

In its continued effort to promote the administration of justice in the Richmond area and to facilitate cooperation between the bench and the bar, the Bar's Administration of Justice Committee recently concluded its annual interviews with the Honorable Judges of the Courts of the County of Henrico. As in years past, the Judges were gracious with their time and spoke with candor to Committee members regarding the Court's work and the performance of the bar in their courtrooms.

The Honorable James S. Yoffy, Chief Judge of the Henrico County Circuit Court

Judge Yoffy finds that most attorneys who appear in the Henrico Circuit Court display exceptional professionalism, courtesy and civility to the Court and fellow lawyers. In speaking with the judge regarding his observations and advice from the bench, he would offer the following:

The county has provided the Court with five new computers, with an additional three computers being given to the Commonwealth Attorney's office so that all of the courthouse's computers and components are the same. If an attorney has a civil or domestic case and has to show videos or depositions on a disk, the judge strongly advises that the attorney come to the courthouse before the hearing/trial to ensure it is compatible with the Court's IT system. If the attorney comes to the courthouse ahead of time, the judge can have the IT person meet the attorney in the courtroom, as there is an IT person dedicated to the Courts who can help with video in the courtrooms. Attorneys should contact the Judges' Chamber staff to coordinate this process. Elsie Holmes handles the civil matters, Donna Sandefur handles the criminal matters and Tammy Damon handles the domestic matters.

In regard to Court etiquette and procedure, the judge advises that if an attorney is running late to Court, please let the Court know by calling. Also, attorneys should try not to schedule cases in other jurisdictions at the same time. As a reminder, pretrial orders are required in all civil and domestic cases. When attorneys file a brief in their case, please provide a courtesy copy directly to the Judges' Chambers. Doing so helps expedite the judges and judicial clerk's review of the brief as it can take a while for the clerk's office to scan it and give it to chambers. Please continue to file the original with the clerk's office. Additionally, if a case settles, please contact the Court as soon as possible.

If scheduling hearings on motions in civil cases, Judge Yoffy asks that attorneys do not stack additional motions on hearing dates already set without first seeking the Court's approval. If a date is already set to hear one motion, please contact the Court to determine if you can set another motion on the same date and time before sending in a Notice of Hearing for the additional motion(s). It can be disruptive to the courtroom flow when the Court believes only one motion is set to be heard and then learns at the hearing the lawyers want to argue multiple motions.

In regard to docket call, please call the Judges' Chambers to solicit available dates and set the matter by agreement if both parties can agree on a date. The Court will hear contested matters if the attorneys cannot reach an agreement. Otherwise, there is no need to go to docket call. Also, judicial settlements are encouraged – either through the Virginia Supreme Court or through private mediation firms. They really help parties focus the issues and give the litigants more control over the outcome of their case.

C-CAP is a new program that provides an alternative track for first time felony drug offenders who are not initially successful at probation supervision where cases have been taken under advisement pursuant to Virginia Code Section 18.2-251. During probation there is random drug testing, and if the offender tests positive he/she can be sent to drug classes and treatment. This is a

tool to assist the offender in avoiding the felony conviction even if he/she has some bumps throughout the process.

Moreover, C-CAP is designed to address the urgent opioid/heroin/drug addiction crisis facing the County and the Country as a whole. In Henrico County, through August 2017, there have been 232 overdoses and 34 deaths from drugs. In 2016, there were 302 overdoses. Through August 2017, there have been 25 homicides, three of which were drug related. Judge Yoffy estimates approximately 90% to 95% of criminal cases he sees committed are drug-related in some way. There is always a need for more impatient drug programs.

When defendants appear in Court for sentencing, Judge Yoffy asks that the attorney have an outlined plan for their client, especially if his or her charge is drug-related in any way. Judge Yoffy would rather have a “plan of attack” – for example, a drug-treatment program – rather than simply putting the defendant in jail. Judge Yoffy acknowledges, however, that drug treatment plans are often expensive and there are other factors which limit participation in such a plan.

Lastly, the Henrico Circuit Court will get new courtrooms sometime in 2018. These courtrooms will be updated with the latest IT software and have a new, contemporary design. Judge Yoffy thanks the County of Henrico for improvements made to the public hallways and thoroughfares in the courthouse. The hallways are now brighter and more welcoming.

The Honorable G. Barton Chucker, Chief Judge of the Henrico County General District Court

Judge Chucker reports that things are going very well with the interaction between the Henrico County General District Court and the bar in general. He noted that we are fortunate to have such a good local bar in terms of collegiality.

In terms of handling cases, Judge Chucker noted a few things: (1) It is important to always be prepared for your cases and the practice of the Henrico County General District Court of having attorneys meet with the clerks and prepare their dockets prior to Court allows the judges to handle a lot of returns in a very timely matter; (2) Despite the heavy caseload and due in large part to the great work of their clerks, the Court is able to efficiently dispose of matters and give people reasonable trial dates for their matters; (3) The Court assigns a judge to a protective order docket each day which helps in efficiently moving those cases along; (4) Having a civil trial docket each day of the week has helped the trial caseload; and (5) If you are going to be late or unavailable for some reason, please communicate it to the clerk’s office so the judges can be alerted.

Recently, the Henrico County General District Court began scanning in all of its files electronically. Judge Chucker stated that this is a time-consuming process and asked that attorneys only file the paperwork that is necessary for obtaining a judgment to help the clerks’ workload by limiting the amount of paper that must be scanned electronically.

The Honorable Stuart L. Williams, Jr., Chief Judge of the Henrico County Juvenile and Domestic Relations District Court

Judge Williams would like to thank attorneys for their patience as the court has been dealing with a large staff turnover. It typically takes approximately one year to train for these positions, so understandably there have been some challenges during this time.

The court continues to transition to a paperless record-keeping system. The court is not yet fully paperless; however all new cases are currently being scanned into the court system. The Supreme Court provides oversight for this transition and will determine the date certain when the court will

be completely paperless. Due to the staff turnover referenced above, the time to complete the transition has been extended. Eventually, it is anticipated that kiosks would be available in the courthouse for the public to view their files, and that counsel would also have the ability to access cases on which they are counsel of record.

Judge Williams indicates that he has been pleased to see a decrease in juvenile criminal cases. He believes this decrease relates to schools and Pretrial Services making a concerted effort to handle these matters with services and therapeutically as an alternative to juveniles having to appear in court. While there has been a decrease in the juvenile criminal cases, there seems to be an increase in Protective Order filings as the schools and community police officers attempt to offer alternative solutions.

The Juvenile Drug Court program began last year and has seen its first participants. Judge Johnson oversees this program, which is unique in that it is completely funded with money that previously existed in the court's budget. The participants are juveniles who are struggling with addiction who have come before the court with charges that stem from that addiction. They receive services, support and accountability. The participants are required to appear in court in front of Judge Johnson every week for drug testing and to review progress and/or setbacks as well as goals and treatment plans.

As always, the court would like to remind attorneys to be conscious of the court's docket when scheduling. The Court has experienced significant difficulty when attorneys overbook and are not available when the bailiff calls their cases. This can delay the entire docket and cause scheduling issues for the Court, the public, and other attorneys. Judge Williams would also like to remind attorneys to introduce themselves when coming before the court. Also, if you have recently been added to the court appointed list in Henrico, introducing yourself to the judges will increase the likelihood of being appointed on cases.