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HA. P. J.

Fairfax
Circuit
Court

The Fulcrum of the Justice System in Fairfax County



1985
Annual
Report

102215

*Presented by the
Fairfax Circuit Court
Fairfax, Virginia*



Judges

Barnard F. Jennings
William G. Plummer
Thomas J. Middleton
Richard J. Jamborsky
Lewis Hall Griffith
F. Bruce Bach
Quinlan H. Hancock
Johanna L. Fitzpatrick
J. Howe Brown
Jack B. Stevens
Thomas J. Fortkort

Clerk of Circuit Court

Warren E. Barry

Fairfax County Board of Supervisors

John F. Herrity, Chairman
Martha V. Pennino
Joseph Alexander
Thomas M. Davis
T. Farrell Egge
Nancy K. Falck
Elaine McConnell
Audrey Moore
James M. Scott

County Executive

J. Hamilton Lambert



***“I think
the first duty
of society
is justice.”***

*Alexander
Hamilton*
(1757-1804)

102215

U.S. Department of Justice
National Institute of Justice

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 ACQUISITIONS



WARREN E. BARRY
CLERK OF CIRCUIT COURT

COMMONWEALTH OF VIRGINIA

Circuit Court of Fairfax County

FAIRFAX, VIRGINIA 22030



GLENN T. DRYDEN
CHIEF DEPUTY
MARK A. ZAFFARANO
COURT ADMINISTRATOR
JUNE Y. ATTMANSPACHER
PUBLIC SERVICES

TO: Chief Judge Barnard F. Jennings and the Judges of Fairfax Circuit Court, Warren E. Barry, Clerk of the Circuit Court, all court personnel, and the citizens of Fairfax County.

It is my pleasure to submit to you the first Annual Report of the Fairfax Circuit Court.

The purpose of the report is to provide an informative review of the Court's activities for 1985 with a narrative and statistical format. This report serves to inform the public concerning the operation of the judicial system as well as its role in state and local government.

I acknowledge and thank the Judges, the Clerk, all employees and other professional colleagues for their generous contributions regarding the preparation of this publication.

Sincerely,

Mark A. Zaffarano
Circuit Court Administrator



NINETEENTH JUDICIAL CIRCUIT OF VIRGINIA

Fairfax County Judicial Center
4110 Chain Bridge Road
Fairfax, Virginia 22030

COUNTY OF FAIRFAX

CITY OF FAIRFAX

CITY OF FALLS CHURCH

BARNARD F. JENNINGS
WILLIAM G. PLUMMER
THOMAS J. MIDDLETON
RICHARD J. JAMBORSKY
LEWIS HALL GRIFFITH
F. BRUCE BACH
QUINLAN H. HANCOCK
JOHANNA L. FITZPATRICK
J. HOWE BROWN
JACK B. STEVENS
THOMAS A. FORTKORT
JUDGES

JAMES KEITH
LEWIS D. MORRIS
BURCH MILLSAP
RETIRED JUDGES

The Nineteenth Judicial Circuit of Virginia, composed of the County of Fairfax and the Cities of Falls Church and Fairfax, has jurisdiction over a portion of Virginia rich in history, controversy and achievement. We are all proud of the fact that Fairfax County was the home of George Washington. Many of his thoughts, ideas and plans relating to the inception of these United States originated in our county.

Numerous events in the War between the States took place in this vicinity and in the immediately adjacent jurisdictions of Alexandria City, Arlington and Prince William Counties, formerly a part of this circuit.

We are fortunate to enjoy one of the most modern, functional and advanced courthouse buildings in the United States. The building was completed and occupied in June of 1982 and is the result of the combined efforts of the Board of Supervisors, the County Executive, Fairfax Bar Association, Clerk of the Court and his staff, Federation of Civil Associations, several individual civic associations, Fairfax County Chamber of Commerce, Judges of this Circuit, the news media and most of all a majority of the voters of Fairfax County who supported the Bond referendum.

Many, if not all, of the judicial buildings erected in the U.S. during the period of 10 years or so prior to the commencement of the Fairfax County Judicial Center were studied by personal observations of the actual building or by view of the architectural plans. We have benefited by the wise decisions of others and avoided their mistakes.

A well designed and functional building does not necessarily in and of itself create an outstanding system of justice. We have, however, through innovations and a spirit of cooperation between the members of the bar and the court, as well as among the judges themselves, established a judicial system that basically is working well. With few exceptions all felony criminal cases are tried within 30 to 60 days or less from the time they reach this Court. If the attorneys desire a trial date on civil cases, they can usually secure one within 60 to 180 days or less. Our jury system is unique in the utilization of jurors and has been well accepted by the individual jurors, litigants and attorneys. Our computer system is one of the most advanced. The land records, trial docket and practically all other information and records of the court utilize the computer. The Clerk's Office has a pilot project for off-site access to our public records that is apparently successful.

The Clerk and his staff, the Sheriff's Department, the Judges, the attorneys practicing in this circuit, and the legal community as a whole are working well together. Generally speaking, I feel that we do have a system of justice in Fairfax County of which we can be proud and one that we are constantly striving to improve.

Barnard F. Jennings



WARREN E. BARRY
CLERK OF CIRCUIT COURT

COMMONWEALTH OF VIRGINIA
Circuit Court of Fairfax County
FAIRFAX, VIRGINIA 22030



GLENN T. DRYDEN
CHIEF DEPUTY
MARK A. ZAFFARANG
COURT ADMINISTRATOR
JUNE Y. ATTMANSPACHER
PUBLIC SERVICES

As an elected Constitutional Office holder, my principle responsibility as the people's representative in the court system is to administer the many services provided to the public and professions. During the 1985 year, the Clerk's Office continued to accomplish change and re-organization as necessary in meeting the needs of those utilizing the judicial process. The demands upon the services provided by the Circuit Court continue to increase and we have responded with continued expansion of automation and use of modern technology.

One of the more exciting projects undertaken by the Circuit Court in 1985 was CPAN (Court Public Access Network) which will, after completion of the pilot program, allow subscribers to access all court information from their in-house computer. This is a most unique service with the Fairfax County Circuit Court being a pioneer in an undertaking with such broad parameters. Interest in the program is receiving national attention and firmly establishes the fact that Fairfax has one of the most progressive and best circuit courts in the country.

Our staff, in excess of 100, performs a vast variety of duties, requiring a sundry of skills, ranging from computer technicians to courtroom para-legals. For the most part, the general public is not aware of the numerous functions and services provided by the Clerk's Office. It is hoped that in viewing this report, the reader will benefit in a better understanding of the court system and the services it offers to the general public.

Sincerely,

Warren E. Barry
Clerk of the Circuit Court



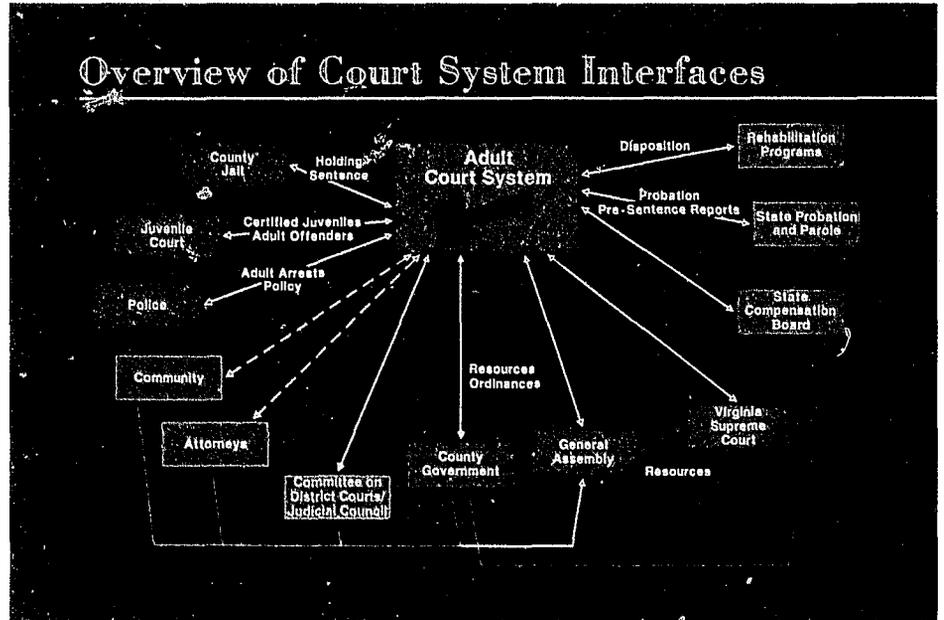
The Court Organization

Before the reader examines this annual report in detail it is necessary to discuss what type of individuals work in the Circuit Court and spend their professional time within the Judicial Center.

This court organization consists of over one hundred dedicated employees. Most employees are county residents who have devoted their entire working career to the Circuit Court. There are over thirteen hundred practicing attorneys who are members of the Fairfax Bar Association. These counselors-at-law are familiar with the majority of Circuit Court employees who work behind the scenes to assist them in the efficient processing of their court cases. Likewise, county citizens are familiar with the various clerks who have answered their questions and who have provided direct assistance to them regarding a wide range of services such as marriage licenses, passport applications, land record questions, details about a particular case, juror information, as well as providing a myriad of other facts and data.

The Judges play a key role as public servants in terms of donating their time and professional expertise beyond their daily courtroom case related responsibilities. They have emphasized their public mindedness by donating their time to a variety of special public activities. For example, during 1985, several Judges have delivered talks and speeches to several legal associations within the community, including the young lawyers section of the Fairfax Bar, the entire general membership of the Fairfax Bar, the Association of Legal Administrators, and participated in orientation programs for new attorneys, as well as attended several other legally oriented functions.

In addition, the Judges shared in



the sponsorship of mock trials for Fairfax County high school students held at the Judicial Center. Throughout the year, various Judges have spoken to students in their courtrooms whenever high school government classes have visited the Judicial Center. In conjunction with George Mason Law School the Judges have served as panel members, moderators for continuing legal seminars, and special judges of moot court competitions for second year law students. On numerous occasions, members of the judiciary have addressed community and civic groups. The Judges remain active within their profession and attend legal seminars with their colleagues from other circuit courts throughout the Commonwealth of Virginia.

The goal of the Clerk's Office Staff and the Judges is to provide one hundred percent effort in their respective jobs to all citizens of the Nineteenth Judicial Circuit. These men and women take pride in their

work and they seek to uphold the public's trust and confidence which has been delegated to them as public employees. Court employees adhere to the Code of Ethics adopted by Fairfax County on January 9, 1963, and they have sworn to "uphold the Constitution, Laws, and legal regulations of the United States, the Commonwealth of Virginia and Fairfax County, and never be a party to their evasion."

The Clerk's Office produces a bimonthly newsletter known as the *Court Reporter* which is published for all court employees. This newsletter provides a direct means for maintaining effective communication throughout all sections of the office. The *Court Reporter* disseminates pertinent information which is applicable to the personal and organizational needs of the employees. Current activities, recent events and meetings are listed within this publication in order to keep all staff informed about the Circuit Court.



Judges Section

The Nineteenth Judicial Circuit encompasses the County of Fairfax, and the cities of Fairfax and Falls Church. Before 1979, it became readily evident to citizens of Fairfax County that these facilities, which were used during the 17th and 18th centuries, were outmoded and inadequate to efficiently and effectively serve the vast populace of this County. The Circuit Court of Fairfax County, in

Judge Barnard F. Jennings is currently the Chief Judge of this Circuit. He is elected by his fellow judges, who select among themselves one for this post. This major role responsibility is in addition to his daily court agenda, and not one where the selected judges' stipend is greater, or one who has a longer tenure but, rather, one where his duties are more demanding and complex. These in-

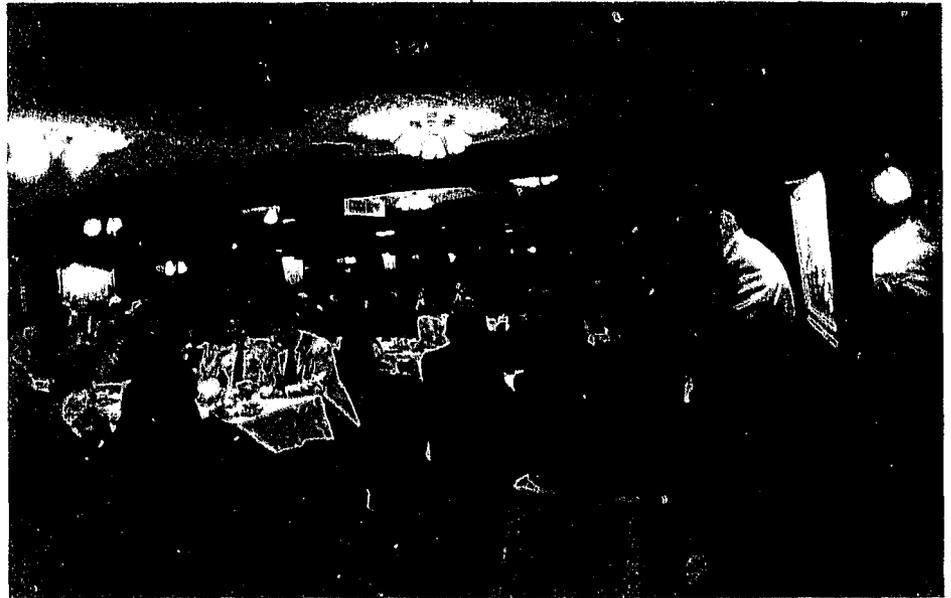
With the dramatic increase in population and business growth in Fairfax County, each year there is a corresponding rise in the number of civil suits filed and heard by the Circuit Court.

These judges in Fairfax County work conscientiously, diligently, and impartially to uphold the oath of office they took to see that individual justice is rendered to each and every

The Judges play a key role as public servants in terms of donating their time and professional expertise beyond their daily courtroom case related responsibilities.

1982, moved to the newly erected Judicial Center located in the City of Fairfax. Prior to that time the old Courthouse, also located in Fairfax City, was the center of all court activity.

The Circuit Court of Fairfax County is comprised of eleven judges. Some of the judges were elevated from the General District Court and the Juvenile and Domestic Relations Court, while others were practicing attorneys. Usually, the judges are recommended for their respective positions by the local bar association members, and are elected by the General Assembly of Virginia to a term of eight years. Should an unexpected vacancy occur when this law-making body is not in session, the Governor of Virginia will make the interim appointment.



Chief Judge, Barnard F. Jennings, addresses the Fairfax Bar Association during their monthly meeting held on November 14, 1985.

clude case assignment of the daily court calendars, the calling of the civil and criminal term day dockets, overseeing the administrative aspects of the court, and appearing at ceremonial functions. Judge Jennings and county personnel expended much time working closely with architects and planners designing the Judicial Center, as well as during the actual building of the project. It is through their concerted efforts that this building will adequately serve many generations of citizens in the future.

citizen who appears in court. In addition, the Judges seek to improve the administration of justice by introducing special court projects. For example, this year the Circuit Court will hear civil motions by telephone conference calls every week day morning between 9:00 a.m. and 9:30 a.m. This experiment saves the attorney travel time and expense associated with appearing in court. Furthermore, this procedure enables litigants to have access quickly to a Judge for purposes of hearing



Fairfax Circuit Court Judges, Nineteenth Judicial Circuit of Virginia. Seated (from left to right) The Honorable Thomas A. Fortkort, The Honorable Thomas J. Middleton, The Honorable Barnard F. Jennings, The Honorable William G. Plummer, The Honorable Richard J. Jamborsky. Standing (from left to right) The Honorable Jack B. Stevens, The Honorable Johanna L. Fitzpatrick, The Honorable Quinlan H. Hancock, The Honorable Lewis H. Griffith, The Honorable F. Bruce Bach, and The Honorable J. Howe Brown.

an important or an emergency motion. The American Bar Association has encouraged courts throughout the country to consider this kind of program for adoption and they have endorsed telephone conference motions.

The Judges maintain active communication and cooperation with the local bar associations. Recently the Fairfax Bar and the Circuit Court have approved the introduction and utilization of arbitration for civil lawsuits as an alternative to formal trial adjudication. Arbitration has the potential to offer litigants a speedy and inexpensive means for having their disputes or conflicts heard by a neutral third party who has no direct interest in the outcome of the case.

The Rand Study

The Institute for Civil Justice and the Fairfax Circuit Court are sponsoring a study of the effects of different dispute resolution procedures on litigants. Trial courts in the United States have over time introduced significant changes in the pretrial phase of lawsuits. The most common procedures that today supplement "out-of-court" settlement and trial are judicial settlement conferences and court arbitration. Despite the recent attention that these procedures have received from policymakers, Rand has little systematic data about their effects on litigants. There have been no empirical studies of whether

it is faster, cheaper, or involves less emotional stress for litigants to arbitrate, settle their cases with or without the help of a judge, or proceed to trial. Rand does not know what effect these alternatives have on case outcomes, on litigants' costs, on time spent in litigation, or on how litigants evaluate the justness of case outcomes and the fairness of relying upon these procedures to dispose of

their disputes.

Judge Related Statistics

The Fairfax Circuit Court has more authorized judgeships than any other circuit court within the Commonwealth of Virginia. Based upon several statistical categories, Fairfax Circuit Court is considered to be the busiest and largest trial court in the state. The following statistics reflect the active caseload and workload activity of the court:

Category	1985
I. Authorized Judgeships:	11
Population per Judge:	63,499
Judicial District Population	698,490
II. Age of Concluded Civil Cases	
a. Cases filed 0-12 months ago	5,931
b. Cases filed 13-24 months ago	1,222
c. Cases filed more than 2 years ago	350
Age of Concluded Criminal Cases	
a. Cases filed 0-30 days ago	1,532
b. Cases filed 31-150 days ago	2,041
c. Cases filed more than 150 days ago	242
III. Total Cases Commenced	14,555
a. Civil cases commenced per judge	909
b. Criminal cases commenced per judge	414
IV. Total Cases Concluded	13,182
a. Civil cases commended per judge	805
b. Criminal cases concluded per judge	394
V. Total Pending Cases Per Judge	1,421
VI. Jury Trials Per Judge	44
Jury Days Per Judge	63



Fairfax County Courthouse History

The Fairfax County Court met for the first time on December 16, 1742 in a Courthouse located at what is now Tysons Corner. Neither this nor the second Courthouse, built in Alexandria, was preserved.

The General Assembly's order to relocate the Courthouse was not specific as to the site of the structure. In May of 1790, a commission was appointed to inspect a site near Ravensworth which proved to be unsuitable.

In May of 1798, Commissioners were appointed to inspect a site at Earp's Corner owned by Richard Ratcliffe. After inspection, the site was approved. Ratcliffe sold four acres to the County for one dollar and the deed was recorded on June 27, 1799.

Bids were made for the construction of the Courthouse. John Bogue and Nungo Dykes were the successful bidders.

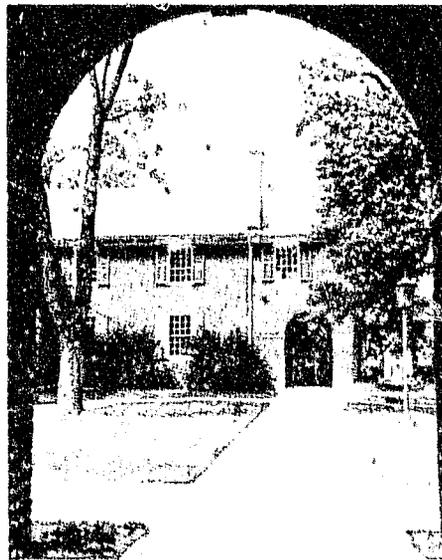
Construction of the third Courthouse was completed late in 1799, in the town of Providence, or present day Fairfax City. A half acre was reserved to build an office for the Clerk of the Court. The original four acre track did not provide adequate space for the jail yard and other grounds making up the Courthouse compound. Thus, in March 1800, a new survey was prepared by William Payne. This survey was for ten acres which allowed for sufficient space for accommodating courthouse, jail, clerk's office, gallows and pillory, a stable, a storehouse, and possibly an ordinary.

April 21, 1800, marked the first recorded meeting of the Court in the "new" courthouse.

Between 1840 and 1861, it was decided that the Court would meet on the third Monday of each month. Leading men of the County assembled, acting as "Gentlemen Justice"

took care of official County business. This included the issuance of licenses and collecting taxes to hearing litigation and holding elections. The type of cases they heard ranged from matters involving new citizens or the condition of County roads, to Civil suits and Criminal preliminary hearings.

The County Courthouse, in Virginia, was the focal point of



public affairs. It was the scene for social events and market days. Until 1852, the Court was essentially a self-perpetuating body comprised of the leading men of the County.

Officers of the colonial court served various functions. Highest held office was that of the justices, who were originally designated as "commissioners" and later referred to as "magistrates". In Virginia, however, members of the Court became known as "Gentlemen Justice". These were lifetime appointments. As there was no compensation for those holding this office, it was considered an honorable obligation for those who were in a position to perform it. The Governor appointed the justices

of the county court well after the War of Independence.

Justices played a role in the selection of all other county officers. The Clerk of Court was elected, but other including the sheriff, coroner, inspectors and commissioners for special duties, and militia officers below the rank of brigadier, were commissioned by the governor from lists provided by the justices.

When Virginia joined the Confederacy in 1861, the Fairfax Court ceased meeting; the presence of Union troops and the possibility of arrests made it unsafe to gather. The first officer casualty of the war took place on the Courthouse grounds on the morning of June 1, 1861, in an exchange of fire between the Warrenton Rifles and a Union Calvary, in which John Quincy Marr, a Captain of the Rifles, was fatally shot.

The Courthouse was used during this period by both Union and Confederate troops alternately. Many of the Court's records were either destroyed or removed and never recovered. On the 19th day of January, 1863, less than three weeks after the Presidential Emancipation, the Fairfax Court convened for the first time in almost five months.

Many changes occurred during the last quarter of the nineteenth century. A number of public offices appeared and disappeared. Growth of the county led to the expansion of this structure and eventually resulted in the construction of the Massey Building, a government center completed in 1969 and to the construction of a new five-story Judicial Center completed in 1982.

The source of information in the foregoing article was secured from: Netherton, Ross D and Waldeck, Ruby. The Fairfax County Courthouse, Fairfax County Office of Comprehensive Planning, July 1977.



Duties of the Clerk of the Court and Correlating "General Mission" and Goals of the Agency

The clerk of the circuit court is a constitutional official; i.e. his office is mandated by Article VII, Section 4 of the Constitution of Virginia. General provisions of this office are also set forth in Section 15.1-40.1 of the 1950 Code of Virginia, as amended. The clerk is elected to an eight-year term by voters of Fairfax County, the City of Fairfax, and the City of Falls Church. Warren E. Barry is the Clerk of the Fairfax County Circuit Court. He began his term on January 1, 1984. The clerk handles administrative matters for the court and also has authority to probate wills, grant administration of estates, and appoint guardians. He is the custodian of the court records and the recorder of deeds. Marriage licenses are issued by the Clerk.

The clerk of the circuit court fulfills his responsibilities with the assistance of dedicated Fairfax County personnel. The office is composed of an administrative staff and five divisions as follows:

- Court Administration
- Court Services
- Public Services
- Land Records
- Comptroller

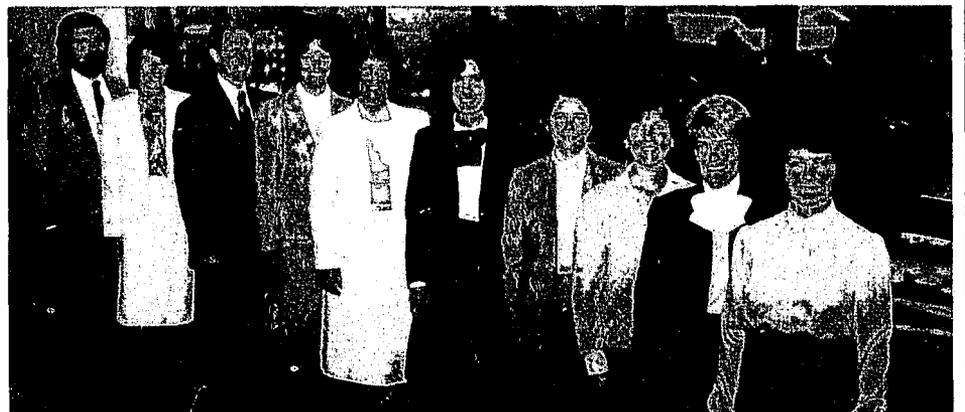
It is the general goal of the clerk's office to provide an efficient system of judicial administration and to maintain a reliable public records system for the citizens of Fairfax County, and the Cities of Fairfax and Falls Church and provide the leadership and administrative skills necessary to afford responsible service to the legal community and the general public.

In the effort to meet this goal, the administrative staff of the office monitors program efficiency and effectiveness, defines evaluation criteria and goals, and provides an analysis of fiscal needs with regard to workloads and goals and objectives.



Clerk of Court, Warren E. Barry is responsible for the administrative duties of the court and custodian of court records and the recorder of deeds. The elected Clerk began his term on January 1, 1984.

and clerical services (including jury functions) necessary to accomplish such resolution economically. The goal of the Court Services Division is to provide support to the judges of the 19th Judicial Circuit Court and to maintain, in accordance with the Code of Virginia, a records management system which will provide for continual retirement of files, keep records current, and reduce operating space. The goal of the Public Services Division is to provide prompt and efficient service to the public with respect to filing of Court actions, the recordation and certification of legal instruments, the payment of traffic fines, the issuance of licenses, and processing of judgment liens and other public records. The goal of the Land Records Division is, in accordance with the provisions of the Code of Virginia to record, preserve, and safeguard all documents pertaining to land and property and to provide convenient public access to same. The goal of the Comp-



The Clerk's Office Administrative Staff. From left to right, Mark Zaffarano, June Attmanspacher, Glenn Dryden, Sharon Hanzel, Faith Kauders, Barbara Heffron, Dolores Testerman, Jane Deltee, Shirley Buckley, and Joan Breen.

It is the goal of the Court Administration Division to insure appropriate and prompt resolution of all cases, and to provide the judges of the Circuit Court with full administrative

troller's Division is to account for, and disburse as directed all monies collected by the clerk and to manage the court bookkeeping and auditing functions.

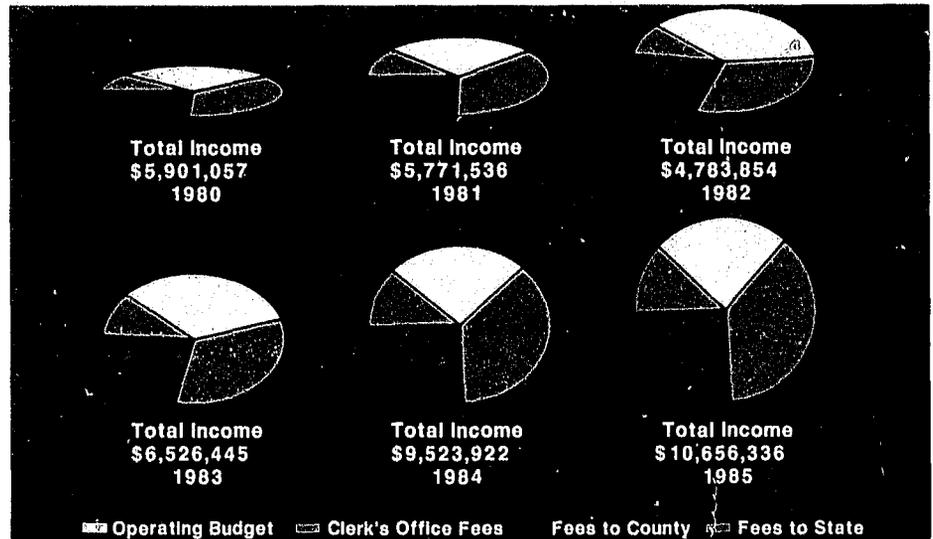


Financial Information

The Clerk's Office maintains a finance and accounting section consisting of six employees whose responsibility is to monitor all financial transactions. Their workload consists of coordinating funds from three sections of the office including Public Service, Land Records, and Court Services (criminal) who collect court fees for a variety of purposes such as fines, taxes, and other administrative services. All revenues received by this section are shared by the County, the State, and the Clerk of the Circuit Court. Chart 1 depicts revenues collected and distributed during the past five years by the Fairfax Circuit Court finance and accounting section.

This section prepares a state budget for the Circuit Court Clerk's Office which must be approved by the Virginia Compensation Board. Each year this section submits to the Clerk a budget request for the County. The Clerk's share of the total revenues collected in excess of the total budgeted amount is divided as follows: one-third is allotted to the State and two-thirds to the County treasury. The State utilizes their portion of the additional Fairfax Circuit Court funds to help the Commonwealth of Virginia. The Clerk's office finance and accounting section remits to the State their share of the excess fees from the Circuit Court on a monthly basis. The Clerk's Office is audited annually by the State and if any discrepancies are noted, then these matters are resolved at that time.

This section must also monitor special funds and make deposits into a savings account those monies associated with active civil court cases until such time as a court order is received by this section for disbursement to the actual parties connected with the court case. In ad-



Front, Mary Miller and Robin Henderson reviewing the general ledger. Back, Joan Breen and Jean Parrish preparing a financial report.

dition, a number of reports and schedules are compiled throughout the year. Some of these reports must be available for the State auditors to examine while others are utilized as primary sources of management information for the Clerk of the Circuit Court and his administrative staff. At the end of each fiscal year the finance and accounting section prepares a final report detailing the financial condition of the Circuit

Court Clerk's Office according to general ledger accounts.

Employees of this section have responsibility for projecting revenues pertaining to the County, State, and Clerk general and subsidiary ledger accounts. The forecasting reports are produced on a monthly basis. Currently, County funds have been approved to design and implement a new automated financial information system.



Court Services Division

The purpose of the Court Services Division is to provide administrative and clerical support to the judges, lawyers, and citizens of Fairfax County. This Division is divided into five separate sections: Criminal, Motions docket, Data entry, Supreme Court Appeals, and Court of Appeals. The workload of the Court Services Division represents a function of the court's caseload activity, as well as the changing demographic, legal, and economic conditions affecting



Employees perform data entry: All Pleadings and Orders are processed through this section. Standing, Jackie Hollingsworth, seated, Janine Hubbard and Lisa Grayson.



Kathy Jackson assists county police officer: Charlene Hopkins searches for case information on computer to answer phone request.



Catherine Locke, Supervisor of Records Management preparing court files.

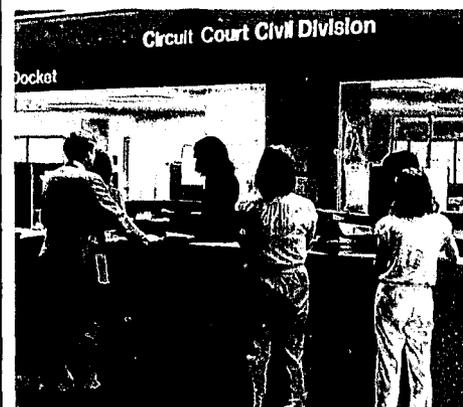
orders that fines, court costs or restitution must be paid by the defendant, the Criminal Section must monitor and collect these fees. In addition, all criminal evidence introduced in court is retained by this section. Monthly administrative reports are issued to state criminal justice agencies, including the Department of Corrections and the Division of Motor Vehicles. In 1985, 4554 criminal cases were filed.

The motion's docket section processes and schedules all civil motions filed by attorneys for the weekly Friday Motions Day. The Circuit Court will hear motions on Fridays only. The request to place a motion on the docket must be filed in the Clerk's Office by 4:00 p.m. every Tuesday prior to the designated Friday motion schedule. Individual motions are limited to thirty minutes of courtroom argument. During 1984, 13,385 motions were heard as compared to 14,029

Fairfax County in terms of the total litigation activity entering the Circuit Court.

The Criminal Section is responsible for preparing all court cases held for presentation to the Grand Jury as well as all criminal cases on appeal from the General District Court and the Juvenile and Domestic Relations Court. Personnel maintain all search warrants and affidavits filed with the Clerk's Office. Whenever a judge

The workload of the Division represents a function of the court's caseload activity, as well as changing economic conditions within Fairfax County.



Personnel from the Civil Administration Section answering public inquiries.



motions in 1985. The moving party who files the notice of motion may withdraw their motion prior to Thursday at 4:30 p.m.

The Data Entry Section is responsible for transforming legal documents and information filed with the Court in the form of civil pleadings, court orders, and subpoenaed records into the creating of identical automated file records. The final results of court cases are entered into the computer whenever final orders are presented to the judges. During 1984, approximately 69,666 pleadings and orders were handled, while for 1985 a total of 74,847 were processed.

The Court of Appeals was established January 1, 1985. The Clerk's Office maintains personnel who prepare the Circuit's case records whenever an appeal case is directed to the Court of Appeals of the Supreme Court.

Growth of the county eventually led to the construction of the Judicial Center, completed in 1982.

An appeal can be made to the Supreme Court after entry of an Order of the Circuit Court dealing with Civil cases, Habeas Corpus cases, and any case not under the jurisdiction of the Court of Appeals.

A Notice of Appeal must be filed within thirty days from the entry of the Order of which you are appealing.

Other Services

Another important responsibility of the Court Services Division involves the administration of divorce and adoption records. The Clerk's Office coordinates their work regarding adoptions with the Virginia Department of Welfare and Bureau of Vital Records. During 1985 there were 359 adoptions filed. The Virginia Bureau of Vital Records received the monthly divorce report from the Circuit Court. Approximately 3,567 final decrees of divorces were recorded by the Court in 1985.

Public Service Division of the Clerk's Office

The Public Service Division of the Clerk's Office assists the public by providing prompt and efficient service regarding the filing and processing of all civil lawsuits, the recordation and certification of legal in-



Court staff assisting the public with Notary Public Applications and Passports.

struments, the issuance of marriage licenses, the administration of judgment liens and other public records, as well as the payment of traffic fines. Whenever citizens of Fairfax County require assistance, or have special questions involving the court, usually they will be served by personnel working throughout the various sections of the Public Service Division. Citizens will often appear in the Public Service Division seeking assistance in obtaining passports, interpreting and storing a will, obtaining a marriage license, the issuance of a notary commission, and assistance in administering an estate or probating a will.

The Civil Intake Section accepts, for filing, all Chancery Law actions, including divorce cases, adoptions,

change of names, personal injury cases, garnishments and attachments. Furthermore, this section issues witness subpoenas for all civil court cases. Public Service personnel discuss with the public what administrative procedures must be taken to file a case in the Circuit Court whenever any citizens choose to legally represent themselves. Other staff members prepare and distribute orders of publications to various newspapers.

During 1985, the number of fiduciary cases processed within the Fiduciary section increased by 13%. The specific workload within the Fiduciary section includes the probate of wills, the acceptance of wills for safekeeping, guardianships, administration of estates, oath administration, and authorization of ministers to perform marriage ceremonies.

The following statistical information and narrative description highlights the major activities of the Public Service Division:

<u>Management Indicators</u>	<u>1984</u>	<u>1985</u>
Chancery Cases Commenced	5922	6009
Law Cases Commenced	3734	3992
Fiduciary Cases Processed	12,574	14,265
Financing Statements Recorded	12,490	13,258
Judgement Liens Recorded	8,648	10,341

Passport Applications

Passports applications are processed and forwarded to the Passport Office in Washington, D.C. for issuance. This convenience eliminates the travel time to the Washington D.C. Office.



Marriage Licenses Issued

Marriage Licenses are issued by the Clerk of the Circuit Court. The fee is \$20.00 cash. Both parties must appear before the Clerk to obtain a license and must be eighteen years of age or older (proof of age required) or, if between sixteen and eighteen, must have formal parental consent.

During 1985 a total of 6861 marriage licenses were issued.

Notary Public Applications

The Clerk's Office approves Notary Publics for the State of Virginia. During 1985, a total of 2330 Notary Public applications were processed.

Wills for Safekeeping

The Clerk's Office accepts wills for safekeeping. Upon notifications of testator's death, the Clerk will deliver a will, previously held for safekeeping, to any person entitled to offer the will to probate the executor or administrator.

Administers Oaths

Oaths are administered to all persons appointed to official offices by the State of Virginia and local government.

Authorization of Marriage Celebrants

All ministers in the State of Virginia must be authorized to perform marriage ceremonies. Out of state ministers must also be authorized by the Clerk of Court or a Judge to perform marriage ceremonies in the State of Virginia.

Fictitious or Trade Names

Fictitious or trade names include individual partnerships and corpora-



Clerks assisting attorneys with the filing of new civil suits.

tions. All persons doing business in Fairfax County are required to register the trade name with the Clerk's Office.

During 1985 a total of 3665 trade name applications were processed.

Judgment Liens Recorded (Abstracts of Judgments)

The Circuit Court Clerk's Office records the Circuit Court judgment liens and judgments granted in other jurisdictions in Virginia. The recordation of the judgments become liens against real estate located in Fairfax County.

During 1985 a total of 886 judgment liens were processed.

Charters

Charters are received from the State Corporation in Richmond, Virginia, and then indexed and recorded in the Circuit Court Records. The charters for corporations located in Fairfax County are sent to the Clerk's Office.

During 1985 a total of 12,389 charters were processed.

Delinquent Real Estate Taxes

Delinquent taxes through the year 1981 are recorded and collected in

the Circuit Court Clerk's Office. These records are now available from the computer.

Financing Statements Recorded

A financing statement is a notice that a creditor has a priority lien in a specified collateral. It may be in the form of an original, continuation, termination amendment, assignment or collateral release.

During 1985 a total of 13,258 financing statements were processed.

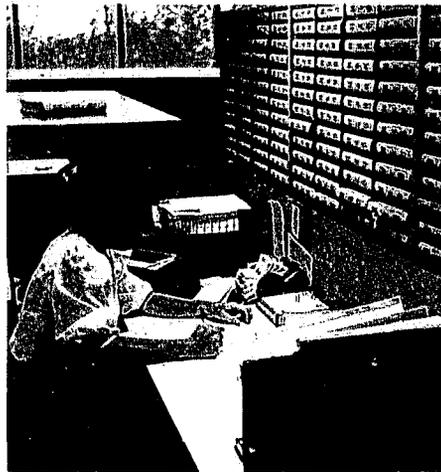
Oversees Return of Ballots and Poll Books After Each Election

The Clerk is responsible for overseeing the return of ballots and all poll books after each election. These official records are returned to the Clerk's Office and are available to the Secretary of the Electoral Board for canvassing and the verification of the total votes. The Clerk's Office accepts notices of candidacy filed by independants for any office. Certification of this notice of candidacy is sent to the Secretary of State Electoral Board and the Fairfax County Secretary of the Electoral Board. The Clerk is required to maintain the ballots for one year.



Land Records

The Land Records division of the Fairfax County Circuit Court continues to lead the Commonwealth of Virginia (and the entire metropolitan area) in volume of land-related transactions. The effects of a locally booming economy are reflected in the highest levels of recording to date: a total of 126,598 instruments (documents) were recorded in fiscal year 1985 for a total revenue of \$24,755,994.14; average daily recordings numbered 513 for the year, a 7% increase over FY84 and 42% over FY83. The low occurred on January 17 with 309 documents recorded, and the high on June 28 with 1,017 documents (901 followed



Jean Lavin tracing a deed of trust in one of Land Records deed books.

representing approximately 522,000 pages filmed. It is estimated that approximately \$163,740 was saved in FY85 by filming documents in-house rather than sending out the materials to be produced as hard copy. At the end of the fiscal year 1985, deed books numbered 6,172. Every day, approximately 600 film copies and another 600 book copies of the various documents on record are requested by and produced for the public.

At present, the Land Records division has approximately 20 full-time staff members divided almost equally between its three sections: Recording, Computer (data entry), Micrographics. There are an additional eight to ten employees hired as seasonal/temporary help during the busy summer surge.

Currently, Land Records is involved in a major reorganization effort that will include the following endeavors:

1. increased cross training between sections;
2. production of a training/procedural manual;
3. rearrangement of systems furniture to facilitate better job performance;
4. continual monitoring of work procedures to provide for changes where necessary;
5. possible automation of recording procedures;
6. increased tracking of legislation as it pertains to land transactions in order to suggest further changes and/or efficiently insure current laws are followed.

Land Records division continues to strive to perform as a well organized team in order to serve the people of Fairfax County in an efficient and courteous manner and provide accurate and up-to-date information.

Chart 1

Fiscal Year	Instruments Recorded	Percent Change	Revenue Collected	Percent Change
1985	126,598	+ 5%	\$24,755,994.14	+ 15%
1984	120,024	+ 34%	\$21,607,261.58	+ 58%
1983	89,278	+ 27%	\$13,651,197.46	+ 42%
1982	70,183	- 25%	\$ 9,625,004.48	- 25%
1981	90,957	- 9%	\$12,779,448.72	- 01%

on July 1, 1985 for the beginning of the new fiscal year). Average monthly recordings for FY85 numbered 10,550.

In addition to falling interest rates, several other factors contribute to these current increases: Fairfax County encompasses a large land area, two-thirds of which is undeveloped and still growing. Because of the County's proximity to Washington, D.C., it attracts new business which in turn provide jobs for a fast-growing population. Fairfax has also been targeted as a high-tech center due to its location near the governmental center for the nation and proximity to a major university. Finally, Fairfax County has one of the Nation's highest median income

ranges for both individuals and families.

In order to cope with ever-increasing demands, the Land Records division has been automated since 1980. Documents recorded on one day appear in the daily index the next working day. Names, indexed by the Computer section of Land Records numbered 431,810 in FY85, 80% of the total for the Circuit. In addition, there is an in-house micrographics department which films the deed books and other court related information such as Charters, Wills, Marriage Licenses, Clerk's Orders, and Fictitious (trade) names. In FY85, a total of 261 microfilm cartridges were produced (191 of which were deed books)



Court Administration

The office of court administration assists the Judges and the Clerk of the Court with the nonjudicial activities of the Court. This office is involved with both case and jury scheduling. In addition, modern administrative methods are utilized in day-to-day court operations. The office serves as a promoter of court technology and innovation. The court administrator and his staff function within general management areas rather than within specific legal areas. In addition this office assists attorneys, members of the public, and litigants by providing current information pertaining to individual court cases and specific case events.

The capability to conduct court related research is an important responsibility for this section of the Clerk's Office. For example the Rand Institute of Civil Justice has selected Fairfax County Court as a pilot test site and research participant for studying the effect of litigant satisfaction upon their preference to choose among three different possible methods for hearing civil disputes.

The following are general management activities:

1. Analyze pending court caseload and project statistical trends.
2. Evaluate and implement automated systems to produce special performance reports.
3. Remain accountable for efficient management of court records.
4. Serve as a liason to county agencies and programs which affect the daily court operations.
5. Select, train, and develop the nonjudicial staff.
6. Review productivity statistics and assist in preparation of the court's budget submission.
7. Respond to public information inquiries and review management information reports.



Docket clerks prepare and coordinate the court's daily workload in conjunction with attorneys' schedules.

8. Coordinate scheduling with court reporters, interpreters, and other nonjudicial personnel who have daily contact with the court.
9. Assist the Sheriff's Office, the Commonwealth Attorney's Office, Police, and other criminal justice agencies in daily court operations.
10. Provide assistance to the Clerk's Office and the Judges concerning a broad range of administrative tasks, future planning activities, conferences, including service to the public and the news media.
11. Develop innovative ideas, experimentation, and introduce new state-of-the-art court technologies to improve court operations.
12. Communicate with state court administration personnel regarding the business of the Fairfax Circuit Court.
13. Supervise support staff to the Judges and insure that the re-

The court administrator and his staff function within general management areas rather than within specific legal areas.

- quired decrees, orders, and rules of the court are implemented.
14. Institute more effective and efficient court procedures and work with other court administration personnel in the county from the General District Court and the Juvenile and Domestic Relations Court.
 15. Analyze proposed legislation and advise personnel regarding the anticipated impact upon the court of all approved legislation as well as change internal operating procedures.



Records Management Section; Circuit Court Clerks; Law Clerks

Records Management Section

This office is charged with the important role that records play in the overall Circuit Court operations. Over the years, there has been a marked increase in the amount of paperwork being initiated, circulated, and filed. Seven full time employees retrieve court files for the Judges, clerk's office staff, the public and attorneys and answer phone inquiries from citizens throughout the nation. Clerk's Office correspondence is processed and filed by records management staff. In addition, the Court's record retention schedules are carefully tracked and monitored. Specific categories of records are declared inactive and disposed within the prescribed statutory time limits established by the Virginia Public Records Act. As the Court's workload continues to expand the records management section's volume increases proportionately.

For civil case files alone, the total number of chancery cases maintained by this section exceeds 95,000 files. The total number of law cases exceeds 73,000 files. Furthermore, 39,200 fiduciary files and 25,000 closed civil case files are retained from the General District Court.

Circuit Court Clerks

At present, there are eleven Fairfax County Circuit Court judges. Each judge is assigned a Court Clerk whose functions range from assisting the judge in the courtroom, to preparing the processing of various Court orders and Court related documents.

Specifically, a Court Clerk's duties in the courtroom, among others, include: administering oaths to Interpreters, Court Reporters, Grand Jurors, Petit Jurors, Commissioners, and Witnesses. They are custodians



Court Clerks assigned to work with the Circuit Court Judges. Seated, from left to right, Donna Gerth, Jeff Blanchard, Nina Joyce, Diane Karlen, Susan Tanfield. Standing, from left to right, Claire Scerra, Katie Swart, Leslie Minor, Lynn Frederick, Bonny Jones, Trudy Whorton.

of all exhibits during trials. Notes are taken by the Court Clerk during both criminal and civil Court proceedings relating to the incidents of trial. These notes are later utilized by the Court Clerk in preparing court orders in criminal cases, and in addition, serves as a basis for assembling all necessary documents for appeal purposes.

Instruments prepared by the Clerk include: general criminal orders, bench warrants, capias, rules to show cause, scire facias, two and five year orders, probation referrals, Division of Motor Vehicle abstracts, jail cards, and jail credit forms.

Revocation hearings are scheduled by the Court Clerks in addition to other hearings specified by his or her judge.

Accuracy is of vital importance as it relates to the responsibilities of the Court Clerk. All case results and other matters relating to each case are entered into the computer by the Court Clerk. This information is utilized by Court personnel for docketing and statistical purposes as well as a source of information.

With the aid of word processors, the turnaround time for processing

Court orders has decreased markedly. It is estimated for the year 1985, approximately 4554 criminal cases will have been completed with approximately 24,000 orders processed by the Court Clerks.

Court Clerks, in many instances, serve as a liaison with the Sheriff's Department, Adult Detention Center, Commonwealth's Attorney's Office, Probation Office, and Attorneys practicing before the bar.

Law Clerks

Each year three law clerks are hired for the staff of the Circuit Court. The clerks are law school graduates who have successfully passed the Virginia State Bar Exam. Each year between eighty and one hundred applications are received for the three positions. The law clerks assist the eleven Circuit Court Judges with research on various complex cases that come before the Court for decision. The cases, both civil and criminal, sometimes require that detailed research memorandums citing related cases and applicable law be prepared to assist the judges in their decisions. The three clerks serve for a period of one year, commencing each August.



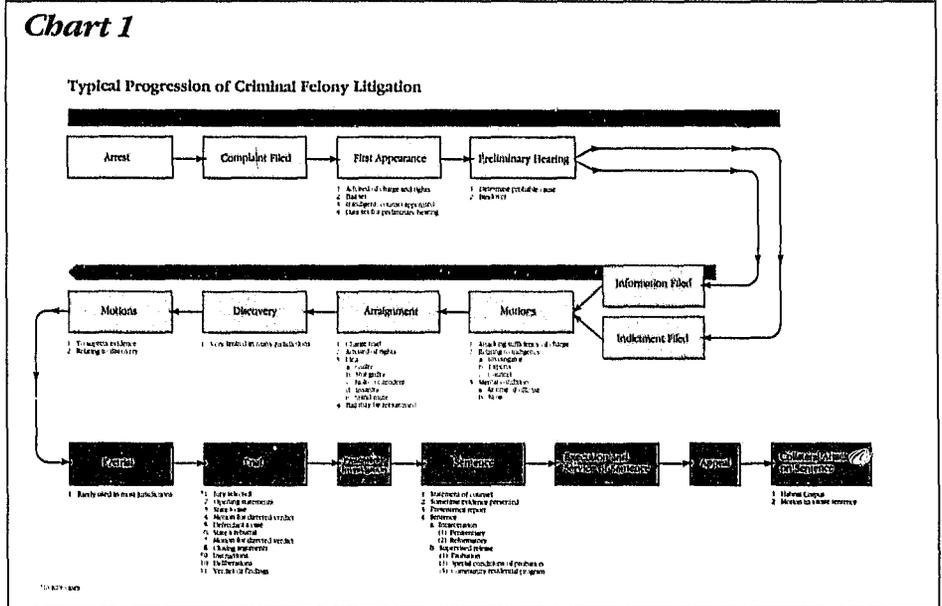
Criminal Caseflow and Docket Administration; Grand Jury

The criminal docket clerk is responsible for the daily criminal calendar. After obtaining the criminal files from the Clerk's Office, she prepares the cases for each respective day. This entails contacting each defense attorney, and each prosecutor assigned to a specific case in order to ascertain the anticipated time status. After consultation with both parties, she is able to ascertain whether or not a jury is necessary. The Clerk checks to see if a jury had been set earlier, whether or not a plea is anticipated and, in either event, the approximate court time that will be expended on the case.

In the Circuit Court of Fairfax County, Monday through Wednesday is set aside for the hearing of all criminal cases. Thursdays are devoted for misdemeanor trials, and Fridays are the pre-arranged criminal sentencing days for the eleven Judges. All criminal motions are also heard on Fridays unless another additional day is specially designated by the Chief Judge.

The Criminal Docket Clerk plays an important role in the orderly flow of the daily criminal agenda. At the end of the day, and again the next morning, the docket clerk delivers a printed copy of the final schedule to the Chief Judge for the assignment of cases. This will include any jury trials that may have carried over to the following day or any emergency bond motions that have been added to the court's docket.

On the average, approximately fifteen felony cases are scheduled per day and sixty misdemeanor cases are set for each Thursday. Fairfax Circuit Court processes all criminal cases swiftly and exceeds national time processing standards. For example, the National Time Standard of one hundred eighty days has been estab-



lished for processing all felony cases from time of arrest through trial. For misdemeanor cases the National Time Standard from arrest to trial should not exceed ninety days. In Fairfax, felony cases take no longer than one hundred fifty days from arrest to trial and the cases are usually concluded within sixty days.

Chart 1 illustrates the typical stages of a felony trial.

carcerated defendants are given a grand jury in the interim month. At this time the Grand Jurors hear about fifty individual cases. The incarcerated defendants already have a court date which is given to them at the time of the preliminary hearing, thus eliminating another term day.

Chart 2 depicts total criminal cases filed from 1975 through 1985.

Grand Jury

The Grand Jury meets every month. They determine whether there is probable cause to believe a crime has been committed, and if so an indictment is returned to the court on each case. Criminal term day is held the following day when each defendant, who is not incarcerated, appears with his attorney to select a court day. At this time approximately two hundred cases are scheduled. These dates are set within a sixty day term of court. To expedite the judicial process, in-

Chart 2

Year	Number of Cases Filed
1975	1625
1976	1814
1977	2247
1978	2765
1979	2771
1980	3833
1981	4830
1982	4790
1983	4994
1984	5006
1985	4554



Civil Caseflow and Docket Administration

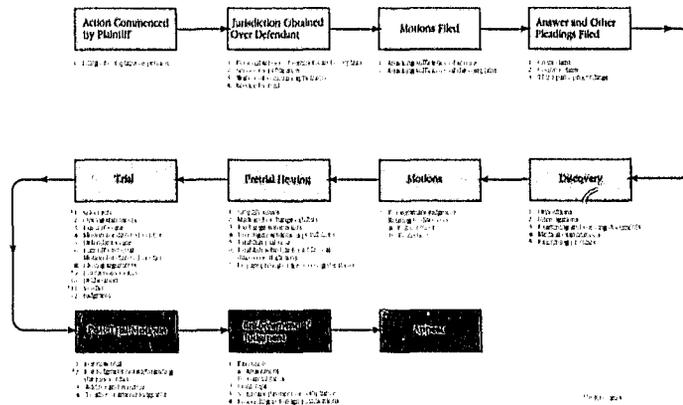
Each day throughout the year, the civil docket clerk contacts local attorneys to obtain their time estimates regarding all Circuit Court trials which have been scheduled for the following day. Some case time estimates range from a half day to three weeks or longer depending upon the type of case. On the average day in Circuit Court, approximately 25 to 35 civil cases are scheduled for the Judges to hear. The civil docket clerk has automated management information reports available to assist her with this work.

Every two months, new civil cases are added to the court's annual case workload through a special scheduled courtroom proceeding know as Civil Term Day. Ordinarily over 300 new cases are assigned a specific date for trial. This scheduling effort involves coordinating the court's schedule with hundreds of lawyers and their daily work schedules. Civil Term Day does not last the entire day but rather one brief hour. During 1985, approximately 1,670 new cases were assigned trial dates in courtroom 5E. The Court continues to perform efficiently by exceeding the approved national civil time standards for case processing adopted by the Conference of State Court Administrators on July 29, 1983. These standards insist that all civil jury cases should be tried, settled or disposed of within 12 months of filing or service of complaint, which ever comes first.

Chart 3 illustrates the typical legal stages associated with the processing of any civil court case regardless of case type. At each stage the Judge must review the legal documents and court personnel must insure that all documents that have been filed with

Chart 3

Typical Progression of Civil Litigation



the court are available for judicial review.

The Civil Docket Clerk

The civil docket clerk has the responsibility of contacting each attorney involved in all civil cases assigned on a given day. She will determine whether or not a settlement on a case is eminent, whether or not there will be a jury trial, and the anticipated court time to be utilized on each case set on the docket. Civil matters are heard every day of the week with the exception of Friday, which is set aside for Civil Motions, Criminal Motions and imposition of sentence in felony cases.

The civil docket clerk delivers to the Chief Judge a daily printed listing of the scheduled cases, along with her case time estimates, and all necessary files. Should a case become resolved by the parties or if a case is settled by the close of business, she will apprise the judge accordingly the following morning before the Judges

receive their case assignments. Due to the close scrutiny by the civil docket clerk, the court can more ac-

Chart 4

Year	Number of Cases Filed
1975	6,420
1976	6,584
1977	6,624
1978	7,063
1979	7,866
1980	8,476
1981	8,949
1982	9,592
1983	11,248*
1984	9,666
1985	10,001

**This figure includes 1,232 cases filed regarding one defendant.*

curately determine the number of jurors needed, and the need, if any, to secure additional visiting judges, especially during heavily docketed days.

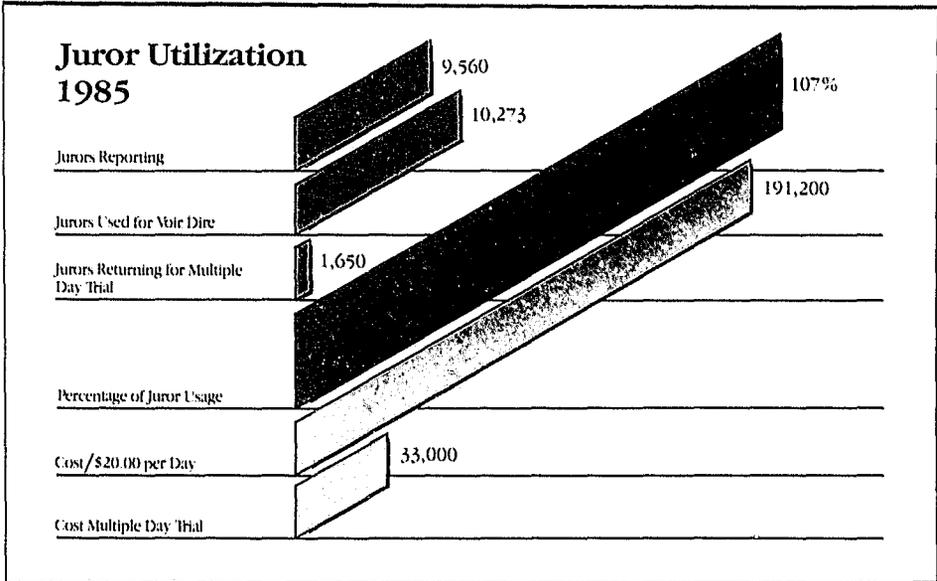
Chart 4 depicts the increase in the number of civil filings. This impor-



tant measure of the court's workload has fluctuated over the years in accordance with the judicial circuit's population growth and the county's changing economic conditions.

Jury Clerk

Each year approximately 10,000 names are selected at random by a computer from the voter registration list. A qualification questionnaire is sent to each person chosen and is separated when returned into magisterial districts. Jury Commissioners from each magisterial district, appointed by the Circuit Court judges, screen the questionnaires according to statutory guidelines. Those determined to be qualified are selected as a pool from which jurors are drawn throughout



Judge Thomas J. Middleton addresses jurors during their orientation period.

the year.

Each term of court approximately 650 jurors are selected at random by computer from the pool. The computer also is used to determine the day of the week each juror will serve. The jurors are notified by mail as to the date they shall report for jury duty. A juror normally

serves one day per week for a two month term. If a trial takes more than one day, the jurors are ordinarily allowed to go home and return the following day. After a juror has served on jury duty his/her name is not selected again for at least two years. This is assured by a computer match process.

The court has a "start-strike" system which enables us to have a very high percent juror usage.

Jurors reporting initially are given a brief orientation by one of the judges of the Circuit Court, supplemented by the jury clerk. We use a call-in system for jurors. At orientation the jurors are instructed to call for a recorded message the evening before their assigned day each week to determine whether he or she shall report for jury duty. Every effort is made to call in the minimum number of jurors necessary. Our daily goal is to have 100% juror usage.

The jury clerk is responsible for most phases of jury management. She participates in meetings each year with the Jury Commissioners and instructs them on juror qualification. The jury clerk serves as a liaison for all jurors with



clerks of the Circuit Court judges, the Commonwealth Attorneys, the county finance department and other county agencies as necessary. The Assistant Court Administrator and the jury clerk coordinate all juror scheduling each morning with the bailiffs of judges assigned to hear jury cases.

The Circuit Court has a "start-strike" system which enables us to have a high percentage of juror usage. For example, if we have five jury trials scheduled, we normally call in enough jurors to start 2 or 3 jury trials at 10:00 a.m. When the "strikes" (unselected jurors) are available, we make up panels for the remaining jury trials. Juror usage during 1985 was 100% each month with the exception of August.

If sufficient jurors were called to start each case scheduled for trial each day, the total jury cost for 1985 would have been



Diane Stanley, Jury Clerk and Sheriff's Deputies organize jurors for assignment to specific jury panels.

\$289,760. This figure is determined by including the additional 1291 jurors which would have been necessary to start each jury case ready for trial as of 4:30 p.m. the day preceding the trial date if the "start-strike" system was not used. The actual cost, using the Fairfax Circuit Court "start-strike" system, was \$149,200, resulting in a savings of \$140,560 to the taxpayers.

Additionally, attorneys are instructed to call the jury clerk at home after normal court hours and on weekends if they have reached a settlement on a civil jury trial or if a jury is no longer requested for either a felony or misdemeanor criminal case set for trial the following work day. The clerk in turn calls jurors individually and excuses the unneeded jurors. Obviously there is not only the monetary saving to the taxpayers but a considerable saving of time and expense for individual jurors who are not required to report.

Court Automation

Data processing support for Fairfax Circuit Court began in January 1977 and was funded by two LEAA Grants totaling \$100,600. The general design and detail design were completed in September 1977 and programming began in October 1977. Programming was completed in September 1978. All work was accomplished "in house" through the combined efforts of employees from the Clerk's Office and the Office of Research and Statistics. Through this joint effort, four information systems were developed and implemented:

- Juror selection and Management (implemented September 1978);
- Records Indexing (implemented October 1978);
- Civil Case Management (implemented January 1979); and
- Criminal Case Management (implemented July 1979).

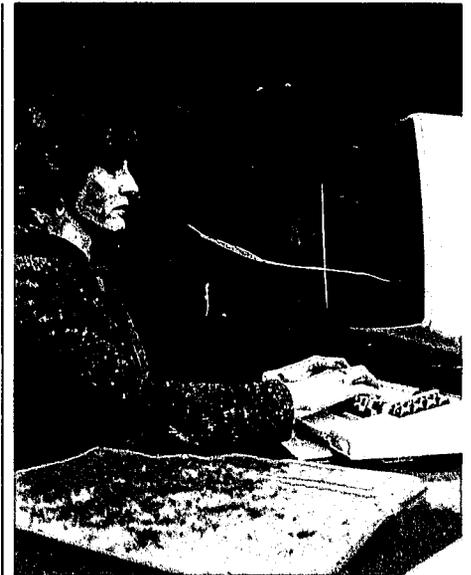
Hardware to support our information systems included 9 CRTs, 2 printers and we averaged 40,000 on-line transactions per month.

During 1980—1984 the following information systems were developed and implemented:

- Land Records Indexing (implemented July 1980);
- Civil and Criminal Service System (implemented January 1982); and
- Delinquent Real Estate Tax (implemented January 1984).

Hardware to support seven major information systems has grown to 25 CRTs, 2 printers and we were averaging 200,000 on-line transactions per month.

With the implementation of Land Records Indexing, the general public was trained to utilize CRTs for portions of the title search. In addition, other County agencies (Department of Environmental Management, Office of Assessments, and the Department of Public Works) were given



on-line inquiry access to the information. The on-line capability has allowed these agencies to expedite citizen's requests for information and the issuance of County building permits. The system also generates management reports of statistics and other information required by the Office of Assessments and the Department of Environmental Management.

Because of the successful Land Records Indexing interface we encouraged other County agency interfaces in both civil and criminal service and the Delinquent Real Estate Tax systems. The Office of the Sheriff and the Office of the Commonwealth's Attorney have on-line inquiry access to the Civil and Criminal Service system. The service interface enables the Sheriff's Office to respond to citizen inquiry more efficiently and the Commonwealth's Attorney can check service status from his own office. Delinquent Real Estate Tax information is shared by the County Attorney's Office and the Office of Finance. In addition to on-line inquiry, the Delinquent Real Estate Tax system provides the



public as well as other County agencies the capability to use on-line transactions for the calculation of pay-off figures and also generates management reports for their use.

In 1985 two new information systems were implemented:

- Judgment Information (implemented January 1985);
- Criminal Restitution (implemented April 1985).

Current hardware consists of 31 CRTs, 2 printers and we are now averaging 290,000 on-line transactions per month.

Remote Access

In addition to the new information systems implemented in 1985, the Clerk's Office also embarked on a new area of public service. Early in 1985, the Clerk sought legislative approval to provide the public with all non-confidential court records maintained in his office, through a remote access computer system. The enabling remote access legislation became the Court's Public Access Network (CPAN) and has been developed to allow access to non-confidential court records through the use of personal computers. The goal of CPAN is to provide law firms, title companies and other interested businesses and individuals with fast and efficient access to land and court related information.

CPAN has been designed to reduce the number of times users must either come to the Clerk's Office to research information or telephone the Clerk's Office requesting information.

A pilot CPAN program became operational on September 9, 1985 with one law firm and one title company as subscribers. The pilot companies volunteered to participate in the CPAN program and pay all monthly communication and computer costs. At the end of the pilot

program the service provided by CPAN will be evaluated by the pilot participants, the Clerk's Office and the County. A decision will then be made to offer CPAN to the real estate and legal communities of the County.

Automation of Court functions has allowed the Court to maintain an ever-increasing workload with a minimum staff increase. Functions



that literally took days to accomplish manually are now done in hours. Another benefit is the increased accuracy of the information. Prior to automation of our Land Records, our manual system had an 8-10 percent error rate. The automated system has reduced our error rate to less than 1 percent.

As we look to 1986, we plan to expand our court's Public Access Network and to automate our revenue collection and accounting functions.

Civil Case Management

Computer support is both on-line and batch. The on-line programs contain case number, date filed, all

plaintiff and defendant names, pleadings filed, orders entered and scheduled hearing dates and type. There is also an on-line name index for all plaintiffs and defendants.

Batch support includes:

- Indexes (hard copy)
- Master Dockets (trial schedules)
- Motions Dockets
- Civil Cover Sheets
- Exceptions Report

The goal of CPAN is to provide law firms, title companies and other interested individuals and businesses with fast and efficient access to land and court related information.

- Statistical Reports
- Management Reports

Criminal Case Management

Computer support is both on-line and batch. The on-line programs contain arrest information (name, address, date of arrest, date of offense, bail/bond, arresting officer, social security number, drivers license number, etc.), charges, State/County charge, all scheduled hearing and case dispositions which includes sentencing and probation information. There is also on-line defendant name index. Batch support includes:

- Index (hard copy)
- Master Dockets (trial schedules)
- Motions Dockets
- Criminal Cover Sheets
- Exceptions Report
- Statistical Reports
- Management Reports



Juror Selection and Management

This system is supported by batch programs. Support allows for random selection of potential jurors from "voter registration" files, prints mailer questionnaires, produces roll books for attendance records, produces juror occupation information reports and procedures payment information for both state and county.

Records Indexing

Computer support is both on-line and batch. The on-line programs support all indexing requirements for Charters, Fiduciary bonds, Fictitious Names, Financing Statements, General/ Miscellaneous Index, List of Heirs, Marriage License and Will &

The on-line capability has allowed these agencies to expedite citizen's requests for information and the issuance of County building permits.

Fiduciary. Batch support includes:

- Indexes (hard copy)
- Transaction Reports (used for data entry verification)
- Exception Reports
- Statistical Reports

Delinquent Real Estate Tax

Computer support is both on-line and batch. The on-line programs support summary information which includes property owner's name, mailing address, brief property description, map reference number, tax due, penalty and interest. Additional on-line support includes calculation of pay-off figures, payment history information and an index to all property owner's names. Batch support includes:

- Index (hard copy)
- Delinquent Accounting Summary Information
- Maximum Payment Report
- Interest Factor Sheet
- Audit Report

Criminal Restitution

Computer support is both on-line and batch. On-line support includes a defendant summary and a victim summary. The defendant summary contains defendant name, defendants attorney, Judge, probation officer, sentenced date, total restitution amount, victim name, mailing address, restitution due, terms/amount and payment information. There is also an on-line defendant and victim name index. Batch support includes:

- Delinquent Accounts Report (one for Judge and one for probation officer)
- Monthly collections (all payments processed and total amount collected)
- Exceptions Report
- Exceptions Report



Land Records Indexing

Computer support is both on-line and batch. On-line support includes an Index and Verification transaction. A data entry operator will use the "Index" transaction to enter index information from the source document. A second data entry operator will take the source document and use the "Verification" transaction to enter the same information. The computer program compares each entry and highlights any discrepancies. The verification operator must resolve all discrepancies before master record is written. At the same time the verification master record is written, the record is also printed on a printer in our office. This printed record is then visually verified against the source document in order

to highlight errors that might have been missed at the first verification level. In addition, there is an on-line grantor name index. Batch support includes:

- Indexes (hard copy)
- Exceptions Report
- Reports Used by Other County Agencies
- Data Entry Operators Statistics
- Statistical Report
- Management Reports
- Microfiche Information

Judgment Information

Computer support is both on-line and batch. On-line support includes judgment summary which contains plaintiff and defendant names, defendant's address and social security number, where judgement rendered, attorney(s) of record, case file number, judgment date and description, docket date and time. Additional on-line support includes judgment execution information, judgment release information and defendant name index. Batch support includes:

- Indexes (hard copy)
- Judgment Lien Docket
- Levy and Execution Service Document
- Exceptions Report
- Statistical Reports

Civil and Criminal Service System

Computer support is both on-line and batch. On-line support includes a summary record for each individual who is served in a civil or criminal case. The summary record includes plaintiff, defendant or witness name, service address, hearing address (if other than court), type of service, hearing date and time (if applicable), who is to make service, date document was served and how served (in person, posted, not found, etc.). In addition to the summary record, other on-line support includes an index of all persons served and a "case query" which lists all people served in an individual case. Batch support includes:

- Service Generation (batch program produces 39 different types of service documents and their "proof of service")
- Exceptions Report
- Statistical Reports



Adult Probation and Parole in Fairfax County

The Nineteenth Judicial Circuit, Fairfax County, received its own Probation and Parole office in 1977. This agency has grown substantially since that time to a management staff of four, twenty-four Probation and Parole Officers, and ten support/clerical personnel. Still though, with heavy caseloads (averaging 66.18 per officer) and an extremely high turnover rate in staff, more positions could easily be utilized.

The basic ideologies of probation and parole are similar, however, most of the comments here will be confined to the probation aspects of our function. The work of the Probation Officer requires a professional study of the offenders' background, an assessment of his/her current situation and a reliable program of supervision in the community. Such functions require the services of professionals trained and experienced in the humanities and in the treatment of offenders through the development and utilization of individual and community resources.

The responsibilities of probation and parole are numerous. Foremost is to ensure protection of the community. Adult Probation and Parole provides services to the Circuit Court of Fairfax County as well as all local District Courts. This includes a variety of investigations, reports, and supervision of offenders in the community. Most prominent is our investigative work relating to the Presentence Report, the primary purpose of which is to provide the Court with timely, objective, relevant, and accurate data so it may determine the most suitable sentencing alternatives. The report includes information about a defendant's family history, drug and/or alcohol usage, mental health, vocational background, criminal arrest history, and other pertinent data that may assist the Court in its decision for probation or for confinement or for



Chief Probation and Parole Officer, Mary Lee Raymond, testifying as a witness in court regarding the facts outlined in her presentence report.

some other sentencing alternative. If probation is considered appropriate, the Presentence Report may help the Court to decide if special conditions of probation, such as substance abuse treatment, mental health treatment, or some other alternative would be beneficial.

Specific services provided by our agency which benefit County residents are obvious. Each year the Probation and Parole office serves over twelve thousand County residents and their families, providing them with structured supervision, counseling, general information, and referrals to appropriate community resources. In addition we aid our clients by providing employment opportunities. The benefit to the County as far as taxes paid and living expenditures is apparent. Finally our office acts as a collection agency for the County by collecting from our clientele assessed court costs and restitution, hence returning monies to victims, insurance companies, and the Court System, thus saving tax dollars. The Probation and Parole Office is further required by legislation to collect a fifteen dollar per month per client supervision fee which is returned to the general fund of the Commonwealth's budget each

The responsibilities of probation and parole are numerous. Foremost is to ensure the protection of the community.

year.

An effective system of probation and parole stands ready to offer the client friendship and encouragement, personal guidance, and referral to community resources. Probation and parole offers a kind of freedom in which the individual is encouraged to become a contributing member of society, to provide for the security of his/her family, and to make intelligent decisions for himself/herself. Therefore, while probation and parole is a rehabilitative service, it is also one in which authority must be judiciously exercised and a close degree of surveillance maintained in order to ensure compliance with the Conditions of Probation/Parole and to protect the members of the community.



Internships; Public Information

In the Circuit Court there are many opportunities for graduate and undergraduate students to gain valuable insight to the essential functions of the Court and to gain further understanding of the judicial process through internships. There are basically two types of internships available.

The first is intended for those who are interested in court administration and law related careers. This position provides career-related educational development through the intern's completion of specific court studies involving participant observation and analytical evaluation. The average intern of this type has the equivalent of a Bachelor's degree in criminal justice and or court related experience.

The second variety of internship permits the student to gain familiarity with court operations. During the summer months, many of the permanent employees work with interns to complete special summer projects therefore many of the interns, (summer temporaries) substitute as regular clerks among the different sections of the Clerk's Office wherever they are needed.

These internships are channeled directly through the clerk's office as well as through the county's graduate management and work/study programs. The graduate management program is sponsored for a one year term. The work study program is handled through the agency in conjunction with several local universities. The work study program is designed for a limited time period, usually twenty hours per week and either college credit can be earned or a paid internship will be arranged.

Public Information

In the Fairfax Circuit Court, the Information Center, located on the first

floor of the Judicial Center, provides a vital link between the court and the public. The Center acts as a liaison by assisting citizens either by phone or in person with directions for locating the Clerk's Office, and other matters such as where to pay court fines and other county information.

Other daily tasks include checking on court cases not listed on the daily



The information clerks from the Office of Public Affairs assist the public each day by answering court scheduling questions and a variety of other information.

docket and performing appropriate research for additional information, such as mailing notary applications, posting dockets, and maintaining a daily log of citizen contacts with a corresponding monthly report based on the figures.

In conjunction with the media, the Information Center maintains a daily newspaper clipping file for the Public Affairs Office, keeps abreast of current public interest court cases, and maintains a supply of county brochures and has Metro bus schedules as needed.

The importance of the Information Center is readily seen in their role as an extension of the County to the public. Through their contact with the Courts they provide valuable and necessary information to the public and aid the courts.

Archives

The move to the new Judicial Center in June 1982 has given the Archives a spacious, comfortable, and permanent home, attractive to researchers of genealogy and Fairfax County history. Since the move, researchers from 41 states and D.C. have visited the archives; numerous letters and telephone calls have been received and answered. Land, court, and probate records housed in the archives are used regularly by title examiners and attorneys.

The archives has undergone important changes since it was first opened to the public in June 1982. The addition of surplus filing cabinets previously stored on the fourth floor of the Judicial Center, has made possible the expansion of existing files and exposure of new records pulled from wills, deeds, and court minutes. Marriage, birth, and death files have greatly expanded, as have the records of physicians, clergy, businesses, and other aspects of early Fairfax County life. The file cabinets now house 150,000 3 x 5 cards which offer the researcher a continuous alphabet of persons involved in legal transactions from 1742-1870. (The file cabinets have replaced the colorful shoeboxes formerly used to house the cards.) Attractive posters of historic interest have been hung on walls, expertly mounted by the Fairfax County Graphics Department.

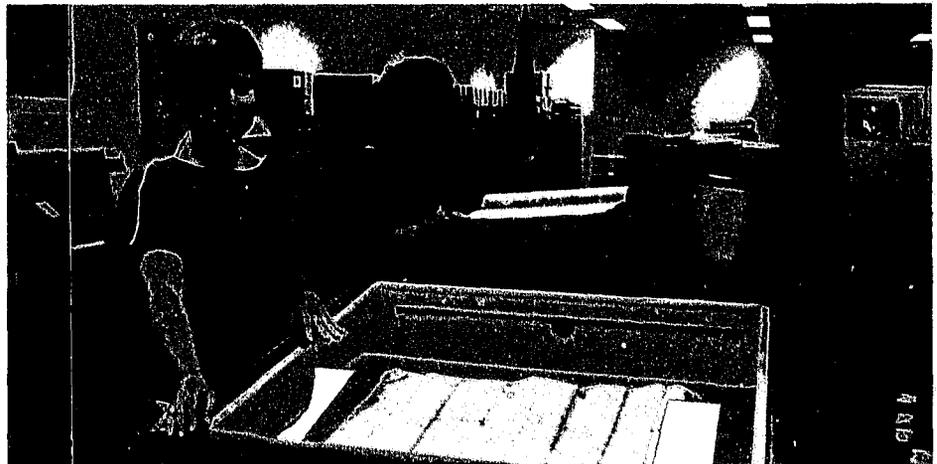
Historical Collections

Archives housed the earliest deeds, wills, and minutes of court sessions recorded in Fairfax County courts since 1742. (Deeds after 1866 and wills after 1904 are housed on the third floor in the Record Room.) Archives also houses all circuit court and common law orders from 1952 to 1979, chancery orders from 1858-1979, and the Clerk's orders from 1904 to 1981. In 1973, a pro-



ject was begun to index indepth the early minute books from 1749 (1742-1748 are missing), funded by the county through the Fairfax County History Commission. The project, in ten years, has produced a complete name and subject index, and abstract of the minutes from 1749-1860 on approximately 150,000 3 x 5 cards supplied by the Clerk of the Court, which have been microfiched by a private publisher, marketed, and sold to several dozen libraries and universities, including Harvard, University of California, and Miami (Dade County) Public Library System. The archives maintains a microfiche reader/printer for public use. Valuable research tools have been compiled as by products of the indexing project, and are used by public and staff. The tools include about 2,000 marriages prior to 1853, a place-name file, births and deaths, as well as files of categories such as slavery, apprenticeships, and military pensions.

Among the most valuable resources in the archives are the approximately 11,000 original chancery suits dating from the mid 18th century. Chancery, a form of litigation which frequently deals with partition of property settlement of estates, and distribution among heirs and creditors, yields such information as marriage, births, deaths, place names, plates and surveys, industries, mills crops, social and family relationships, and other aspects of early Fairfax County History. To make maximum use of the information in the chancery papers, archives has made application to the National Historical Publications and Records Commission for a two-fold grant: (1) to film the chancery suits from 1742-1904 on 35mm silver halide film using a Kodak planetary camera already housed in the Circuit Court (salary



Connie Ring, Court Librarian and volunteer Sandy Zeitlin display historical records from the Circuit Court Archives located on the lower level of the Judicial Center.

for a full-time microphotographer is included in the Circuit Court's budget request for 1984-85); and (2) to index the suits on magnetic tape using a computer terminal to be housed in the archives connected to the main computer at the county computer center. Application has also been made to the county Cooperative Computer Center for programming support.

Presently, chancery suits are stored in acid-free envelopes, in numerical order, in metal filing cabinets, in the archives. Rules governing the granting of funds by NHPRC states that original documents should be accessible for public use. The documents are folded, brittle, and in some cases torn, broken or otherwise in poor condition. Preservation would entail flattening and moisturizing, technical procedures only experimentally attempted by archives staff.

Archives also has been the beneficiary of the Fairfax County History Commission, which has purchased acid-free envelopes and acid-free tissue to be placed between the leaves of original documents to prevent contact. The Commission has also provided part-time staff for the archives since 1973. Archives has

Among the most valuable resources in the archives are the approximately 11,000 original chancery suits dating from the mid 18th century.

also benefited from the expertise of Vera Espinola of the Smithsonian, who has advised us on preservation, lighting, and displays. Acid-free storage materials are also available to us through the Fairfax County Archives, located in the old Courthouse. The director, Dr. George Hruneni, has been generous with supplies and staff time. (The County Archives stores the records of county agencies such as Planning, Sheriff's Department, Board of Supervisors, and others. Records are discarded according to a disposition schedule governing non-archival material. Records kept in the Circuit Court archives remain in the jurisdiction of the Clerk.)



Valuable original documents have recently been added to the Circuit Court Archives from three sources. Public-spirited citizens such as Mrs. Roger J. Wolz of Johnstown, Pennsylvania, who offered to us 18th and 19th Century Fairfax County court records which she had found in her attic, are especially gratifying. Her papers include summonses, promissory notes, marriage bonds, judgments, attachments, commissioner's reports, depositions, suits, deeds, accounts, and bills of sale from 1743 to 1820. Mrs. Louise Koss of Arlington donated an original land grant dated 1739 and signed by William Fairfax, cousin and agent of Thomas, 6th Lord Fairfax, for 5,568 acres on which are located the pre-

Archives also houses the earliest tax maps which are frequently used by title searchers, and original maps and reproductions of 18th and 19th century Fairfax County.

sent Great Falls and Wolf Trap Farm Parks. The land grant is displayed in an exhibit case in the Archives. Dr. Max Walten, a Springfield pediatrician, also donated a land grant, dated 1770 and signed by Lord Fairfax. (Exhibit cases in the lobby of the Judicial Center are, unfortunately, not appropriate for the displaying of historical documents because sunlight fades the ink and damages the paper. If filters could be obtained to screen the ultraviolet rays, these cases could possibly be used.)

A second source has been the Historical Society of Fairfax County, whose primary function is to support the history programs of the county through the purchase and presentation of documents, the publication of a yearbook, two semi-annual general meetings, and the sponsorship of an annual historical essay contest, the winning essay published in the yearbook. The Historical Society has pur-

chased more than 30 original Fairfax County marriage bonds dated 1788 from a collector in New York. Both of these valuable purchases were later presented to the Clerk of the Circuit Court, and are now in the archives. The Historical Society has also provided funds for purchasing a Xerox copy of our 1763 minute book housed in the Huntington Library in San Marino, California.

The most exciting source of recent acquisitions has been the attic of the old Courthouse. The summer of 1983 saw a small group of historians and Clerk's Office staff selecting, boxing, and labeling thousands of books and documents for transfer to the Circuit Court Archives. The transfer of more than 50 boxes of papers, books, maps was made in two separate moves by the work release program of the Sheriff's Department. These materials include the 1813 minute book (long missing), unrecorded deeds, original documents recorded in missing deed books, suit papers, insurance policies, Clerk's correspondence, Civil War pension records, and numerous items which help to reconstruct information lost during the Civil War or other events. Sorting, classifying, and indexing this material, and making it available to the public, will occupy Archives staff for many months. Additional materials brought to the Archives by the work release program are the more than 700 volumes of land tax records from 1851, long stored in the Virginia Room of the Fairfax County Public Library, under the jurisdiction of the Clerk of the Circuit Court. The Archives houses the volumes from 1851, through 1920, later volumes are stored on the fourth floor of the Judicial Center, and are available to the public. Archives also houses the earliest tax maps which are frequently used by title searchers, and original maps and reproduction of 18th and 19th century Fairfax County.

The Archives, through correspondence, in person and telephone inquiries, and copy requests, has served approximately 1600 patrons since the move to the new Judicial Center in June 1982. Many of these patrons become "old timers," and return to the Archives, or write or

call, again and again (but have been counted only once) for additional information on research. A file of "surnames searched" is kept in the Archives, and persons searching the same name are brought together. There is a great interest in the history of Fairfax County on the part of students, scholars, genealogists, and the general public, many of whom come to the Judicial Center to see George Washington's will (housed in the third floor vault). Also using the Archives regularly are attorneys, title examiners, and staff of county agencies, e.g. Planning, Archeology Lab, Mapping, Library, and others. Letters arrive from New York and New South Wales (a university there has a department of American studies). In the Fall of 1982, Professor David Coon of the Washington State University at Pullman spent six weeks in the Archives studying the records to determine the nature of lower and middle class society in the vicinity of Mt. Vernon during Washington's day. Much of 18th and 19th century daily life appears in court records. The courts issued business licenses, established roads, set tavern rates, appointed public officials, recommended military officers, levied taxes, and performed a variety of functions affecting daily life. George Washington and George Mason formulated their political and social ideas in Fairfax County, thus providing an inexhaustible fascination for students of political history. While crucial records are unfortunately missing, such as the court minutes for the first six years of the county's existence, the minutes for the Revolutionary War period, and several 18th and 19th century deeds books, later deeds and minutes often refer to earlier records, and the missing periods can be partially reconstructed.

There is a need to restore several damaged volumes of the early deeds and court minutes. Restoration involves specialized procedures and considerable expense. W.J. Barrow Restoration shop, Inc., at the State Library in Richmond, restores most of the county records throughout the state. Basic de-acidification and lamination costs about \$2.00 per page, depending upon the extent of



the damage. Matching funds for restoration at Barrow's are available from patriotic organizations, such as the Daughters of Founders and Patriots in Washington, D.C.

The staff of the Circuit Court Archives consists of myself (Librarian) and four part-time research assistants employed by the Fairfax County History Commission. These able and talented people are Edith M. Sprouse, Beth Mitchell, D'Anne Evans, and Nan Netherton. All are authors of historical publications pertaining to Fairfax County and are thorough and meticulous researchers.

I have recently served on the Board of Trustees of the Historical Society of Fairfax County, as co-editor with Ms. Sprouse and Ms. Mitchell of the yearbook, and chairman of the essay contest selection committee. Current projects underway in the Archives are: indexing and abstracting the 1813 minute book, sorting and cataloging the records retrieved from the attics, preparing an inventory of all loose original documents, indexing and readying chancery suits for filming, and the daily assistance given to patrons by telephone, letter, and in-person.

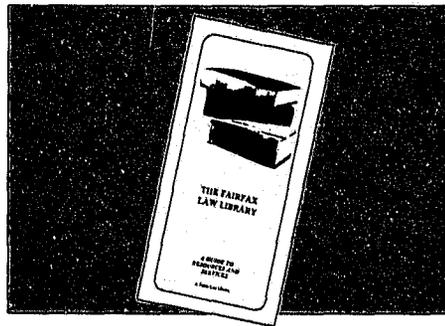
Organizations such as civic associations make extensive use of the Archives. Members of the Great Falls Historical Society, all volunteers, are compiling a comprehensive history of the Great Falls Historical area up to 1900, utilizing records in the Archives. The Clerk of the Circuit Court has offered free copy service to support this effort. The Herndon Historical Society has produced a three-volume history of Herndon, using records from the Archives and third floor record room.

The Archives enjoys a reciprocal working relationship with other agencies and institutions, exchanging information and copies of documents of particular interest. The agencies include the Virginia Room of the Fairfax City Regional Library, Fairfax County Park Authority, Lloyd House in Alexandria, the History Section of the Office of Comprehensive Planning, Fairfax County Archeology Lab, George Mason University Department of History, and the libraries of the DAR, Mt. Vernon, and Gunston Hall.

The Fairfax Law Library

The primary function of the Fairfax Law Library is to support the research needs of the courts and attorneys in Northern Virginia. Full library services are also provided to other branches of local government, Legal Aid, students and the general public without charge.

The Library is the largest County Law Library in Virginia. It has a



seating capacity of 70, conference facilities, more than 30,000 bound volumes, materials on microform and audio cassettes. Full copying facilities are available at a nominal charge. Materials may not be removed from the Library.

We ask that you assist us in our goal of providing a good, workable collection with accurate enthusiastic reference service by complying with our policies. Patron suggestions are always welcome and can be given to either the Law Librarian or the Chair of the Law Library Committee, who is appointed by the President of the Fairfax Bar Association. The Library is not a County agency. It is supported solely through fees paid on civil legal actions and contributions.

The Library staff provides full bibliographic assistance to the public. Staff members cannot give legal opinions about the interpretation of statutes or court decisions.

The Library advises the public and academic libraries in the Fairfax area regarding their collection development policies and offers legal re-

search and reference training. It is an active member of the American Association of Law Libraries. Library patrons who request treatises or journal articles not available in this facility are assisted by staff use of the inter-library-loan system.

Electronic information retrieval offers fast, efficient and thorough legal research beyond the capability of

The Library is the largest county law library in Virginia with a seating capacity of 70 and more than 30,000 bound volumes.

traditional methods. The Law Library makes this capability available through the following databases:

Westlaw: Using West Publishing Company's Westlaw, full texts of cases, federal statutes and regulations, attorney general's opinions, tax and securities libraries and other databases are searchable and printable.

Virginia Automated Legislative System: This database tracks the status of current bills in the Virginia General Assembly.

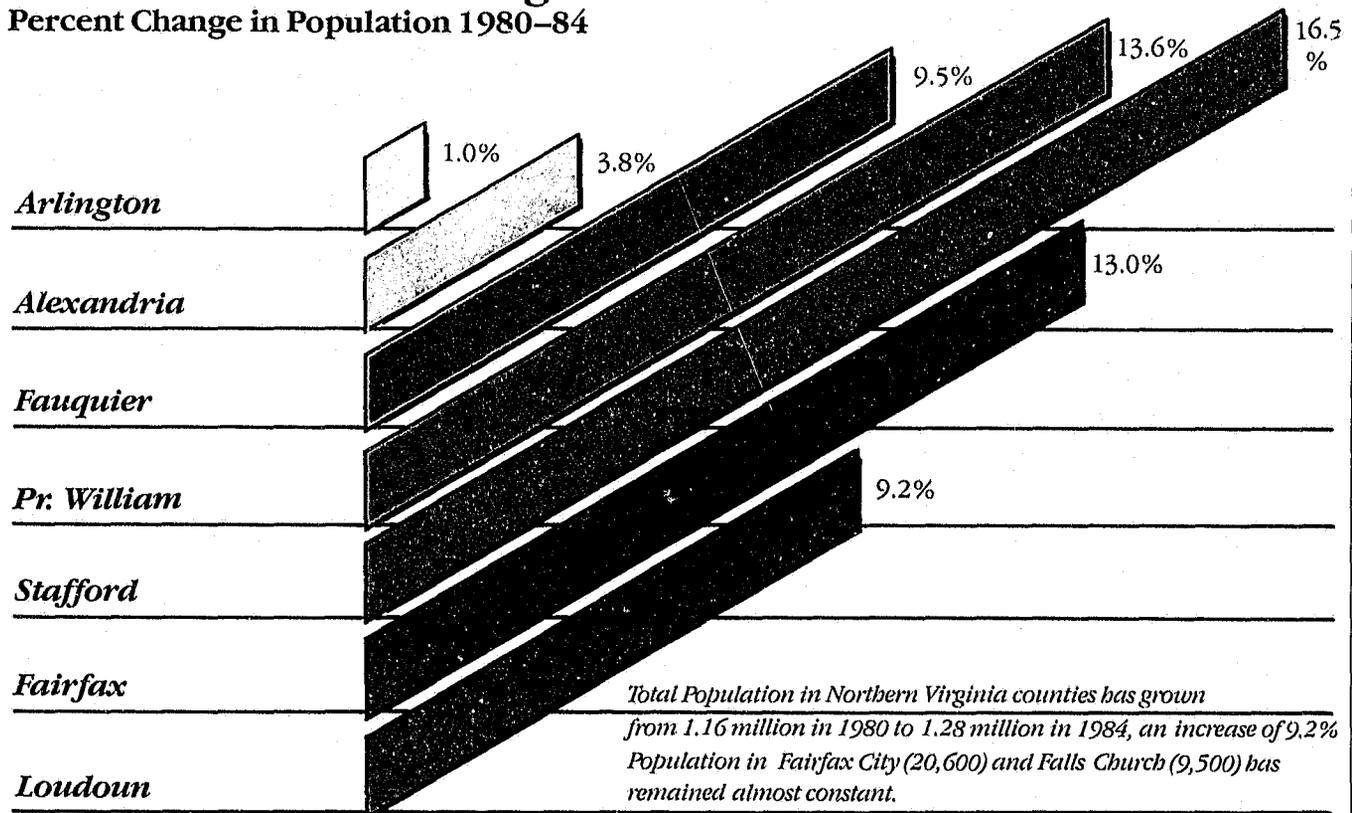
Dialogue: The files on Dialogue provide a cost effective means of indexing journals, books, scholarly papers, newspapers, reports, etc. covering a wide variety of subjects.

Autocite: Distributed by Lawyers-Cooperative Publishing Company Autocite checks the validity of case citations in the most up to date manner.

Searches are fee-based for all databases and can be performed by the Law Librarian. Phone requests are taken for WESTLAW subscribers.



Growth in Northern Virginia Percent Change in Population 1980-84



Circuit Court and Records

(S) Denotes State Positions
(E) Denotes Exempt Positions

Court Services

- 1 Chief Judge (S)
- 10 Associate Judges (S)
- 4 Assistant County Attorneys
- 1 Administrative Secretary
- 2 Legal Secretary
- 1 Secretary I
- 8 Regular Positions
- 8 Regular Staff Years
- 11 State Positions
- 11 State Staff Years
- 19 Total Positions
- 19 Total Staff Years

Court Services

- 1 Circuit Court Administrator (E)
- 1 Assistant Court Administrator
- 7 Court Clerks II
- 5 Court Clerks I
- 1 Office Service Manager III
- 3 Supervisory Clerks
- 4 Account Clerk I
- 8 Clerk Typists II
- 2 Clerk II
- 32 Positions
- 32 Staff Years

Office of the County Clerk

- 1 County Clerk (E)
- 1 Deputy County Clerk (E)
- 1 Special Assistant to the Clerk (E)
- 1 Management Analyst III (E)
- 2 Management Analysts II
- 1 Secretary III (E)
- 1 Accounting Technician
- 2 Supervisory Clerks
- 2 Account Clerks II
- 4 Clerks II
- 3 Court Clerks II
- 1 Librarian I
- 20 Positions
- 20 Staff Years

Land Records

- 1 Chief of Administrative Services
- 1 Office Service Manager I
- 1 Supervisory Clerk
- 6 Clerical Specialists
- 2 Clerk Typists II
- 4 Clerks II
- 2 Cashiers
- 3 Microphotographers
- 20 Positions
- 20 Staff Years

Public Services

- 1 Chief of Administrative Services
- 1 Administrative Assistant
- 1 Office Service Manager II
- 1 Account Clerk II
- 5 Clerical Specialists
- 4 Clerks II
- 6 Clerk Typists II
- 2 Cashiers
- 21 Positions
- 21 Staff Years

95 Regular Positions / 95 Regular Staff Years
 6 Exempt Positions / 6 Exempt Staff Years
 11 State Positions / 11 State Staff Years
 112 Total Positions / 112 Total Staff Years

**Alternate Juror**

Additional juror impaneled in case of sickness or disability of another juror. Depending on expected duration, up to six alternate jurors may be seated in criminal cases and up to four alternate jurors may be seated in civil cases.

Annual Jury List

A list containing prospective jurors' names, addresses, voter identification numbers. This information helps determine eligibility for jury duty.

Answer

The defendant's written response to the allegations in the complaint.

Appeal The process of obtaining judicial review by an appellate court of the judgment of a trial court, or by the Supreme Court of the judgment of an appellate court. The appeal seeks reversal or modification of the judgment appealed from.

Appellate Court

A court that has jurisdiction to review judgments of lower courts.

Arraignment

A court proceeding in which the defendant is informed of the charge against him and advised of his constitutional rights. At this time he may enter a plea of guilty, not guilty, or no contest. The Court may also consider bail at the arraignment.

Arrest Detaining a person in a manner authorized by law, so that he may be brought before the court to answer charges of having committed a crime.

Automated Jury Drawing Electronic system for the storage and random selection of the names of prospective jurors.

Bond A sum of money to be posted with the court to secure the appearance of a defendant in a criminal case, or the performance of an obligation in a civil case.

Complaint The initial pleading in a civil case in which the plaintiff alleges facts entitling him to obtain money damages or other relief from the defendant. The document used in misdemeanor cases to inform the defendant of the charge.

Court Costs Money charged by the court for services provided by the court, the amount of which is fixed by statute or court rule. The court may award all or part of the costs to the prevailing party.

Court Trial A criminal or civil trial with no jury. The judge makes the factual findings that would otherwise be made by the jury.

Criminal Action A court proceeding instituted and prosecuted by the government for the punishment of a crime.

Defendant The person sued in a civil case. The person charged with crime in a

criminal case.

Dismissed Generally refers to cases which the court closes without trial. This may occur when investigation shows the evidence insufficient to support the claims or charges, the claims or charges are withdrawn, the court finds it does not have jurisdiction, etc. In a civil non-jury trial, dismissal may also occur at the end of the plaintiff's case.

Disposition

In a criminal case, the proceeding where the judge imposes sentence and either orders the sentence to be served or suspends sentence and places the defendant on probation. The judge's decision is usually based on a written presentence investigation and recommendation by the Probation Department.

Excused

A prospective juror who for some reason cannot serve on a jury, may be excused.

Grand Jury

Citizens who hear evidence to determine whether probable cause exists that a crime has been committed and whether an indictment (True Bill) should be returned against a person for such a crime. If the grand jury determines that probable cause does not exist, it returns a "No Bill". It is an accusatory body and its function does not include a determination of guilt.

Guilty Plea

A plea in which the defendant admits guilt of the charges contained in an indictment.

Indigent Defendant

A defendant who is financially unable to hire an attorney.

Jury

Citizens who decide questions of fact according to the evidence presented to them, and the law provided by the Court.

Jury Summons

Official document sent to an individual summoning him to appear for jury duty.

No Contest Plea

A plea in which the defendant admits the facts in the indictment but does not admit he is guilty of a crime. The judge finds the defendant guilty if the indictment contains facts constituting a crime.

Not Guilty Plea

A plea in which the defendant denies the allegations contained in the indictment.

Petit Jury

The jury for the trial of a civil or criminal case.

Plaintiff

A person who brings a civil action for damages or injunctive relief. The government in a criminal case.

Pre-Sentence Investigation

An investigation into the character and background of a defendant, usually by a probation department, for use by a judge in determining an appropriate disposition.

Preliminary Hearing

A hearing where a judge determines whether there is probable cause to believe a defendant committed a felony. A person charged with, but not yet indicted for, a felony has a right to a preliminary hearing. If probable cause exists, the defendant may be confined pending grand jury action unless he posts the bail established by the Court. If probable cause does not exist, the defendant is entitled to be released.

Probation

Allowing a person convicted of a criminal offense to live in the community under the supervision of the Court and probation department instead of being confined in prison or jail. The probationer must comply with certain conditions set forth by the court. Failure to comply with these conditions may result in probation being revoked by the court and the defendant being required to serve his sentence.

Prospective Juror

A person who is eligible to be seated as a juror.

Scheduling Conference

The court proceeding in which trial or hearing dates are set, pleas are entered, and final dispositions (defendant or sentenced placed on probation) occur.

Service

The appropriate notification to a person that he is involved in a Court proceeding. Service may be personal, by mail, residential, or by publication in a newspaper.

Summons

In a civil case, an order directed to the defendant notifying him that an action has been filed against him and instructing him as to how and when he must answer the complaint. Failure to answer may result in relief being granted to the plaintiff by default.

Trial De Novo

A trial occurring after another tribunal has made factual determinations about the same case. These factual determinations are generally not admissible as evidence at the trial.

Undeliverable

A jury summons that is returned by the post office to the sender because the addressee has moved.

Voir Dire

Examination of prospective jurors to select a jury. Prospective jurors are excused through the use of challenges for cause and preemptory challenges.

Waive

To surrender or renounce some privilege or right.



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