

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 United States Bankruptcy Court for the Eastern District of Virginia, Richmond Division and Honorable Judges of the Courts of the City of Richmond**. 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 Kevin R. Huennekens and the Honorable Keith L. Phillips –
United States Bankruptcy Court

Representatives of the Administration of Justice Committee of the Richmond Bar Association met with U.S. Bankruptcy Judges Kevin R. Huennekens and Keith L. Phillips, together, on November 28, 2018. Both Judges are pleased with the bankruptcy practitioners and the quality and civility of work by the Bankruptcy Bar.

Members of the bankruptcy bar should be aware that the U.S. District Court for the Eastern District of Virginia will soon require that all members of the bankruptcy bar also be admitted to the District Court. The Bankruptcy Court will publish a formal announcement regarding this requirement on its web-site in the near future, and the expected grace-period during which members must obtain admission to the District Court will expire on January 1, 2020.

The Judges would like to remind members that, on December 1, 2018, the amended Federal Rules of Bankruptcy Procedure went into effect, as did the amended Local Rules for the Eastern District of Virginia. Amendments to the Federal Rules include revisions concerning appellate procedures and concerning claims secured by a debtor's principal residence. Counsel are advised that, regardless of the need for a hearing on a dismissal under the Local Rules, counsel must still file any appropriate motions seeking an extension of time prior to the expiration of applicable deadlines and that deadlines cannot be extended after their expiration. Generally, as to Local Rules, the Judges invite members of the bar to submit any questions or feedback to the Local Rules committee at this e-mail address: localrules@vaeb.uscourts.gov. Also, with respect to the Local Rules, proposed amendments resulting from the Fourth Circuit's decision in *No v. Gorman*—relating to the requirement that a hearing be conducted prior to the dismissal of a case—have been posted for public comment, and that comment period has closed. There is not yet a date certain as to the enactment of those proposed amendments.

With respect to requests for authorization to bring personal electronic devices into the courthouse, counsel are reminded that those requests must be submitted to Chambers no later than 2 business days prior to the applicable hearing or proceeding. Chambers requires adequate time in order to process those requests in advance of the hearings, and requests received after the deadline may not be processed.

The Judges remain pleased with the bar's pro bono efforts, as evidenced by the low number of pro se filings. Many opportunities exist for members of the bar to engage in pro bono and other forms of outreach, including through the Greater Richmond Bar Foundation, the Credit Abuse Resistance Education program, and the chapter 7 debtor consultation and representation program.

The Judges also appreciate the active engagement of the members of the Bankruptcy Bar who serve as local counsel in various cases. In conclusion, the Judges are happy with the efforts and work by the Bankruptcy Bar and encourage its members to continue those efforts.

The Honorable Joi Jeter Taylor – Richmond Circuit Court

Judge Taylor continues to appreciate the civility and integrity of the local bar and emphasizes how fortunate the Richmond bar is to have such great members.

Judge Taylor relayed several practical comments regarding civil matters in the Richmond Circuit Court. She reminds attorneys to let the court know as soon as possible once a matter resolves so that the potential jurors are not unduly burdened by appearing. On a related note, Judge Taylor encourages the bar to contact the court if attorneys believe they may need more jurors in voir dire, the trial involves issues that some potential jury members may consider sensitive, or if the matter has received unusual pre-trial publicity.

The Court requires that counsel file motions prior to setting them for hearings and that counsel provide accurate time estimates for motions hearings. In addition to these requirements, Judge Taylor requests when a brief in support or opposition to a motion is filed fewer than seven days before the hearing date that the filing counsel also provide a courtesy copy of the brief to the assigned judge in chambers. Although the clerk's office endeavors to timely scan all filings, there is sometimes a natural and unavoidable delay and providing a courtesy copy to chambers ensures the judge will have the opportunity to review the brief prior to the hearing. Judge Taylor did note that not all judges in the Richmond Circuit Court will consider briefs that were not filed within the time limits set forth by the rules, but the best practice in such a situation is to deliver the courtesy copy to chambers.

Judge Taylor encourages litigants to take advantage of the court-sponsored judicial conferences as a means to resolve disputes without a jury trial. She also emphasized that she encourages Richmond bar members to participate in pro bono programs to promote a sense of fairness and equal access to justice.

Finally, the Court stresses that it aims to be user-friendly. A case is assigned to a specific judge once it is filed in Richmond Circuit Court. Counsel may feel free to contact the assigned judge's chambers with questions concerning logistics and other issues particular to a case. The Court is also interested in receiving feedback from attorneys.

The Honorable Lawrence B. Cann III – Richmond General District Court

Judge Cann reports that the Richmond General District Courts are currently quite busy with an increased number of filings in 2018 in civil, criminal and traffic matters. The judges are impressed with the general level of preparedness and professionalism of regular practitioners before the court and they encourage the bar to maintain this high standard. Judge Cann noted that the Richmond General District Court sees a high volume of pro se litigants and reported that the judges are pleased overall that the bar seems to accord these pro se litigants an appropriate level of dignity and respect.

Judge Cann stressed the importance of good communication between attorneys and the court on a wide range of matters that affect the smooth functioning of a high volume court. He gave several examples. For civil attorneys, especially high volume filers, it is highly recommended that attorneys contact the court the day before or early on the morning of the return

date to ensure that the papers are updated for final disposition with current information on damages and credits. For attorneys with only one or a small number of filings, pre-docket call check-in is also advisable because it enables the court, among other things, to call the attorney's case early so that the attorney can avoid sitting idly through a lengthy docket call. Other examples of good communication include contacting the court if an attorney is going to be late or a case has been settled. Settlements will often free up scarce trial dates.

The judges also wish to stress the importance of proper notice to the opposing party on all motions. This is particularly true where the moving party is seeking a default judgment or to set aside an order of eviction. Some motions, the judges recognize, are emergency in nature but the judges will nevertheless expect the best notice under the circumstances to be provided to the opposing party. The court has a standing order requiring five days' notice on all motions, with the court having the power in its discretion to waive the five days' notice requirement. Judge Cann has observed instances of attorneys putting in a full evening of preparation, only to learn for the first time on the day of hearing that opposing counsel seeks a continuance. This ought to happen only in rare circumstances in his judgment.

Judge Cann wished to convey the appreciation of all of his colleagues for the fine work being performed on a daily basis by the Richmond Public Defenders' Office. While the judges daily observe and value this contribution to the justice system, they fear that too few members of the bar and public at large fully appreciate the work of the Richmond public defenders.

Judge Cann conveyed the general sentiment of his colleagues that they do not wish to be seen as unapproachable or unwilling to hear the concerns of the bar. If you wish to communicate on general matters of court practice or to suggest improvements or efficiencies in the court's operations, for example, the judges want the bar to know that they are receptive. Insights from the bar have proven quite helpful in the past and continue to be welcome.

Finally, Judge Cann wants to alert the bar to a coming initiative to more effectively deliver pro bono legal services to indigent litigants in civil matters in our courts in Richmond. Further announcements and plans on this subject will be forthcoming soon.

The Honorable Richard B. Campbell –
Juvenile and Domestic Relations District Court for the City of Richmond

Judge Campbell reports that he and his colleagues, Judges Ashley Tunner, Marilynn Goss and Mary Langer, are grateful for the professional practice and service of the members of the Richmond Bar Association who regularly appear in the Oliver Hill Courts Building.

Judge Campbell encouraged all lawyers, both those new to the Court and those with years of experience, to endeavor to treat everyone in the courthouse with the proper level of decorum and respect. While nothing egregious stands out, Judge Campbell has observed a deterioration in how lawyers interact with each other, the Court, and courthouse staff

Judge Campbell also encouraged those seeking courtroom experience to sign up for court-appointed cases. Taking court-appointed cases is a great way to learn trial practice skills while representing clients who can't afford counsel.

The Court has also encouraged law firms to take cases on a pro bono basis. For example, a law firm may want to provide pro bono service to the community and associate attorneys in that firm may want the experience of trying a case on their own. The Court has appointed lawyers in such instances and would encourage law firms who are looking for pro bono opportunities to express their interest to the Court.

Chief Justice Lemons has asked Judge Campbell along with Judge Taylor (Circuit Court) and Judge Cann (General District Court) to commence an Initiative to further promote pro bono activities in the 13th Judicial Circuit. The 25th Circuit/District undertook a similar Initiative at the request of the Chief Justice and Judge Campbell as well as the other chief judges, who look forward to robust participation by the local Bar and the University Richmond School of Law as well as other stakeholders.

The Court is now operating with four Judges and their caseload is full. The amount of pro se litigants and the intensity of the issues contribute to longer wait times. Further, personnel changes in the Clerk's office also present challenges. An appropriation for a fifth judgeship has been included in the General Assembly proposed budget. Judge Campbell believes the fifth Judge may be appointed during the upcoming General Assembly session.

The attorney room has been remodeled and relocated. The Clerk's office has been redesigned in order to make it more user friendly. Also, the front entrance to the courthouse has been redesigned for improved security.

In approved situations, the Court is offering community service opportunities in order to pay court fines.

Judge Campbell continues to work on researching and documenting the history of the City of Richmond Juvenile and Domestic Relations District Court, one of the country's oldest such courts having started in 1912.