,330)
1	1	5.0	4.0	3.0	8,786	1,757	-6.5%	73,015	18,254	-12.9%	14,167	4,722	9.1%
2	1	10.0	6.0	7.0	16,686	1,669	-11.2%	162,028	27,005	28.8%	29,052	4,150	-4.2%
2A	1	0.0	1.0	1.0	-	-	-	21,854	21,854	4.2%	3,097	3,097	-28.5%
<b>Region 1</b>		<b>15.0</b>	<b>11.0</b>	<b>11.0</b>	<b>25,472</b>	<b>1,698</b>	<b>-9.6%</b>	<b>256,897</b>	<b>23,354</b>	<b>11.4%</b>	<b>46,316</b>	<b>4,211</b>	<b>-2.8%</b>
3	2	5.0	3.0	3.0	7,377	1,475	-21.5%	41,951	13,984	-33.3%	12,181	4,060	-6.2%
4	2	9.0	6.0	5.0	16,088	1,788	-4.9%	119,011	19,835	-5.4%	23,060	4,612	6.5%
<b>Region 2</b>		<b>14.0</b>	<b>9.0</b>	<b>8.0</b>	<b>23,465</b>	<b>1,676</b>	<b>-10.8%</b>	<b>160,962</b>	<b>17,885</b>	<b>-14.7%</b>	<b>35,241</b>	<b>4,405</b>	<b>1.7%</b>
7	3	4.0	4.0	4.0	7,846	1,962	4.4%	84,424	21,106	0.7%	14,110	3,528	-18.5%
8	3	4.0	3.0	3.0	4,768	1,192	-36.6%	62,370	20,790	-0.9%	12,936	4,312	-0.4%
<b>Region 3</b>		<b>8.0</b>	<b>7.0</b>	<b>7.0</b>	<b>12,614</b>	<b>1,577</b>	<b>-16.1%</b>	<b>146,794</b>	<b>20,971</b>	<b>0.0%</b>	<b>27,046</b>	<b>3,864</b>	<b>-10.8%</b>
5	4	3.0	3.0	2.0	5,593	1,864	-0.8%	48,691	16,230	-22.6%	9,211	4,606	6.4%
6	4	2.0	4.0	2.0	4,575	2,288	21.7%	81,881	20,470	-2.4%	8,590	4,295	-0.8%
11	4	3.0	2.0	2.0	5,074	1,691	-10.0%	54,856	27,428	30.8%	9,689	4,845	11.9%
<b>Region 4</b>		<b>8.0</b>	<b>9.0</b>	<b>6.0</b>	<b>15,242</b>	<b>1,905</b>	<b>1.4%</b>	<b>185,428</b>	<b>20,603</b>	<b>-1.7%</b>	<b>27,490</b>	<b>4,582</b>	<b>5.8%</b>
12	5	5.0	4.0	5.0	10,190	2,038	8.5%	106,302	26,576	26.7%	23,790	4,758	9.9%
13	5	7.0	7.0	5.0	13,599	1,943	3.4%	161,428	23,061	10.0%	16,662	3,332	-23.0%
14	5	5.0	5.0	4.0	10,191	2,038	8.5%	109,707	21,941	4.6%	21,557	5,389	24.5%
<b>Region 5</b>		<b>17.0</b>	<b>16.0</b>	<b>14.0</b>	<b>33,980</b>	<b>1,999</b>	<b>6.4%</b>	<b>377,437</b>	<b>23,590</b>	<b>12.5%</b>	<b>62,009</b>	<b>4,429</b>	<b>2.3%</b>
9	6	4.0	3.0	3.0	7,543	1,886	0.4%	66,255	22,085	5.3%	14,396	4,799	10.8%
15	6	9.0	6.0	7.0	20,011	2,223	18.3%	152,866	25,478	21.5%	36,279	5,183	19.7%
<b>Region 6</b>		<b>13.0</b>	<b>9.0</b>	<b>10.0</b>	<b>27,554</b>	<b>2,120</b>	<b>12.8%</b>	<b>219,121</b>	<b>24,347</b>	<b>16.1%</b>	<b>50,675</b>	<b>5,068</b>	<b>17.0%</b>
17	7	3.0	3.0	2.0	4,631	1,544	-17.8%	52,755	17,585	-16.1%	4,871	2,436	-43.8%
18	7	3.0	2.0	2.0	6,166	2,055	9.4%	27,469	13,735	-34.5%	5,275	2,638	-39.1%
19	7	15.0	10.0	8.0	21,524	1,435	-23.6%	217,634	21,763	3.8%	26,662	3,333	-23.0%
20	7	4.0	4.0	3.0	8,064	2,016	7.3%	68,308	17,077	-18.6%	12,112	4,037	-6.8%
31	7	5.0	4.0	5.0	9,251	1,850	-1.5%	98,565	24,641	17.5%	20,169	4,034	-6.8%
<b>Region 7</b>		<b>30.0</b>	<b>23.0</b>	<b>20.0</b>	<b>49,636</b>	<b>1,655</b>	<b>-11.9%</b>	<b>464,731</b>	<b>20,206</b>	<b>-3.6%</b>	<b>69,089</b>	<b>3,454</b>	<b>-20.2%</b>
16	8	5.0	4.0	4.0	9,123	1,825	-2.9%	87,449	21,862	4.3%	20,292	5,073	17.2%
<b>Region 8</b>		<b>5.0</b>	<b>4.0</b>	<b>4.0</b>	<b>9,123</b>	<b>1,825</b>	<b>-2.9%</b>	<b>87,449</b>	<b>21,862</b>	<b>4.3%</b>	<b>20,292</b>	<b>5,073</b>	<b>17.2%</b>
10	9	3.0	3.0	3.0	6,733	2,244	19.4%	52,070	17,357	-17.2%	12,818	4,273	-1.3%
22	9	4.0	2.0	3.0	7,981	1,995	6.2%	41,286	20,643	-1.6%	13,888	4,629	6.9%
24	9	5.0	4.0	5.0	8,422	1,684	-10.4%	66,992	16,748	-20.1%	21,469	4,294	-0.8%
<b>Region 9</b>		<b>12.0</b>	<b>9.0</b>	<b>11.0</b>	<b>23,136</b>	<b>1,928</b>	<b>2.6%</b>	<b>160,348</b>	<b>17,816</b>	<b>-15.0%</b>	<b>48,175</b>	<b>4,380</b>	<b>1.1%</b>
25	10	4.0	3.7	4.0	8,711	2,178	15.9%	66,314	17,923	-14.5%	17,992	4,498	3.9%
26	10	6.0	4.3	5.0	12,345	2,058	9.5%	99,046	23,034	9.9%	24,712	4,942	14.1%
<b>Region 10</b>		<b>10.0</b>	<b>8.0</b>	<b>9.0</b>	<b>21,056</b>	<b>2,106</b>	<b>12.1%</b>	<b>165,360</b>	<b>20,670</b>	<b>-1.4%</b>	<b>42,704</b>	<b>4,745</b>	<b>9.6%</b>
21	11	3.0	2.0	2.0	4,581	1,527	-18.7%	20,719	10,360	-50.6%	8,535	4,268	-1.4%
23	11	6.0	5.0	4.0	8,140	1,357	-27.8%	87,290	17,458	-16.7%	18,022	4,506	4.1%
27	11	5.0	4.0	4.0	12,079	2,416	28.6%	87,698	21,925	4.6%	18,962	4,741	9.5%
<b>Region 11</b>		<b>14.0</b>	<b>11.0</b>	<b>10.0</b>	<b>24,800</b>	<b>1,771</b>	<b>-5.7%</b>	<b>195,707</b>	<b>17,792</b>	<b>-15.2%</b>	<b>45,519</b>	<b>4,552</b>	<b>5.1%</b>
28	12	3.0	2.0	2.0	5,981	1,994	6.1%	40,271	20,136	-4.0%	9,957	4,979	15.0%
29	12	4.0	2.0	2.0	9,469	2,367	26.0%	32,696	16,348	-22.0%	9,939	4,970	14.8%
30	12	4.0	2.0	2.0	7,850	1,963	4.4%	23,001	11,501	-45.2%	7,839	3,920	-9.5%
<b>Region 12</b>		<b>11.0</b>	<b>6.0</b>	<b>6.0</b>	<b>23,300</b>	<b>2,118</b>	<b>12.7%</b>	<b>95,968</b>	<b>15,995</b>	<b>-23.7%</b>	<b>27,735</b>	<b>4,623</b>	<b>6.8%</b>
<b>State</b>		<b>154.0</b>	<b>120.0</b>	<b>116.0</b>	<b>289,378</b>	<b>1,879</b>		<b>2,516,202</b>	<b>20,968</b>		<b>502,291</b>	<b>4,330</b>	
<b>State with additional judgeships</b>		<b>157.0</b>	<b>122.0</b>	<b>116.0</b>	<b>289,378</b>	<b>1,843</b>		<b>2,516,202</b>	<b>20,625</b>		<b>502,291</b>	<b>4,330</b>	

\*Adjusted caseload does not include prepaid traffic infractions.

Green background: Judicial circuits/district showing cases per judge greater than 20% above the 2010 state average.

Yellow background: Judicial circuits/districts showing cases per judge greater than 20% below the 2010 state average.

Red box: Judicial circuits/districts showing recommended additional judgeships.

## VIII. RECOMMENDATIONS

The genesis of this study was a letter from the Honorable Henry L. Marsh, III, Chair of the Senate Courts of Justice Committee, to the Chief Justice of the Supreme Court of Virginia, the Honorable Cynthia D. Kinser. Senator Marsh requested that the Supreme Court review the judicial circuits and districts proposed in House Bill 1990 and Senate Bill 1240, and provide its recommendations for changes to the judicial boundary lines, including the number of judges designated to serve in each judicial circuit and district. However, the ability of the Court to conduct a comprehensive study was constrained by a compressed time frame within which to complete the study, the insufficiency of the data available for consideration, and limited resources. The following recommendations provide for further study, which will result in the development of tools for the long-term management of judicial workloads, as well as an option for an immediate solution to the pressure of high caseloads currently experienced by some jurisdictions.

**Recommendation 1:** No changes should be made to judicial boundaries until the Judiciary completes a comprehensive study of judicial caseloads and workloads, including development of a "weighted caseload" system to more precisely measure and compare judicial caseloads.

- Such a study would take approximately eighteen months and would include the development of a comprehensive workload model, providing an objective means of determining the need for judges, assessing the distribution of judges throughout Virginia, and linking judicial resource levels with measurable performance indicators, such as time to disposition and clearance rate.
- Funds should be made available to support such a study to be conducted by a third party entity with expertise in workload assessments, specifically, the development of a comprehensive weighted caseload system.

**Recommendation 2:** Although no changes to judicial boundaries are recommended at this time, if the General Assembly determines that changes to judicial boundaries are necessary, a regional approach creating a regional overlay on existing judicial circuits and districts is recommended, as illustrated by the JBRS Regional Model in *Figure 27* and *Table 23* on pages 35 and 36, respectively. Such an approach would leave intact all current boundaries for Virginia's judicial circuits and districts and create 12 regions for purposes of assessing judicial workload need and distributing judicial resources.

- This recommendation includes filling existing judicial vacancies that are currently funded but unfilled, which would result in a total of 390 circuit and district judgeships.
- This recommendation also includes funding for five additional judgeships, including three circuit court judges and two general district court judges. Specifically, the recommendation is for a circuit court judgeship in each of the following proposed Regions: 6, 10 and 12. A general district court judgeship is recommended for both proposed Region 4 and proposed Region 5.
- In order to implement a regional approach, the Code of Virginia should be amended as suggested in the draft included as *Appendix E*.

**APPENDIX A**  
**HOUSE BILL 1990 AND SENATE BILL 1240**

**2011 SESSION**

**ENGROSSED**

11100222D

**HOUSE BILL NO. 1990**

House Amendments in [ ] - February 7, 2011

A *BILL to amend and reenact §§ 15.2-2308, 16.1-69.9:3, 16.1-69.16, 16.1-69.18, 16.1-69.31, 16.1-266.2, 17.1-113, 17.1-114, 17.1-121, 17.1-501, 17.1-508, 17.1-510, 17.1-511, 19.2-6, and 55-168 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 16.1-69.6:01, 16.1-69.6:02, 17.1-506.1, and 17.1-507.1; and to repeal §§ 16.1-69.6, 16.1-69.6:1, 17.1-506, and 17.1-507 of the Code of Virginia, relating to judicial circuits and districts; number of judges.*

Patron Prior to Engrossment—Delegate Janis

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 15.2-2308, 16.1-69.9:3, 16.1-69.16, 16.1-69.18, 16.1-69.31, 16.1-266.2, 17.1-113, 17.1-114, 17.1-121, 17.1-501, 17.1-508, 17.1-510, 17.1-511, 19.2-6, and 55-168 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 16.1-69.6:01, 16.1-69.6:02, 17.1-506.1, and 17.1-507.1 as follows:**

§ 15.2-2308. Boards of zoning appeals to be created; membership, organization, etc.

A. Every locality that has enacted or enacts a zoning ordinance pursuant to this chapter or prior enabling laws, shall establish a board of zoning appeals that shall consist of either five or seven residents of the locality, appointed by the circuit court for the locality. Boards of zoning appeals for a locality within the ~~fifteenth~~ *Seventeenth* or ~~nineteenth~~ *Ninth Judicial Circuit* may be appointed by the chief judge or his designated judge or judges in their respective circuit, upon concurrence of such locality. Their terms of office shall be for five years each except that original appointments shall be made for such terms that the term of one member shall expire each year. The secretary of the board shall notify the court at least thirty days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the locality except that one may be a member of the local planning commission. A member whose term expires shall continue to serve until his successor is appointed and qualifies. The ~~circuit court~~ *Circuit Court* for the City of Chesapeake and the Circuit Court for the City of Hampton shall appoint at least one but not more than three alternates to the board of zoning appeals. At the request of the local governing body, the circuit court for any other locality may appoint not more than three alternates to the board of zoning appeals. The qualifications, terms and compensation of alternate members shall be the same as those of regular members. A regular member when he knows he will be absent from or will have to abstain from any application at a meeting shall notify the chairman twenty-four hours prior to the meeting of such fact. The chairman shall select an alternate to serve in the absent or abstaining member's place and the records of the board shall so note. Such alternate member may vote on any application in which a regular member abstains.

B. Localities may, by ordinances enacted in each jurisdiction, create a joint board of zoning appeals that shall consist of two members appointed from among the residents of each participating jurisdiction by the circuit court for each county or city, plus one member from the area at large to be appointed by the circuit court or jointly by such courts if more than one, having jurisdiction in the area. The term of office of each member shall be five years except that of the two members first appointed from each jurisdiction, the term of one shall be for two years and of the other, four years. Vacancies shall be filled for the unexpired terms. In other respects, joint boards of zoning appeals shall be governed by all other provisions of this article.

C. With the exception of its secretary and the alternates, the board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The board may elect as its secretary either one of its members or a qualified individual who is not a member of the board, excluding the alternate members. A secretary who is not a member of the board shall not be entitled to vote on matters before the board. For the conduct of any hearing, a quorum shall be not less than a majority of all the members of the board. Except for matters governed by § 15.2-2312, no action of the board shall be valid unless authorized by a majority vote of those present and voting. The board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the locality and general laws of the Commonwealth. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year.

D. Within the limits of funds appropriated by the governing body, the board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of

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59 the board may receive such compensation as may be authorized by the respective governing bodies. Any  
 60 board member or alternate may be removed for malfeasance, misfeasance or nonfeasance in office, or  
 61 for other just cause, by the court that appointed him, after a hearing held after at least fifteen days'  
 62 notice.

63 E. Notwithstanding any contrary provisions of this section, in the City of Virginia Beach, members  
 64 of the board shall be appointed by the governing body. The governing body of such city shall also  
 65 appoint at least one but not more than three alternates to the board.

66 § 16.1-69.6:01. *Judicial districts.*

67 *On and after July 1, 2012, the Commonwealth shall be divided into districts encompassing all*  
 68 *counties and cities in the Commonwealth to provide a basis for the sound and efficient administration of*  
 69 *the courts not of record, as follows:*

70 1. *The Cities of Bristol and Norton and the Counties of Dickenson, Lee, Russell, Scott, Washington,*  
 71 *and Wise shall constitute the First District.*

72 2. *The Counties of Bland, Buchanan, Smyth, Tazewell, and Wythe shall constitute the Second*  
 73 *District.*

74 3. *The City of Radford and the Counties of Floyd, Giles, Montgomery, and Pulaski shall constitute*  
 75 *the Third District.*

76 4. *The Cities of Roanoke and Salem and the Counties of Craig and Roanoke shall constitute the*  
 77 *Fourth District.*

78 5. *The Cities of Galax and Martinsville and the Counties of Carroll, Franklin, Grayson, Henry, and*  
 79 *Patrick shall constitute the Fifth District.*

80 6. *The Cities of Buena Vista, Covington, and Lexington and the Counties of Alleghany, Bath,*  
 81 *Botetourt, and Rockbridge shall constitute the Sixth District.*

82 7. *The Cities of Harrisonburg, Staunton, Waynesboro, and Winchester and the Counties of Augusta,*  
 83 *Clarke, Frederick, Highland, Page, Rockingham, Shenandoah, and Warren shall constitute the Seventh*  
 84 *District.*

85 8. *The Cities of Manassas and Manassas Park and the Counties of Culpeper, Fauquier, Loudoun,*  
 86 *Madison, Prince William, and Rappahannock shall constitute the Eighth District.*

87 9. *The City of Fairfax and the County of Fairfax shall constitute the Ninth District.*

88 10. *The Cities of Alexandria and Falls Church and the County of Arlington shall constitute the Tenth*  
 89 *District.*

90 11. *The Cities of Bedford and Lynchburg and the Counties of Amherst, Appomattox, Bedford,*  
 91 *Buckingham, Campbell, and Prince Edward shall constitute the Eleventh District.*

92 12. *The City of Danville and the Counties of Brunswick, Charlotte, [ ~~Greensville,~~ ] Halifax,*  
 93 *Lunenburg, Mecklenburg, Nottoway, and Pittsylvania shall constitute the Twelfth District.*

94 13. *The City of Charlottesville and the Counties of Albemarle, Fluvanna, Greene, Louisa, Nelson,*  
 95 *and Orange shall constitute the Thirteenth District.*

96 14. *The Cities of Colonial Heights and Petersburg and the Counties of Amelia, Chesterfield,*  
 97 *Cumberland, Dinwiddie, and Powhatan shall constitute the Fourteenth District.*

98 15. *The City of Richmond and the Counties of Charles City, Goochland, Hanover, Henrico, and New*  
 99 *Kent shall constitute the Fifteenth District.*

100 16. *The Cities of Emporia, Franklin, and Hopewell and the Counties of [ ~~Greensville,~~ ] Prince*  
 101 *George, Southampton, Surry, and Sussex shall constitute the Sixteenth District.*

102 17. *The City of Fredericksburg and the Counties of Caroline, Essex, Gloucester, King and Queen,*  
 103 *King George, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, Spotsylvania,*  
 104 *Stafford, and Westmoreland shall constitute the Seventeenth District.*

105 18. *The Cities of Hampton, Newport News, Poquoson, and Williamsburg and the Counties of James*  
 106 *City and York shall constitute the Eighteenth District.*

107 19. *The Cities of Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach and the Counties of*  
 108 *Accomack, Isle of Wight, and Northampton shall constitute the Nineteenth District.*

109 § 16.1-69.6:02. *Number of judges.*

110 *For the several judicial districts there shall be full-time general district court judges and juvenile*  
 111 *and domestic relations district court judges, the number as hereinafter set forth, who shall during their*  
 112 *service reside within their respective districts, except as provided in § 16.1-69.16, and whose*  
 113 *compensation and powers shall be the same as now and hereafter prescribed for general district court*  
 114 *judges and juvenile and domestic relations district court judges.*

115 *The number of judges of the districts shall be as follows:*

116		Juvenile and Domestic
117	General District Court	Relations District
118	Judges	Court Judges
119	First	3
		4

120	Second	4	3
121	Third	3	2
122	Fourth	5	4
123	Fifth	3	3
124	Sixth	3	2
125	Seventh	6	7
126	Eighth	9	9
127	Ninth	10	8
128	Tenth	6	4
129	Eleventh	4	6
130	Twelfth	4	5
131	Thirteenth	3	3
132	Fourteenth	6	7
133	Fifteenth	13	10
134	Sixteenth	3	2
135	Seventeenth	6	7
136	Eighteenth	9	9
137	Nineteenth	21	20

138 *The election or appointment of any district judge shall be subject to the provisions of § 16.1-69.9:3.*  
 139 § 16.1-69.9:3. Investigation and certification of necessity before vacancies filled.

140 When a vacancy occurs in the office of any judge of any district, ~~the vacancy shall not be filled~~  
 141 ~~until, after investigation,~~ the Committee on District Courts ~~certifies~~ *shall certify* that the filling of the  
 142 vacancy is *or is not* necessary. The Committee shall publish notice of such certification in a publication  
 143 of general circulation among attorneys licensed to practice in the Commonwealth. No notice of  
 144 retirement submitted under § 51.1-305 or §-51.1-307 shall be revoked after certification of the vacancy  
 145 by the Committee. If the Committee certifies that the filling of the vacancy is not necessary, it shall  
 146 direct the manner of distributing the work created by the vacancy, and the vacancy shall not be filled if  
 147 ~~not certified as necessary under the provisions of § 16.1-69.9:2.~~

148 § 16.1-69.16. Residence requirements.

149 A. Every judge or substitute judge of a district court shall, during his term of office, reside within  
 150 the boundaries of the district in which he serves as set out in § ~~16.1-69.6~~; ~~provided, that judges and~~  
 151 ~~substitute judges in office on January 1, 1977, or who are otherwise eligible may continue in office and~~  
 152 ~~shall be eligible for reappointment or reelection to successive terms in accordance with the provisions of~~  
 153 ~~§ 16.1-69.10 16.1-69.6:01, except as otherwise provided by law.~~

154 B. Notwithstanding any provision of law to the contrary, the residency requirement set out herein  
 155 shall not apply to any judge whose residence prior to July 1, 1977, is outside the boundaries of a new  
 156 district created by §-16.1-69.6, if such judge is a resident in the geographical area which encompassed  
 157 the prior district. This provision shall also apply to any subsequent term for which he is elected.

158 C. When the boundary of a judicial district is changed to create a new judicial district, any duly  
 159 elected or appointed judge of the existing judicial district may continue to serve as judge of the new  
 160 judicial district if he resides *or presides* therein.

161 § 16.1-69.18. Bonds of judges, clerks, and others handling funds.

162 Before entering upon the performance of his duties, every judge, substitute judge, clerk, deputy clerk  
 163 or other officer or employee of a district court shall enter into bond before the clerk of a circuit court to  
 164 which appeals from his court lie, except as hereinafter provided. The bond shall be in a penalty and  
 165 with corporate surety approved by the judge of such appellate court. No such bond shall be in a penalty  
 166 of less than \$3,000, nor more than \$75,000, and all such bonds shall be conditioned for the faithful  
 167 performance of the duties of the principal. The bonds shall be made payable to the Commonwealth and  
 168 shall be filed with the clerk of such appellate court. Provided, however, that instead of specific bonds  
 169 being given as stipulated herein, the Committee on District Courts may in their discretion procure  
 170 faithful performance of duty blanket bonds for any or all of the *judicial* districts ~~enumerated in~~  
 171 ~~§-16.1-69.6~~ covering the judges, substitute judges, clerks and other personnel of the several district  
 172 courts included in such districts and within the penalty limits contained in this section, unless in the  
 173 discretion of the Committee, bonds with a larger maximum penalty should be obtained. Provided further,  
 174 that in those instances where specific bonds for judges, clerks, deputy clerks or other officers or  
 175 employees of a district court are in effect, the Committee on District Courts may, whenever they deem it  
 176 advisable, terminate such specific bonds upon obtaining a blanket bond covering such court personnel  
 177 with appropriate refund or credit being made for the unearned premiums on the specific bonds being  
 178 terminated. A copy of any such blanket bond so procured shall be filed with the Division of Risk  
 179 Management within the Department of Treasury and with the clerk of the respective circuit courts to

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180 which appeals from the decisions of the several district courts may lie. The premiums for such bonds  
181 shall be paid by the Commonwealth.

182 § 16.1-69.31. The duties of the Judicial Council.

183 The duties of the Judicial Council with respect to the district court system shall include those set  
184 forth in §§ ~~16.1-69.6 through 16.1-69.13~~, and such other duties as may be assigned to the Council by  
185 law.

186 § 16.1-266.2. Appointment of pro bono counsel by judges of the First and Second Judicial District in  
187 certain cases.

188 The judges of the juvenile and domestic relations district court of ~~the First and Second Judicial~~  
189 ~~District~~ *Chesapeake and Virginia Beach* are authorized to appoint pro bono counsel for alleged victims  
190 in family abuse cases in which the court is authorized to issue a preliminary protective order under  
191 § 16.1-253.1, or an emergency protective order under § 16.1-253.4. Such counsel shall have no  
192 prosecutorial authority except as granted in writing by the attorney for the Commonwealth for the  
193 jurisdiction in which the representation is to occur.

194 Any attorney appointed under the provisions of this section shall be a volunteer and serve without  
195 compensation and shall be subject to any rules adopted by the court and approved by the Virginia  
196 Supreme Court providing for the establishment and conduct of a project providing pro bono services to  
197 victims of family abuse.

198 § 17.1-113. Places of holding courts; certain orders and decrees entered elsewhere.

199 Every circuit court for any county or city shall be held at the courthouse of such county or city,  
200 except when some other place is prescribed by law or lawfully appointed. However, the judge of the  
201 circuit court of any county or city may enter any order or decree at his home or office or elsewhere  
202 within his circuit.

203 In the interest of justice, the chief judges of the ~~Twenty-first~~ *Fourth* and the ~~Twenty-third~~ *Fifth*  
204 Judicial Circuits may, by order, designate one or more of the courtrooms of any circuit court within  
205 their respective circuits as the courtroom or courtrooms in which civil or criminal cases whose venue is  
206 laid within the circuit may be tried. In criminal cases, jurors summoned to appear at such courtroom or  
207 courtrooms shall reside in the locality in which the crime was committed, except as otherwise provided  
208 by law.

209 § 17.1-114. When and how changed.

210 Whenever in the opinion of a circuit court or the judge thereof, the courthouse or other place  
211 wherein it is required to hold its session cannot or should not for any reason be occupied by it, or if the  
212 same has been destroyed, or is being repaired, renovated, or enlarged, the court may hold its session at  
213 such places within the geographical limits of the same judicial circuit as the court may direct by an  
214 order to its clerk. The court shall continue to hold its sessions in such other place until the courthouse  
215 or its lawful place of session can be occupied, or until another has been built and fitted for the court's  
216 occupation, or until such repairs, renovations or additions have been completed, or until some other  
217 place is designated by the court. Except as provided in subsection C of § 17.1-330 or this section or as  
218 agreed to by all parties to an action, no session of a circuit court shall be held outside the geographical  
219 limits of the county or city of which it is the court.

220 In the interest of justice, the chief judges of the ~~Twenty-first~~ *Fourth* and the ~~Twenty-third~~ *Fifth*  
221 Judicial Circuits may, by order, designate one or more of the courtrooms of any circuit court within  
222 their respective circuits as the courtroom or courtrooms in which civil or criminal cases whose venue is  
223 laid within the circuit may be tried. In criminal cases, jurors summoned to appear at such courtroom or  
224 courtrooms shall reside in the locality in which the crime was committed, except as otherwise provided  
225 by law.

226 § 17.1-121. Effect of change of time or place of court or failure to sit generally.

227 When the place for holding any court or the day for commencing any term is changed or when a  
228 court fails to sit on any day appointed for it or to which it may have adjourned there shall be no  
229 discontinuance, but every notice, recognizance or process given, taken or returnable to the day on which  
230 the failure occurred, or to any day between that day and the next that the court may sit, or to the day  
231 and place as it was before such change, and all matters ready for the court to act upon if it had been  
232 held on any such day shall be in the same condition and have the same effect as if given, taken,  
233 returnable, or continued to the substituted term or place, or to the next day of the same term that the  
234 court may sit, or to the next court in course, as the case may be.

235 In the interest of justice, the chief judges of the ~~Twenty-first~~ *Fourth* and the ~~Twenty-third~~ *Fifth*  
236 Judicial Circuits may, by order, designate one or more of the courtrooms of any circuit court within  
237 their respective circuits as the courtroom or courtrooms in which civil or criminal cases whose venue is  
238 laid within the circuit may be tried. In criminal cases, jurors summoned to appear at such courtroom or  
239 courtrooms shall reside in the locality in which the crime was committed, except as otherwise provided  
240 by law.

241 § 17.1-501. Judges of circuit courts; selection, powers and duties of chief judges; exercise of

242 appointive powers.

243 A. There shall be as many judges of the circuit courts as may be fixed by the General Assembly.  
244 The judges of each circuit shall select from their number by majority vote a chief judge of the circuit,  
245 who shall serve for the term of two years. In the event such judges cannot agree as to who shall be  
246 chief judge, the Chief Justice of the Supreme Court shall act as tie breaker.

247 B. The chief judge of the circuit shall ensure that the system of justice in his circuit operates  
248 smoothly and efficiently. He shall have authority to assign the work of the circuit among the judges, and  
249 in doing so he may consider the nature and categories of the cases to be assigned.

250 C. Unless otherwise provided by law, powers of appointment within a circuit shall be exercised by a  
251 majority of the judges of the circuit; however, the order of appointment may be signed by the chief  
252 judge or that judge's designee on behalf of the other judges. In case of a tie, the Chief Justice of the  
253 Supreme Court shall appoint a circuit judge from another circuit who shall act as tie breaker. Where the  
254 power of appointment is to be exercised by a majority of the judges of the ~~Second~~ *Nineteenth* Judicial  
255 Circuit and such appointment is to a local post, board or commission in Accomack or Northampton  
256 County, the ~~resident~~ judge or judges *who preside in the circuit courts* of the County of Accomack or  
257 Northampton shall exercise such appointment power as if he or they comprise the majority of the judges  
258 of the circuit.

259 D. No person shall be appointed or reappointed under this section until he has submitted his  
260 fingerprints to be used for the conduct of a national criminal records search and a Virginia criminal  
261 history records search. No person with a criminal conviction for a felony shall be appointed as a judge.

262 § 17.1-506.1. *Judicial circuits.*

263 *On and after July 1, 2012, the Commonwealth shall be divided into circuits encompassing all*  
264 *counties and cities in the Commonwealth, as follows:*

265 1. *The Cities of Bristol and Norton and the Counties of Dickenson, Lee, Russell, Scott, Washington,*  
266 *and Wise shall constitute the First Circuit.*

267 2. *The Counties of Bland, Buchanan, Smyth, Tazewell, and Wythe shall constitute the Second Circuit.*

268 3. *The City of Radford and the Counties of Floyd, Giles, Montgomery, and Pulaski shall constitute*  
269 *the Third Circuit.*

270 4. *The Cities of Roanoke and Salem and the Counties of Craig and Roanoke shall constitute the*  
271 *Fourth Circuit.*

272 5. *The Cities of Galax and Martinsville and the Counties of Carroll, Franklin, Grayson, Henry, and*  
273 *Patrick shall constitute the Fifth Circuit.*

274 6. *The Cities of Buena Vista, Covington, and Lexington and the Counties of Alleghany, Bath,*  
275 *Botetourt, and Rockbridge shall constitute the Sixth Circuit.*

276 7. *The Cities of Harrisonburg, Staunton, Waynesboro, and Winchester and the Counties of Augusta,*  
277 *Clarke, Frederick, Highland, Page, Rockingham, Shenandoah, and Warren shall constitute the Seventh*  
278 *Circuit.*

279 8. *The Cities of Manassas and Manassas Park and the Counties of Culpeper, Fauquier, Loudoun,*  
280 *Madison, Prince William, and Rappahannock shall constitute the Eighth Circuit.*

281 9. *The City of Fairfax and the County of Fairfax shall constitute the Ninth Circuit.*

282 10. *The Cities of Alexandria and Falls Church and the County of Arlington shall constitute the Tenth*  
283 *Circuit.*

284 11. *The Cities of Bedford and Lynchburg and the Counties of Amherst, Appomattox, Bedford,*  
285 *Buckingham, Campbell, and Prince Edward shall constitute the Eleventh Circuit.*

286 12. *The City of Danville and the Counties of Brunswick, Charlotte, [ ~~Greensville,~~ ] Halifax,*  
287 *Lunenburg, Mecklenburg, Nottoway, and Pittsylvania shall constitute the Twelfth Circuit.*

288 13. *The City of Charlottesville and the Counties of Albemarle, Fluvanna, Greene, Louisa, Nelson,*  
289 *and Orange shall constitute the Thirteenth Circuit.*

290 14. *The Cities of Colonial Heights and Petersburg and the Counties of Amelia, Chesterfield,*  
291 *Cumberland, Dinwiddie, and Powhatan shall constitute the Fourteenth Circuit.*

292 15. *The City of Richmond and the Counties of Charles City, Goochland, Hanover, Henrico, and New*  
293 *Kent shall constitute the Fifteenth Circuit.*

294 16. *The Cities of Emporia, Franklin, and Hopewell and the Counties of [ ~~Greensville,~~ ] Prince*  
295 *George, Southampton, Surry, and Sussex shall constitute the Sixteenth Circuit.*

296 17. *The City of Fredericksburg and the Counties of Caroline, Essex, Gloucester, King and Queen,*  
297 *King George, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, Spotsylvania,*  
298 *Stafford, and Westmoreland shall constitute the Seventeenth Circuit.*

299 18. *The Cities of Hampton, Newport News, Poquoson, and Williamsburg and the Counties of James*  
300 *City and York shall constitute the Eighteenth Circuit.*

301 19. *The Cities of Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach and the Counties of*  
302 *Accomack, Isle of Wight, and Northampton shall constitute the Nineteenth Circuit.*

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- 303 § 17.1-507.1. Number of judges; residence requirement; compensation; powers; etc.
- 304 A. For the several judicial circuits there shall be judges, the number as hereinafter set forth, who
- 305 shall during their service reside within their respective circuits, subject to the provisions of § 17.1-508,
- 306 and whose compensation and powers shall be the same as now and hereafter prescribed for circuit
- 307 judges.
- 308 The number of judges of the circuits shall be as follows:
- 309 First - 6
- 310 Second - 4
- 311 Third - 3
- 312 Fourth - 6
- 313 Fifth - 5
- 314 Sixth - 3
- 315 Seventh - 6
- 316 Eighth - 10
- 317 Ninth - 15
- 318 Tenth - 5
- 319 Eleventh - 5
- 320 Twelfth - 5
- 321 Thirteenth - 4
- 322 Fourteenth - 7
- 323 Fifteenth - 13
- 324 Sixteenth - 2
- 325 Seventeenth - 8
- 326 Eighteenth - 10
- 327 Nineteenth - 29
- 328 B. The Judicial Council of Virginia periodically shall make a study of the need for additional circuit
- 329 court judges and report its findings and recommendations to the Committees for Courts of Justice of the
- 330 House of Delegates and Senate.
- 331 C. If the Judicial Council finds the need for an additional circuit court judge after a study is made
- 332 pursuant to subsection B, the study shall be made available to the Compensation Board and the
- 333 Committees for Courts of Justice of the House of Delegates and Senate, and the Judicial Council shall
- 334 publish notice of such finding in a publication of general circulation among attorneys licensed to
- 335 practice in the Commonwealth. The Compensation Board shall make a study of the need to provide
- 336 additional courtroom security and deputy court clerk staffing. This study shall be reported to the
- 337 Committees for Courts of Justice of the House of Delegates and the Senate and to the Department of
- 338 Planning and Budget.
- 339 § 17.1-508. Judges in new or changed circuits; ratifying, validating and confirming certain actions.
- 340 In any case heretofore or hereafter arising in which a judge has been judge of a circuit created under
- 341 § 17.1-506 as amended, or § 17.1-506.1 as amended, and the counties and cities, or one or more of
- 342 them, have been transferred to and constituted as part of a new judicial circuit and the remaining
- 343 counties and cities constituted as a circuit, the judges of the respective circuits are hereby declared to be
- 344 judges of said circuits in which they reside or in which they preside and their actions are hereby ratified,
- 345 validated and confirmed.
- 346 § 17.1-510. Election of judge of new circuit; how court held meanwhile.
- 347 If a new or additional circuit is created, a judge or judges shall be elected or appointed thereto in the
- 348 same manner as provided by law for the filling of vacancies or newly created judgeships in existing
- 349 circuits.
- 350 During any vacancy from the creation of the new circuit until a judge has been elected or appointed
- 351 to fill the vacancy and has qualified, terms of the court shall be held by a judge or by judges designated
- 352 as provided by law in cases of vacancies.
- 353 Nothing herein shall require the election or reelection of any judge who has been duly elected or
- 354 appointed as a judge simply due to a change in the geographical boundaries of a circuit.
- 355 § 17.1-511. Investigation and certification of necessity before vacancies filled.
- 356 When a vacancy occurs in the office of judge of any court of record, ~~the vacancy shall not be filled~~
- 357 ~~until, after investigation,~~ the Supreme Court certifies shall certify that the filling of the vacancy is or is
- 358 not necessary. If the Court certifies that the filling of the vacancy is necessary, the Court shall publish
- 359 notice of such certification in a publication of general circulation among attorneys licensed to practice in
- 360 the Commonwealth. No notice of retirement submitted under § 51.1-305 or §-51.1-307 shall be revoked
- 361 after certification of the vacancy by the Court. If the Court certifies that the filling of the vacancy is not
- 362 necessary, it shall recommend to the General Assembly the manner of distributing the work of the
- 363 judge; and the Governor shall not fill the vacancy.
- 364 § 19.2-6. Appointive power of circuit courts.

365 Unless otherwise specifically provided, whenever an appointive power is given to the judge of a  
 366 circuit court, that power shall be exercised by a majority of the judges of the circuit. In case of a tie,  
 367 such fact shall be communicated to the Chief Justice of the Supreme Court, who shall appoint a circuit  
 368 judge from another circuit who shall act as a tie breaker. Where the power of appointment is to be  
 369 exercised by a majority of the judges of the ~~Second~~ *Nineteenth* Judicial Circuit and such appointment is  
 370 to a local post, board or commission in Accomack or Northampton County, the ~~resident~~ judge or judges  
 371 *who preside in the circuit courts* of the County of Accomack or Northampton shall exercise such  
 372 appointment power as if he or they comprise the majority of the judges of the Circuit.

373 § 55-168. Appointment of escheators.

374 The Governor shall appoint one escheator for every judicial circuit as set forth in ~~§ 17.1-506~~, to  
 375 serve at the pleasure of the Governor. Such escheator shall reside within a *the* circuit to which he is  
 376 appointed.

377 2. That §§ 16.1-69.6, 16.1-69.6:1, 17.1-506, and 17.1-507 of the Code of Virginia are repealed.

378 3. [ That the provisions of this act shall become effective on July 1, 2012. That the provisions of  
 379 this act shall not become effective unless reenacted by the 2012 Session of the General Assembly. ]

ENGROSSED

HB1990E

2011 SESSION

INTRODUCED

11100114D

SENATE BILL NO. 1240

Offered January 12, 2011

Prefiled January 12, 2011

A BILL to amend and reenact §§ 15.2-2308, 16.1-69.9:3, 16.1-69.16, 16.1-69.18, 16.1-69.31, 16.1-266.2, 17.1-113, 17.1-114, 17.1-121, 17.1-501, 17.1-508, 17.1-510, 17.1-511, 19.2-6, and 55-168 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 16.1-69.6:01, 16.1-69.6:02, 17.1-506.1, and 17.1-507.1; and to repeal §§ 16.1-69.6, 16.1-69.6:1, 17.1-506, and 17.1-507 of the Code of Virginia, relating to judicial circuits and districts; number of judges.

Patron—Edwards

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2308, 16.1-69.9:3, 16.1-69.16, 16.1-69.18, 16.1-69.31, 16.1-266.2, 17.1-113, 17.1-114, 17.1-121, 17.1-501, 17.1-508, 17.1-510, 17.1-511, 19.2-6, and 55-168 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 16.1-69.6:01, 16.1-69.6:02, 17.1-506.1, and 17.1-507.1 as follows:

§ 15.2-2308. Boards of zoning appeals to be created; membership, organization, etc.

A. Every locality that has enacted or enacts a zoning ordinance pursuant to this chapter or prior enabling laws, shall establish a board of zoning appeals that shall consist of either five or seven residents of the locality, appointed by the circuit court for the locality. Boards of zoning appeals for a locality within the ~~fifteenth~~ ~~seventeenth~~ or ~~nineteenth~~ ~~judicial circuit~~ *Ninth Judicial Circuit* may be appointed by the chief judge or his designated judge or judges in their respective circuit, upon concurrence of such locality. Their terms of office shall be for five years each except that original appointments shall be made for such terms that the term of one member shall expire each year. The secretary of the board shall notify the court at least thirty days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the locality except that one may be a member of the local planning commission. A member whose term expires shall continue to serve until his successor is appointed and qualifies. ~~The circuit court~~ *Circuit Court* for the City of Chesapeake and the Circuit Court for the City of Hampton shall appoint at least one but not more than three alternates to the board of zoning appeals. At the request of the local governing body, the circuit court for any other locality may appoint not more than three alternates to the board of zoning appeals. The qualifications, terms and compensation of alternate members shall be the same as those of regular members. A regular member when he knows he will be absent from or will have to abstain from any application at a meeting shall notify the chairman twenty-four hours prior to the meeting of such fact. The chairman shall select an alternate to serve in the absent or abstaining member's place and the records of the board shall so note. Such alternate member may vote on any application in which a regular member abstains.

B. Localities may, by ordinances enacted in each jurisdiction, create a joint board of zoning appeals that shall consist of two members appointed from among the residents of each participating jurisdiction by the circuit court for each county or city, plus one member from the area at large to be appointed by the circuit court or jointly by such courts if more than one, having jurisdiction in the area. The term of office of each member shall be five years except that of the two members first appointed from each jurisdiction, the term of one shall be for two years and of the other, four years. Vacancies shall be filled for the unexpired terms. In other respects, joint boards of zoning appeals shall be governed by all other provisions of this article.

C. With the exception of its secretary and the alternates, the board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The board may elect as its secretary either one of its members or a qualified individual who is not a member of the board, excluding the alternate members. A secretary who is not a member of the board shall not be entitled to vote on matters before the board. For the conduct of any hearing, a quorum shall be not less than a majority of all the members of the board. Except for matters governed by § 15.2-2312, no action of the board shall be valid unless authorized by a majority vote of those present and voting. The board may make, alter and rescind rules and forms for its procedures, consistent with ordinances of the locality and general laws of the Commonwealth. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the governing body or bodies at least once each year.

D. Within the limits of funds appropriated by the governing body, the board may employ or contract

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59 for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of  
60 the board may receive such compensation as may be authorized by the respective governing bodies. Any  
61 board member or alternate may be removed for malfeasance, misfeasance or nonfeasance in office, or  
62 for other just cause, by the court that appointed him, after a hearing held after at least fifteen days'  
63 notice.

64 E. Notwithstanding any contrary provisions of this section, in the City of Virginia Beach, members  
65 of the board shall be appointed by the governing body. The governing body of such city shall also  
66 appoint at least one but not more than three alternates to the board.

67 § 16.1-69.6:01. Judicial districts.

68 On and after July 1, 2012, the Commonwealth shall be divided into districts encompassing all  
69 counties and cities in the Commonwealth to provide a basis for the sound and efficient administration of  
70 the courts not of record, as follows:

71 1. The Cities of Bristol and Norton and the Counties of Dickenson, Lee, Russell, Scott, Washington,  
72 and Wise shall constitute the First District.

73 2. The Counties of Bland, Buchanan, Smyth, Tazewell, and Wythe shall constitute the Second  
74 District.

75 3. The City of Radford and the Counties of Floyd, Giles, Montgomery, and Pulaski shall constitute  
76 the Third District.

77 4. The Cities of Roanoke and Salem and the Counties of Craig and Roanoke shall constitute the  
78 Fourth District.

79 5. The Cities of Galax and Martinsville and the Counties of Carroll, Franklin, Grayson, Henry, and  
80 Patrick shall constitute the Fifth District.

81 6. The Cities of Buena Vista, Covington, and Lexington and the Counties of Alleghany, Bath,  
82 Botetourt, and Rockbridge shall constitute the Sixth District.

83 7. The Cities of Harrisonburg, Staunton, Waynesboro, and Winchester and the Counties of Augusta,  
84 Clarke, Frederick, Highland, Page, Rockingham, Shenandoah, and Warren shall constitute the Seventh  
85 District.

86 8. The Cities of Manassas and Manassas Park and the Counties of Culpeper, Fauquier, Loudoun,  
87 Madison, Prince William, and Rappahannock shall constitute the Eighth District.

88 9. The City of Fairfax and the County of Fairfax shall constitute the Ninth District.

89 10. The Cities of Alexandria and Falls Church and the County of Arlington shall constitute the Tenth  
90 District.

91 11. The Cities of Bedford and Lynchburg and the Counties of Amherst, Appomattox, Bedford,  
92 Buckingham, Campbell, and Prince Edward shall constitute the Eleventh District.

93 12. The City of Danville and the Counties of Brunswick, Charlotte, Greensville, Halifax, Lunenburg,  
94 Mecklenburg, Nottoway, and Pittsylvania shall constitute the Twelfth District.

95 13. The City of Charlottesville and the Counties of Albemarle, Fluvanna, Greene, Louisa, Nelson,  
96 and Orange shall constitute the Thirteenth District.

97 14. The Cities of Colonial Heights and Petersburg and the Counties of Amelia, Chesterfield,  
98 Cumberland, Dinwiddie, and Powhatan shall constitute the Fourteenth District.

99 15. The City of Richmond and the Counties of Charles City, Goochland, Hanover, Henrico, and New  
100 Kent shall constitute the Fifteenth District.

101 16. The Cities of Emporia, Franklin, and Hopewell and the Counties of Prince George, Southampton,  
102 Surry, and Sussex shall constitute the Sixteenth District.

103 17. The City of Fredericksburg and the Counties of Caroline, Essex, Gloucester, King and Queen,  
104 King George, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, Spotsylvania,  
105 Stafford, and Westmoreland shall constitute the Seventeenth District.

106 18. The Cities of Hampton, Newport News, Poquoson, and Williamsburg and the Counties of James  
107 City and York shall constitute the Eighteenth District.

108 19. The Cities of Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach and the Counties of  
109 Accomack, Isle of Wight, and Northampton shall constitute the Nineteenth District.

110 § 16.1-69.6:02. Number of judges.

111 For the several judicial districts there shall be full-time general district court judges and juvenile  
112 and domestic relations district court judges, the number as hereinafter set forth, who shall during their  
113 service reside within their respective districts, except as provided in § 16.1-69.16, and whose  
114 compensation and powers shall be the same as now and hereafter prescribed for general district court  
115 judges and juvenile and domestic relations district court judges.

116 The number of judges of the districts shall be as follows:

117		Juvenile and Domestic
118	General District Court	Relations District
119	Judges	Court Judges

120	First	3	4
121	Second	4	3
122	Third	3	2
123	Fourth	5	4
124	Fifth	3	3
125	Sixth	3	2
126	Seventh	6	7
127	Eighth	9	9
128	Ninth	10	8
129	Tenth	6	4
130	Eleventh	4	6
131	Twelfth	4	5
132	Thirteenth	3	3
133	Fourteenth	6	7
134	Fifteenth	13	10
135	Sixteenth	3	2
136	Seventeenth	6	7
137	Eighteenth	9	9
138	Nineteenth	21	20

139 *The election or appointment of any district judge shall be subject to the provisions of § 16.1-69.9:3.*  
 140 § 16.1-69.9:3. Investigation and certification of necessity before vacancies filled.

141 When a vacancy occurs in the office of any judge of any district, ~~the vacancy shall not be filled~~  
 142 ~~until, after investigation,~~ the Committee on District Courts ~~certifies~~ *shall certify* that the filling of the  
 143 vacancy is *or is not* necessary. The Committee shall publish notice of such certification in a publication  
 144 of general circulation among attorneys licensed to practice in the Commonwealth. No notice of  
 145 retirement submitted under § 51.1-305 or § 51.1-307 shall be revoked after certification of the vacancy  
 146 by the Committee. If the Committee certifies that the filling of the vacancy is not necessary, it shall  
 147 direct the manner of distributing the work created by the vacancy, and the vacancy shall not be filled if  
 148 ~~not certified as necessary under the provisions of § 16.1-69.9:2.~~

149 § 16.1-69.16. Residence requirements.

150 A. Every judge or substitute judge of a district court shall, during his term of office, reside within  
 151 the boundaries of the district in which he serves as set out in § 16.1-69.6; ~~provided, that judges and~~  
 152 ~~substitute judges in office on January 1, 1977, or who are otherwise eligible may continue in office and~~  
 153 ~~shall be eligible for reappointment or reelection to successive terms in accordance with the provisions of~~  
 154 ~~§ 16.1-69.10 16.1-69.6:01, except as otherwise provided by law.~~

155 B. Notwithstanding any provision of law to the contrary, ~~the residency requirement set out herein~~  
 156 ~~shall not apply to any judge whose residence prior to July 1, 1977, is outside the boundaries of a new~~  
 157 ~~district created by § 16.1-69.6, if such judge is a resident in the geographical area which encompassed~~  
 158 ~~the prior district. This provision shall also apply to any subsequent term for which he is elected.~~

159 C. When the boundary of a judicial district is changed to create a new judicial district, any duly  
 160 elected or appointed judge of the existing judicial district may continue to serve as judge of the new  
 161 judicial district if he resides *or presides* therein.

162 § 16.1-69.18. Bonds of judges, clerks, and others handling funds.

163 Before entering upon the performance of his duties, every judge, substitute judge, clerk, deputy clerk  
 164 or other officer or employee of a district court shall enter into bond before the clerk of a circuit court to  
 165 which appeals from his court lie, except as hereinafter provided. The bond shall be in a penalty and  
 166 with corporate surety approved by the judge of such appellate court. No such bond shall be in a penalty  
 167 of less than \$3,000, nor more than \$75,000, and all such bonds shall be conditioned for the faithful  
 168 performance of the duties of the principal. The bonds shall be made payable to the Commonwealth and  
 169 shall be filed with the clerk of such appellate court. Provided, however, that instead of specific bonds  
 170 being given as stipulated herein, the Committee on District Courts may in their discretion procure  
 171 faithful performance of duty blanket bonds for any or all of ~~the judicial districts enumerated in~~  
 172 ~~§ 16.1-69.6~~ covering the judges, substitute judges, clerks and other personnel of the several district  
 173 courts included in such districts and within the penalty limits contained in this section, unless in the  
 174 discretion of the Committee, bonds with a larger maximum penalty should be obtained. Provided further,  
 175 that in those instances where specific bonds for judges, clerks, deputy clerks or other officers or  
 176 employees of a district court are in effect, the Committee on District Courts may, whenever they deem it  
 177 advisable, terminate such specific bonds upon obtaining a blanket bond covering such court personnel  
 178 with appropriate refund or credit being made for the unearned premiums on the specific bonds being  
 179 terminated. A copy of any such blanket bond so procured shall be filed with the Division of Risk

180 Management within the Department of Treasury and with the clerk of the respective circuit courts to  
 181 which appeals from the decisions of the several district courts may lie. The premiums for such bonds  
 182 shall be paid by the Commonwealth.

183 § 16.1-69.31. The duties of the Judicial Council.

184 The duties of the Judicial Council with respect to the district court system shall include those set  
 185 forth in §§ ~~16.1-69.6 through 16.1-69.13~~, and such other duties as may be assigned to the Council by  
 186 law.

187 § 16.1-266.2. Appointment of pro bono counsel by judges of the First and Second Judicial District in  
 188 certain cases.

189 The judges of the juvenile and domestic relations district court of ~~the First and Second Judicial~~  
 190 ~~District~~ *Chesapeake and Virginia Beach* are authorized to appoint pro bono counsel for alleged victims in  
 191 family abuse cases in which the court is authorized to issue a preliminary protective order under  
 192 § 16.1-253.1, or an emergency protective order under § 16.1-253.4. Such counsel shall have no  
 193 prosecutorial authority except as granted in writing by the attorney for the Commonwealth for the  
 194 jurisdiction in which the representation is to occur.

195 Any attorney appointed under the provisions of this section shall be a volunteer and serve without  
 196 compensation and shall be subject to any rules adopted by the court and approved by the Virginia  
 197 Supreme Court providing for the establishment and conduct of a project providing pro bono services to  
 198 victims of family abuse.

199 § 17.1-113. Places of holding courts; certain orders and decrees entered elsewhere.

200 Every circuit court for any county or city shall be held at the courthouse of such county or city,  
 201 except when some other place is prescribed by law or lawfully appointed. However, the judge of the  
 202 circuit court of any county or city may enter any order or decree at his home or office or elsewhere  
 203 within his circuit.

204 In the interest of justice, the chief judges of the ~~Twenty-first~~ *Fourth* and the ~~Twenty-third~~ *Fifth*  
 205 Judicial Circuits may, by order, designate one or more of the courtrooms of any circuit court within  
 206 their respective circuits as the courtroom or courtrooms in which civil or criminal cases whose venue is  
 207 laid within the circuit may be tried. In criminal cases, jurors summoned to appear at such courtroom or  
 208 courtrooms shall reside in the locality in which the crime was committed, except as otherwise provided  
 209 by law.

210 § 17.1-114. When and how changed.

211 Whenever in the opinion of a circuit court or the judge thereof, the courthouse or other place  
 212 wherein it is required to hold its session cannot or should not for any reason be occupied by it, or if the  
 213 same has been destroyed, or is being repaired, renovated, or enlarged, the court may hold its session at  
 214 such places within the geographical limits of the same judicial circuit as the court may direct by an  
 215 order to its clerk. The court shall continue to hold its sessions in such other place until the courthouse  
 216 or its lawful place of session can be occupied, or until another has been built and fitted for the court's  
 217 occupation, or until such repairs, renovations or additions have been completed, or until some other  
 218 place is designated by the court. Except as provided in subsection C of § 17.1-330 or this section or as  
 219 agreed to by all parties to an action, no session of a circuit court shall be held outside the geographical  
 220 limits of the county or city of which it is the court.

221 In the interest of justice, the chief judges of the ~~Twenty-first~~ *Fourth* and the ~~Twenty-third~~ *Fifth*  
 222 Judicial Circuits may, by order, designate one or more of the courtrooms of any circuit court within  
 223 their respective circuits as the courtroom or courtrooms in which civil or criminal cases whose venue is  
 224 laid within the circuit may be tried. In criminal cases, jurors summoned to appear at such courtroom or  
 225 courtrooms shall reside in the locality in which the crime was committed, except as otherwise provided  
 226 by law.

227 § 17.1-121. Effect of change of time or place of court or failure to sit generally.

228 When the place for holding any court or the day for commencing any term is changed or when a  
 229 court fails to sit on any day appointed for it or to which it may have adjourned there shall be no  
 230 discontinuance, but every notice, recognizance or process given, taken or returnable to the day on which  
 231 the failure occurred, or to any day between that day and the next that the court may sit, or to the day  
 232 and place as it was before such change, and all matters ready for the court to act upon if it had been  
 233 held on any such day shall be in the same condition and have the same effect as if given, taken,  
 234 returnable, or continued to the substituted term or place, or to the next day of the same term that the  
 235 court may sit, or to the next court in course, as the case may be.

236 In the interest of justice, the chief judges of the ~~Twenty-first~~ *Fourth* and the ~~Twenty-third~~ *Fifth*  
 237 Judicial Circuits may, by order, designate one or more of the courtrooms of any circuit court within  
 238 their respective circuits as the courtroom or courtrooms in which civil or criminal cases whose venue is  
 239 laid within the circuit may be tried. In criminal cases, jurors summoned to appear at such courtroom or  
 240 courtrooms shall reside in the locality in which the crime was committed, except as otherwise provided  
 241 by law.

242 § 17.1-501. Judges of circuit courts; selection, powers and duties of chief judges; exercise of  
 243 appointive powers.

244 A. There shall be as many judges of the circuit courts as may be fixed by the General Assembly.  
 245 The judges of each circuit shall select from their number by majority vote a chief judge of the circuit,  
 246 who shall serve for the term of two years. In the event such judges cannot agree as to who shall be  
 247 chief judge, the Chief Justice of the Supreme Court shall act as tie breaker.

248 B. The chief judge of the circuit shall ensure that the system of justice in his circuit operates  
 249 smoothly and efficiently. He shall have authority to assign the work of the circuit among the judges, and  
 250 in doing so he may consider the nature and categories of the cases to be assigned.

251 C. Unless otherwise provided by law, powers of appointment within a circuit shall be exercised by a  
 252 majority of the judges of the circuit; however, the order of appointment may be signed by the chief  
 253 judge or that judge's designee on behalf of the other judges. In case of a tie, the Chief Justice of the  
 254 Supreme Court shall appoint a circuit judge from another circuit who shall act as tie breaker. Where the  
 255 power of appointment is to be exercised by a majority of the judges of the ~~Second~~ Nineteenth Judicial  
 256 Circuit and such appointment is to a local post, board or commission in Accomack or Northampton  
 257 County, the ~~resident~~ judge or judges *who preside in the circuit courts* of the County of Accomack or  
 258 Northampton shall exercise such appointment power as if he or they comprise the majority of the judges  
 259 of the circuit.

260 D. No person shall be appointed or reappointed under this section until he has submitted his  
 261 fingerprints to be used for the conduct of a national criminal records search and a Virginia criminal  
 262 history records search. No person with a criminal conviction for a felony shall be appointed as a judge.

263 § 17.1-506.1. *Judicial circuits.*

264 *On and after July 1, 2012, the Commonwealth shall be divided into circuits encompassing all*  
 265 *counties and cities in the Commonwealth, as follows:*

266 1. *The Cities of Bristol and Norton and the Counties of Dickenson, Lee, Russell, Scott, Washington,*  
 267 *and Wise shall constitute the First Circuit.*

268 2. *The Counties of Bland, Buchanan, Smyth, Tazewell, and Wythe shall constitute the Second Circuit.*

269 3. *The City of Radford and the Counties of Floyd, Giles, Montgomery, and Pulaski shall constitute*  
 270 *the Third Circuit.*

271 4. *The Cities of Roanoke and Salem and the Counties of Craig and Roanoke shall constitute the*  
 272 *Fourth Circuit.*

273 5. *The Cities of Galax and Martinsville and the Counties of Carroll, Franklin, Grayson, Henry, and*  
 274 *Patrick shall constitute the Fifth Circuit.*

275 6. *The Cities of Buena Vista, Covington, and Lexington and the Counties of Alleghany, Bath,*  
 276 *Botetourt, and Rockbridge shall constitute the Sixth Circuit.*

277 7. *The Cities of Harrisonburg, Staunton, Waynesboro, and Winchester and the Counties of Augusta,*  
 278 *Clarke, Frederick, Highland, Page, Rockingham, Shenandoah, and Warren shall constitute the Seventh*  
 279 *Circuit.*

280 8. *The Cities of Manassas and Manassas Park and the Counties of Culpeper, Fauquier, Loudoun,*  
 281 *Madison, Prince William, and Rappahannock shall constitute the Eighth Circuit.*

282 9. *The City of Fairfax and the County of Fairfax shall constitute the Ninth Circuit.*

283 10. *The Cities of Alexandria and Falls Church and the County of Arlington shall constitute the Tenth*  
 284 *Circuit.*

285 11. *The Cities of Bedford and Lynchburg and the Counties of Amherst, Appomattox, Bedford,*  
 286 *Buckingham, Campbell, and Prince Edward shall constitute the Eleventh Circuit.*

287 12. *The City of Danville and the Counties of Brunswick, Charlotte, Greensville, Halifax, Lunenburg,*  
 288 *Mecklenburg, Nottoway, and Pittsylvania shall constitute the Twelfth Circuit.*

289 13. *The City of Charlottesville and the Counties of Albemarle, Fluvanna, Greene, Louisa, Nelson,*  
 290 *and Orange shall constitute the Thirteenth Circuit.*

291 14. *The Cities of Colonial Heights and Petersburg and the Counties of Amelia, Chesterfield,*  
 292 *Cumberland, Dinwiddie, and Powhatan shall constitute the Fourteenth Circuit.*

293 15. *The City of Richmond and the Counties of Charles City, Goochland, Hanover, Henrico, and New*  
 294 *Kent shall constitute the Fifteenth Circuit.*

295 16. *The Cities of Emporia, Franklin, and Hopewell and the Counties of Prince George, Southampton,*  
 296 *Surry, and Sussex shall constitute the Sixteenth Circuit.*

297 17. *The City of Fredericksburg and the Counties of Caroline, Essex, Gloucester, King and Queen,*  
 298 *King George, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, Spotsylvania,*  
 299 *Stafford, and Westmoreland shall constitute the Seventeenth Circuit.*

300 18. *The Cities of Hampton, Newport News, Poquoson, and Williamsburg and the Counties of James*  
 301 *City and York shall constitute the Eighteenth Circuit.*

302 19. *The Cities of Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach and the Counties of*

- 303 *Accomack, Isle of Wight, and Northampton shall constitute the Nineteenth Circuit.*  
 304 *§ 17.1-507.1. Number of judges; residence requirement; compensation; powers; etc.*  
 305 *A. For the several judicial circuits there shall be judges, the number as hereinafter set forth, who*  
 306 *shall during their service reside within their respective circuits, subject to the provisions of § 17.1-508,*  
 307 *and whose compensation and powers shall be the same as now and hereafter prescribed for circuit*  
 308 *judges.*  
 309 *The number of judges of the circuits shall be as follows:*  
 310 *First - 6*  
 311 *Second - 4*  
 312 *Third - 3*  
 313 *Fourth - 6*  
 314 *Fifth - 5*  
 315 *Sixth - 3*  
 316 *Seventh - 6*  
 317 *Eighth - 10*  
 318 *Ninth - 15*  
 319 *Tenth - 5*  
 320 *Eleventh - 5*  
 321 *Twelfth - 5*  
 322 *Thirteenth - 4*  
 323 *Fourteenth - 7*  
 324 *Fifteenth - 13*  
 325 *Sixteenth - 2*  
 326 *Seventeenth - 8*  
 327 *Eighteenth - 10*  
 328 *Nineteenth - 29*  
 329 *B. The Judicial Council of Virginia periodically shall make a study of the need for additional circuit*  
 330 *court judges and report its findings and recommendations to the Committees for Courts of Justice of the*  
 331 *House of Delegates and Senate.*  
 332 *C. If the Judicial Council finds the need for an additional circuit court judge after a study is made*  
 333 *pursuant to subsection B, the study shall be made available to the Compensation Board and the*  
 334 *Committees for Courts of Justice of the House of Delegates and Senate, and the Judicial Council shall*  
 335 *publish notice of such finding in a publication of general circulation among attorneys licensed to*  
 336 *practice in the Commonwealth. The Compensation Board shall make a study of the need to provide*  
 337 *additional courtroom security and deputy court clerk staffing. This study shall be reported to the*  
 338 *Committees for Courts of Justice of the House of Delegates and the Senate and to the Department of*  
 339 *Planning and Budget.*  
 340 *§ 17.1-508. Judges in new or changed circuits; ratifying, validating and confirming certain actions.*  
 341 *In any case heretofore or hereafter arising in which a judge has been judge of a circuit created under*  
 342 *§ 17.1-506 as amended, or § 17.1-506.1 as amended, and the counties and cities, or one or more of*  
 343 *them, have been transferred to and constituted as part of a new judicial circuit and the remaining*  
 344 *counties and cities constituted as a circuit, the judges of the respective circuits are hereby declared to be*  
 345 *judges of said circuits in which they reside or in which they preside and their actions are hereby ratified,*  
 346 *validated and confirmed.*  
 347 *§ 17.1-510. Election of judge of new circuit; how court held meanwhile.*  
 348 *If a new or additional circuit is created, a judge or judges shall be elected or appointed thereto in the*  
 349 *same manner as provided by law for the filling of vacancies or newly created judgeships in existing*  
 350 *circuits.*  
 351 *During any vacancy from the creation of the new circuit until a judge has been elected or appointed*  
 352 *to fill the vacancy and has qualified, terms of the court shall be held by a judge or by judges designated*  
 353 *as provided by law in cases of vacancies.*  
 354 *Nothing herein shall require the election or reelection of any judge who has been duly elected or*  
 355 *appointed as a judge simply due to a change in the geographical boundaries of a circuit.*  
 356 *§ 17.1-511. Investigation and certification of necessity before vacancies filled.*  
 357 *When a vacancy occurs in the office of judge of any court of record, ~~the vacancy shall not be filled~~*  
 358 *~~until, after investigation,~~ the Supreme Court certifies shall certify that the filling of the vacancy is or is*  
 359 *not necessary. If the Court certifies that the filling of the vacancy is necessary, the Court shall publish*  
 360 *notice of such certification in a publication of general circulation among attorneys licensed to practice in*  
 361 *the Commonwealth. No notice of retirement submitted under § 51.1-305 or § 51.1-307 shall be revoked*  
 362 *after certification of the vacancy by the Court. If the Court certifies that the filling of the vacancy is not*  
 363 *necessary, it shall recommend to the General Assembly the manner of distributing the work of the*  
 364 *judge; and the Governor shall not fill the vacancy.*

365 § 19.2-6. Appointive power of circuit courts.

366 Unless otherwise specifically provided, whenever an appointive power is given to the judge of a  
367 circuit court, that power shall be exercised by a majority of the judges of the circuit. In case of a tie,  
368 such fact shall be communicated to the Chief Justice of the Supreme Court, who shall appoint a circuit  
369 judge from another circuit who shall act as a tie breaker. Where the power of appointment is to be  
370 exercised by a majority of the judges of the ~~Second~~ *Nineteenth* Judicial Circuit and such appointment is  
371 to a local post, board or commission in Accomack or Northampton County, the ~~resident~~ judge or judges  
372 *who preside in the circuit courts* of the County of Accomack or Northampton shall exercise such  
373 appointment power as if he or they comprise the majority of the judges of the Circuit.

374 § 55-168. Appointment of escheators.

375 The Governor shall appoint one escheator for every judicial circuit as set forth in ~~§ 17.1-506~~, to  
376 serve at the pleasure of the Governor. Such escheator shall reside within a *the* circuit to which he is  
377 appointed.

378 **2. That §§ 16.1-69.6, 16.1-69.6:1, 17.1-506, and 17.1-507 of the Code of Virginia are repealed.**

379 **3. That the provisions of this act shall become effective on July 1, 2012.**

INTRODUCED

SB1240

APPENDIX B  
LETTER FROM THE HONORABLE HENRY L. MARSH, III

SENATE OF VIRGINIA

HENRY L. MARSH, III  
16TH SENATORIAL DISTRICT  
ALL OF DINWIDDIE COUNTY; ALL OF THE  
CITY OF PETERSBURG; PART OF CHESTERFIELD  
AND PRINCE GEORGE COUNTIES; AND PART  
OF THE CITIES OF HOPEWELL AND RICHMOND  
422 EAST FRANKLIN STREET, SUITE 301  
RICHMOND, VIRGINIA 23219



COMMITTEE ASSIGNMENTS:  
COURTS OF JUSTICE, CHAIR  
FINANCE  
LOCAL GOVERNMENT  
TRANSPORTATION  
RULES

February 25, 2011

The Honorable Cynthia F. Kinser  
Supreme Court of Virginia  
185 Redwood Avenue, Suite 101  
P. O. Box 457  
Pennington Gap, Virginia 24277

Dear Chief Justice Kinser:

The Committees for Courts of Justice considered Senate Bill 1240 and House Bill 1990 during the 2011 Session providing for a realignment of the judicial circuits. Although these bills did not pass, it was not for lack of support, but in deference to the Court and a desire to receive the input of the Court prior to passage.

Accordingly, I request, on behalf of the Senate Courts Committee, your review of the proposed judicial circuits and your advice on changes in the boundary lines and the number of judges to serve in each court level in each circuit.

I plan to call a meeting of a subcommittee of the Senate Courts Committee for early November to review any changes in boundaries and number of judges you wish to recommend. This will allow ample time for bill and budget requests to be submitted for consideration during the 2012 Session of the General Assembly.

After legislative redistricting is complete, the Division of Legislative Services has volunteered to make its Redistricting Section available to assist the Court with statistical mapping and to provide the Court with information from the U. S. Census Bureau in any form you find useful.

Thank you for your consideration of these important measures. I look forward to receiving your input by November 1, 2011.

Respectfully,

A handwritten signature in black ink that reads "Henry L. Marsh, III".

Henry L. Marsh, III, Chairman  
Committee for Courts of Justice

**APPENDIX C**  
**JUDICIAL BOUNDARY REALIGNMENT STUDY**  
**COMMITTEE MEMBERSHIP LIST**

The Honorable William N. Alexander II, Judge  
Twenty-second Judicial Circuit

The Honorable Lisa Bondareff Kemler, Judge  
Eighteenth Judicial Circuit

Ms. Yvette A. Ayala, Chief Magistrate  
Sixteenth Judicial District

Ms. Ann B. Lloyd, Clerk  
Twenty-sixth Judicial District

The Honorable Rufus A. Banks, Jr., Judge  
First Judicial District

Ms. Yvette M. Pennington, Clerk  
Twenty-seventh Judicial District

The Honorable Pamela S. Baskervill, Judge  
Eleventh Judicial Circuit

The Honorable Robert A. Pustilnik, Judge  
Thirteenth Judicial District

The Honorable J. Martin Bass, Judge  
Fifteenth Judicial Circuit

The Honorable Joseph S. Tate, Judge  
Twenty-eighth Judicial District

Mr. Irving M. Blank, President  
Virginia State Bar

The Honorable Wilford Taylor, Jr., Judge  
Eighth Judicial Circuit

The Honorable R. Edwin Burnette, Jr., Judge  
Twenty-fourth Judicial District

Ms. Lucia Anna Trigiani, President  
The Virginia Bar Association

The Honorable Teresa M. Chafin, Judge  
Twenty-ninth Judicial Circuit

The Honorable Janice J. Wellington, Judge  
Thirty-first Judicial District

Ms. Theresa A. Childress, Clerk  
Twenty-third Judicial District

The Honorable E.E. Coleman, Jr., Clerk  
Tenth Judicial Circuit

The Honorable Walter S. Felton, Jr., Chief Judge  
Court of Appeals of Virginia

The Honorable Anita D. Filson, Judge  
Twenty-fifth Judicial District

Mr. Jack L. Harris\*, Executive Director  
Virginia Trial Lawyers Association

The Honorable Thomas D. Horne, Judge (Chair)  
Twentieth Judicial Circuit

\* Matthew B. Murray, the Immediate Past President of the Virginia Trial Lawyers Association (VTLA), was initially appointed as the VTLA representative. Mr. Murray resigned from the Study Committee by letter dated July 7, 2011.

**APPENDIX D**  
**JUDICIAL BOUNDARY REALIGNMENT STUDY**  
**EXECUTIVE COMMITTEE AND SUBCOMMITTEE MEMBERSHIP LIST**

**Executive Committee**

Judge Thomas D. Horne, Chair  
Judge William N. Alexander, II  
Judge Pamela S. Baskervill  
Judge J. Martin Bass  
Judge Wilford Taylor, Jr.

**Statutory Subcommittee**

Judge J. Martin Bass, Chair  
Ms. Theresa A. Childress  
Judge Walter S. Felton, Jr.  
Judge Joseph S. Tate  
Ms. Lucia Anna Trigiani

**Implementation and Fiscal Impact Subcommittee**

Judge William N. Alexander, II, Chair  
Ms. Yvette A. Ayala  
Judge Rufus A. Banks, Jr.  
Mr. Irving M. Blank  
Ms. Yvette M. Pennington  
Judge Robert A. Pustilnik

**Interagency Impact Subcommittee**

Judge Pamela S. Baskervill, Chair  
Mr. E.E. Coleman, Jr.  
Judge Anita D. Filson  
Mr. Jack L. Harris  
Ms. Ann B. Lloyd

**Chief Judge Duties Subcommittee**

Judge Wilford Taylor, Jr., Chair  
Judge R. Edwin Burnette, Jr.  
Judge Teresa M. Chafin  
Judge Lisa Bondareff Kemler  
Judge Janice J. Wellington

**APPENDIX E**  
**JUDICIAL BOUNDARY REALIGNMENT STUDY**  
**STATUTORY PROPOSAL - REGIONAL APPROACH**

**Provisions Applicable to District Courts:**

**§ 16.1-69.6:2 Judicial Regions**

- A. *The Commonwealth shall be divided into 12 judicial regions.*
1. *The first judicial region shall be comprised of the first and second judicial districts, and judicial district 2-A.*
  2. *The second judicial region shall be comprised of the third and fourth judicial districts.*
  3. *The third judicial region shall be comprised of the seventh and eighth judicial districts.*
  4. *The fourth judicial region shall be comprised of the fifth, sixth and eleventh judicial districts.*
  5. *The fifth judicial region shall be comprised of the twelfth, thirteenth and fourteenth judicial districts.*
  6. *The sixth judicial region shall be comprised of the ninth and fifteenth judicial districts.*
  7. *The seventh judicial region shall be comprised of the seventeenth, eighteenth, nineteenth, twentieth, and thirty-first judicial districts.*
  8. *The eighth judicial region shall be comprised of the sixteenth judicial district.*
  9. *The ninth judicial region shall be comprised of the tenth, twenty-second, and twenty-fourth judicial districts.*
  10. *The tenth judicial region shall be comprised of the twenty-fifth and twenty-sixth judicial districts.*
  11. *The eleventh judicial region shall be comprised of the twenty-first, twenty-third and twenty-seventh judicial districts.*
  12. *The twelfth judicial region shall be comprised of the twenty-eighth, twenty-ninth and thirtieth judicial districts.*
- B. *A judge of a district court, when called upon to do so in accordance with the provisions of subsection (4)(a) of § 16.1-69.35, shall be authorized to preside without a designation in any district within the region and shall perform all the duties and exercise all the powers and jurisdiction as any judge of the district for which the judge is authorized to assist. It shall be the obligation of each district judge to provide assistance to other district courts within the region when called upon to assist.*
- C. *The chief general district court judges of each region shall meet at least semi-annually for the purpose of reviewing the workload of the general district courts in the judicial region and planning for the assignment of judges within the region to efficiently manage the workload in such courts. The Office of the Executive Secretary shall provide, for use at these meetings, data reflecting the schedules and workloads of the general district courts within the region. In the event the chief general district judges of a region fail to agree regarding the assignment of judges in the region, any chief general district judge of the region may request the intervention of the Chief Justice who may assign judges within the region to promote the efficient and effective administration of justice.*

*D. The chief juvenile and domestic relations district court judges of each region shall meet at least semi-annually for the purpose of reviewing the workload of the juvenile and domestic relations district courts in the judicial region and planning for the assignment of judges within the region to efficiently manage the workload in such courts. The Office of the Executive Secretary shall provide, for use at these meetings, data reflecting the schedules and workloads of the juvenile and domestic relations district courts within the region. In the event the chief juvenile and domestic relations district judges of a region fail to agree regarding the assignment of judges in the region, any chief juvenile and domestic relations district judge of the region may request the intervention of the Chief Justice who may assign judges within the region to promote the efficient and effective administration of justice.*

**§ 16.1-69.35. Administrative duties of chief district judge.**

The chief judge of each district shall have the following administrative duties and authority with respect to his district:

1. When any district court judge is under any disability or for any other cause is unable to hold court and the chief judge determines that assistance is needed:

a. The chief district judge shall designate a judge within the district or a judge of another district court within the Commonwealth, if one is reasonably available, to hear and dispose of any action or actions properly coming before such district court for disposition;

b. If unable to designate a judge as provided in subdivision 1 a, the chief district judge may designate a retired district judge for such hearing and disposition if such judge consents; or

c. If unable to assign a retired district court judge, the chief district judge may designate a retired circuit court judge if such judge consents or the chief district judge may request that the Chief Justice of the Supreme Court designate a circuit judge if such judge consents.

If no judges are available under subdivision a, b or c, then a substitute judge shall be designated pursuant to § 16.1-69.21.

While acting, any judge so designated shall have all the authority and power of the judge of the court, and his order or judgment shall, to all intents and purposes, be the judgment of the court. A general district court judge designated pursuant to subdivision 1 a, may, with his consent, substitute for or replace a juvenile and domestic relations district court judge, and vice versa. The names of the judges designated under subdivisions b and c shall be selected from a list provided by the Executive Secretary and approved by the Chief Justice of the Supreme Court.

2. The chief general district court judge of a district may designate any juvenile and domestic relations district court judge of the district, with the judge's consent, for an individual case or to sit and hear cases for a period of not more than one year, in any of the general district courts within the district. The chief juvenile and domestic relations district court judge of a district may designate any general district court judge of the district, with the judge's consent, for an individual case or to sit and hear cases for a period of not more than one year, in any of the

juvenile and domestic relations district courts within the district. Every judge so designated shall have the same powers and jurisdiction and be authorized to perform the same duties as any judge of the district for which he is designated to assist, and, while so acting, his order or judgment shall be, for all purposes, the judgment of the court to which he is assigned.

3. ~~If~~ *In addition to the provisions of § 16.1-69.6:2, if* on account of congestion in the work of any district court or when, in ~~his~~ *the* opinion of the Chief Justice of the Supreme Court, the administration of justice so requires, the Chief Justice of the Supreme Court may, ~~upon his own initiative~~ *sua sponte* or upon written application of the chief district court judge desiring assistance, designate a judge from another district or any circuit court judge, if such circuit court judge consents, or a retired judge to provide judicial assistance to such district. Every judge so designated shall have the same powers and jurisdiction and be authorized to perform the same duties as any judge of the district for which he is designated to assist and while so acting his order or judgment shall be, to all intents and purposes, the judgment of the court to which he is assigned.

4. Subject to such rules as may be established pursuant to § 16.1-69.32:

*a. The chief judge shall have authority to assign the work of the district among the judges, including assigning judges to particular courts within the district ~~or region~~ as may be necessary, and in doing so the chief judge may consider the nature and categories of the cases to be assigned. The chief judge shall have the authority to assign judges of the district to particular courts within the region with the agreement of the chief judges of the region as provided for in § 16.1-69.6:2.*

*b. The chief judge may establish special divisions of any general district court when the work of the court may be more efficiently handled thereby such as through the establishment of special civil, criminal or traffic divisions, and he may assign the judges of the general district court with respect to serving such special divisions. In the City of Richmond the general district court shall, in addition to any specialized divisions, maintain a separate division of such court in that part of Richmond south of the James River with concurrent jurisdiction in civil matters whenever one or more of the defendants reside or the cause of action or any part thereof arises in that part of the city, concurrent jurisdiction over all traffic matters arising in that part of the city and exclusive jurisdiction over all other criminal matters arising in that part of the city.*

5. Subject to such rules as may be established pursuant to § 16.1-69.32, the chief judge shall determine when the district courts or divisions of such courts shall be open for the transaction of business. The chief judge or presiding judge of any district court may authorize the clerk's office to close on any date when the chief judge or presiding judge determines that operation of the clerk's office, under prevailing conditions, would constitute a threat to the health or safety of the clerk's office personnel or the general public. Closing of the clerk's office pursuant to this subsection shall have the same effect as provided in subsection B of § 1-210. In determining whether to close because of a threat to the health or safety of the general public, the chief judge or the presiding judge of the district court shall coordinate with the chief judge or presiding judge of the circuit court so that, where possible and appropriate, both the circuit and district courts take the same action. He shall determine the times each such court shall be held for the trial of civil, criminal or traffic matters and cases. He shall determine whether, in the case of district

courts in counties, court shall be held at any place or places in addition to the county seat. He shall determine the office hours and arrange a vacation schedule of the judges within his district, in order to ensure the availability of a judge or judges to the public at normal times of business. A schedule of the times and places at which court is held shall be filed with the Executive Secretary of the Supreme Court and kept posted at the courthouse, and in any county also at any such other place or places where court may be held, and the clerk shall make such schedules available to the public upon request. Any matter may, in the discretion of the judge, or by direction of the chief district judge, be removed from any one of such designated places to another, or to or from the county seat, in order to serve the convenience of the parties or to expedite the administration of justice; however, any town having a population of over 15,000 as of July 1, 1972, having court facilities and a court with both general criminal and civil jurisdiction prior to July 1, 1972, shall be designated by the chief judge as a place to hold court.

6. Subject to the provisions of § 16.1-69.38, the chief judge of a general district court or the chief judge of a juvenile and domestic relations district court may establish a voluntary civil mediation program for the alternate resolution of disputes. The costs of the program shall be paid by the local governing bodies within the district or by the parties who voluntarily participate in the program.

**Provisions Applicable to Circuit Courts:**

**§ 17.1-105. Designation of judges to hold courts and assist other judges.**

A. If a judge of any court of record is absent, sick or disabled or for any other reason unable to hold any regular or special term of the court, or any part thereof, or to perform or discharge any official duty or function authorized or required by law, a judge or retired judge of any court of record may be obtained by personal request of the disabled judge, or another judge of the circuit to hold the court for the whole or any part of such regular or special term and to discharge during vacation such duty or function, or, if the circumstances require, to perform all the duties and exercise all the powers and jurisdiction as judges of such circuit until the judge is again able to attend his duties. The designation of such judge shall be entered in the civil order book of the court, and a copy thereof sent to the Chief Justice of the Supreme Court. The Chief Justice shall be notified forthwith at the time any disabled judge is able to return to his duties.

B. If all the judges of any court of record are so situated in respect to any case, civil or criminal, pending in their court as to render it improper, in their opinion, for them to preside at the trial, unless the cause or proceeding is removed, as provided by law, they shall enter the fact of record and the clerk of the court shall at once certify the same to the Chief Justice of the Supreme Court, who shall designate a judge of some other court of record or a retired judge of any such court to preside at the trial of such case.

C. If a vacancy occurs in the office of a judge of a court of record that fact shall be immediately certified by the clerk of such court to the Governor, who may, instead of appointing a successor at once, request the Chief Justice to designate a judge of some other court of record or a retired judge of any such court to carry out the duties of the office, if there are insufficient judges in the circuit to carry out the work of the court, until the office has been filled in the mode prescribed

by law. If any judge so designated shall be prevented by the duties of his court, or by sickness, from performing the duties required, he shall so inform the Chief Justice, who may designate another judge in his place.

D. *In addition to the provisions of § 17.1-506.1, ~~Due to~~ if on account of congestion in the work of any court of record or when, in ~~his~~the opinion of the Chief Justice of the Supreme Court, the administration of justice so requires, the Chief Justice may, ~~upon his own initiative~~ sua sponte or upon application of the judge desiring assistance, designate a judge or retired judge of any court of record to assist the judge in the performance of his duties and every judge so designated shall have the same powers and jurisdiction and be authorized to perform the same duties as the judge whom he is designated to assist.*

E. Any judge or retired judge sitting under any provision of this section or sitting by designation on any three-judge court shall receive from the state treasury actual expenses for the time he is actually engaged in holding court, except in those cases where the payment of such expenses is otherwise specifically provided by law.

F. The powers and duties herein conferred and imposed upon the Chief Justice may be exercised and performed by any justice, or any committee of justices, of the Court, designated by the Chief Justice for such purpose.

G. If the chief judge of any circuit is unable to perform the duties required by law, he shall notify the Chief Justice, who shall designate another judge of the same circuit to perform such duties.

H. If any judge refuses unreasonably to serve as requested under the provisions of this section, the chief judge may report his refusal to the Judicial Inquiry and Review Commission.

**§ 17.1-501. Judges of circuit courts; selection, powers and duties of chief judges; exercise of appointive powers.**

A. There shall be as many judges of the circuit courts as may be fixed by the General Assembly. The judges of each circuit shall select from their number by majority vote a chief judge of the circuit, who shall serve for the term of two years. In the event such judges cannot agree as to who shall be chief judge, the Chief Justice of the Supreme Court shall act as tie breaker.

B. The chief judge of the circuit shall ensure that the system of justice in ~~his~~the circuit operates smoothly and efficiently. ~~He~~The chief circuit judge shall have authority to assign the work of the circuit among the judges, *including assigning judges to particular courts within the circuit as may be necessary*, and in doing so ~~he~~the chief judge may consider the nature and categories of the cases to be assigned. *The chief judge shall have the authority to assign judges of the circuit to particular courts within the region with the agreement of the chief judges of the region as provided for in § 17.1-506.1.*

C. Unless otherwise provided by law, powers of appointment within a circuit shall be exercised by a majority of the judges of the circuit; however, the order of appointment may be signed by the chief judge or that judge's designee on behalf of the other judges. In case of a tie, the Chief

Justice of the Supreme Court shall appoint a circuit judge from another circuit who shall act as tie breaker. Where the power of appointment is to be exercised by a majority of the judges of the Second Judicial Circuit and such appointment is to a local post, board or commission in Accomack or Northampton County, the resident judge or judges of the County of Accomack or Northampton shall exercise such appointment power as if he or they comprise the majority of the judges of the circuit.

D. No person shall be appointed or reappointed under this section until he has submitted his fingerprints to be used for the conduct of a national criminal records search and a Virginia criminal history records search. No person with a criminal conviction for a felony shall be appointed as a judge.

**§ 17.1-506.1 Judicial Regions**

*A. The Commonwealth shall be divided into 12 judicial regions.*

- 1. The first judicial region shall be comprised of the first and second judicial circuits.*
- 2. The second judicial region shall be comprised of the third and fourth judicial circuits.*
- 3. The third judicial region shall be comprised of the seventh and eighth judicial circuits.*
- 4. The fourth judicial region shall be comprised of the fifth, sixth and eleventh judicial circuits.*
- 5. The fifth judicial region shall be comprised of the twelfth, thirteenth and fourteenth judicial circuits.*
- 6. The sixth judicial region shall be comprised of the ninth and fifteenth judicial circuits.*
- 7. The seventh judicial region shall be comprised of the seventeenth, eighteenth, nineteenth, twentieth, and thirty-first judicial circuits.*
- 8. The eighth judicial region shall be comprised of the sixteenth judicial circuit.*
- 9. The ninth judicial region shall be comprised of the tenth, twenty-second, and twenty-fourth judicial circuits.*
- 10. The tenth judicial region shall be comprised of the twenty-fifth and twenty-sixth judicial circuits.*
- 11. The eleventh judicial region shall be comprised of the twenty-first, twenty-third and twenty-seventh judicial circuits.*
- 12. The twelfth judicial region shall be comprised of the twenty-eighth, twenty-ninth and thirtieth judicial circuits.*

*B. A judge of a circuit court, when called upon to do so in accordance with the provisions of subsection (B) of § 17.1-501, shall be authorized to preside without a designation in any circuit within the region and shall perform all the duties and exercise all the powers and jurisdiction as any judge of the circuit for which the judge is authorized to assist. It shall be the obligation of each circuit judge to provide assistance to other circuit courts within the region when called upon to assist.*

*C. The chief circuit court judges of each region shall meet at least semi-annually for the purpose of reviewing the workload of the circuit courts in the judicial region and planning for the assignment of judges within the region to efficiently manage the workload in such courts. The Office of the Executive Secretary shall provide, for use at these meetings, data reflecting the*

*schedules and workloads of the circuit courts within the regions. In the event the chief circuit judges of a region fail to agree regarding the assignment of judges in the region, any chief circuit judge within the region may request the intervention of the Chief Justice who may assign judges within the region to promote the efficient and effective administration of justice.*

**APPENDIX F**  
**JUDICIAL BOUNDARY REALIGNMENT STUDY TIME LINE**

<b>Mid-March to Late March</b>	<ul style="list-style-type: none"> <li>• Memo from the Chief Justice about the study was sent to circuit and district judges and clerks</li> <li>• Initial survey was sent to circuit and district judges and clerks seeking input regarding factors for Study Committee to consider</li> <li>• Letters from the Chief Justice were sent appointing members to the Committee</li> <li>• Letters from the Chief Justice were sent to affected entities (including all statewide bar associations and the Conference of Local Bar Associations) seeking input regarding factors for Study Committee to consider</li> </ul>
<b>April 14</b>	<ul style="list-style-type: none"> <li>• Initial meeting of the Study Committee and the four Subcommittees</li> </ul>
<b>April 28</b>	<ul style="list-style-type: none"> <li>• Weekly activity logs sent to judges for use Monday, May 2<sup>nd</sup> – Friday, May 27<sup>th</sup> (completed logs to be returned weekly)</li> <li>• Survey sent to all clerks requesting scheduling information for all courts</li> </ul>
<b>Early May to Mid-June</b>	<ul style="list-style-type: none"> <li>• Judges’ weekly activity logs, responses to clerk scheduling surveys and other data analyzed, and alternative boundary realignment proposals developed</li> <li>• Subcommittees and Executive Committee meetings held</li> </ul>
<b>June 20</b>	<ul style="list-style-type: none"> <li>• Subcommittee meetings</li> <li>• Subcommittee Chairs report to full Committee</li> <li>• Study Committee met to review and discuss alternative proposals prepared, and determined which proposals would be presented at regional meetings</li> </ul>
<b>Late June</b>	<ul style="list-style-type: none"> <li>• Alternative proposals revised in accordance with Study Committee recommendations in preparation for regional meetings</li> </ul>
<b>July</b>	<ul style="list-style-type: none"> <li>• Regional public meetings and regional judges meetings held to review the alternative plans and seek feedback/input: <ul style="list-style-type: none"> <li>○ <b>Thursday, July 7, 2011 - Far Southwest Virginia</b> 4:00 p.m. – Judges meeting at Washington County General District Court 6:00 p.m. – Public meeting at Virginia Highlands Community College (Abingdon)</li> <li>○ <b>Monday, July 11, 2011 - Central Virginia</b> 4:00 p.m. – Judges meeting at Henrico Circuit Court 6:00 p.m. – Public meeting at J. Sargeant Reynolds – Parham Road Campus (Richmond)</li> <li>○ <b>Wednesday, July 13, 2011 at 7:00 p.m. - Northern Virginia</b> 4:00 p.m. – Judges meeting at Fairfax Courthouse 7:00 p.m. – Public meeting at George Mason University (Fairfax)</li> <li>○ <b>Thursday, July 14, 2011 at 7:00 p.m. - Hampton Roads</b> 4:00 p.m. – Judges meeting at Portsmouth Circuit Court 7:00 p.m. – Public meeting at Tidewater Community College (Portsmouth)</li> <li>○ <b>Monday, July 18, 2011 at 6:00 p.m. – Shenandoah Valley</b> 4:00 p.m. – Judges meeting at Staunton Circuit Court 6:00 p.m. – Public meeting at Blue Ridge Community College (Weyers Cave)</li> <li>○ <b>Thursday, July 21, 2011 at 6:00 p.m. – Southside Virginia</b> 4:00 p.m. – Judges meeting at Danville Circuit Court 6:00 p.m. – Public meeting at Danville Community College (Danville)</li> </ul> </li> </ul>
<b>Late July to Late August</b>	<ul style="list-style-type: none"> <li>• Subcommittees and Executive Committee met as needed to respond to feedback from regional meetings and prepare recommendations for full Committee</li> </ul>
<b>August 23</b>	<ul style="list-style-type: none"> <li>• Executive Committee met to finalize its recommendations to full Committee and prepare for final meeting</li> </ul>

<b>August 26</b>	<ul style="list-style-type: none"><li>• Final Study Committee meeting held and recommendations adopted</li></ul>
<b>September 19</b>	<ul style="list-style-type: none"><li>• Joint Committee on District Courts/Judicial Council Meeting – presentation of Committee's final recommendations</li></ul>
<b>October</b>	<ul style="list-style-type: none"><li>• Report drafted in accordance with Study Committee recommendations and submitted to Supreme Court for approval</li></ul>
<b>November 1</b>	<ul style="list-style-type: none"><li>• Final report submitted to Senate Courts of Justice Committee</li></ul>

**APPENDIX G**  
**JUDICIAL BOUNDARY REALIGNMENT STUDY JUDGES' SURVEY**

## 2011 Judicial Boundary Realignment Study

This nine-question survey is designed to collect information on the factors and issues that judges and clerks believe should be considered in conducting a study for realigning the boundaries of the judicial circuits and districts in Virginia. Questions 1 through 5 and Question 7 are mandatory and must be completed in order for you to submit your responses.

Prior to clicking the "Done" button on the final page, you may review and change answers on prior pages. Click the "Prev" and "Next" buttons at the bottom of each page to navigate between pages. Once you have completed the survey, you will need to click the "Done" button on the last page in order for your survey responses to be submitted for consideration.

**\* 1. Please indicate whether you are a judge or a clerk of court. (No other positions are being surveyed at this time.)**

Judge

Clerk

## 2011 Judicial Boundary Realignment Study

Judge's Profile

**\* 2. What is your name?**

**\* 3. In what type of court do you preside?**

Circuit

General District

Juvenile & Domestic Relations District

**\* 4. Please select the number of the circuit or district in which you preside.**

Jurisdiction Number

Circuit / District

## 2011 Judicial Boundary Realignment Study

Factors and Issues for Determining Circuits / Districts

**\* 5. Please indicate which of the following factors and issues you believe should or should not be considered in determining the boundaries of judicial circuits / districts in Virginia.**

**Answer options are: Yes (Consider / Use) and No (Don't Consider / Use).**

	Yes	No
Commenced / new cases per judge	<input type="radio"/>	<input type="radio"/>
Concluded cases per judge	<input type="radio"/>	<input type="radio"/>
Hearings per judge	<input type="radio"/>	<input type="radio"/>
Bench time	<input type="radio"/>	<input type="radio"/>
Length of workday for judges	<input type="radio"/>	<input type="radio"/>
Judges' travel time between courthouses	<input type="radio"/>	<input type="radio"/>
Current case scheduling / use of segmented dockets	<input type="radio"/>	<input type="radio"/>
Current judges' residences (jurisdictions)	<input type="radio"/>	<input type="radio"/>
Total clerk / deputy clerk positions	<input type="radio"/>	<input type="radio"/>
Communities of interest (economic, social, and cultural)	<input type="radio"/>	<input type="radio"/>
Percentage of non-English-speaking litigants	<input type="radio"/>	<input type="radio"/>
Percentage of attorney- vs. self-represented litigants	<input type="radio"/>	<input type="radio"/>
Population trends / demographics of community	<input type="radio"/>	<input type="radio"/>
Geography	<input type="radio"/>	<input type="radio"/>
Court administration / chief judge duties	<input type="radio"/>	<input type="radio"/>
Service delivery areas for state & local agencies (e.g., community services boards, regional jails, & public defender offices.)	<input type="radio"/>	<input type="radio"/>

Other (please specify)

**6. For any factors or issues that you believe SHOULD NOT be considered (the NO responses to Question 5), please explain why they should not be considered.**

## 2011 Judicial Boundary Realignment Study

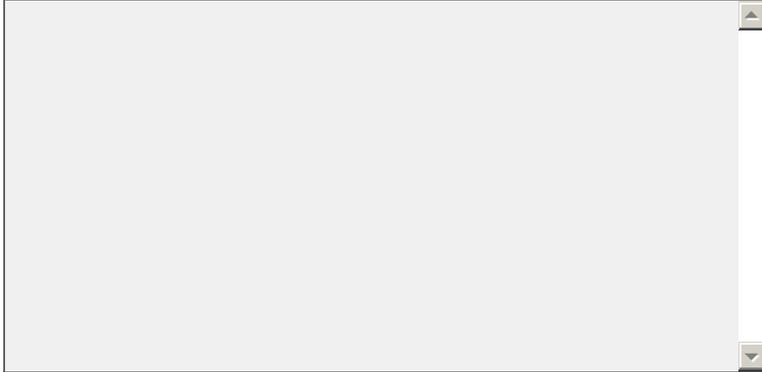
**\* 7. Among the factors or issues that you feel SHOULD be considered (the YES responses to Question 5), please select the five that you feel are most important and rank them "1" to "5" with "1" being the most important. [NOTE: The survey will not allow you to rank more than five.]**

- Commenced / new cases per judge
- Concluded cases per judge
- Hearings per judge
- Bench time
- Length of workday for judges
- Judges' travel time between courthouses
- Current case scheduling / use of segmented dockets
- Current judges' residences (jurisdictions)
- Total clerk / deputy clerk positions
- Communities of interest (economic, social, and cultural)
- Percentage of non-English-speaking litigants
- Percentage of attorney- vs. self-represented litigants
- Population trends / demographics of community
- Geography
- Court administration / chief judge duties
- Service delivery areas for state & local agencies (e.g., community services boards, regional jails, & public defender offices.)
- Other factor(s) / issue(s) specified in response to Question 5

**8. Please explain why the five factors or issues that you ranked above are more important for consideration than others.**

## 2011 Judicial Boundary Realignment Study

**9. Please provide any additional suggestions or comments you have for realigning the boundaries of the judicial circuits and districts in Virginia.**



## 2011 Judicial Boundary Realignment Study

Thank you for completing this survey. Your answers will be analyzed as part of the Judicial Boundary Realignment Study and will help determine the factors and issues that will be considered in making recommendations for the realignment of the circuit and district boundaries.

Please click on the "Done" button in order to submit your survey responses.

**APPENDIX H**  
**JUDICIAL BOUNDARY REALIGNMENT STUDY CLERKS' SURVEY**

**2011 Judicial Boundary Realignment Study**

Clerk's Profile

**\* 1. What is your name?**

**\* 2. In what type of court do you work?**

- Circuit
- General District
- Juvenile & Domestic Relations District
- Combined District

**\* 3. Please provide the number of the circuit or district in which you work.**

	Jurisdiction Number
Circuit / District	<input type="text"/>

## 2011 Judicial Boundary Realignment Study

Factors and Issues for Determining Circuits / Districts

**\* 4. Please indicate which of the following factors and issues you believe should or should not be considered in determining the boundaries of judicial circuits / districts in Virginia.**

**Answer options are: Yes (Consider / Use) and No (Don't Consider / Use).**

	Yes	No
Commenced / new cases per judge	<input type="radio"/>	<input type="radio"/>
Concluded cases per judge	<input type="radio"/>	<input type="radio"/>
Hearings per judge	<input type="radio"/>	<input type="radio"/>
Bench time	<input type="radio"/>	<input type="radio"/>
Length of workday for judges	<input type="radio"/>	<input type="radio"/>
Judges' travel time between courthouses	<input type="radio"/>	<input type="radio"/>
Current case scheduling / use of segmented dockets	<input type="radio"/>	<input type="radio"/>
Current judges' residences (jurisdictions)	<input type="radio"/>	<input type="radio"/>
Total clerk / deputy clerk positions	<input type="radio"/>	<input type="radio"/>
Communities of interest (economic, social, and cultural)	<input type="radio"/>	<input type="radio"/>
Percentage of non-English-speaking litigants	<input type="radio"/>	<input type="radio"/>
Percentage of attorney- vs. self-represented litigants	<input type="radio"/>	<input type="radio"/>
Population trends / demographics of community	<input type="radio"/>	<input type="radio"/>
Geography	<input type="radio"/>	<input type="radio"/>
Court administration / chief judge duties	<input type="radio"/>	<input type="radio"/>
Service delivery areas for state & local agencies (e.g., community services boards, regional jails, & public defender offices.)	<input type="radio"/>	<input type="radio"/>
Other (please specify)		

**5. For any factors or issues that you believe SHOULD NOT be considered (the NO responses to Question 4), please explain why they should not be considered.**

## 2011 Judicial Boundary Realignment Study

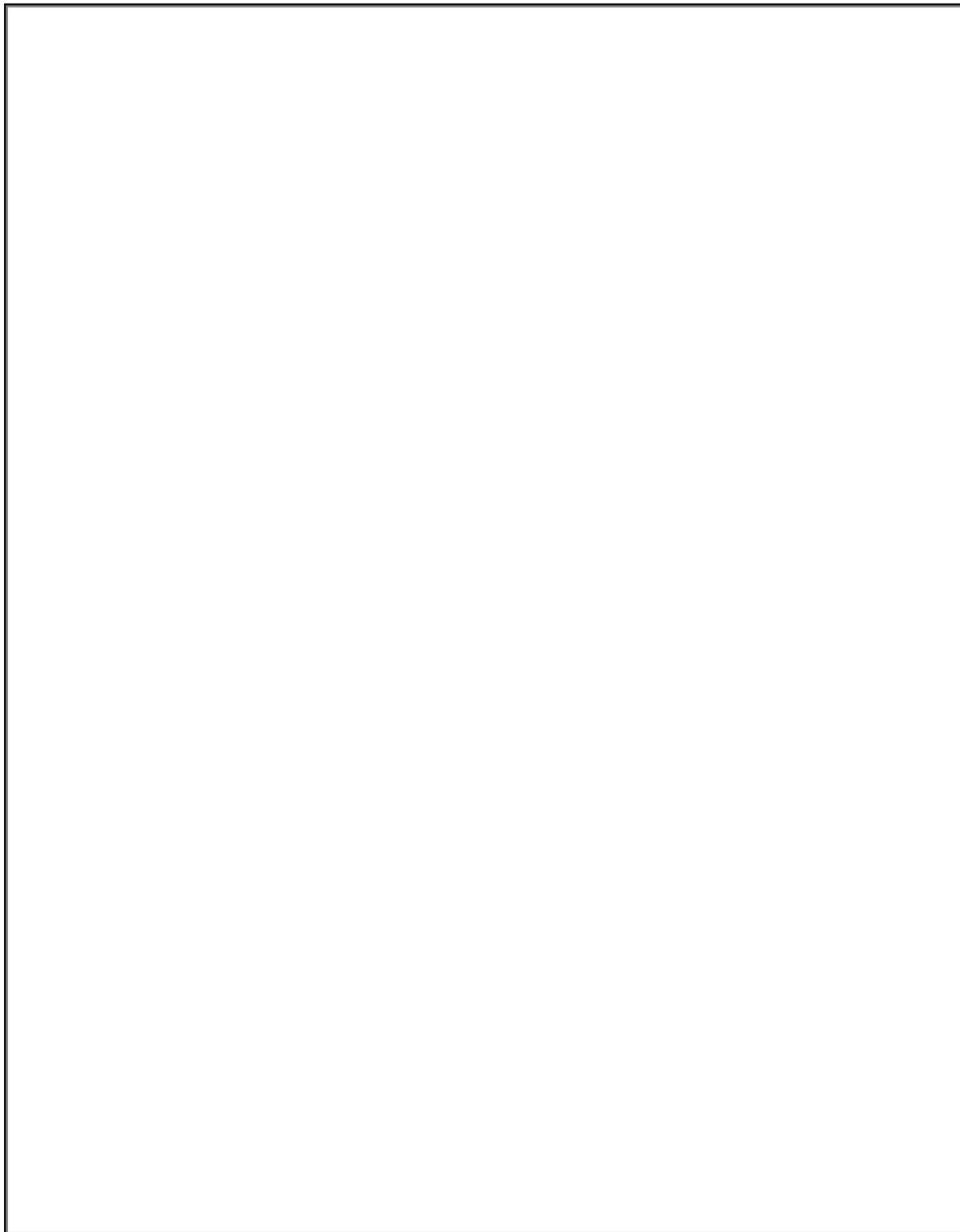
**\* 6. Among the factors or issues that you feel SHOULD be considered (the YES responses to Question 4), please select the five that you feel are most important and rank them "1" to "5" with "1" being the most important.**

Commenced / new cases per judge	<input type="text"/>
Concluded cases per judge	<input type="text"/>
Hearings per judge	<input type="text"/>
Bench time	<input type="text"/>
Length of workday for judges	<input type="text"/>
Judges' travel time between courthouses	<input type="text"/>
Current case scheduling / use of segmented dockets	<input type="text"/>
Current judges' residences (jurisdictions)	<input type="text"/>
Total clerk / deputy clerk positions	<input type="text"/>
Communities of interest (economic, social, and cultural)	<input type="text"/>
Percentage of non-English-speaking litigants	<input type="text"/>
Percentage of attorney- vs. self-represented litigants	<input type="text"/>
Population trends / demographics of community	<input type="text"/>
Geography	<input type="text"/>
Court administration / chief judge duties	<input type="text"/>
Service delivery areas for state & local agencies (e.g., community services boards, regional jails, & public defender offices.)	<input type="text"/>
Other factor(s) / issue(s) specified in response to Question 4	<input type="text"/>

**7. Please explain why the five factors or issues that you ranked above are more important for consideration than others.**

## 2011 Judicial Boundary Realignment Study

8. Please provide any additional suggestions or comments you have for realigning the boundaries of the judicial circuits and districts in Virginia.

A large, empty rectangular box with a thin black border, intended for the respondent to provide additional suggestions or comments regarding the realignment of judicial boundaries in Virginia.

## 2011 Judicial Boundary Realignment Study

Thank you for completing this survey. Your answers will be analyzed as part of the Judicial Boundary Realignment Study and will help determine the factors and issues that will be considered in making recommendations for the realignment of the circuit and district boundaries.

Please click on the "Done" button in order to submit your survey responses.

**APPENDIX I**  
**SAMPLE LETTER FROM CHIEF JUSTICE KINSER TO AFFECTED ENTITIES**

**CHIEF JUSTICE**  
CYNTHIA D. KINSER

**JUSTICES**

DONALD W. LEMONS  
S. BERNARD GOODWYN  
LEROY F. MILLETTE, JR.  
WILLIAM C. MIMS

**SENIOR JUSTICES**

HARRY L. CARRICO  
CHARLES S. RUSSELL  
ELIZABETH B. LACY  
LAWRENCE L. KOONTZ, JR.

**SUPREME COURT OF VIRGINIA**



100 NORTH NINTH STREET  
RICHMOND, VIRGINIA 23219-2334  
(804) 786-6455  
WWW.COURTS.STATE.VA.US

**CLERK**

PATRICIA L. HARRINGTON

**EXECUTIVE SECRETARY**

KARL R. HADE

**CHIEF STAFF ATTORNEY**

GREGORY E. LUCYK

**REPORTER OF DECISIONS**

KENT SINCLAIR

**STATE LAW LIBRARIAN**

GAIL WARREN

March 21, 2011

Re: Judicial Boundary Realignment Study

Dear :

The Supreme Court of Virginia has been asked by the General Assembly to review and recommend changes to the existing boundary lines for Virginia's judicial circuits and districts, including the number of judges designated to serve in each proposed judicial circuit and district. This review of the regional organization of the local courts into various circuits and districts has significance primarily for administrative purposes and for determining in which local courts particular judges will have the authority to preside. The Court's recommendations are due to the General Assembly by November 1, 2011.

I am writing to seek input from the organization or agency you represent, which interacts with the court system and may be affected by changes to the circuit and district boundaries.

Currently, circuit and district judges are appointed to serve a particular circuit or district. Their workloads are, in large part, a function of the number of cases within their circuit or district, but other factors are involved. Some circuits and districts are comprised of a single locality. In larger, multi-jurisdiction circuits and districts, judges may be required to travel on a regular basis among the jurisdictions where they preside. For example, the current 16<sup>th</sup> Judicial Circuit is comprised of nine localities. The five judges who preside in the 16<sup>th</sup> Judicial Circuit travel to different courthouses to hear cases filed in these various localities. To assist you in visualizing this, I am including with this letter a map of the current judicial circuits and districts.

Letter to  
March 21, 2011  
Page 2

This request for you to facilitate comments is one of the initial steps in an involved study process. A study committee, comprised of judges, clerks, attorneys, and a chief magistrate, has been selected to make recommendations for realigning the boundaries of the judicial circuits and districts. Based on a review of the comments submitted in response to this letter and other data compiled by the Office of the Executive Secretary, I expect that alternative plans for the boundaries of the judicial circuits and districts will be developed. A series of town hall-type meetings will be held across the Commonwealth this summer in order to present details and solicit public comment with respect to the specific plans proposed. I anticipate that approximately six such meetings will be held in the following areas of the Commonwealth: Northern Virginia, Central Virginia, Hampton Roads, the Shenandoah Valley, Southside Virginia, and far Southwest Virginia.

The study committee will then review the feedback received regarding the alternative proposals realigning the circuit and district boundaries and make their recommendations regarding a proposal to the Court for consideration. The Court will submit its findings and recommendations to the General Assembly by November 1, 2011. The final decision concerning reconfiguration of the judicial circuits and districts will be made by the General Assembly.

On behalf of the Court, I encourage you to take the opportunity to provide us with suggestions for facts, issues or circumstances that your organization or agency believes should be considered as we study the realignment of judicial boundaries. Please direct your comments as follows:

*Via mail to:*  
Karl R. Hade  
Executive Secretary  
Supreme Court of Virginia  
100 N. 9<sup>th</sup> Street  
Richmond, Virginia 23219

*Or via email to:*  
[JBRS@courts.state.va.us](mailto:JBRS@courts.state.va.us)

**To ensure consideration, please provide your input no later than April 18, 2011.**

Thank you for your thoughtful consideration and response.

Very truly yours,

Cynthia D. Kinser

Enclosure

APPENDIX J  
LIST OF AFFECTED ENTITIES

Ms. Sharon Kay Lieblich  
President  
American Academy of Matrimonial  
Lawyers - Virginia Chapter

Mr. Tuong Huu Pham  
President  
Asian Pacific American Bar Association  
of Virginia, Inc.

Mr. Juan Ever Milanés  
President  
Hispanic Bar Association of Virginia

Ms. Lucy Eugenia Phillips  
President  
Local Government Attorneys of Virginia

Mr. Robert Allen Williams  
President  
Old Dominion Bar Association

Ms. Elizabeth Lynn Gray  
President  
Virginia Academy of Elder Law  
Attorneys

Ms. Charlotte Peoples Hodges  
President  
Virginia Association of Black Women  
Attorneys

Mr. Robert Beman Beasley, Jr.  
President  
Virginia Association of  
Commonwealth's Attorneys

Mr. David Leonard Heilberg  
President  
Virginia Association of Criminal  
Defense Lawyers

Mr. Dennis John Quinn  
President  
Virginia Association of Defense  
Attorneys

Mr. Reiss Frederick Wilks  
President  
Virginia Creditors Bar Association

Mr. Robert Clifford Barclay, IV  
President  
Virginia Real Estate Attorneys League

Mr. Jack L. Harris  
Executive Director  
Virginia Trial Lawyers Association

Ms. Christine Helene Mougín-Boal  
President  
Virginia Women Attorneys Association

Ms. Nancy Marie Reed  
Chair  
Conference of Local Bar Associations

Ms. Karen A. Gould  
Executive Director  
Virginia State Bar

Mr. Guy K. Tower  
Executive Director  
Virginia Bar Association

Ms. Helivi L. Holland  
Director  
Department of Juvenile Justice

Ms. Charlotte McNulty  
Executive Director  
The Office of Comprehensive Services

Ms. Melissa O'Neill  
Program Coordinator  
Virginia CASA

APPENDIX J

Ms. Dana G. Schrad  
Executive Director  
Virginia Association of Chiefs of Police

Mr. John W. Jones  
Executive Director  
Virginia Sheriffs' Association

Mr. David J. Johnson  
Executive Director  
Virginia Indigent Defense Commission

Ms. Peggy Anthony  
President  
Virginia Probation and Parole  
Association

Ms. Ann Harris  
President  
Virginia Community Criminal Justice  
Association

Mr. Elton Blackstock  
President  
Virginia Association of Regional Jails

The Honorable James P. Councill, III  
President  
Virginia Municipal League

The Honorable Robert R. Adkins  
President  
Virginia Association of Counties

Ms. Mary Ann Bergeron  
Executive Director  
Virginia Association of Community  
Services Boards

Mr. Daniel Burk  
President  
Virginia Mediation Network

Mr. Garth L. Wheeler  
Director  
Virginia Department of Criminal Justice  
Services

The Honorable Kenneth T. Cuccinelli, II  
Attorney General  
Commonwealth of Virginia

Mr. Edward R. Stolle  
Chair  
Standing Committee on Commissioners  
of Accounts

Mr. Richard D. Holcomb  
Commissioner  
Department of Motor Vehicles

Colonel W. Steven Flaherty  
Superintendent  
Virginia State Police

Mr. Nathaniel L. Young  
Deputy Commissioner and Director  
Division of Child Support Enforcement  
Virginia Department of Social Services

Mr. Paul McWhinney  
Deputy Commissioner and Director  
Division of Family Services  
Virginia Department of Social Services

Mr. Mark D. Braley  
Executive Director  
Legal Services Corporation of Virginia

Ms. Angela D. Coleman  
Executive Director  
Commission on VASAP

## APPENDIX K

### JUDICIAL BOUNDARY REALIGNMENT STUDY

#### CLERKS' SURVEY OF COURT SCHEDULES

<b>2011 Judicial Boundary Realignment Study</b>	<b>Court Type:</b>	Circuit	<b>Court/Judge Schedule Form</b>
Clerk: Name _____	Court: CourtName _____	General District	Judicial Circuit/District _____
		J&DR District	

Please place an "X" in the box that accurately reflects the dockets in your court for each judge you enter in the spaces provided.

		Week 1					Week 2					Week 3					Week 4					Week 5									
		MON.	TUE.	WED.	THU.	FRI.	MON.	TUE.	WED.	THU.	FRI.	MON.	TUE.	WED.	THU.	FRI.	MON.	TUE.	WED.	THU.	FRI.	MON.	TUE.	WED.	THU.	FRI.					
<b>Judge:</b> (Example) _____	A.M.	x	x	x	x	x	x		x		x		x		x		x		x	x	x	x		x	x	x	x		x	x	x
	P.M.				x		x		x		x		x	x	x		x				x					x					x
<b>Judge:</b> Name _____	A.M.																														
	P.M.																														
<b>Judge:</b> Name _____	A.M.																														
	P.M.																														
<b>Judge:</b> Name _____	A.M.																														
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<b>Judge:</b> Name _____	A.M.																														
	P.M.																														
<b>Judge:</b> Name _____	A.M.																														
	P.M.																														

**APPENDIX L**  
**SUMMARY OF WRITTEN COMMENTS RECEIVED**  
**ADDRESSING BOUNDARY REALIGNMENT PROPOSALS<sup>1</sup>**

**Bar Associations**

- Opposition was expressed to House Bill 1990/Senate Bill 1240 and, in particular, to any potential merger of the 18th and 19th Circuits.
- Redrawing the judicial boundaries will have no direct beneficial impact on the efficient and effective administration of justice in Arlington and Alexandria. While it may appear that reducing the number of judges will reduce salary and benefit costs, the intangible costs of inefficient service to the court users and additional strain on the court system due to the lessened availability of judges quickly outstrip any actual financial benefit.
- The proposed judicial realignments will result in severe judicial understaffing in the courts of Augusta and Highland Counties and the Cities of Staunton and Waynesboro and an unwieldy geographic configuration of the judicial circuits.
- Opposition was expressed to the judicial circuit realignment proposed in the Janis-Edwards Model. It was specifically noted that the current 16th Judicial Circuit is a well-balanced, cohesive circuit composed of similarly situated jurisdictions, and Culpeper would like to continue its working relationship with Albemarle.
- Opposition was expressed to changing the jurisdictions currently comprising the 16th Judicial Circuit/District.
- No matter which realignment plan is adopted, it will be used as a tool to reduce the number of judges that preside in the various courts of Virginia. The Court was urged to promote a judicial realignment plan that not only seeks to make the circuits more efficient but also calls for increased judicial appointments.
- A reduction and rearrangement of Virginia circuit boundaries should be considered. It is unlikely that any change in boundaries would create a significant hardship on an attorney, and there may be good reason to rethink boundaries drafted decades ago. However, it also was advised that the Janis-Edwards Model would be devastating for the courts.
- It would not be in the interest of judicial economy to combine Augusta and Highland Counties with the current 26th Circuit.
- Concern was expressed about travel time and distances for attorneys and their clients if circuits are combined and some courthouses closed or relocated. Other concerns included adequate facilities for meeting with opposing counsel and clients, adequate facilities for last minute copying, and adequate parking at combined courthouses.

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<sup>1</sup> This summary is a reflection of written comments provided to the Study Committee.

## Attorneys

- Consolidation of Arlington/Falls Church and Alexandria is unnecessary because it will not result in any cost savings or benefits. It also is impracticable because Arlington County has recently invested in technology that facilitates electronic filing and more efficient docket management. The system is likely incompatible with that used in Alexandria. In addition, Arlington is already dealing with a huge load of criminal cases and has a large caseload of divorces, many of which present a need for interpreters.
- Combining Alexandria and Arlington/Falls Church would undermine the present level of efficiency demonstrated by the Alexandria courts because a merger would reduce substantially the level and quality of support and resources the courts and other criminal justice agencies receive from the City of Alexandria.
- The realignment proposed in House Bill 1990 is a bad idea, would not improve the judicial system, and may create problems that do not currently exist.
- Despite the desire to equitably allocate caseloads, large circuits tend to balkanize into regions that reflect communities of interest. Creation of very large circuits will not change the natural order of things.
- Concerns were expressed regarding the proposed realignment of the current 24th Judicial Circuit, including that judges with more jurisdictions to cover will expend more time for travel and administrative duties. If Nelson is severed from Amherst and added to the Charlottesville Circuit, neither county will have much likelihood of producing future judges; therefore, Nelson County should not be severed from Amherst County.
- The proposal to combine Alexandria and Arlington is a bad idea. The efficient management of the two jurisdictions as one circuit would require a uniform case management system, and such replacement of existing systems would result in significant expense to the jurisdictions, likely reducing the efficiency of all criminal justice agencies and court clerks.
- Arlington and Alexandria should be combined. The new Arlington Courthouse is capable of handling all seven circuit court judges and the district court judges serving both Arlington and Alexandria, if non-essential operations were moved across the street.
- It would be more economical and effective to have the Judicial Council study the workload distribution each year and make recommendations to the Chief Justice. The present residency statute would have to be repealed so that circuit court judges who live within their respective circuits could be reassigned to adjoining circuits without having to relocate their place of residence.
- The 16th Judicial Circuit should remain as it is and continue to include Culpeper.
- The regional proposal should be supported because it appears to allow for greater flexibility in the management and administration of the diverse court caseloads within the Commonwealth.

**Legislators**

- The adoption of new judicial circuits would complicate the selection process for judgeships, as a new alignment would enlarge the number of decision makers. Judicial resources could be allotted in an efficient manner by a handful of active circuit judges who could act as chief judge for a particular region with the power to allocate judicial resources in an appropriate and efficient manner.
- For reasons related to growing caseloads, and in order to maintain quality and timeliness of justice, Arlington/Falls Church should maintain at least three circuit court judges in order to function, and the Committee should include that recommendation in its final report.
- Culpeper County should not be removed from the 16th Judicial Circuit and placed in the 8th Judicial Circuit.

**Clerks of Court**

- Opposition was expressed to House Bill 1990/Senate Bill 1240. Alexandria and Arlington/Falls Church should not be combined into a single circuit as it would not enhance operations; rather, requiring the consolidation of existing judicial information systems would pose a substantial unnecessary burden on clerks' office staff. Additionally, the Alexandria Judicial Information System was designed and developed at substantial cost to the City, and is used by other City Departments. Arlington uses the Supreme Court Case Management System.
- If Bland County is moved from the 27th Judicial Circuit, the court may not have access to a judge as needed, due to the distances involved. The current arrangement works and should not be changed.
- Opposition to the Janis-Edward Model was expressed because it places Isle of Wight in the proposed 19th Circuit, and there is a fear that Isle of Wight, a small, rural locality, would get lost in the shuffle. The Regional Model was supported because the existing circuit and districts would not be affected.
- Agencies such as Commonwealth's Attorneys, Public Defenders, and law enforcement could be impacted by judicial realignment. An additional concern was the present location of Virginia Alcohol Safety Action Program (VASAP) district offices, the location of which may need to be adjusted.

## Judges

- The "super circuits" proposed by the Janis-Edwards legislation would result in the difficulty, if not impossibility, of agreements being reached among the jurisdictions as to what is proper support and funding, and proportions thereof, for the courts of such a circuit.
- The Regional Model is the most acceptable recommendation, although it should be changed to include more, but smaller regions. Region 3 should be changed so that it encompasses only the existing 1st, 3rd, and 5th Circuits.
- Support was expressed for the regional concept with the creation of a chief regional judge position, which would be a rotating position within the region, requiring each chief circuit court judge to take a term as regional chief. Additionally, it was suggested that the 15th Circuit be put in Region 10, and that the 16th Circuit be put in Region 6.
- Alexandria and Arlington/Falls Church should not be combined into a single circuit as proposed by HB1990 and SB 1240 due to the lack of compelling need for such a combination, the lack of significant savings to the Commonwealth, the huge cost to the City of Alexandria, and the disruption of a very effective and efficient existing operation.
- Circuit court judges should be more easily transferable among the circuits (although perhaps limited to contiguous circuits), and upon the request of a chief judge of a circuit, any judge of another circuit should be able to assist, with the consent of the chief judge of that circuit.
- Concern was expressed about the scheduling of dockets in the event Highland County is separated from Bath County.
- Support was expressed for the Regional Model, but it was suggested that Norfolk should be grouped with Portsmouth rather than Virginia Beach, as Norfolk and Portsmouth are more similar in size and demographics. Chesapeake and Virginia Beach should be grouped as they have more in common, including demographics and types of cases.
- The proposal included in the Janis-Edwards Model to move Craig County to the existing 23rd District did not account for the pending merger of the Craig County Department of Social Services with the Botetourt County Department of Social Services, outside of the proposed judicial district.
- Citing historical reasons, it was requested that the Committee allow Chesapeake to retain its designation as the First Judicial Circuit in any reorganization considered.
- Concerns were raised about the discrepancy in the range of caseloads per judge across the state. Judges who must travel and preside in multiple district courts each week are required to efficiently handle their caseloads each week and do not "have the luxury to have more than one day for a case."
- The consolidation of the 17th and 18th Judicial Circuits is not in the public interest. In the past, Arlington used different criteria for assigning new case numbers than many other jurisdictions leading to lower reported case statistics. The use of interpreters to ensure that a criminal defendant fully understands the court proceedings routinely increases the length of in-court time required in Arlington, and combining of the circuits will dramatically increase the overall caseload per judge.

## APPENDIX L

- A proposal, based on caseloads, was presented, which attempts to equalize the caseloads for the circuit courts and takes into consideration circuits where judges must travel to cover multiple jurisdictions. In lieu of changing the boundaries, judgeships from certain circuits with low caseloads per judge would be shifted into other circuits with higher caseloads as attrition occurs. The majority of the circuits would keep the same number of judges.

### **Other Affected Entities**

- Due consideration should be given to how Virginia's planning districts and boundaries overlap. From the perspective of a Community Services Board, it was recommended that if judicial boundaries cannot be identical with planning districts that the judicial circuits and boundaries should be as close as possible to planning districts in order to facilitate the process of the coordinated work of local and regional agencies in the process of serving citizens.
- A reduction in judges may result in jail crowding due to delays and continuance of court dates, and increased overtime costs for sheriff's deputies due to larger court dockets. Additionally, combining Alexandria and Arlington may result in a potential disparity in sentences based on a judge's lack of knowledge of the socio-economic factors in the community and lack of familiarity with alternative programs in each jurisdiction.
- If the judicial boundaries are realigned, mediators and parent education providers would be required to identify the new circuits and districts they wished to serve, and the preferences of new chief judges may impact referrals to programs.
- Some local community corrections and pretrial services programs may be affected by changes in the boundaries of judicial circuits and districts, which may result in some courts, which have relied on these services, no longer having access to them.
- Redistricting would affect Court Appointed Special Advocate (CASA) program operations because they are developed at the request and support of the judiciary, and are heavily dependent on the human and financial resources of the communities in which they operate.
- Judicial boundary realignment could affect juvenile probation officer staffing patterns and disrupt long-established community partnerships of Court Services Units (CSU). Changes in judicial districts also could be problematic when judicial consultation is required in hiring, demoting, or transferring CSU staff as required by the Code of Virginia. If the CSU service areas are realigned to correspond exactly with the judicial districts proposed by HB 1990 and SB 1240, the number of CSUs would decline and would require reconfigurations of branch offices and the local budgets, which support the facilities used by CSUs.
- It would be more cost efficient and time effective for all law enforcement agencies involved if Nelson County was in the same judicial district as the Cities of Waynesboro and Charlottesville.
- Client mobility in the Northern Shenandoah Valley region is a major impediment to sustained intervention and client outcomes; therefore, Winchester and Frederick should be judicially aligned so there is consistency and transparency for youth and families involved with Social Services.

- Some portions of House Bill 1990 may create confusion regarding appointments, required by the Code of Virginia, to be made by the judges of each circuit court for the locality in which the circuit court is located. In the event of a realignment of the judicial circuits, it would be important for the resulting legislation to confirm that the judges of each circuit would continue to have the authority to make such local appointments.
- Placement of Floyd County in a new judicial circuit would have a fiscal impact on the county and its neighboring jurisdictions if they were required to utilize the services of a jail facility other than the regional jail currently used. The regional model was the only scenario that may not have negative financial consequences for the county.
- A reduction of any circuit court judges would have a negative impact on the judicial operations of Sheriffs' Offices, specifically overtime expenditures.
- The Janis-Edwards' Model would move four members of the New River Valley Regional Jail Authority (Bland, Wythe, Carroll, and Grayson) out of the 27th Judicial District, in which the jail is located. This would possibly result in Wythe County having to "buy out" of the Authority at an estimated cost to the county of \$15 million. The county would then have to "buy in" to the Southwest Regional Jail, in order to house prisoners in the new proposed judicial district. Support was expressed for the regional concept of Map 3, as all previous contracts with the regional jails would remain in place for all localities involved.
- Opposition was expressed to dividing the 16th Judicial Circuit/District due to the impact on local probation supervision and pretrial services. The JBRS boundary proposal groups its service area with jurisdictions that do not think or respond to issues in the same way, and the implementation of programs and services would be difficult based on different philosophies and approaches. There was a preference expressed for the Janis-Edwards' Model because the impact would be minimalized.
- The creation of larger judicial boundaries will result in judges having less time to spend in each of the districts. For Social Services, this would mean less availability of judges for emergency removal hearings and emergency protective order hearings, and rescheduling of foster care reviews.
- Opposition was expressed to the proposal to merge the Arlington and Alexandria Circuit Courts. Arlington should remain a separate court system. If the merger were implemented, it would greatly decrease access to the courts and negatively affect the Arlington business community.
- There should be no fewer than the current two circuit court judges, two general district court judges, and two juvenile and domestic relations district court judges dedicated to serve the Cities of Staunton and Waynesboro and the County of Augusta. Support was expressed support for the Regional Model as an interesting, regional approach.

APPENDIX L

**APPENDIX M  
HANDOUTS FROM REGIONAL PUBLIC MEETINGS**

# Virginia

**2011 Judicial Boundary Realignment Study  
Supreme Court of Virginia, Office of the Executive Secretary**

**Overview**

During the 2011 Session, the Virginia General Assembly considered Senate Bill 1240 and House Bill 1990 providing for a realignment of the judicial circuits and districts of the Commonwealth. While the bills did not pass, the Supreme Court of Virginia was asked by the Senate Courts of Justice Committee to review and recommend changes to the existing boundaries for Virginia's judicial circuits and districts, including the number of judges designated to serve in each proposed judicial circuit and district. This review of the regional organization of the local courts into various circuits and districts has significance primarily for administrative purposes and for determining in which local courts judges will have the authority to preside. The recommendations from the Court are due back to the Senate Courts of Justice Committee by November 1, 2011.

Chief Justice Cynthia D. Kinser appointed a 22-member Committee to undertake a study of the judicial circuit and district boundaries, with staff support from the Office of the Executive Secretary. The Study Committee seeks your input regarding the realignment of the judicial boundaries and, specifically, your comments on the three enclosed proposals.

**Please send your comments via mail to:**

Karl R. Hade, Executive Secretary  
Supreme Court of Virginia  
100 North Ninth Street, Third Floor  
Richmond, VA 23219

**Or email your comments to:**

[JBRS@courts.state.va.us](mailto:JBRS@courts.state.va.us)

**Public Meetings**

**Thursday, July 7, 2011 at 6:00 p.m. - Far Southwest Virginia**

Learning Resource Center, Room 605 (1st floor)  
Virginia Highlands Community College  
100 VHCC Drive, Abingdon, VA 24210

**Monday, July 11, 2011 at 6:00 p.m. - Central Virginia**

Library Technology Center Auditorium  
J. Sargeant Reynolds - Parham Road Campus  
1651 East Parham Road, Richmond, VA 23228

**Wednesday, July 13, 2011 at 7:00 p.m. - Northern Virginia**

Harris Theater  
George Mason University - Fairfax Campus  
4400 University Drive, Fairfax, VA 22030

**Thursday, July 14, 2011 at 7:00 p.m. - Hampton Roads**

The Forum (Building A, Room 101)  
Tidewater Community College - Portsmouth Campus  
120 Campus Drive, Portsmouth, VA 23701

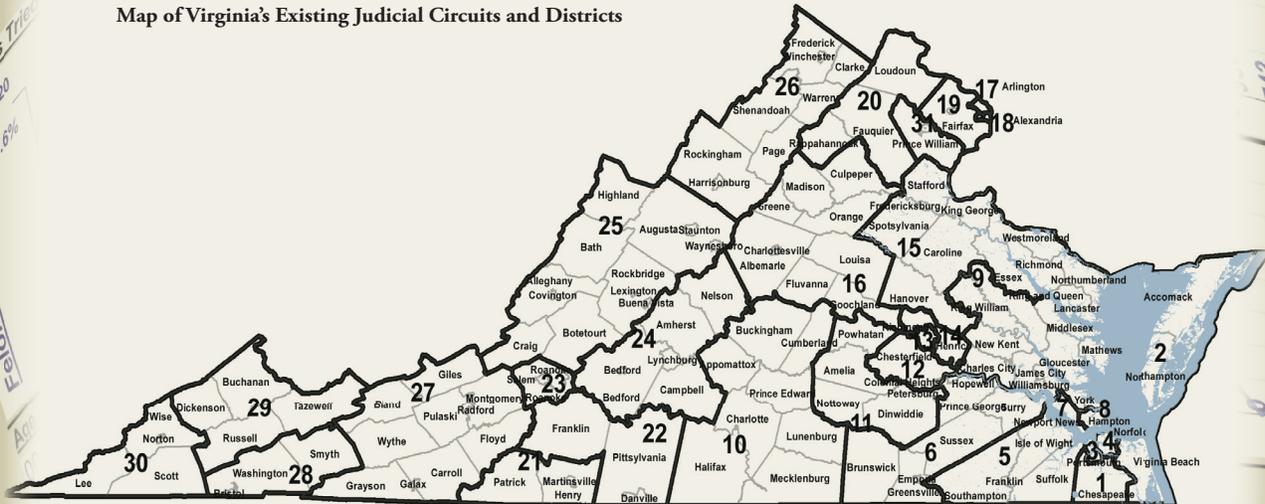
**Monday, July 18, 2011 at 6:00 p.m. - Shenandoah Valley**

Robert E. Plecker Workforce Center Auditorium  
Blue Ridge Community College  
One College Lane, Weyers Cave, Virginia 24486

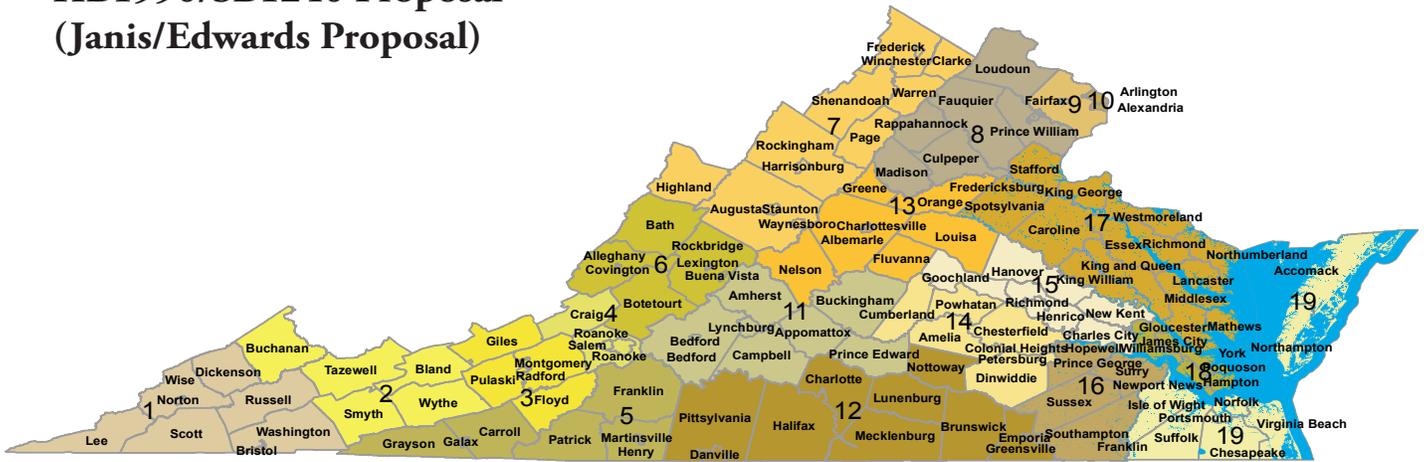
**Thursday, July 21, 2011 at 6:00 p.m. - Southside Virginia**

Temple Building, Oliver Hall (DCC Auditorium)  
Danville Community College  
1008 South Main St., Danville, VA 24541

**Map of Virginia's Existing Judicial Circuits and Districts**



# Map 1 HB1990/SB1240 Proposal (Janis/Edwards Proposal)



### Workload Analysis

Based on 2010 State Average Cases per Judge:

**Circuit**  
154 Current Judges  
289,378 Commenced Cases  
1,879 Cases per Judge

**General District**  
120 Current Judges  
2,012,444 Adjusted New Cases  
16,770 Cases per Judge

**J&DR District**  
116 Current Judges  
502,291 New Cases  
4,330 Cases per Judge

Circuit	Circuit				General District				J&DR District			
	Proposed Judges*	Commenced Cases	Cases per Judge	% Above/Below State Avg (1,879)	Proposed Judges*	Adjusted New Cases**	Adjusted New Cases** per Judge	% Above/Below State Avg (16,770)	Proposed Judges*	New Cases	New Cases per Judge	% Above/Below State Avg (4,330)
1	6.0	14,756	2,459	30.9%	3.0	54,253	18,084	7.8%	4.0	19,035	4,759	9.9%
2	4.0	10,642	2,661	41.6%	4.0	51,927	12,982	-22.6%	3.0	11,685	3,895	-10.0%
3	3.0	7,360	2,453	30.6%	3.0	41,431	13,810	-17.6%	2.0	11,943	5,972	37.9%
4	6.0	8,354	1,392	-25.9%	5.0	72,219	14,444	-13.9%	4.0	18,416	4,604	6.3%
5	5.0	9,509	1,902	1.2%	3.0	40,125	13,375	-20.2%	3.0	17,063	5,688	31.4%
6	3.0	4,364	1,455	-22.6%	3.0	28,404	9,468	-43.5%	2.0	6,839	3,420	-21.0%
7	6.0	16,478	2,746	46.2%	6.0	105,891	17,649	5.2%	7.0	35,471	5,067	17.0%
8	10.0	18,994	1,899	1.1%	9.0	147,965	16,441	-2.0%	9.0	37,621	4,180	-3.5%
9	15.0	21,524	1,435	-23.6%	10.0	186,895	18,690	11.4%	8.0	26,662	3,333	-23.0%
10	5.0	10,797	2,159	14.9%	6.0	67,991	11,332	-32.4%	4.0	10,146	2,537	-41.4%
11	5.0	10,350	2,070	10.2%	4.0	64,563	16,141	-3.8%	6.0	24,551	4,092	-5.5%
12	5.0	11,094	2,219	18.1%	4.0	70,078	17,520	4.5%	5.0	19,225	3,845	-11.2%
13	4.0	7,148	1,787	-4.9%	3.0	52,841	17,614	5.0%	3.0	14,973	4,991	15.3%
14	7.0	15,012	2,145	14.1%	6.0	131,679	21,947	30.9%	7.0	33,342	4,763	10.0%
15	13.0	29,215	2,247	19.6%	13.0	242,578	18,660	11.3%	10.0	46,227	4,623	6.8%
16	2.0	5,163	2,582	37.4%	3.0	75,261	25,087	49.6%	2.0	9,324	4,662	7.7%
17	8.0	18,420	2,303	22.5%	6.0	114,241	19,040	13.5%	7.0	35,647	5,092	17.6%
18	10.0	17,092	1,709	-9.0%	9.0	135,560	15,062	-10.2%	9.0	35,019	3,891	-10.1%
19	29.0	53,106	1,831	-2.5%	21.0	328,542	15,645	-6.7%	20.0	89,102	4,455	2.9%
<b>State</b>	<b>146.0</b>	<b>289,378</b>	<b>1,982</b>	<b>5.5%</b>	<b>121.0</b>	<b>2,012,444</b>	<b>16,632</b>	<b>-0.8%</b>	<b>115.0</b>	<b>502,291</b>	<b>4,368</b>	<b>0.9%</b>

\*Judge levels and allocations were set forth by proposed legislation (HB1990/SB1240).

\*\*Adjusted caseload does not include Waived/Removed cases. (e.g., Prepaid traffic infractions)

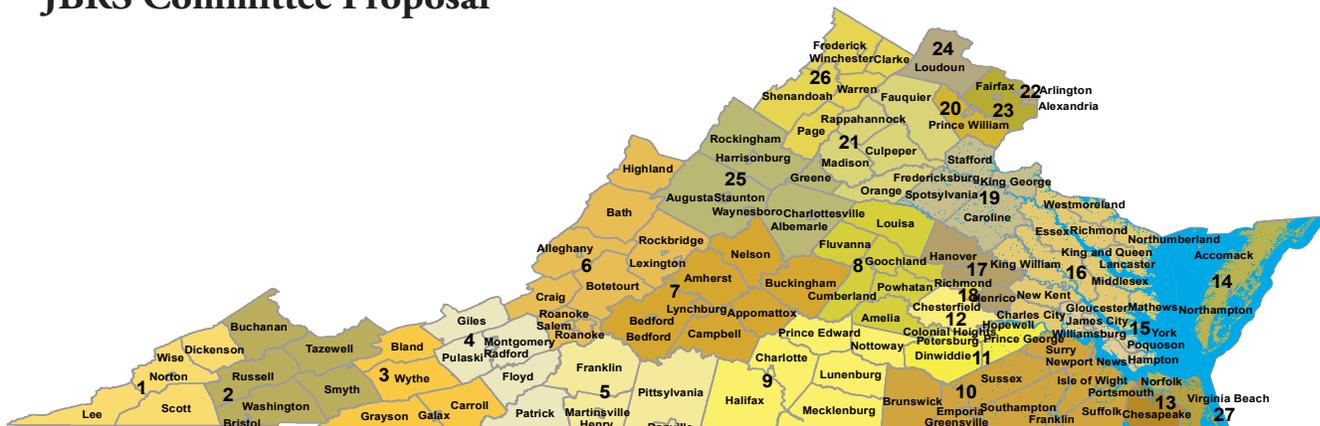
Green: Judicial circuits showing cases per judge greater than 20% above the 2010 state average.

Yellow: Judicial circuits showing cases per judge greater than 20% below the 2010 state average.

### Points of Note

- Boundaries as proposed under HB1990 and SB1240.
- Creates 19 judicial circuits/districts from the existing 31 circuits and 32 districts.
- Recommends 146 circuit, 121 general district, and 115 J&DR district judges.

# Map 2 JBRS Committee Proposal



### Workload Analysis

Based on proposed Workload Standards (rounded 2010 Cases per Judge): Circuit 2,000 cases per judge, General District 17,500 cases per judge, J&DR District 4,500 cases per judge

Circuit/ District	Circuit				General District				J&DR District			
	Current Judges	Commenced Cases	Commenced Cases/Judge	% Above/Below Standard (2,000)	Current Judges	Adjusted** New Cases	Adjusted** New Cases/ Judge	% Above/Below Standard (17,500)	Current Judges	New Cases	New Cases/ Judge	% Above/Below Standard (4,500)
1	4.0	8,535	2,134	6.7%	*1.0	23,637	23,637	35.1%	2.0	9,467	4,734	5.2%
2	6.0	14,765	2,461	23.0%	4.0	62,102	15,526	-11.3%	4.0	18,268	4,567	1.5%
3	2.0	4,719	2,360	18.0%	2.0	35,389	17,695	1.1%	*1.0	7,019	7,019	56.0%
4	3.0	8,471	2,824	41.2%	2.0	43,776	21,888	25.1%	3.0	13,198	4,399	-2.2%
5	6.0	11,451	1,909	-4.6%	3.0	48,068	16,023	-8.4%	5.0	21,168	4,234	-5.9%
6	8.0	12,765	1,596	-20.2%	7.0	101,315	14,474	-17.3%	6.0	25,375	4,229	-6.0%
7	6.0	9,536	1,589	-20.5%	5.0	61,149	12,230	-30.1%	6.0	23,895	3,983	-11.5%
8	2.0	3,909	1,955	-2.3%	2.0	27,311	13,656	-22.0%	2.0	8,166	4,083	-9.3%
9	3.0	5,871	1,957	-2.2%	2.0	38,731	19,366	10.7%	2.0	10,529	5,265	17.0%
10	4.0	7,904	1,976	-1.2%	5.0	93,289	18,658	6.6%	3.0	12,841	4,280	-4.9%
11	3.0	5,799	1,933	-3.4%	3.0	56,573	18,858	7.8%	2.0	11,256	5,628	25.1%
12	5.0	10,190	2,038	1.9%	4.0	85,458	21,365	22.1%	5.0	23,790	4,758	5.7%
13	10.0	16,163	1,616	-19.2%	7.0	86,282	12,326	-29.6%	6.0	26,348	4,391	-2.4%
14	10.0	17,508	1,751	-12.5%	7.0	105,505	15,072	-13.9%	6.0	26,157	4,360	-3.1%
15	11.0	17,092	1,554	-22.3%	9.0	135,560	15,062	-13.9%	8.0	35,019	4,377	-2.7%
16	2.0	5,184	2,592	29.6%	2.0	38,417	19,209	9.8%	2.0	10,592	5,296	17.7%
17	7.0	14,108	2,015	0.8%	5.0	111,722	22,344	27.7%	5.0	27,148	5,430	20.7%
18	7.0	13,599	1,943	-2.9%	7.0	117,698	16,814	-3.9%	5.0	16,662	3,332	-25.9%
19	6.0	13,975	2,329	16.5%	4.0	84,148	21,037	20.2%	5.0	26,519	5,304	17.9%
20	5.0	9,251	1,850	-7.5%	4.0	77,938	19,485	11.3%	5.0	20,169	4,034	-10.4%
21	2.0	2,721	1,361	-32.0%	*1.0	20,521	20,521	17.3%	2.0	8,282	4,141	-8.0%
22	6.0	10,797	1,800	-10.0%	6.0	67,991	11,332	-35.2%	4.0	10,146	2,537	-43.6%
23	15.0	21,524	1,435	-28.3%	10.0	186,895	18,690	6.8%	8.0	26,662	3,333	-25.9%
24	3.0	7,894	2,631	31.6%	4.0	54,838	13,710	-21.7%	3.0	11,619	3,873	-13.9%
25	5.0	11,291	2,258	12.9%	5.0	88,909	17,782	1.6%	5.0	25,525	5,105	13.4%
26	4.0	9,090	2,273	13.6%	3.0	50,047	16,682	-4.7%	4.0	17,419	4,355	-3.2%
27	9.0	15,266	1,696	-15.2%	6.0	109,175	18,196	4.0%	7.0	29,052	4,150	-7.8%
<b>State</b>	<b>154.0</b>	<b>289,378</b>	<b>1,879</b>		<b>120.0</b>	<b>2,012,444</b>	<b>16,770</b>		<b>116.0</b>	<b>502,291</b>	<b>4,330</b>	

\*Since this circuit/district would have only 1.0 judge, we would recommend an additional judge be considered.

\*\*Adjusted caseload does not include Waived/Removed cases. (e.g., Prepaid traffic infractions)

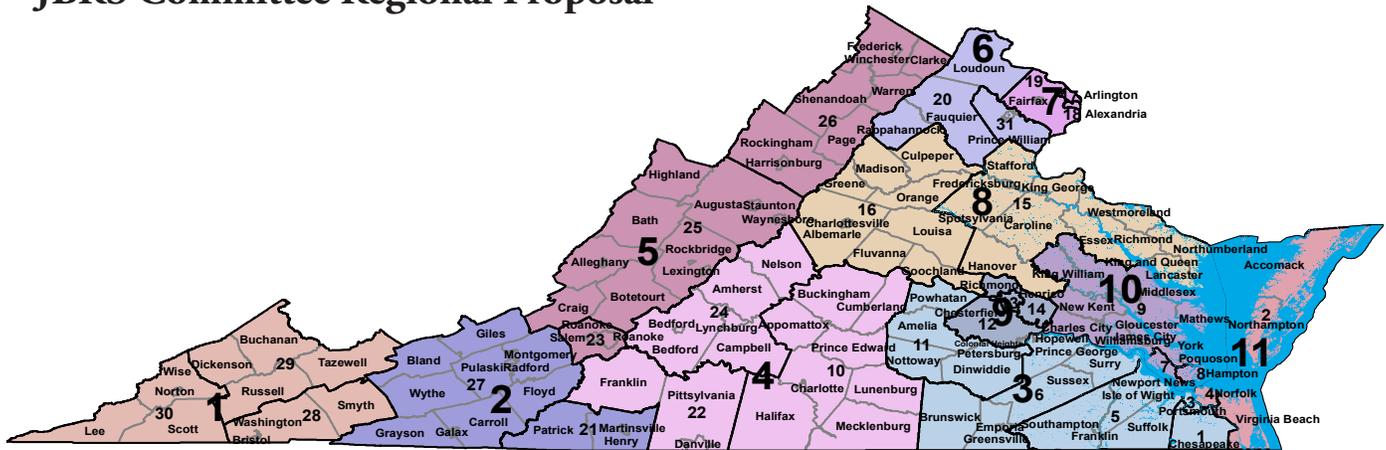
Judicial circuits showing cases per judge greater than 20% above the proposed workload standard (rounded 2010 state average).

Judicial circuits showing cases per judge greater than 20% below the proposed workload standard (rounded 2010 state average).

### Points of Note

- This JBRS Committee proposal creates 27 judicial circuits from the 31/32 existing circuits and districts.
- Caseload per judge analysis uses total judgeships funded as of July 1, 2011: 154 circuit, 120 general district, and 116 J&DR district judges.
- Based on caseloads, cases per judge, current judge residences, location of courthouses, travel times, current cultural, economic and other community ties, as well as input from Virginia judges and clerks of court and others, and population and caseload projections.

# Map 3 JBRS Committee Regional Proposal



### Workload Analysis

Based on 2010 State Average Cases per Judge:

Circuit	General District	J&DR District
154 Current Judges	120 Current Judges	116 Current Judges
289,378 Commenced Cases	2,012,444 Adjusted New Cases	502,291 New Cases
<b>1,879 Cases per Judge</b>	<b>16,770 Cases per Judge</b>	<b>4,330 Cases per Judge</b>

Region	Circuit				General District				J&DR District			
	Current Judges	Commenced Cases	Commenced Cases/Judge	% Above/Below State Average (1,879)	Current Judges	Adjusted New Cases*	Adjusted New Cases*/Judge	% Above/Below State Average (16,770)	Current Judges	New Cases	New Cases/ Judge	% Above/Below State Average (4,330)
1	10.0	23,300	2,330	24.0%	5.0	85,739	17,148	2.3%	6.0	27,735	4,623	6.8%
2	8.0	16,660	2,083	10.8%	6.0	93,395	15,566	-7.2%	6.0	27,497	4,583	5.8%
3	18.0	31,405	1,745	-7.2%	15.0	249,958	16,664	-0.6%	12.0	53,838	4,487	3.6%
4	12.0	23,136	1,928	2.6%	9.0	132,639	14,738	-12.1%	11.0	48,175	4,380	1.1%
5	15.0	29,196	1,946	3.6%	13.0	206,514	15,886	-5.3%	13.0	60,726	4,671	7.9%
6	9.0	17,315	1,924	2.4%	8.0	134,306	16,788	0.1%	8.0	32,281	4,035	-6.8%
7	21.0	32,321	1,539	-18.1%	16.0	254,886	15,930	-5.0%	12.0	36,808	3,067	-29.2%
8	13.0	29,134	2,241	19.3%	10.0	189,249	18,925	12.9%	11.0	56,571	5,143	18.8%
9	17.0	33,980	1,999	6.4%	15.0	289,881	19,325	15.2%	14.0	62,009	4,429	2.3%
10	12.0	20,157	1,680	-10.6%	10.0	161,389	16,139	-3.8%	10.0	41,442	4,144	-4.3%
11	19.0	32,774	1,725	-8.2%	13.0	214,488	16,499	-1.6%	13.0	55,209	4,247	-1.9%
<b>State</b>	<b>154.0</b>	<b>289,378</b>	<b>1,879</b>		<b>120.0</b>	<b>2,012,444</b>	<b>16,770</b>		<b>116.0</b>	<b>502,291</b>	<b>4,330</b>	

\*Adjusted caseload does not include Waived/Removed cases. (e.g., Prepaid traffic infractions)

- Judicial circuits showing cases per judge greater than 20% above the 2010 state average.
- Judicial circuits showing cases per judge greater than 20% below the 2010 state average.

### Points of Note

- The JBRS regional proposal would create 11 or more judicial regions for purposes of managing the allocation of judges to meet changing needs of specific localities.
- Current judicial boundaries of circuit and districts would not change.
- The judicial regions would operate to improve judicial administration across the state while focusing on judicial caseloads, workloads, and where in the region assistance is needed.
- The regional approach considers expected population and caseload growth.

**2011 Judicial Boundary Realignment Study**  
**Supreme Court of Virginia, Office of the Executive Secretary**

**Map 1: Jurisdictions**

HB1990/SB1240

(Janis/Edwards Proposal)

First:	Bristol, Dickenson, Lee, Russell, Scott, Washington, Wise	Twelfth:	Brunswick, Charlotte, Danville, Halifax, Lunenburg, Mecklenburg, Nottoway, Pittsylvania
Second:	Bland, Buchanan, Smyth, Tazewell, Wythe	Thirteenth:	Charlottesville, Albemarle, Fluvanna, Greene, Louisa, Nelson, Orange
Third:	Radford, Floyd, Giles, Montgomery, Pulaski	Fourteenth:	Colonial Heights, Petersburg, Amelia, Chesterfield, Cumberland, Dinwiddie, Powhatan
Fourth:	Roanoke City, Roanoke County, Salem, Craig	Fifteenth:	Richmond City, Charles City, Goochland, Hanover, Henrico, New Kent
Fifth:	Galax, Martinsville, Carroll, Franklin County, Grayson, Henry, Patrick	Sixteenth:	Emporia, Greenville, Franklin City, Hopewell, Prince George, Southampton, Surry, Sussex
Sixth:	Alleghany, Bath, Botetourt, Buena Vista, Lexington, Rockbridge	Seventeenth:	Fredericksburg, Caroline, Essex, Gloucester, King and Queen, King George, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond County, Spotsylvania, Stafford, Westmoreland
Seventh:	Staunton, Waynesboro, Winchester, Augusta, Clarke, Frederick, Highland, Page, Rockingham, Shenandoah, Warren	Eighteenth:	Hampton, James City, Newport News, Poquoson, Williamsburg, York
Eighth:	Culpeper, Fauquier, Loudoun, Madison, Prince William, Rappahannock	Nineteenth:	Chesapeake, Norfolk, Portsmouth, Suffolk, Virginia Beach, Accomack, Isle of Wight, Northampton
Ninth:	Fairfax City, Fairfax County		
Tenth:	Alexandria, Falls Church, Arlington		
Eleventh:	Lynchburg, Amherst, Appomattox, Bedford City, Bedford County, Buckingham, Campbell, Prince Edward		

**Map 2: Jurisdictions**

JBRS Committee Proposal

First:	Dickenson, Lee, Norton, Scott, Wise	Fourteenth:	Norfolk, Accomack, Northampton
Second:	Bristol, Buchanan, Russell, Smyth, Tazewell, Washington	Fifteenth:	Hampton, James City, Newport News, Poquoson, Williamsburg, York
Third:	Bland, Carroll, Galax, Grayson, Wythe	Sixteenth:	Charles City, Essex, Gloucester, King and Queen, King William, Lancaster, Mathews, Middlesex, New Kent, Northumberland, Richmond, Westmoreland
Fourth:	Floyd, Giles, Montgomery, Patrick, Pulaski, Radford	Seventeenth:	Hanover, Henrico
Fifth:	Danville, Franklin, Henry, Martinsville, Pittsylvania	Eighteenth:	Richmond
Sixth:	Alleghany, Bath, Botetourt, Buena Vista, Craig, Highland, Lexington, Roanoke City, Roanoke County, Rockbridge, Salem	Nineteenth:	Caroline, Fredericksburg, King George, Spotsylvania, Stafford
Seventh:	Amherst, Appomattox, Bedford City, Bedford County, Buckingham, Campbell, Lynchburg, Nelson	Twentieth:	Manassas, Manassas Park, Prince William
Eighth:	Amelia, Cumberland, Fluvanna, Goochland, Louisa, Powhatan	Twenty-first:	Culpeper, Fauquier, Madison, Orange, Rappahannock
Ninth:	Charlotte, Halifax, Lunenburg, Mecklenburg, Nottoway, Prince Edward	Twenty-second:	Alexandria, Arlington, Falls Church
Tenth:	Brunswick, Emporia, Franklin, Greenville, Isle of Wight, Southampton, Suffolk, Sussex, Surry	Twenty-third:	Fairfax City, Fairfax County
Eleventh:	Dinwiddie, Hopewell, Petersburg, Prince George	Twenty-fourth:	Loudoun
Twelfth:	Chesterfield, Colonial Heights	Twenty-fifth:	Albemarle, Augusta, Charlottesville, Greene, Harrisonburg, Rockingham, Staunton, Waynesboro
Thirteenth:	Chesapeake, Portsmouth	Twenty-sixth:	Clarke, Frederick, Page, Shenandoah, Warren, Winchester
		Twenty-seventh:	Virginia Beach

**Map 3: Circuits/Districts**

JBRS Committee Regional Proposal

Region 1:	28th, 29th, 30th	Region 6:	20th, 31st
Region 2:	21st, 27th	Region 7:	17th, 18th, 19th
Region 3:	1st, 3rd, 5th, 6th, 11th	Region 8:	15th, 16th
Region 4:	10th, 22nd, 24th	Region 9:	12th, 13th, 14th
Region 5:	23rd, 25th, 26th	Region 10:	7th, 8th, 9th
		Region 11:	2nd, 4th

**APPENDIX N**  
**SUMMARY OF COMMENTS RECEIVED AT THE REGIONAL PUBLIC MEETINGS<sup>1</sup>**

References to Map 1, Map 2 and Map 3 in the comments below refer to the specific proposals included in the handouts distributed at the Regional Public Meetings held in July 2011 (these handouts are included as Appendix M of the Judicial Boundary Realignment Study Report).

**Abingdon Public Meeting**

**Committee Members Present:** Judge Horne, Judge Alexander, Judge Chafin, Judge Tate, Yvette Ayala, Theresa Childress, and Yvette Pennington.

**Number of Persons Providing Comment: 9 (approximately 60 in attendance)**

- Map 3 makes the most sense because it considers things other than workload such as cultural ties, which were not taken into consideration in Map 1.
- Mountains divide many of the jurisdictions in Southwest Virginia. There are three mountains between Marion and Tazewell. Putting Buchanan and Smyth in the same circuit is not logical.
- The Study Committee was encouraged to consider geography and communities of interest.
- Local members of the Bar find Map 1 to be very problematic and had a negative opinion of it.
- Map 1 interrupts probation, community services boards, juvenile intake, jails, public defender's offices, and other services.
- Map 3 includes human input and common sense.
- Maps 1 and 2 have many collateral effects, such as requiring Court Services Units (CSU) to realign offices (as they currently match districts), and the disruption of community partnerships and collaboration (including pooling of funds), which have taken years to develop.
- Study Committee members were asked to consider Map 3.
- Questions were raised about what prevents the efficient allocation of judges now, and whether that could be changed.
- Map 3 would provide the least amount of collateral damage, especially regarding the assignment of judges. There should be an easier mechanism to allow judges to sit across judicial circuits/districts.
- Work ethic can't be legislated and so chief judges need authority to assign judges as they are needed to other circuits/districts within the region.
- The regional system for magistrates works well and allows supervisors to address needs with short notice.

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<sup>1</sup> These comments are provided as they were presented to the Study Committee.

### Henrico Public Meeting

**Committee Members Present:** Judge Horne, Judge Felton, Judge Baskervill, Judge Pustilnik, Judge Wellington, Yvette Ayala, and Irving Blank.

**Number of Persons Providing Comment: 5 (approximately 40 in attendance)**

- More than anything there is a need for sitting judges.
- There were questions about whether clerks' offices can handle the volume, and if there is something the Study Committee can do to streamline case processing. To that end, has the idea of online filing or standardization of circuit systems been considered?
- With an increase in population and legal problems, why has there been a reduction in the number of judges? Shouldn't the number of judges be increased? Fewer judges mean less justice. The savings gained by reducing the number of judges would be nominal.
- Caseload numbers mean nothing and provide an invalid basis for redrawing lines as some cases may last over a month and others last only an hour, but both are counted as one case.
- All areas are different. Appomattox and King and Queen have only a handful of cases on the docket, while Richmond dockets are full.
- The current districts and circuits should be maintained. ("Not broken - don't fix it.")
- The Study Committee should not use statistical information to make its decision; instead it should look at population first, then localities with complicated cases.
- Map 3 is the best solution because it is the most flexible.
- There were questions about how cases are counted (whether new case numbers are assigned for a show cause, etc.), and the failure to use a weighted caseload system. For example, Commonwealth's Attorneys determine staffing by looking at concluded cases and sentencing events. Capital cases don't count more but are taken into account in staffing. The judiciary should do the same.
- What is the rush for this study? It took much longer to recodify Title 18.2 than is devoted to changing the entire court system.
- Consider differences in geographic areas and individuated features (e.g., where hospitals are located there will be more collections cases; more correctional facilities mean more criminal cases; and seasonal influx of temporary populations).
- Map 3 is the best possible alternative.
- What is the hurry for this study? It's too important to do quickly. There is no need to make drastic changes immediately. This is not a good time for change, due to the economic downturn. The study should be publicized more broadly allowing more people the opportunity to participate in the study. Bar associations should be used to disseminate information to their members.
- The circuits are tied to geography and history, each with their own uniqueness.
- One speaker expressed confusion about the charge given to the Committee.

### **Fairfax Public Meeting**

**Committee Members Present:** Judge Horne, Judge Kemler, Judge Wellington, Yvette Ayala, and Pia Trigiani.

**Number of Persons Providing Comment: 18 (approximately 60 in attendance)**

- All speakers but one were there to oppose combining Arlington and Alexandria into one circuit.
- Speakers expressed concern about a reduction in the number of judges for Arlington, the case management and technology differences between Arlington and Alexandria, the fact that the judges from the other circuit would be unfamiliar with the community for the purpose of appointment on boards and commissions, and the absence of a beneficial fiscal impact.
- A reduction in the number judges raised concerns over the potential impact on civil cases because speedy trial considerations would push criminal matters to the forefront thereby delaying the hearing of civil cases.
- The Study Committee was encouraged to assess how each of the proposals improves the level of service to citizens.
- Questions were raised about what problems these proposals are intended to solve.
- There were concerns over the loss of identity of the courts as judges are the identity of the community. Additionally, a concern was expressed regarding impairment of local practices.
- Concerns were shared that workload analysis has been reduced to caseloads only.
- Requests were made of the Study Committee to consider how Arlington’s cases were recorded and how caseload numbers are trending.
- Simply looking at cases commenced is not a realistic assessment.
- The Janis-Edwards Model was introduced to save money, but Maps 1 and 2 are “like trying to ring coins out of the cushions.” More “drastic” measures were recommended such as consolidation of some courthouses that are in close proximity. For example, Augusta and Staunton, Lexington and Buena Vista, Charlottesville and Albemarle, Arlington and Falls Church, Fairfax and Fairfax City, etc. However, if “radical” solutions are not options, then the preference is for the regional approach with a strong chief judge.
- Use of interpreters can lengthen the time it takes to complete a case, and in Arlington, many cases involve interpreters.
- Arlington and Alexandria have unique characteristics that are best understood by their own judges.
- Arlington needs to have at least three, dedicated circuit judges.
- The consolidation of the circuits and reduction of the number of judges would negatively affect the Arlington jail. It will take longer for cases to be heard and people will linger in jail longer creating additional burdens on the jail. Longer dockets may also mean more overtime for deputies, as the dockets run longer. There is concern that Alexandria judges will not be familiar with Arlington’s population or the various alternative and treatment programs in the county.
- It was asked how do any of these proposals improve the provision of circuit court services to the constituents?

- Differences between the technological systems of courts in different circuits make the coordination of docketing systems impossible. Likewise, trying to coordinate all the “swinging judges” will be an “administrative nightmare.”
- What impact will the redrawing of boundary lines have on the Code of Virginia? Much of the Code is tied to current circuits.
- Public safety issues will arise from combining Arlington’s law enforcement resources with other jurisdictions due to the unique nature of Arlington’s population and average criminal defendant profile. Specifically, Arlington’s daytime population (due to the presence of the Pentagon and the airport) far exceeds its evening population and 2/3 of the criminal defendants incarcerated in its jail are not from Arlington. The resources as allocated now can adequately deal with these special circumstances; adding a second jurisdiction to Arlington’s area of responsibility will likely lead to backups at the detention facility and a shortage of law enforcement officers to properly address mass response situations as they have so admirably done in the recent past.

### **Portsmouth Public Meeting**

**Committee Members Present:** Judge Horne, Judge Banks, Judge Bass, Judge Pustilnik, Judge Taylor, Yvette Ayala, and Irving Blank.

**Number of Persons Providing Comment: 2 (approximately 20 in attendance)**

- In order to achieve workload balances, the judges need to help each other, which they have the ability to do now.
- There was recognition that change is coming, and while the need for more time was expressed, a proactive approach was seen as a good idea. A preference for Map 3 was expressed.
- It was noted that the chief judge would have the toughest job when he or she is required to assign judges. It was recommended that there be some limits on travel time, perhaps 1 to 1 ½ hours.
- It makes sense to have the 4<sup>th</sup> and 2<sup>nd</sup> Circuits together.
- Concerns were expressed about placing Isle of Wight together with Virginia Beach, Norfolk, Portsmouth, Suffolk, and Chesapeake (Map 1) because of the lack of similarities with these localities, and a fear that Isle of Wight would get lost in the shuffle with these more populated and urban localities. The members of the Study Committee were encouraged to place Isle of Wight with Surry, Sussex, Southampton, etc. Map 3 was preferred because it seemed to best consider communities of interest.

### **Weyers Cave Public Meeting**

**Committee Members Present:** Judge Horne, Judge Felton, Judge Taylor, Judge Baskerville, Judge Alexander, Judge Wellington, Judge Filson, Yvette Ayala, Theresa Childress, Ann Lloyd, and Yvette Pennington.

**Number of Persons Providing Comment: 13 (approximately 60 in attendance)**

- One speaker opposed Map 1 and supported Map 2 or 3, noting that one judge has supported both Amherst and Nelson counties for more than 100 years. Nelson County should not be placed with Charlottesville/Albemarle because Nelson shares more in common with Amherst and Lynchburg.
- The caseloads in Buckingham and Cumberland could be handled without additional judges.
- There was recognition of the multiple issues faced by the Study Committee. However, Maps 1 and 2 don't offer the ability to respond to caseload needs. Map 3 presents an interesting regional approach, but there is uncertainty as to what it does. If it includes an adequate number of judges that have the flexibility then it would be okay.
- While not opposing redistricting, concern was expressed that both the 25<sup>th</sup> and 26<sup>th</sup> are busy. In civil matters, it can take several months to get a one-hour hearing.
- There are other organizations and entities that will be affected by this change (specifically, Court Services Units), and it is hoped that those issues are being addressed.
- How would a region be managed?
- We're not entirely opposed to realignment, but we want to make sure that there are enough judges.
- Waste of judicial resources is not an issue in the Valley.
- Augusta County has two circuit court judges, and there is a desire to keep two distinct, dedicated judges. In the general district court they should have two judges, but one seat has been unfilled for 1 ½ years. This is causing inconsistency because of the reliance on substitute judges.
- The concern with Maps 1 and 2 is loss of judges. Map 3 is interesting but needs more details.
- The Study Committee should consider travel time for the judges.
- Highland County is sparsely populated and already bare bones in services – the juvenile and domestic relations district court is held once a month, the general district court only 2 ½ days a month, only video magistrates are available, and there is no local Court Services Unit Intake Office. Highland County already has a difficult time complying with time limitations in the Code. Highland County is very connected to Bath and Alleghany Counties, and also to Staunton/Augusta. Therefore, only Map 3 works.
- The plan that came out of the House was a starting point. That plan didn't consider geography, and it should have. Judicial selection is one of the most difficult things a legislator can do, but selection of boundaries is even harder. While there are many hardworking judges, a concern of legislators is that they hear that some judges are not working as hard as they should be and that court is not running as long as it should. The concern is that some citizens don't have access to justice because some judges are not in their offices.
- Greene and Madison Counties share communities of interest and collegiality. Map 1 splits those two jurisdictions. The regional approach seems to make the most sense.
- The Study Committee should consider the impact on the Virginia Alcohol Safety Action Program (VASAP), probation and parole, Court Services Units and regional jails.
- Charlottesville and Albemarle share communities of interest – educational and economic. Map 2 crosses the mountains and places Charlottesville and Albemarle with jurisdictions with which they do not share communities of interest.
- The Bar wants judges who are from their area and are dedicated to their localities. They also favor ideas/plans that balance caseloads.

- The interests of Nelson County are aligned with Lynchburg. A regional jail was just built, and Nelson County should stay with Amherst, Campbell, and Bedford, which are seen as suburbs of Lynchburg.
- This exercise in realignment is to save money, and other options should be considered, such as videoconferencing for civil motions, and the upgrading of judicial offices to typical law firm video systems. Judge Felton was complimented for his use of conferencing for hearings.
- Other modifications should be considered to save money. The sentencing guidelines are simplistic, and money should be spent on other areas of the judiciary instead.
- Who are these judges who are not working? This person did not share the same experiences and provided an explanation of a busy and complicated docket. There is concern about how caseloads are used. There is a significant difference between a one day trial and 10 guilty pleas.
- “We like what we have and would like to keep it.”

### **Danville Public Meeting**

**Committee Members Present:** Judge Felton, Judge Burnette, Yvette Pennington, Yvette Ayala, and E.E. Coleman, Jr.

**Number of Persons Providing Comment: 7 (approximately 45 in attendance)**

- Maps 1 and 2 are not supported. There is also no support for a reduction in judicial resources. Map 3 offers the most flexibility (so we won't have to go through this process again in a few years) – it is a “really attractive option over time” that creates an “adaptable, fixable system.” The number of judges allocated for the area should remain the same, and the vacancies should be filled.
- Map 3 is the best choice of the three options.
- The 10<sup>th</sup> Circuit is very efficient, and the judges don't waste time. What the 10<sup>th</sup> has works.
- There were questions about the amount of money taken in by the courts compared to the amount of money used to fund the Judicial Branch.
- A speaker presented a proposal from a judge. The proposal, which is based on caseloads and attempts to equalize the caseloads for the circuit courts, also takes into consideration circuits where judges must travel to cover multiple jurisdictions. In lieu of changing the boundaries, judgeships from certain circuits with low caseloads per judge would be shifted into other circuits with higher caseloads as attrition occurs. The majority of the circuits would keep the same number of judges.
- Opposition to Maps 1 and 2 was expressed with specific concerns that Mecklenburg doesn't have anything in common with the counties of Chesterfield or Pittsylvania. Bigger or super circuits aren't necessarily better.
- Pittsylvania County Circuit no longer has a problem with too few judges. However, it took 15 years to have an additional judge added.
- One speaker felt that the realignment of judicial boundaries was created out of what happens in Northern Virginia, and expressed a desire that “they leave us alone.” “A problem in Northern Virginia does not mean a problem in rural Virginia. Leave populations of 100,000

or less alone.” There are currently no problems, but if there has to be a choice, there is a preference for Map 3.

- No one supports a reduction in judges. Maps 1 and 2 aren’t viable. If additional judges can’t be added, then Map 3 is somewhat preferable.
- The judges who have been coming to Buckingham to provide assistance have done a good job, and appreciation for their efforts was expressed.
- One commenter was not in favor of any of the plans. The existing format works. “Reconsider all the proposals, because our current system works well.” Driving distances for the judges was again stressed, noting that a judge had been in three different jurisdictions that day.

**APPENDIX O**  
**WEEKLY ACTIVITY LOG - CIRCUIT COURT JUDGES**

2011 Judicial Boundary Realignment Study Circuit Court Weekly Activity Log		
Judge: _____	Court: _____	Judicial Circuit: _____
<input type="checkbox"/> Substitute Judge		
Week of: <input type="checkbox"/> May 2nd <input type="checkbox"/> May 9th <input type="checkbox"/> May 16th <input type="checkbox"/> May 23rd		

**Completion Instructions**

During May 2011, record for each day you work the amount of time, in hours and minutes, spent in each of the listed activities. Please complete an activity log for each court in which you sit during each week. Completed logs should be submitted as described below at the conclusion of each week. Definitions and explanations to assist you in completing these logs appear on page 2.

	Monday		Tuesday		Wednesday		Thursday		Friday		Weekend	
	Hours	Minutes	Hours	Minutes	Hours	Minutes	Hours	Minutes	Hours	Minutes	Hours	Minutes
<b>In Court Case Specific Activities</b>												
----Pre-trial												
----Jury trial												
----Bench trial												
----Post-trial/Post-adjudication												
----Other												
<b>In Chambers Case Specific Activities</b>												
----Reviewing files & signing orders												
----Pre-trial (trial preparation)												
----Writing decisions/opinions												
----Post-adjudication												
----Other												
<b>Non-Case Specific Activities</b>												
Non-case related administration												
Judicial education & training												
Community outreach, public speaking												
Committee, other meetings & related work												
Work related travel time												
Leave (i.e. vacation, illness, personal)												
Chief Judge administration												
Other (i.e. general emails, phone calls)												

**Submission Instructions**

Print this form and enter time **manually** each day or enter your time **electronically** in the fillable PDF version of this form. *Adobe Acrobat/Reader 6* or later is required to enter your time electronically. If you have questions, please do not hesitate to call the Judicial Planning Department at **804.786.8902**

**Each week, please submit your log as detailed below.**

**Manually** completed logs should be submitted by fax or mail.

- Fax number: **804.786.4542, Attention: Judicial Planning**
- Address: **Supreme Court of Virginia, Judicial Planning Dept., 100 N. 9th Street 3rd Fl., Richmond, VA 23219**

**Electronically** completed logs may be submitted via the following options:

- Click "Submit," follow instructions, and send the email.
- Save & attach to an email, **kparrish@courts.state.va.us**.
- Print & fax or mail.



**APPENDIX P**  
**WEEKLY ACTIVITY LOG - DISTRICT COURT JUDGES**

2011 Judicial Boundary Realignment Study District Court Weekly Activity Log		
Judge: _____	Court: _____	Judicial District: _____
<input type="checkbox"/> Substitute Judge		
Week of: <input type="checkbox"/> May 2nd <input type="checkbox"/> May 9th <input type="checkbox"/> May 16th <input type="checkbox"/> May 23rd		

**Completion Instructions**

During May 2011, record for each day you work the amount of time, in hours and minutes, spent in each of the listed activities. Please complete an activity log for each court in which you sit during each week. Completed logs should be submitted as described below at the conclusion of each week. Definitions and explanations to assist you in completing these logs appear on page 2.

	Monday		Tuesday		Wednesday		Thursday		Friday		Weekend	
In Court Case Specific Activities	Hours	Minutes	Hours	Minutes	Hours	Minutes	Hours	Minutes	Hours	Minutes	Hours	Minutes
----Trials/preliminary hearings												
----Bond hearings/detention hearings												
----Advisements/arraignments												
----Hearings on motions/petitions												
----Other												
In Chambers Case Specific Activities												
----Reviewing files & signing orders												
----Pre-trial (trial preparation)												
----Writing decisions/opinions												
----Post-adjudication												
----Other												
Non-Case Specific Activities												
Non-case related administration												
Judicial education & training												
Community outreach, public speaking												
Committee, other meetings & related work												
Work related travel time												
Leave (i.e. vacation, illness, personal)												
Chief Judge administration												
Other												

**Submission Instructions**

Print this form and enter time **manually** each day or enter your time **electronically** in the fillable PDF version of this form. *Adobe Acrobat/Reader 6* or later is required to enter your time electronically. If you have questions, please do not hesitate to call the Judicial Planning Department at **804.786.8902**

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**2011 Judicial Boundary Realignment Study District Court Weekly Activity Log**

**Completion and Submission Instructions**

During May 2011, record for each day you work the amount of time, in hours and minutes, spent in each of the listed activities. Please complete an activity log for each court in which you sit during each week.

Print this form and enter time **manually** each day or enter your time **electronically** in the fillable PDF version of this form. *Adobe Acrobat/Reader 6* or later is required to enter your time electronically. If you have questions, please do not hesitate to call the Planning Department at **804.786.8902**

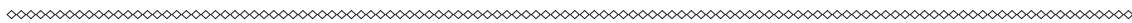
**Each week, please submit your log as detailed below.**

**Manually** completed logs should be submitted by fax or mail.

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- Click "Submit," follow instructions, and send the email.
- Save & attach to an email, **kparrish@courts.state.va.us**.
- Print & fax or mail.



**Definitions and Explanations**

**Case Specific Activities are the essential functions that you perform throughout the life of a court case.**

**In Court Case Specific Activities:**

**Trials/preliminary hearings** – Includes all activities occurring during a trial or hearing.

**Non-Case Specific Activities are functions that you perform that do not relate to the resolution of a specific case.**

**Non-case related administration** – Includes work directly related to the administration or operation of the court, but not related to a particular case (e.g. personnel issues, management issues, facilities, budget, and technology).

**Judicial education & training** – Includes continuing education and professional development including attendance at education programs authorized by the Commonwealth.

**Community outreach, public speaking** – Includes time spent on community and civic activities in your role as a judge (e.g. speaking at a local bar meeting).

**Committee, other meetings & related work** – Includes time spent in state, local or other work-related committee meetings, staff or other meetings that are job related. Also includes any work done for these meetings outside of the actual meeting time.

**Work related travel time** – Includes any reimbursable travel. This includes time spent traveling to and from a court or other facility outside one's locality of residence for any court-related business, including meetings. Traveling to the court in one's own jurisdiction is local "commuting time," which should not be counted as travel time.

**Leave** – Includes any non-recognized holiday leave time. (**Tip:** Does not include leave for education, training or conferences.)

**Chief Judge administration** – Includes time spent fulfilling Chief Judge duties as set forth in the Virginia Code, such as designations of judges to assist other judges, requiring availability of magistrates at all times to act with regard to temporary detention orders (General District), and consult with local governing body regarding operation of Court Services Unit (J&DR).



