

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 be pleased with the practitioners in his Court. He says he has seen no problems over the past year and a half with the collegiality or professionalism of the Richmond Bar and is pleased with the level of preparedness and demeanor of the Bar.

He notes that the docket in Hanover has been steadily picking up and reminds the Bar that no lings are accepted by fax in the Circuit Court, but can be emailed, mailed or hand delivered. He stated that the Court does not require a separate copy of briefs as the Clerk is very quick on their turnaround for presenting it to the Court.

If a hearing needs to be changed or moved the best thing to do is call chambers instead of the Clerk. Chambers will be the best point of contact for those types of situations.

As for the ongoing operations after the Covid pandemic, Hanover was never interrupted as much as other circuits. The backlog, therefore, has been smaller, and things have returned to normal. The Court never has and is not currently stacking jury trials.

Although everyone prefers in-person hearings or motions, the Court has allowed continued use of remote options under justified circumstances or there is agreement among counsel. In addition, the Court has seen increased requests for remote options since the pandemic.

The population in Hanover County has continued to grow, and the Court is adding another circuit courtroom in the existing courthouse that will be opening in May. The extra courtroom will allow the Court to handle even more matters.

Judge Harris encourages young lawyers new to litigation to seek the advice of older attorneys who practice in his courtroom to understand better the courtroom's rules and mechanics. He also encourages young attorneys to associate with more veteran attorneys on their matters to help them grow in the trial practice.

Judge Harris encourages any member of the bar to call Chambers or the clerk if there are any questions about court procedures or processes. They are more than happy to help.

The Honorable Hugh S. Campbell and the Honorable David B. Caddell
Hanover General District Court

Judges Caddell and Campbell continue to emphasize how much they appreciate the civility and professionalism of the attorneys practicing in Hanover General District Court. There are only a few items they believe would increase the efficiency of the court.

Regarding criminal matters, the court requests that urgent matters be faxed, but if a matter

is not urgent and no hearing is requested then hand delivery or regular mail is preferred. When sending in retainer letters please contact the clerk's office to obtain the officer's available dates. When filing a Motion to Re-Open a concluded case make sure details and support are provided as to why the case should be re-opened. The Judges see this a lot in traffic cases.

The Judges ask that when civil hearings or trials are set by one counsel that a letter is sent to opposing counsel and the clerk is copied.

The judges would like to thank the bar for their continued patience and consideration as we all put our best foot forward in making court dockets run as efficiently and timely as possible post pandemic.

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

As we enter 2023, Judge Hoehl wishes to remind the bar of the opportunities available to serve as a guardian ad litem (“GAL”) and court-appointed counsel. The Court is experiencing a need for both, now more than ever. It is preferred that attorneys seeking to serve as a GAL also be on the Hanover Juvenile and Domestic Relations District Court’s court-appointed list, and vice versa. The Court is appreciative of any attorney will to serve as a GAL or court-appointed counsel, or both. For attorneys on the list, you are assigned a duty day and the Court does not know if criminal defendants will need counsel or if a GAL will be appointed on any given day. Accordingly, the attorney should expect to keep their assigned duty day open or find a replacement attorney. Attorneys whose offices are located in Hanover County are typically preferred by the Court, both because attorneys are sometimes asked to appear in Court the same day as their appointment with little advance notice, and because a Hanover location is typically more convenient for client meetings. If you are interested in serving as a GAL and/or court-appointed counsel, please contact the Hanover Juvenile and Domestic Relations District Court’s Clerk’s Office.

New this year, Hanover JDR has created a child-witness room. The child-witness room is located outside the courtroom and has been decorated with a children’s themed mural and outfitted with a television, DVD player, books, drawing easel, and other children’s play toys. The child-witness room is a welcome addition to the Court and will provide a place of comfort and security for children attending court. Judge Hoehl has opened the room and made it available for anyone that needs to bring a child to court – whether for criminal hearings, custody/visitation hearings, or if a child just needs to attend court for any reason.

Regarding the bar, Judge Hoehl expressed that she has always been happy with the bar and found its attorneys to be cordial to each other and polite to the Court. In addition to the cordiality, Judge Hoehl shared her thanks for the lawyers generally being so well prepared and considerate. There is one area that attorneys can work on when appearing before Judge Hoehl and in Hanover Juvenile & Domestic Relations Court, which is attorneys being on time. While the Court understands busy and compact schedules, it does not like having to call attorneys to ask where they are. Instead, attorneys should proactively call the Clerk’s Office if running late. Another area for improvement by attorneys is to not assume a case is continued because of an agreement between counsel. A case is not continued until an Order is entered. Lastly, effective January 1, 2023, the Court will not process DC-40 vouchers unless they are accompanied by the GAL certification.

The Court’s goal is to set cases not more than three or four months following the pretrial hearing for contested cases of three hours, to have the pretrial hearing within 30 days of filing, and to enter final orders rather than temporary ones. If a party requests an emergency hearing and provides

adequate support for that emergency hearing, the Court will grant the request. If the Court denies the request for an emergency hearing, a GAL will be appointed. The GAL may separately petition the Court for an emergency hearing, if the GAL understands that an emergency does exist.

With respect to those serving as a GAL, the Court wishes to remind all GALs to conduct a comprehensive investigation, which includes meeting with the child and both parties prior to court. It is only in rare circumstances that a GAL would not need to meet with a child prior to court. To the extent the GAL has not been able to conduct a thorough investigation, the Court would prefer the GAL request a continuance rather than proceed with incomplete or insufficient information.

Lastly, Judge Hoehl offers an annual stakeholder meeting at which attorneys who serve as GAL, court-appointed counsel, and people from state agencies can offer meaningful input in the Court's operation. Judge Hoehl met with stakeholders during the summer of 2022 and is looking forward to scheduling a meeting during the summer of 2023. For those interested, please contact the Clerk's Office.

The Honorable John Marshall
Henrico Circuit Court

Judge Marshall continues to appreciate the civility and professionalism of those who practice before the Court. The Court is operating with five judges and, with recent renovations complete, now has six courtrooms.

The number of criminal juries has greatly increased with the recent change in state law that allows judges, not juries, to determine sentences. Given the overall increase in the number of criminal jury trials being scheduled and the longer than usual wait for jury trials, Judge Marshall encourages litigants to keep their trial dates and not request continuances unless absolutely necessary. When trials are continued, available trial dates are typically a year out from when they are continued.

Judge Marshall said that the Court is currently scheduling trial dates approximately one year from when the litigants contact the Court to schedule a trial date. Henrico Circuit Court can try four jury trials each day, with a priority given to criminal trials. Trials are typically set on Tuesday, Wednesday, and Thursday. Mondays are usually reserved for domestic matters and Fridays for motions hearings. Given the number of civil matters that settle and criminal matters where there is a plea agreement, the Court has not yet had a problem with overscheduling but anticipates that could be an issue with the increase in criminal juries.

Judge Marshall praised the Court's jury officers' efforts in keeping jury trials moving smoothly. The Court has a jury panel for each courtroom and therefore counsel have been provided with their jury panel sometimes as early as two weeks in advance of the trial.

Judge Marshall encourages all lawyers, especially young lawyers, to always introduce themselves to the Court. Do not assume that the judge remembers your name. Further, Judge Marshall expects all counsel to communicate with each other to attempt to resolve discovery matters before appearing in Court. Henrico Circuit Court judges are more apt to award attorney's fees in discovery disputes against counsel who fails to communicate by telephone, or at least by e-mail, to resolve a dispute before a hearing.

For motions in limine and other pretrial motions, Judge Marshall encourages litigants to file such motions and schedule hearings well in advance of trial. This help keep trials moving and prevents unnecessary delays.

Judge Marshall reminds attorneys that plan on using technology in the courtroom to make sure that their technology works well in advance of trial. The Court's newest courtroom is equipped with multiple monitors for jurors, counsel, and witnesses. The Court encourages litigants to work with the Sheriff's office as well as the Court's IT department to work out any technical difficulties in advance so that trials are not delayed.

The Honorable Lauren A. Caudill
Henrico General District Court

Henrico General District Court returned to pre-COVID protocol in 2022 which allowed more cases to be docketed and a more timely disposition. Judge Bondurant retired at the end of January and unfortunately his seat was not filled during the 2022 session of the General Assembly. We extend our heartfelt thanks to the retired and substitute judges who gave hours of their time to provide us the opportunity to operate five courtrooms on a daily basis. It is our hope that the General Assembly will fill the open judgeship during the 2023 session. We also begin the new year with the retirement of our wonderful clerk, Barbara Shaw, who leaves us at the end of January. We are very fortunate to welcome Carol Kennedy from the Richmond General District Court as our new clerk beginning February 1, 2023, who comes to us with a wealth of knowledge and experience. Please stop by her office if you are in Henrico to welcome Carol to our Henrico family.

In 2022 we witnessed continued success with our Mental Health Diversion Program, where individuals with serious mental health issues, who diagnosis contributed to their offense, have been diverted from standard court system channels into a program that provides wrap-around services to include mental health counseling, medication management and assistance in finding housing. These are individuals who have often experienced repeated incarceration due to not having proper services in place to address their mental health issues. With support from the County, we have now completed the required training to apply to the Virginia Supreme Court for a full Behavioral Health Docket which will extend services to an even greater number of individuals in the community.

The Honorable Sharon G. Jacobs
Henrico Juvenile & Domestic Relations District Court

This year, the Henrico Juvenile & Domestic Relations District Court proudly touts an all-female bench. The Honorable Marissa D. Mitchell, the Court's newest Judge, spearheaded a "best practices" team for agencies serving children, including the Court Services Unit, the Commonwealth's Attorney Office, the Department of Social Services, and the Guardian Ad Litem program. Representatives from each group get together to coordinate efforts and share their challenges and solutions.

Like many juvenile courts, the Henrico J&DR Court has been contending with two chief concerns: gun violence and truancy. Task forces implemented to seek solutions on both issues have made major advancements. First, the Virginia Juvenile Community Crime Control Act Program recently completed an RFP process to establish a weapons program. The contract was awarded to A New Legacy Family Services, and the program is identified as the Weapons and Violence Prevention Program. Second, collaboration among the Clerk's Office/Court Services Unit, Henrico County Public Schools, the Henrico County Commonwealth's Attorney Office, and Henrico County's Deputy County Manager for Public Safety, Michael Feinmel, has resulted in a truancy protocol that seeks parental participation first through school social workers and only escalates to J&DR filings if the initial efforts are unsuccessful.

The biggest challenge faced by the Court over the past year has been a severe staffing shortage in the Clerk's Office. Out of 23 positions, only 14 were filled at the time of Judge Jacobs's interview in January 2023. Although cases are moving more slowly than is ideal, the Court is addressing the problem by consolidating dockets where possible and calling all hands on deck to help relieve the clerks' extremely heavy workloads. Judge Jacobs is optimistic that this problem is abating, but in the meantime, she thanks those who appear before the court for their patience and understanding.

Efforts to promote efficient resolution at the district court level have been crucial. Henrico's General District Court is located in a building separate from the J&DR Court. Last year, an arrangement was worked out for cross-designations so that individuals who are subpoenaed as witnesses are no longer required to go to two separate courts. For example, in the case of a DUI where the parent had a child in the car and therefore would also face child neglect charges in the J&DR Court, cross-designations keep the cases together to make better use of witness and judicial time and allow the justice system to better serve the public.

Judge Jacobs drew attention to Special Immigrant Juvenile Status (SIJS) cases. SIJS is an avenue for undocumented children to obtain legal status when they cannot be reunified with one or both parents due to abuse, neglect, abandonment, or a similar basis and it is not in the child's best interest to return to their home country. The policy for the Henrico JDR Court is that one petition must be filed for custody by the child's potential guardian and a second petition must be filed for the state court to make the federally required SIJS findings. Judge Jacobs emphasized that if SIJS cases come in a single petition, the Court must get in touch with the filing attorney to separate the case into two petitions, resulting in extra work for the clerks and potential delay in having matters ultimately resolved.

Similarly, to reduce the workload for clerks, the Court asks that attorneys refrain from duplicate filings. Please file a motion, petition, letter, order, or any other court paper or request by one method only: by email, in person, by fax, or by mail. All methods are acceptable. Using only one method of filing is strongly preferred.

The Court is grateful to all court-appointed counsel, retained attorneys, and guardians ad litem for the grace they have extended as the Court dealt with its staffing shortage. Judge Jacobs gave a special thank you to the Court's Clerk, Shannon Meadowcroft, who has done a phenomenal job of balancing dockets, sitting as a courtroom clerk when necessary, managing administrative tasks, and filling in wherever she is needed. It is dedicated employees like Ms. Meadowcroft who help keep the wheels of justice in rotation at the J&DR Court.