

## **Courts of the County of Henrico**

### **Hon. Daniel T. Balfour**

*Henrico Circuit Court*

A committee member met with the Honorable Daniel T. Balfour, Chief Judge of the Henrico County Circuit Court. While the Henrico Circuit Court remains one of the highest in the state as far as criminal docket volume, Judge Balfour believes that the “blended docket” has been extremely helpful in keeping the backlog under control. Although each judge has their own docket, should their schedule open up because of a continuance or settlement, they will pitch in to help the other judges. This allows for more expedient hearings and pushes things through. While all of the judges are happy to take on emergency hearings, either in person or in certain circumstances telephonically, please make sure they are truly emergencies. Judge Balfour stressed how important it is for lawyers to notify the court that they will be late before they are late and not after they are already 10 minutes late. He believes in scheduling orders, as they help the court and counsel with deadlines and let everyone know of the procedures that are to be followed.

Judge Balfour commented that the attorneys appearing in his court generally do a good job and are “usually” prepared. He appreciates the civility amongst the lawyers, and very few exceptions are seen. He encourages attorneys who come into court on guardianship matters to familiarize themselves with the statutes so they are aware of all of the necessary requirements. Having all of the correct information will make this process move much faster. Judge Balfour again this year discussed the issue of faxed orders. The bottom line is the court needs to have signed original orders. He encouraged attorneys to take advantage of the judicial settlement conferences with retired judges that are available. He feels they offer a great deal of insight into the cases and can enlighten clients about what they can expect to happen in court. He feels that this is a very valuable service that should be utilized more often.

As his final comment, Judge Balfour mentioned that when you have a motion with a pre-trial brief, make sure the brief is filed timely so that it can be reviewed prior to the hearing. Filing it shortly before the hearing or on the day of the hearing does the court no good.

### **Hon. James S. Yoffy**

*Henrico General District Court*

A committee member met with the Honorable James S. Yoffy, Chief Judge of the Henrico General District Court. Overall, Judge Yoffy was complimentary of the bar appearing in the Henrico General District Court. He made several points to aid attorneys appearing in the Henrico Courts. Concerning the use of PDA’s, cell phones and laptop computers, effective September 8, 2009 the bar is permitted to bring such devices into the Henrico County Courts building. These items are not to be operated in the public areas of the courthouse without the permission of a judge, nor are they to be operated in a courtroom without the particular permission of the judge of the particular courtroom.

Punctuality is generally not a problem for the members of the bar appearing in the Henrico General District Court. The judges are sympathetic to attorneys who appear in multiple venues and are delayed in other courts. However, if you are going to be late due to an emergency or an appearance in a different court, the judges expect members of the bar to call the clerk's office. Communication between attorneys and the clerk's office or opposing counsel is very helpful, and expected by the judges, in order to keep the court's docket running smoothly. The court's primary objective concerning docket control is to keep the docket moving while not inconveniencing witnesses. Communication is the best means to accomplish those objectives. Judge Yoffy cited some specific examples: If it is your intention to nonsuit a case, let opposing counsel and the clerk's office know prior to the hearing date. This is applicable to requests for continuances also. If these matters are not to be heard, contact the clerk's office and opposing counsel so the matters can be removed from the docket.

The dockets in the Henrico General District Court are very heavy in comparison with recent years. While volume of the civil matters has remained steady, the volume of criminal and traffic cases has increased by approximately 10%. This makes the court's emphasis on moving the docket and communication even more important. Judge Yoffy made specific reference to the good work of the clerk's office in handling this volume. The Supreme Court has said that a court of Henrico's size which handles such a volume of cases should have an additional 10 employees in the clerk's office. To this point, the clerk's office has been unable to fill these 10 positions due to budgetary constraints. Despite this fact, the performance of the clerk's office has been exemplary under these difficult circumstances.

While not every case heard in the general district courts concerns a novel legal issue, should you have a particular statute or case upon which you are relying, the court appreciates counsel providing the particular statute or case law during the hearing. This keeps the docket moving and prevents the court from having to research the issue itself during or after a hearing.

**Hon. Stuart L. Williams, Jr.**

*Henrico Juvenile and Domestic Relations District Court*

Committee members met with the Honorable Stuart L. Williams, Jr., Chief Judge of the Henrico Juvenile and Domestic Relations District Court. The five judges of this court are all quite busy, conducting over 11,500 hearings per judge per year. The number of hearings has increased over prior years. This volume means that a newly filed case will come up for first hearing in roughly two months, and a contested hearing date might be set off five more months.

The court does its utmost to increase efficiency by, for example, adjusting twice yearly the number of court days reserved for the various types of cases. The bar can assist in the efficiency effort by advising the court of settlements at the very earliest opportunity. The court endeavors to schedule a new matter in any time slot freed up by a settlement. But if the court is advised of a settlement only shortly before the scheduled hearing, there may not be sufficient time to schedule a new matter in the time slot. Efficiency is also promoted by lawyers being available when their cases are called. Busy lawyers are often tightly scheduled, but must guard

against over scheduling. If lawyers are busy elsewhere in the courthouse or in transit from another courthouse, and are not available at the scheduled time and place, the court and other parties must wait and efficiency is lost. When – despite best efforts – a lawyer is running late, the court must be notified. To receive such notifications, a clerk has a cell phone that is kept with her at all times. The number of this phone is 241-4968, and the phone has texting capacity. Using this number will insure that the appropriate courtroom and personnel are notified when a lawyer is unexpectedly running late.

The courthouse construction is virtually complete. An additional courtroom (number 5) and a new multi-purpose room are among the biggest changes. The multi-purpose room will be used for mediation orientation, training for GALs and bar groups, and the like. Other improvements include new file storage space, two new attorney conference rooms, and video screens to display docket information.

The court held its first “meet and greet” for the bar in February. It is hoped that such events will occur quarterly. Judges will attend as they are available, and they encourage attendance and productive feedback from the bar. Indeed, Judge Williams emphasized that the court is always open to suggestions, particularly involving ways to improve the delivery of services.