**CHESTERFIELD COUNTY**

**Chesterfield Circuit Court**

 **Chesterfield Circuit Court**

**Case Scheduling Information / Docketing Procedures**

1. **JUDGES’ CHAMBERS: 804-748-1333**

 Judges: T.J. Hauler; Frederick G. Rockwell, III; Steven C. McCallum; Lynn S. Brice; David E. Johnson; Edward A. Robbins, Jr.

 Staff – CIVIL SCHEDULING ONLY:

* Beth Ball, Legal Assistant to Judges McCallum & Johnson, BallB@chesterfield.gov
* Teresa Ryan, Assistant Judicial Administrator and Legal Assistant to Judges Rockwell & Robbins, RyanT@chesterfield.gov
* Danielle Manuel, Legal Assistant to Judges Hauler & Brice, ManuelD@chesterfield.gov
* Jean Marretti, Legal Secretary, MarrettiJ@chesterfield.gov
* Tricia Muller, Administrator of Judicial Operations, MullerT@chesterfield.gov
1. **CLERK:** Wendy S. Hughes

P.O. Box 125, Chesterfield VA, 23832

804-748-1241; [www.chesterfield.gov/circuitclerk/](http://www.chesterfield.gov/circuitclerk/)

1. **SHERIFF:** Karl S. Leonard

 P.O. Box 940, Chesterfield, VA 23832

 804-748-1261; [www.chesterfield.gov/Sheriff/](http://www.chesterfield.gov/Sheriff/)

1. **COMMISSIONER OF ACCOUNTS:** Bryan K. Selz

[www.courts.state.va.us/courts/circuit/resources/coa/home.html](http://www.courts.state.va.us/courts/circuit/resources/coa/home.html).

1. **COMMONWEALTH’S ATTORNEY**: William W. Davenport

 P.O. Box 25, Chesterfield, VA 23832

 804-748-1221

1. **LOCATION(S):** Courtrooms 1, 2, 3, 4, 5 - 9500 Courthouse Road

 Historic 1917 Courthouse - 10011 Iron Bridge Road

1. **HOURS:** 8:00 a.m. – 4:00 p.m. - Clerk’s Office & Judges’ Chambers public service hours

8:00 – 3:30 p.m. – Recording hours

1. **DOCKET PROCEDURES:**

 **DOCKET CALL PROCEDURES**

It is encouraged to pre-set both civil and criminal cases rather than waiting for docket call. All hearings must be scheduled in advance, except in emergency situations. Prior to setting the date, the attorney or *pro se* litigant should clear available dates with other attorneys or parties in the case.

* To set a case for trial in a civil matter, the attorney should call or email the assigned Judge’s Legal Assistant.
* Criminal matters are pre-set in the Commonwealth’s Attorney’s Office by orders endorsed by defense counsel or *pro se* defendant. Matters shall be set within the same term or otherwise docketed for a hearing prior to the term ending.

If attorneys/parties do attend docket call to schedule a trial date, criminal docket call is held at 9:30 AM on the Tuesday following the 3rd Monday in January and the 3rd Monday in March, May, July, September, and November. Civil docket call is held every Monday afternoon (2 PM J&DR, 2:30 PM GD) on the “duty” docket for the presiding judge’s assigned cases. If attorneys or *pro se* parties in civil cases fail to appear for docket call, it may result in the dismissal of such civil cases.

 When setting a case for trial, the attorney should know the case number, style of case, and whether a jury is requested. Trial dates for civil cases may be set by either lawyer as long as they have good dates (or avoid dates) for the other side.

 When scheduling civil cases by phone, email, or at docket call, a confirmation letter must be mailed to all parties within 10 business days of scheduling, with a copy to the Court. The confirmation letter must state the trial date, time, and whether trial will be by jury or non-jury. Note, the Historic 1917 Courthouse is being used for some civil matters; please pay careful attention to the location of the hearing and expressly include that location in the Notice of Hearing.

 In criminal cases not pre-set with the Commonwealth’s Attorney, defense counsel and defendants out on bail must appear for docket call.

**CIVIL SCHEDULING**

* Trials: Cases should be set by telephone or emails through the Legal Assistant, once mutually agreeable dates are obtained by counsel. Once the moving party sets the trial date, they must send a notice of trial to opposing counsel/party stating the trial date(s) and time, copying the Court. Because of the limited number of trial days, the Court sets several cases for trial each day. Experience has shown that many cases go off the docket before the trial date due to settlements or continuances. On the rare occasion that more than one case remains on the docket, the Court must then continue some cases.
* In any matters that require more than two hours or involve a *pro se* party, a pre-trial conference may be required.
* Matters in which the moving party has not issued service cannot be scheduled on the docket until service is complete and 21 days has passed, unless otherwise agreed upon by opposing counsel or provided by statute.
* Garnishments, civil restricted licenses (OLPs), restoration of firearms, concealed handgun permit (CHP) denial appeals and show causes, expungements, and celebrate rites of marriage will be docketed by the Clerk’s Office on the presiding judge’s duty day at 8:30 AM.
* All other civil motions: Absent leave of Court, motions will be individually docketed. Motions are held on a first come first serve basis on the docket. These cases should also be set by telephone or emails through the Legal Assistant, once mutually agreeable dates are obtained by counsel and the proper motion is filed with the Clerk’s Office. All motions should inform the Court whether the moving party intends to present any testimony concerning that motion.
* Plaintiff will submit an agreed and fully endorsed pre-trial scheduling order within ten (10) calendar days of setting the trial date. All exhibits which a party intends to offer into evidence at trial during their case in chief must be filed with the Clerk not later than ten (10) days prior to trial. Additionally, in domestic cases involving support matters; income and expense worksheets, applicable guidelines worksheets and supporting documents must also be filed ten (10) days prior to trial.

**CRIMINAL SCHEDULING**

* **EVERY REQUEST MUST BE PROPERLY FILED AS A WRITTEN MOTION** through the Clerk’s Office (attorney and *pro se*). Dates for hearings on motions should be obtained from the Commonwealth’s Attorney and submitted with the motion when filed.
* All motions, including motions to continue, must be properly filed in writing with the Circuit Court Clerk’s Office. Dates for hearings shall be set by the Commonwealth Attorney’s Office by order endorsed by all parties.
* Continuances will be granted in the Court’s discretion for good cause shown (see continuance policy below).
* For proper docket control, in the event of an agreed disposition by plea, the Court requires cases that are set for trial by jury be advanced on the docket for disposition.

**CONTINUANCE POLICY**

Procedure to Continue a Trial Date:

1. Notice. All requests for continuances of a trial date must be made by written motion and in as far advance of the trial date as possible. All requests must be properly filed through the Clerk’s Office and properly noticed for a hearing if applicable. If a hearing is required, it will need to be scheduled based on the above requirements for civil and criminal matters.
	* The motion to continue the trial must fully state the good cause in support of the motion and must include the number of previous continuances.
2. Good Cause. Continuances will be granted in the Court’s discretion for good cause shown. The following, by way of example, may not be considered as good cause:
* All parties have agreed to the continuance.
* This is the first continuance request.
* The other party has been granted a continuance before.
* The case is close to resolved or will be if a continuance is granted.
* Counsel is unprepared for trial.
* After the trial is set a witness (subpoenaed or not) advises they are unavailable on that date. Counsel is expected to have witnesses’ available dates prior to setting the trial.
1. Court Order.

Civil:

* In cases where a continuance of trial is granted, counsel shall prepare and submit an endorsed order at the hearing for the Continuance. The order shall state upon whose request the continuance is granted; the date from which the trial is being continued; the new trial date; and other such terms as the Court may require.

Criminal:

* At the time of filing, prepared by the Commonwealth’s Attorney’s Office. The order will be submitted with the motion for judicial consideration. If the motion is denied, parties will be notified by the Commonwealth’s Attorney’s Office.

**OTHER NOTES**

Filings are accepted by the Clerk’s Office via mail, courier, and hand delivery. The Court does not accept case-related filings via the Internet, email, or fax. The public service hours of both the Clerk’s Office and Judges’ Chambers are 8 AM – 4 PM.

* All orders, motions, notices, pleadings, exhibits, or any other type of case-related filing must be filed in the Clerk’s Office.
* No orders, motions, notices, pleadings, exhibits, or any other type of case-related filing will be accepted by the Judges’ Chambers. Case-related correspondence or documents sent or delivered directly to Judges will be re-directed to the Circuit Court Clerk’s Office for proper filing with the case and may result in delays in processing.
* All orders submitted for entry must be original orders with original signatures.
* As noted above, no faxes or emails are accepted by the Clerk’s Office.
* Courtesy copies directed to Judges’ Chambers will be accepted but need to be clearly marked as such. Marked copies delivered to the Judges’ Chambers are not substitutions for proper filing in the Clerk’s Office.
* For all civil and criminal restricted operators’ license requests, DMV transcripts should be filed in the Clerk’s Office with the petition or motion.

**Chesterfield Circuit Court Updated: 1/12/2018**

**Master Calendar Supplement Page 1 of 2**

**Scheduling**. Refer to the Court’s CASE SCHEDULING INFORMATION / DOCKETING PROCEDURES for detailed information on docket call procedures, civil and criminal case scheduling, and the Court’s continuance policy.

* Civil – once mutually agreeable dates are obtained by counsel and the proper filing(s) made in the Clerk’s Office, trials and motions should be set with the Presiding Judge’s Legal Assistant; email communication is preferred.
* Criminal – All motions must be filed in writing with the Clerk’s Office. Dates for hearings on motions should be obtained from the Commonwealth’s Attorney and submitted with the motion when filed.
* Some scheduling may vary by Judge.

**Courtroom assignments**. Courtrooms may vary due to numerous factors. Generally, courtroom assignments are:

* Courtroom 1 = Judge David E. Johnson (DEJ)
* Courtroom 2 = Judge Edward A. Robbins, Jr. (EAR)
* Courtroom 3 = Judge Lynn S. Brice (LSB)
* Courtroom 4 = Judge T.J. Hauler (TJH)
* Courtroom 5 = Judge Frederick G. Rockwell, III (FGR)
* Historic 1917 Courthouse, 10011 Iron Bridge Road = Judge Steven C. McCallum (SCM).
* Only NON-JURY CIVIL matters heard in 1917. Also, no Commissioners of Accounts, Sexually Violent Predator (SVP) reviews, or garnishments are heard in 1917.
* Generally, the Colonial Heights (CH) Presiding Judge sits in Colonial Heights every Monday, Tuesday, and

alternate Thursdays.

**DUTY one day per judge each week - Tuesday, Wednesday, Thursday, or Friday. Unless otherwise noted, DUTY is for matters assigned to the presiding judge only.** Includes but is not limited to the following:

* 8:30 AM - civil motions (set by legal assistants), garnishments, civil restricted licenses (OLPs), restoration of firearms, concealed weapon permits denial appeals and show causes (EAR), expungements, celebrate rites of marriage (FGR), etc. (set by Clerk’s Office).
* 9:30 AM – all pre-trials (VP), bond hearings and bond appeals from district courts.
* 10:30 AM – civil emergency hearing requests, protective orders, injunctions, petition to stop a foreclosure,

administrative appeals, appeal on denial to vote, interpleader, motions to reconsider, etc. (set by Legal Assistant), garnishment hearing exemption claim form (must be set within 7 business days with Clerk’s Office).

* 1:00 PM - criminal motions, bond show causes, juror show causes, etc. (set by Clerk or Commonwealth). Note, this does not preclude setting these matters on regular criminal dockets as well. The Duty 1 PM time slot merely is intended to provide a dedicated time slot to set such matters expeditiously.

**DUTY/DC Duty/Civil Docket Call is scheduled when DUTY falls on a Monday. Unless otherwise noted, DUTY/DC is for matters assigned to the presiding judge only.** *When duty falls on a Monday, the presiding judge also will have civil docket call in the afternoon for his/her cases only.* Includes but is not limited to the following:

* 8:30 AM - civil motions (set by legal assistants), garnishments, civil restricted licenses (OLPs), restoration of firearms, concealed weapon permit denial appeals and show causes (EAR), expungements, celebrate rites of marriage (FGR), etc. (set by Clerk’s Office).
* 9:30 AM – all pre-trials (VP), bond hearings and bond appeals from district courts.
* 10:30 AM – civil emergency hearing requests, protective orders, injunctions, petition to stop a foreclosure,

administrative appeals, appeal on denial to vote, interpleader, motions to reconsider, etc. (set by Legal Assistant), garnishment hearing exemption claim form (must be set within 7 business days with Clerk’s Office).

* 1:00 PM - criminal motions, bond show causes, juror show causes, etc. (set by Clerk or Commonwealth). Note, this does not preclude setting these matters on regular criminal dockets as well. The Duty 1 PM time slot merely is intended to provide a dedicated time slot to set such matters expeditiously.
* 2:00 PM - J&DR civil docket call. The Circuit Court Clerk’s Office will send the notice of hearing using the assigned judge’s next DUTY/DC date at least three (3) weeks out. Pre-setting of cases is encouraged.
* 2:30 PM - civil docket call. The Circuit Court Clerk’s Office will send the notice of hearing using the assigned judge’s next DUTY/DC date at least three (3) weeks out. Pre-setting of cases is encouraged.

**CRIM/CVL DC Criminal and Civil Docket Call (TERM DAYS ONLY)**. *The Tuesday following the 3rd Monday in January and the 3rd Monday in March, May, July, September, and November is grand jury and criminal docket call for the entire Court. Civil docket call on term day afternoons is for the presiding judge’s cases only.* Includes but is not limited to the following:

* 9:00 AM – grand jury.
* 9:30 AM – all pre-trials (VP), bond hearings and bond appeals from district courts, and criminal docket call for the entire Court. All defendants to be transported for VPs on term days. All criminal TBS (“to be set”) cases for all judges will be set by presiding judge. Pre-setting of cases is encouraged.
* 2:00 PM - J&DR civil docket call. The Circuit Court Clerk’s Office will send the notice of hearing using the assigned judge’s next DUTY/DC date at least three (3) weeks out. Pre-setting of cases is encouraged.
* 2:30 PM - civil docket call. The Circuit Court Clerk’s Office will send the notice of hearing using the assigned judge’s next DUTY/DC date at least three (3) weeks out. Pre-setting of cases is encouraged.

**General Scheduling Notes:**

* Colonial Heights (CH) Presiding Judge DUTY/DC. Duty/Civil Docket Call dates will not occur within the standard rotating schedule upon which the master calendar is based [on a Monday] because one judge sits in Colonial Heights every Monday. Judges’ Chambers staff will designate DUTY/DC days for the CH presiding judge.
* Criminal Appeals (CRIM APP). Appeals from the General District (GD) Court and the Juvenile & Domestic Relations (J&DR) District Court should be set the 1st and 3rd Tuesday (two courtrooms, 9 AM and 1 PM) and every Friday morning (two courtrooms, 9 AM only). While these days are designated for district court appeals, this does not preclude the setting of other/additional criminal matters during these time slots as needed.
* Civil Appeals. Clerk’s Office to set on presiding judge’s DUTY/DC and CRIM/CVL DC dates – 2 PM (J&DR) and 2:30 PM (GD).
* Special Dockets. Adult drug court is every Wednesday morning (FGR) unless notified otherwise but will be noted as “**CVL**” (civil) on the calendar. *Forfeiture* (**FORF**) docket dates noted on calendar (rotates among LSB, DEJ, EAR).
* Video Pre-Trials (VP). Unless otherwise noted, the duty judge will preside.
* Search Warrants. Generally, search warrants will be directed to the duty judge.

**Other Scheduling Notes 2018:**

* Term Day/Grand Jury (GJ) – January 16; March 19; May 21; July 16; September 17; November 19
* Central Virginia Multi-Jurisdictional Grand Jury (MJGJ) 2nd Monday unless a holiday – January 8, February 12,
* March 12, April 9, May 14, June 11, July 9, August 13, September 10, October 9, November 13, December 10
* Commonwealth’s Attorney (CWA) Conferences – April 15-18 and August 2-5 (no criminal dockets)
* Judges’ Meeting in Colonial Heights (1st Thursday May annually) – May 3; all dockets to start at 9:30 AM
* Judges’ Mandatory Conference – May 14-17; note, video pre-trials heard in General District Court
* Richmond Bar Association Bench/Bar Conference – October 25
* Election Day – November 6 (no criminal dockets)

**Holiday Schedule 2018 - Court and Clerk’s Office Closed (\*\*State and Supreme Court Holiday-closed by Order):**

* New Year’s Day – January 1
* Additional Day - January 2\*\*
* Lee-Jackson Day – January 12
* Martin Luther King, Jr. Day – January 15
* George Washington Day – February 19\*\*
* Memorial Day – May 28
* Independence Day – July 4
* Labor Day – September 3
* Columbus Day – October 8\*\*
* Veterans Day (observed) – November 12
* Additional ½ day – November 21 (close at 12 N)\*\*
* Thanksgiving Day – November 22
* Day After Thanksgiving – November 23
* Additional Holiday – December 24
* Christmas Day – December 25
* Additional Holiday – December 31\*\*
* New Year’s Day – January 1, 2019

**Chesterfield General District Court**

1. **NAME OF COURT:** CHESTERFIELD GENERAL DISTRICT COURT

2. **JUDGES:**  Hon. Pamela O’Berry; Hon. Thomas L. Vaughn; Hon. James J. O’Connell, III; Hon. Keith Nelson Hurley; Hon. Matthew Donald Nelson

3. **CLERK:** Linda J. Moore

P.O. Box 144

Chesterfield, VA 23832

Telephone: (804) 748-1231

4. **SHERIFF:** Sheriff Karl S. Leonard

P.O. Box 7

Chesterfield, VA 23832

Telephone: (804) 748-1261

5. **COMMONWEALTH’S ATTORNEY:**

William W. Davenport

P.O. Box 25

Chesterfield, VA 23832

Telephone: (804) 748-1221

6. **LOCATION:** 9500 Courthouse Road

7. **HOURS:** 8:00 a.m. to 4:00 p.m.

 8. **DOCKET PROCEDURES:**

 Arraignments:

 10:30 a.m. Mon. - Fri – Bonded (Pre-Trials)

 11:00 a.m. Mon. – Fri. - Lock-up (Pre-Trials)

 Traffic:

 8:30 a.m. – Mon. – Fri.

 10:00 a.m. – Mon. – Fri

 1:00 p.m. – Mon. –Thurs.

 2:30 p.m. – Mon. – Thurs.

 Criminal:

 8:30 a.m. – Mon. – Fri.

 10:00 a.m. – Mon. – Thurs.

 1:00 p.m. – Mon. – Thurs.

 2:30 p.m. – Mon. – Thurs.

 Civil:

 Monday:

 8:30 a.m. – Garnishments, Small Claims

 9:00 a.m. – Attorney Interrogatories & Attorney Docket

 10:00 a.m. – General Interrogatories & General Docket

 10:30 a.m. – Motions Docket

 1:00 p.m., 2:00 p.m. & 3:00 p.m. – Contested Civil Trials

 Tuesday:

 8:30 a.m., 9:30 a.m. & 10:00 a.m. – Contested Civil Trials

 12:30 p.m. – Garnishments

 1:00 p.m. – Interrogatories & Attorney Docket

 2:30 p.m. – Motion Docket

 Thursday:

 8:30 a.m., 9:30 a.m. & 10:00 a.m. – Contested Civil Trials

 8:30 a.m. – Garnishments

 9:00 a.m. – Attorney Interrogatories & Attorney Docket

 10:30 a.m. – Motions Docket

 1:00 p.m., 2:00 p.m. & 3:00 p.m. – Contested Civil Trials

 Friday: 1st through 4th Fridays Only

 8:30 a.m. – Garnishments

 9:00 a.m. – Interrogatories & General Docket (non-attorney cases)

 12:00 p.m. – Poole & Mahoney cases

 1:00 p.m. – Small Claims

 1:00 p.m. – Contested Civil Cases

 Continuance Policy:

 Continuances granted by Judge.

**Juvenile and Domestic Relations District Court of Chesterfield County**

 1. **NAME OF COURT:** JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT OF CHESTERFIELD COUNTY

2. **JUDGES:** Hon. Jayne Anne Pemberton; Hon. D. Gregory Carr; Hon. J. David

 Rigler; Hon. Scott David Landry; Hon. Vanessa L. Jones; Hon. M. Duncan Minton, Jr.

3. **CLERK:** Laura Gardner Griffin

 P.O. Box 520

Chesterfield, VA23832

Telephone: (804) 748-1379

Facsimile: (804) 717-6043

 4. **LOCATION:** 7000 Lucy Corr Boulevard

 5. **HOURS:** 8:00 a.m. to 4:00 p.m. (public hours)

 6. **DOCKETING PROCEDURES:**

Juvenile Traffic

 Mon. – Fri., 8:30 a.m.

 Civil

 Mon., Wed., & Fri., 9:00, 10:00, & 11:00 a.m., 12:00 p.m., 2:00 p.m.

 Delinquency & Adult Criminal

 Tues. & Thurs., 9:00, 10:00, 11:00 a.m., 12:00 p.m.

 Lengthy cases set by the Court.

 Pretrials for Adult Defendants

 Mon. – Fri., 9:00 a.m. (for those bonded)

 Mon. – Fri., 11:30 a.m. (for those in lock-up)

 Pretrials for Juveniles

 Thurs., 1:30 p.m.

 **NOTE: Pretrials are not to be set for juveniles in traffic cases!**

Detention Hearings for Juveniles

 Mon. – Fri., 10:30 a.m.

 Division of Child Support Enforcement (DCSE)

 Mon. & Wed., 8:30 a.m., 9:30 a.m., 10:30 a.m., 11:30 a.m., 1:30 p.m., 2:30 p.m.

**Information Concerning Continuances:** The Court has a Continuance Policy in effect:

The mission of the Chesterfield Juvenile and Domestic Relations District Court is to provide timely justice for citizens without wasting the time and other resources of the Court, the litigants, and other case participants. For most case types and dockets, the entire Court looks with strong disfavor on motions or requests to continue court proceedings.

The Court will evaluate continuance requests on a case-by-case basis to determine whether the moving party or parties have presented the requisite good cause in support of the request.

As a guide to practitioners, the following will generally ***not*** be considered sufficient cause to grant a continuance:

* Counsel or the parties agree to a continuance without prior judicial approval;
* The case has not previously been continued;
* Discovery has not been completed;
* The untimely hiring of counsel or the desire to substitute counsel;
* Unavailability of a witness for whom no subpoena request has been issued;
* A party or counsel is unprepared to try the case for reasons including, but not limited to, the

party's failure to maintain necessary contact with counsel or vice versa;

* A police officer or other witness is either in training or is scheduled to be on vacation, unless the

Court is advised of the conflict sufficiently in advance of the trial date to prevent an inconvenience

to the attorneys, the parties, witnesses, and the Court.

The following ***will***generally be considered sufficient cause to grant a continuance:

* Recent or sudden medical, mental health, or otherwise debilitating emergency (not elective medical care) involving a party, counsel, or material witness for whom a subpoena has been requested;
* A party did not receive proper notice of the setting of the trial date through no fault of that party or

that party's counsel;

* Facts or circumstances arising or becoming apparent too late in the proceedings to be fully

corrected and which, in the view of the Court, would likely cause undue hardship or miscarriage of

justice if the trial is required to proceed as scheduled.

When any continuance request is granted, it shall be the moving party’s responsibility to coordinate the rescheduling of the case with the Clerk’s Office and to notify all parties.

**General Comments:** Civil cases are limited to a fifteen-minute hearing at the first calling. If the hearing will take more than fifteen minutes, it will be continued to a contested date.

**7. ADDITIONAL INFORMATION:**

 **Court Services Unit**:

Jim Nankervis, Director; telephone: (804) 748-1372

 Jennifer Underwood, Intake Supervisor; telephone: (804) 748-1372

Juvenile and civil petitions are filed by the general public through the Court Services Unit/Intake.

**Juvenile Detention Home:**

Marilyn Brown, Superintendent; telephone: (804) 748-1469

**Department of Social Services**:

Kiva Rogers, Director; telephone: (804) 748-1100

Provides family counseling, financial assistance, food stamps, child abuse and neglect.

**Magistrate’s Office**: Daniel J. Holser, Chief Magistrate

6900 Mimms Loop

Chesterfield, VA23832

Telephone: (804) 748-1410

 Office located at Chesterfield County Jail