

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 Administration of Justice Committee recently concluded its annual interviews with the **Honorable Judges for the Counties of Hanover and Henrico**. As in years past, the Judges were gracious with their time and spoke with candor to Committee members regarding technology, dockets, communication and preparation.

**The Honorable J. Overton Harris**  
*Hanover Circuit Court*

Judge Harris continues to appreciate the civility and professionalism of those who practice before the Court and stated that there are no significant problems that he feels the need to communicate to the bar at large. He noted that civil filings and motions are up and that settlements prior to final hearing appear to be down.

Judge Harris said that the Hanover County Circuit Court Clerk's Office has its own information technology administrator, Stuart Oskins and that the Clerk's Office graciously provides Mr. Oskins' services to Court, as needed. He encourages the continued use of the available technology as he finds it to be an effective tool in court, especially for juries. The Court encourages parties to contact Mr. Oskins at (804) 365-6864 in advance of trial to ask questions about or coordinate technology needs.

Parties wishing to set motions in a civil case for a hearing may contact chambers at (804) 365-6454. Hearings are scheduled for set times so Judge Harris requests that parties be as accurate as possible in estimating the time needed for motions hearings and the Court does not allow piggybacking of motions onto existing hearings without permission in advance.

Judge Harris advises that multi-day jury trials are being set approximately 5-6 months out. Single day trials can be set much more quickly. For the newer members of the bar, Judge Harris recommends that in preparation for matters in his court that those attorneys speak with an experienced practitioner in Hanover Circuit Court or contact chambers regarding procedures for the Court. The Hanover County Circuit Court has two law clerks so there are a number of individuals available to speak with practitioners. Judge Harris emphasized that attorneys should feel free to call chambers with questions.

Finally, the Hanover Circuit Court is part of the Virginia Supreme Court's pilot program to determine if DC-40 forms can be submitted electronically. DC-40 forms are the forms submitted by court appointed lawyers to be compensated for their services.

**The Honorable Hugh S. Campbell**  
*Hanover General District Court*

Judge Campbell reports that the bar is doing a fantastic job with preparation and advocacy. As always, he reminds counsel that communication continues to be key to insure the court functions efficiently. Counsel should continue to notify the Court if you will be late. Additionally, increased security measures have been put in place based on recent events which

affect us all. Please cooperate with all security measures and govern your time accordingly to comply.

The Court continues to operate two courtrooms on a regular basis. In addition to Judge Campbell presiding every day, Judge David B. Caddell, Jr. presides as follows: a civil docket every Monday; on the third, fourth, and fifth Tuesdays he presides over a criminal docket in the mornings and a civil docket in the afternoons; he also presides over a criminal docket on Thursday and Friday mornings and will hear both criminal and civil matters, including motions, on Thursday and Friday afternoons.

The Court now has a restitution docket that convenes on the second Thursday of every even month at 1:30 p.m. It is important to note that a case only gets transferred to the restitution docket after all other aspects of the case are resolved and the case is closed. The case is then continued to the first restitution docket following the date after the final restitution payment is due. If the person has complied with the restitution order prior to that date and provided proof to the court, there is no need to appear at the hearing. If the person has not complied by that date, the court can issue a show cause.

The Commonwealth Attorney's Office does not get involved with traffic matters unless they specifically opt in or the officer requests them to do so. For traffic matters, defense attorneys should seek to continue cases directly with the Clerk's Office once they have obtained the officer's court dates. For criminal matters, defense attorneys should work out continuances with the Commonwealth Attorney's Office and then file the agreement with the Clerk's Office.

In civil matters, the Court will generally sign agreed orders. If there is a disagreement amongst the parties, all counsel should coordinate with each other and the Court to determine a date for the hearing and then submit a Motion and Notice of Hearing to the Court for docketing. In cases of a default judgment, counsel is reminded to bring evidence of the debt and documentation necessary to support the default judgment. The paperwork may be returned to counsel after the hearing to lighten the load of the Clerk's Office with paperwork.

In call cases, the use of telephones for calendaring and the presentation of evidence is completely appropriate and expected in the courthouse.

**The Honorable Shannon O. Hoehl**  
*Hanover Juvenile & Domestic Relations District Court*

Judge Hoehl continues to praise the attorneys who appear in her Court. However, she reminds attorneys to be on time and let lateness be the exception rather than the rule. If you are running late, please contact the Court to let them know.

Continuances are not favored in the Hanover County Juvenile and Domestic Relations District Court. Cases are set for a certain amount of time on the docket and if a continuance request comes in two weeks before a three-hour hearing, for example, it's difficult to set other cases during that same time slot with such short notice. Litigants need to wait long enough for their cases to be heard. The Court is setting cases further out on their docket than they have in

the past. The Court also is not generally in favor of temporary orders. As such, the Court will only grant continuance requests when necessary.

**The Honorable Richard S. Wallerstein, Jr.**  
*Henrico Circuit Court*

Judge Wallerstein states he is blessed to serve a very capable criminal and civil bar, and it truly makes his job as a jurist a pleasurable one. He finds being a jurist both intellectually and emotionally fulfilling. Judge Wallerstein provides the following insights to lawyers practicing before the Henrico Circuit Court.

All lawyers should take time to introduce themselves to the court until such time as the court gives firm affirmation that the court knows who you are. With new faces appearing before the court all of the time, it is very helpful to the court to receive the introduction. In this same vein, please bring your business cards to court. This way the deputy can pass the card to the judge upon request.

Judge Wallerstein states that members of the bar are prepared, and emphasizes there is no substitution for preparation. Each lawyer should have more knowledge about the case than the court. As always, please call chambers if you plan to be late for court. If you have to be in more than one courtroom or jurisdiction at the same time, it is imperative that you communicate with the court and your client. Try to avoid double-booking; treat the court as you would want to be treated. If you set something with the court, there is an expectation that you will be there.

Lawyers are advised to send copies of motions to chambers when filed with the clerk's office, especially Motions in Limine before trial. Judge Wallerstein discourages lawyers from making 11th hour filings where the lawyers are aware of the issues and could have done so earlier in the case. If the parties submit pretrial orders that deviate from the uniform pretrial order, please indicate same in the cover letter and by labeling the order as an Amended Order. Please refer to the website for docketing dates and times.

Always remember to be kind to the clerks and judicial clerks. If a judicial clerk calls you about a case, they are likely calling because the judge has instructed them to do so. It is not appropriate to be less than cordial to them, or take the opportunity to vent about the case, the judge or opposing counsel.

Judge Wallerstein encourages young lawyers to emulate the seasoned lawyers' ethics and professionalism. Take the time to sit in the courtroom of a judge you have not appeared in front of beforehand to see how that judge operates. Associate with lawyers who practice the area of law pertaining to your case. This will build your competence as a young lawyer and increase both your client and the judge's sense of security that the case is being handled properly.

The Henrico Circuit Court is part of the Virginia Supreme Court's pilot program to determine if DC-40 forms can be submitted electronically. DC-40 forms are the forms submitted by court appointed lawyers to be compensated for their services. Additionally, as of September 1, 2019, all document types can now be recorded electronically in the Record Room of the

Clerk's Office. Attorneys must create an account through one of the third party providers, Simplifile or CSC, and can then upload documents for recording. Documents received by the Records Room before 2 p.m. can be recorded the same day. The clerk's office is also working towards the ability to file civil cases electronically.

The Henrico Circuit Court is adding a sixth courtroom. Once renovated, Courtroom 3 will be larger than the other five courtrooms and can accommodate multi-defendant cases, conflict cases and courthouse ceremonies. All courtrooms will be updated to accommodate new technology, including projection screens and elmos.

While all five judges of the Henrico Circuit Court hear both criminal and civil cases, each judge does have special types of cases that they preside over. Judge Wallerstein hears cases pertaining to name changes and expungements. Judge Harris hears cases pertaining to concealed weapons permits, the Commissioner of Accounts and granting marriage authority. Judge Yoffy hears cases involving forfeiture and involuntary commitments. Judge Marshall presides over drug court and hears cases concerning the CAP Program. Judge Johnson also presides over drug court and hears garnishments cases.

**The Honorable B. Craig Dunkum**  
*Henrico General District Court*

Chief Judge Dunkum indicates that the court has made major changes in the court's procedure since last year's report. Last year, the court conducted two criminal dockets and three traffic dockets each day; however, the court has discontinued that practice.

On most Mondays at 11:00 a.m., the court now hears those traffic matters that cannot statutorily result in jail time, such as speeding, stop sign violations, and expired inspection stickers. Civil trials have moved from Mondays at 11:00 a.m. to 1:30 p.m. The third Monday of the month, however, is reserved for DUI and prostitution cases. On Tuesdays, Wednesdays, and Thursdays at both 9:30 a.m. and 11:00 a.m., the court conducts a hybrid docket where all five courtrooms address both criminal and traffic matters. Now, each judge on each of these days hears 52 traffic matters and addresses six criminal defendants at each hearing time. Criminal arraignments now start at 8:30 a.m. as opposed to the previous start time of 9:00 a.m. so that the necessary paperwork can be completed and processed in sufficient time to finish arraignments and start the court's 9:30 a.m. docket on time. Fridays have not changed—civil trials will continue to start at 11:00 a.m. In civil dockets, if requested, the court can typically accommodate having a trial within sixty days of the return date. The court typically sets three to five trials per day with the understanding that not all trials will move forward.

As a result of these changes, the court can accommodate 110,000 cases a year, which is a significant increase from the previous capacity of hearing 70,000 cases a year. A 40% increase in traffic citations largely necessitated this need to increase the court's capacity and revamp the court's docket practices. Most amazingly, this increase occurred without any expansion in staffing or funding. Chief Judge Dunkum would like to recognize and thank the individuals with the Commonwealth Attorney's Office, the court-appointed attorneys, individuals with the Henrico Sheriff's Department and Virginia State Police personnel for supporting and adjusting

to these changes designed to improve the court's efficiency. Without buy-in from these stakeholders, the court's changes would not have been successful.

Judge Dunkum reminds attorneys that the court has continued a document retention policy for the civil division that started last year. Pursuant to that policy, the court does not accept for filing any documents that are not required to be filed by statute or the Rules of the Supreme Court of Virginia. For example, in bodily injury cases, the court will accept medical records affidavits for filing, but will not accept and file the corresponding medical records prior to trial. This policy was implemented last year because the Supreme Court of Virginia requires that general district courts store all documents they receive; however, the court does not have the human resources or storage space to accommodate this mandate and, therefore, must limit filings to essential documents. A complete copy of this policy can be obtained from the clerk's office. At this time, documents that are no longer accepted by the clerk's office will be returned to the attorney.

In terms of general advice to the bar, Judge Dunkum reminds all attorneys to be prepared, know your own evidence and be on time. He also emphasizes the need for effective communication between counsel before trial. These communications can either facilitate a settlement or narrow the issues for trial. If a settlement is not reached, Judge Dunkum expects counsel to relay to the court at the trial's start the issues on which that the parties agree and disagree. Judge Dunkum also urges attorneys to alert the clerk's office if you are not going to be in court at the appointed time for any reason, even if you are in a different Henrico General District Courtroom. Lastly, Judge Dunkum notes his appreciation for the high caliber of attorneys who appear before the court and the general civility between members of the local bar.

**The Honorable Rondelle D. Herman**  
*Henrico Juvenile & Domestic Relations District Court*

Members of the Administration of Justice Committee had a wonderful conference call with Judge Rondelle Herman in late November 2019.

Judge Herman was quick to say the Court had the utmost respect for the attorneys who practice in the Henrico Juvenile Court. However, the Court has become aware and concerned about an increasing number of instances with lawyers showing up late and some not appearing at all for their cases. Judge Herman believes lawyers are either not using good time management or they are scheduling cases in two different courts at the same time. Judge Herman knows the attorneys who appear in her Court work very hard and handle many emotionally draining matters. She also recognizes the need, particularly for court-appointed attorneys, to work on as many cases as possible in any many courts as they can and a lawyer's need to make a living. However, Judge Herman asks lawyers to be mindful of scheduling their calendar as lateness and no-shows throw the docket off schedule. Judge Herman asks attorneys to think not only of their impact on the Court but also the public and their fellow lawyers who may have to wait for attorneys scheduled in other courts and running late. If for some reason an attorney is running late to Court, the Court requests that attorneys do all they can to inform the Court as soon as possible.

The Henrico Juvenile and Domestic Relations District Court now participates in the Electronic Voucher Pay System for court-appointed attorneys. The new process started on November 1, 2019 and became mandatory on November 11, 2019. Now, rather than turning in paper timesheets, court-appointed lawyers will submit their vouchers online. If any attorney has questions about this new program, they can contact the Virginia Supreme Court who runs the program. Judge Herman is excited that the Henrico Juvenile and Domestic Relations Court is one of the first to implement this electronic voucher system outside of the initial pilot program.

Judge Herman asks lawyers to not both fax and mail documents to the Clerk's office. The duplicate submission of documents just creates double work for Clerk's office staff. Unless it is an emergency or time is of the essence, the Court requests that attorneys please only mail pleadings and orders. Other miscellaneous documents may be faxed.

In the past year, the Court has added new faces. Shannon Meadowcroft became Clerk of the Henrico Juvenile and Domestic Relations District Court on June 1, 2019. She is working very hard to stabilize the Clerk's office staff. In addition, Michelle Kinslow is the new Chief Deputy Clerk who will be assisting Ms. Meadowcroft. If lawyers have any concerns regarding the Clerk's office, they can reach out to either Ms. Meadowcroft or Ms. Kinslow.

As we head into the inclement winter season, Judge Herman would like to remind all attorneys that the Henrico Juvenile and Domestic Relations District Court has a Twitter page: @HenricoJDRCourt. Judge Herman suggests checking the Twitter page for important news, closings, delayed openings, and impact of inclement weather.

Security remains a priority for all courts. While the court extends the courtesy of allowing electronic devices for attorneys appearing in court, when an attorney has a personal case or other non-work related appearance before the Court they will not be permitted to bring in their phones or computers and they must go through the metal detectors as a member of the general public. This is the same standard applied to any other court employee. Everyone is reminded that the Sheriff's primary job is security in the courthouse and patience and cooperation with their requests are always appreciated.

Paperless filings in juvenile and domestic relations courts are coming, and the Henrico Juvenile and Domestic Relations District Court is looking forward to eventually going paperless. The details and timing for these filings for each particular court are still being developed.