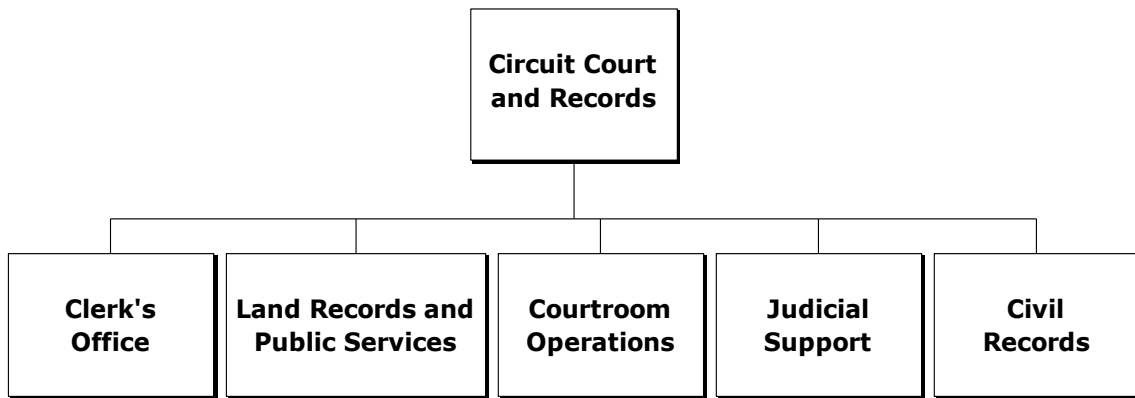


# Circuit Court and Records



## Mission

To provide administrative support to the 19<sup>th</sup> Judicial Circuit; to preserve, maintain and protect the public records; and to offer public services with equal access to all in accordance with the Code of Virginia.

## Focus

The Fairfax Circuit Court is a Virginia “court of record” and has jurisdiction over Fairfax’s Criminal and Civil cases and has appellate review over several lower courts and tribunals. Fairfax has 15 Circuit Court judges, and the Clerk’s Office supports these judges as they adjudicate almost 30,000 new civil and criminal cases each year. The Circuit Court also has original jurisdiction over other matters such as adoptions; divorce proceedings; disputes concerning wills, trusts and estates; election recounts; eminent domain; and controversies involving personal and real property. As custodian of the public record, the Clerk of Court also administers the land records for Fairfax, recording 130,000 land transactions every year, depending on the pace of the real estate sales market. As such, the Fairfax Circuit Court is, by far, the busiest and most sophisticated court in the Commonwealth of Virginia.

**Circuit Court and Records supports the following County Vision Elements:**

- 
***Maintaining Safe and Caring Communities***
- 
***Connecting People and Places***
- 
***Maintaining Healthy Economies***
- 
***Creating a Culture of Engagement***
- 
***Exercising Corporate Stewardship***

As a court of record, the Circuit Court hears the appeals from Fairfax’s General District Court and Juvenile and Domestic Relations District Court. Citizens can also seek judicial review of administrative agency decisions in Circuit Court, and the Court hears appeals from the Board of Zoning Appeals, the Virginia Employment Commission, the Elections Registrar and even the Department of Motor Vehicles (DMV). In criminal cases, the Circuit Court has original jurisdiction over the trial of all felonies (crimes that are punishable by more than one year in prison), and hears appeals of misdemeanors from the General District Court. As opposed to the lower courts, Circuit Court offers the right to a jury trial. Given Fairfax’s unique comfort-level with complex jury cases, the Supreme Court of Virginia routinely assigns Fairfax with statewide class action litigations and complex, regional criminal prosecutions, which add to the Court’s volume, pace, and jury utilization. Furthermore, the Circuit Court of Fairfax, pursuant to the

## Circuit Court and Records

Code of Virginia, and in concert with the Supreme Court of Virginia has established two specialty dockets, a Veterans Treatment Docket and a Drug Court.

The Clerk of Court's mission is to serve the citizen, the bench and the bar, and to exceed their very high expectations of Virginia's largest Circuit Court, by keeping public records well-preserved and readily available. Fairfax citizens expect a highly-informed, knowledgeable, customer-oriented staff. The Clerk's Office builds a culture of excellence through two major budgetary areas: Technology and Talent.

By maintaining 24-hour customer access to land and business records through Court Public Access Network (CPAN), implementing and improving web-based case management, digitizing ancient court records for faster retrieval for the judges and the customer, offering on-line dockets and jury service software, and even creating an *online* marriage pre-application, the Clerk's Office makes the court efficient and transparent.

But none of these tech-improvements are maximized without a properly-trained staff, who keep pace with system updates and new-releases, and who make them relevant to Court customers. This means that the Clerk's staff must be high-performing paraprofessionals, fluent in Virginia legal contexts, as well as technology-savvy, to keep the Fairfax dockets moving. In addition to the budgetary priority on functional, system trainings for staff, the Clerk places a *pronounced* emphasis on subject-matter education and training on an array of issues such as: sentencing guidelines, chain of evidence, inter-state comity, land recordation, real estate closing standards, archival standards, court debt collection, jury management, cybersecurity, continuity of government, fraud-prevention, court financial management, government contracting/procurement, freedom of information, managing *pro se* litigants, detecting land fraud, and serving those with mental health concerns.

### **Knowledgeable Staff & Agile Systems: Fairfax's Court Excellence**

The Fairfax Circuit Court manages to outperform statewide averages for docket and land records volume and performance through cutting-edge workflow and maxing-out legacy systems. Through web-based case management, online trial scheduling, digital-imaging, and SQL-reporting, the Court is consistently able to conclude 87 percent of Civil Law cases within 12 months, and conclude 98 percent of Civil-Domestic cases within 15 months, surpassing Virginia Supreme Court performance goals, despite our Court's large size. On the land records-side, with our E-Submitter Program, now 72 percent of all land transactions are e-filed with the Clerk. Through this, and such innovations as the Clerk's marriage license "pre-app," the Court's online Jury Questionnaire Submission System, Online Scheduling System (OSS), and "E-Decree" initiative, the Court has been able to substantially reduce the number of trips a court-user must make to the courthouse. This saves the citizen, and the Clerk's Office, time and money.

### **A Perpetual Record, For a Digital Era**

However, for all the time/money-savings technology offers, there are software and hardware maintenance costs. In November of 2017, the Fairfax County Board of Supervisors approved the early CY 2018 launch of the Pilot Body Worn Camera Program for the Fairfax County Police Department. The pilot program was designed to provide the Police Department with the opportunity to review police-community member encounters as they occur, as well as to provide an additional degree of safety for officers on patrol. Resulting footage used in criminal discovery and the potential for both civil and criminal trial evidence is anticipated to impact the court's digital record-keeping by increasing the level of support for video discovery, video evidence and record-keeping.

## Circuit Court and Records

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Digital evidence comes in to trials in the Court's civil cases, like divorce actions, defamation cases, medical malpractice cases, and even contract disputes. Unlike the General District or Juvenile Court, the Fairfax Circuit Court must *preserve forever*, most of its case-related files whether they are video files, digital audio file, or paper files. To meet these emerging trends, the Clerk has allocated IT staff and paraprofessional staff to explore the most cost-effective ways to receive, preserve, and manage this digital discovery and trial exhibit evidence. Furthermore, in 2016, Fairfax began compiling civil and criminal records into electronic appellate records, and launched the use of the Supreme Court's Virginia Appellate Courts Electronic System (VACES), which is an electronic appeal system. As Virginia's largest "court of record," the County is identifying best practices for the management of these digital appellate records, but this is an emerging area for Virginia courts. The exciting trend of "paperless" only presents new, and different, court management skills and system. The Clerk anticipates needing additional, specialized personnel to manage this emergence of digital trial practice and electronic filing/appeals.

By Virginia Code, the Clerk must preserve all real estate/land/vital/marriage/and probate records. In FY 2018, the Clerk's Office maintained on its servers almost 53 million digital document images. To help manage budgetary expenditures for physical preservation, the Archival Staff of the Clerk's Office established a Historic Records Preservation Plan, which identifies and prioritizes specialized preservation, conservation, and digitization of our 17<sup>th</sup> and 18<sup>th</sup> Century Court Records. In order to responsibly on-board new technologies, and support these digitized archival documents, the Clerk must honor all licensing agreements and software/hardware maintenance agreements, so that the public can access historic, and modern, court records. In FY 2018, the top-ten operating expenditures were software maintenance cost, with a full 40 percent of the Circuit Court's Operating Budget consumed by technology maintenance. Though this is to be expected in a modern court whose jurisdiction spans over 300 years of Fairfax legal records, it is also a factor in responsible stewardship and it informs the Clerk's contract negotiation strategies as the Court enters into the newest technology initiatives. Furthermore, as Body Worn Cameras and other digital evidence increases, the Court's servers that store those digital files will have higher annual maintenance costs.

### **The Leading Trial Court in Virginia**

In addition to Fairfax's own large case-load, the Supreme Court of Virginia has transferred several complex class action lawsuits and has again in 2018 assigned multi-jurisdictional grand juries to Fairfax in the past year. Likely because of Fairfax's comprehensive case management experience, effective jury system, experience in managing high-profile cases, and the high-performing legal records staff who can handle such complexity, Fairfax has again been selected to host a regional multi-jurisdictional grand jury in 2019. Furthermore, newest trends in problem-solving courts have come to Fairfax. Pursuant to the Code of Virginia, the Fairfax Circuit Court has established a Veterans Treatment Docket for qualifying military veterans. And recently, the Circuit Court has also launched a Drug Court, which is a specially-tracked docket that identifies qualifying, non-violence defendants to receive intense drug addiction treatment, as part of, and to ensure, their probation-compliance requirements.

### **In a Class of Its Own: Retaining Courthouse Talent**

Court customers rightly expect a knowledgeable and responsive court staff, so personnel is the largest, and wisest investment the Clerk can make. The high-pace and volume, the headline-making trials, and the natural energy of the state's largest court, make recruiting top-talent for the Court easy. The challenge lies in retaining talent, in a local courthouse that sits only 17 miles from Washington D.C.'s many federal courts. Because of their court-specific experience, fluency with the Code of Virginia, and paraprofessional exposure to civil procedure, criminal procedure, and jury trials, the Clerk's talented staff are being recruited by federal and state courts, private sector law firms, and other County agencies, with the explicit enticement of higher pay. While the Clerk places pronounced emphasis on subject-matter

## Circuit Court and Records

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training, for core competencies in all practice areas of law, court paraprofessional work stands apart from traditional-administrative work. Given the legal-specific work that Circuit Court staff perform daily, the County can recruit and retain top talent when it accurately describes and classifies the work of Virginia's largest trial court.

### **Staff, Specialists in Their Field**

Given the wide-range of practice-areas of law that the Fairfax Circuit Court covers, staff is offered extensive, paraprofessional training on trial-court practice, custody of evidence standards, court-debt collection procedures, administrative probate standards, Supreme Court of Virginia Court Rules training, court technology updates, legal ethics training, vendor-specific system trainings, court financial management, post-judgement remedial measures training, jury management training, in addition to customer service for Courthouse-specific service. Many best practices for state courts are established by national court associations and land records industry groups, so the Clerk's Office regularly sends staff to be trained on these legal practice standards and larger industry trends. Anticipating, and preparing for, new trends in court administration, such as the Drug Court and Veterans Docket, as well as pioneering the management and maintenance of digital evidence, are required skills for court staff in 2020.

On-going, substantive education of trial-court staff is critical for the Fairfax court customer to receive timely, accurate, and complete service at Virginia's largest trial court, so it is a budgetary priority for the Clerk. Furthermore, with court technology improving regularly, staff must stay fluent in various functionalities of digital case files and automated case management, thereby maximizing the efficiencies software systems offer. The citizens of Fairfax rightly expect an efficient and accountable court. In order to meet and exceed their expectations, the Clerk believes in developing entry-level staff and new hires, building a ladder for career success, and offering a rewarding professional life. In FY 2018, Clerk's staff were asked to speak nationally, and state-wide, on issues such as fraud prevention, cybersecurity for court records, customer service in the legal context, e-signatures in courts, and ethics in the law. Arming emerging court leaders with supervisory and management training offered locally by the County, as well as the commensurate legal training offered state-wide and nationally, helps us remain Virginia's "Rocket Docket."

# Circuit Court and Records

## Budget and Staff Resources

Category	FY 2018 Actual	FY 2019 Adopted	FY 2019 Revised	FY 2020 Advertised	FY 2020 Adopted
<b>FUNDING</b>					
<b>Expenditures:</b>					
Personnel Services	\$9,197,216	\$9,772,931	\$9,672,931	\$10,329,455	\$10,436,835
Operating Expenses	1,973,786	1,990,826	2,068,496	1,995,826	1,995,826
Capital Equipment	225,332	0	44,736	0	0
<b>Total Expenditures</b>	<b>\$11,396,334</b>	<b>\$11,763,757</b>	<b>\$11,786,163</b>	<b>\$12,325,281</b>	<b>\$12,432,661</b>
<b>Income:</b>					
Land Transfer Fees	\$25,313	\$26,194	\$26,194	\$26,194	26,194
Courthouse Maintenance Fees	30,041	32,475	32,475	32,475	32,475
Circuit Court Fines and Penalties	111,913	135,689	111,913	111,913	111,913
Copy Machine Revenue	70,733	71,436	75,646	75,646	75,646
County Clerk Fees	4,769,347	4,902,338	4,530,880	4,530,880	4,530,880
City of Fairfax Contract	216,747	239,428	259,854	259,854	259,854
Recovered Costs - Circuit Court	4,110	25	25	25	25
CPAN	375,761	333,500	333,500	333,500	333,500
State Shared Retirement - Circuit Court	173,513	176,465	176,465	182,465	182,465
<b>Total Income</b>	<b>\$5,777,478</b>	<b>\$5,917,550</b>	<b>\$5,546,952</b>	<b>\$5,552,952</b>	<b>\$5,552,952</b>
<b>NET COST TO THE COUNTY</b>	<b>\$5,618,856</b>	<b>\$5,846,207</b>	<b>\$6,239,211</b>	<b>\$6,772,329</b>	<b>\$6,879,709</b>
<b>AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)</b>					
Regular	140 / 140	140 / 140	140 / 140	142 / 142	142 / 142
Exempt	24 / 24	24 / 24	24 / 24	24 / 24	24 / 24
State	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15

## FY 2020 Funding Adjustments

The following funding adjustments from the FY 2019 Adopted Budget Plan are necessary to support the FY 2020 program. Included are all adjustments recommended by the County Executive that were approved by the Board of Supervisors, as well as any additional Board of Supervisors' actions, as approved in the adoption of the Budget on May 7, 2019.

- ◆ **Employee Compensation** **\$511,770**  
 An increase of \$511,770 in Personnel Services includes \$204,997 for a 2.10 percent market rate adjustment (MRA) for all employees and \$189,185 for performance-based and longevity increases for non-uniformed merit employees, both effective July 2019. An additional \$117,588 is associated with compensation increases as a result of workload requirements.
- ◆ **Technology Support** **\$157,134**  
 An increase of \$157,134 is associated with 2/2.0 FTE positions to support the new Court Management System (CMS). The CMS offers real-time case document imaging, an electronic filing, electronic-certifying and payment system portal, and the ability to develop digital trial practice, as well as real-time judicial dashboard capabilities. It should be noted that an increase in \$76,858 in Fringe Benefits funding is included in Agency 89, Employee Benefits, for a total cost of \$233,992 in FY 2020.

# Circuit Court and Records

## Changes to FY 2019 Adopted Budget Plan

The following funding adjustments reflect all approved changes in the FY 2019 Revised Budget Plan since passage of the FY 2019 Adopted Budget Plan. Included are all adjustments made as part of the FY 2018 Carryover Review, FY 2019 Third Quarter Review, and all other approved changes through April 30, 2019.

- ◆ **Carryover Adjustments** \$22,406  
As part of the FY 2018 Carryover Review, the Board of Supervisors approved funding of \$22,406 in encumbered funding in Operating Expenses.

## Cost Centers

The Circuit Court and Records has five cost centers including Land Records and Public Services, Courtroom Operations, the Clerk’s Office, Judicial Support and Civil Records.

### Land Records and Public Services

This cost center exists to record, preserve, safeguard and provide access to all recorded documents and instruments pertaining to land, property and judgments. The Clerk’s Probate division administers wills and qualifies fiduciaries for estate, trust, and guardianship matters. The Public Services division issues marriage licenses and processes notary public commissions and trade names.

Category	FY 2018 Actual	FY 2019 Adopted	FY 2019 Revised	FY 2020 Advertised	FY 2020 Adopted
<b>EXPENDITURES</b>					
Total Expenditures	\$1,659,398	\$3,015,255	\$2,915,584	\$3,179,807	\$3,208,113
<b>AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)</b>					
Regular	32 / 32	32 / 32	31 / 31	31 / 31	31 / 31
1 Management Analyst II	6	Administrative Associates	3	Administrative Assistants IV	
2 Legal Records/Services Managers	3	Administrative Assistants V	15	Administrative Assistants III	
1 Legal Records Clerk					
<b>TOTAL POSITIONS</b>					
<b>31 Positions / 31.0 FTE</b>					

### Courtroom Operations

The Courtroom Operations cost center provides full administrative and paraprofessional support to the 19<sup>th</sup> Judicial Court in order to accomplish the efficient and prompt resolution of all cases and jury functions according to the Code of Virginia.

Category	FY 2018 Actual	FY 2019 Adopted	FY 2019 Revised	FY 2020 Advertised	FY 2020 Adopted
<b>EXPENDITURES</b>					
Total Expenditures	\$2,221,669	\$2,412,836	\$2,412,836	\$2,502,854	\$2,525,908
<b>AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)</b>					
Regular	41 / 41	41 / 41	41 / 41	41 / 41	41 / 41

# Circuit Court and Records

1 Management Analyst II	2 Administrative Associates	2 Administrative Assistants IV
2 Legal Records/Services Managers	18 Administrative Assistants V	14 Administrative Assistants III
2 Senior Legal Records Clerks		

**TOTAL POSITIONS**

**41 Positions / 41.0 FTE**

**Clerk's Office**

The Clerk's Office cost center provides effective management of technical support and other agency-wide components to produce efficient and effective service to the bench, the bar, and the citizens of Fairfax.

Category	FY 2018 Actual	FY 2019 Adopted	FY 2019 Revised	FY 2020 Advertised	FY 2020 Adopted
<b>EXPENDITURES</b>					
Total Expenditures	\$4,208,294	\$2,853,278	\$2,975,355	\$3,058,774	\$3,076,749
<b>AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)</b>					
Regular	20 / 20	20 / 20	21 / 21	23 / 23	23 / 23
Exempt	9 / 9	9 / 9	9 / 9	9 / 9	9 / 9

1 County Clerk (Elected) E	1 Info. Tech. Program Mgr. I	1 Human Resources Generalist II
1 Deputy County Clerk E	1 Business Analyst IV	1 Info. Tech. Technician III
1 Management Analyst IV	1 Business Analyst II (1)	1 Info. Tech. Technician II
2 Management Analysts III E	1 Network/Telecom. Analyst III	2 Info. Tech. Technicians I
1 Management Analyst II E	1 Network/Telecom. Analyst II (1)	1 Assistant Archivist
1 Management Analyst I	1 Programmer Analyst IV	1 Archives Technician
2 Administrative Assistants V E	1 Programmer Analyst II	
5 Administrative Assistants IV E	1 Financial Specialist II	
1 Administrative Assistant III E	1 Financial Specialist I	
1 Legal Records/Services Manager		

**TOTAL POSITIONS**

**32 Positions (2) / 32.0 FTE (2.0)**

( ) Denotes New Positions  
E Denotes Exempt Positions

**Judicial Support**

The Judicial Support cost center provides full administrative and professional support to the Judges of Virginia's 19<sup>th</sup> Judicial Circuit to ensure appropriate and prompt resolution of cases.

Category	FY 2018 Actual	FY 2019 Adopted	FY 2019 Revised	FY 2020 Advertised	FY 2020 Adopted
<b>EXPENDITURES</b>					
Total Expenditures	\$1,060,175	\$1,495,989	\$1,495,989	\$1,539,218	\$1,555,413
<b>AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)</b>					
Regular	2 / 2	2 / 2	2 / 2	2 / 2	2 / 2
Exempt	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15
State	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15

1 Chief Judge S	1 Administrative Assistant V	
14 Judges S	1 Administrative Assistant IV	
15 Judicial Law Clerks E		

**TOTAL POSITIONS**

**32 Positions / 32.0 FTE**

E Denotes Exempt Positions  
S Denotes State Positions

# Circuit Court and Records

## Civil Records

The Civil Records cost center is responsible for records management and the coordination of the retention and archiving of cases. It also processes the filing of new civil cases and subsequent documents to ensure efficient and timely resolution of civil cases brought before the Judges of the 19<sup>th</sup> Judicial Circuit.

Category	FY 2018 Actual	FY 2019 Adopted	FY 2019 Revised	FY 2020 Advertised	FY 2020 Adopted	
<b>EXPENDITURES</b>						
Total Expenditures	\$2,246,798	\$1,986,399	\$1,986,399	\$2,044,628	\$2,066,478	
<b>AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)</b>						
Regular	45 / 45	45 / 45	45 / 45	45 / 45	45 / 45	
1 Management Analyst II	6	Administrative Assistants IV				
2 Legal Records/Services Managers	33	Administrative Assistants III				
3 Administrative Assistants V						
<b>TOTAL POSITIONS</b>						
<b>45 Positions / 45.0 FTE</b>						

## Key Performance Measures

Indicator	Prior Year Actuals			Current Estimate	Future Estimate
	FY 2016 Actual	FY 2017 Actual	FY 2018 Estimate/Actual	FY 2019	FY 2020
<b>Land Records and Public Services</b>					
Percent change in time to return documents	(38%)	0%	0%/(16%)	0%	0%
Percent change of CPAN connections	(0.4%)	13.6%	0.0%/2.8%	0.0%	0.0%
Percent change in waiting time	87.5%	0.0%	0.0%/33.0%	0.0%	0.0%
<b>Courtroom Operations</b>					
Percentage point change in juror utilization rate	(2)	1	0/1	1	1
<b>Clerk's Office</b>					
Percentage change in number of requests (phone & email) received	(6%)	48%	0%/(12%)	3%	3%
<b>Civil Records</b>					
Percentage point change of DCTP Law caseload concluded within one year	(1)	1	0/(1)	0	0
Percentage point change of DCTP Domestic caseload concluded within 15 months of initial filing	0	(1)	0/1	0	0

A complete list of performance measures can be viewed at  
<https://www.fairfaxcounty.gov/budget/fy-2020-adopted-performance-measures-pm>



## Circuit Court and Records

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### Performance Measurement Results

As a Virginia Constitutional Officer, the Clerk of Court to the 19<sup>th</sup> Judicial Circuit serves all residents of the City of Fairfax and Fairfax County. Court users include litigants, attorneys, jurors, title companies, state and local agencies, and members of the public who need to record real estate deeds or easements, to litigate a case, or (in the case of Fairfax residents) to get a marriage license, to probate a will, or to become a notary.

The Circuit Court, through increased efficiencies, technologies and with a highly-trained staff, meets and exceeds performance measurements. With over 1.3 million residents in Fairfax City and the County of Fairfax, the Clerk issued 5,887 marriage licenses and took in 3,228 cases involving broken marriages, in FY 2018. A full 98 percent of divorce cases are finalized within 15 months of the suit's original filing. Despite the fact that Fairfax has such a high volume of domestic cases, the Circuit Court exceeds the Commonwealth's threshold goal of 90 percent completion in that time period, earning the Fairfax Circuit Court its reputation as a "Rocket Docket."

A second area of streamlined performance is the Clerk's management of the Court's jury system. Jury service is a civic right and civic duty, so the Court has worked hard to make the Fairfax citizens' jury duty as convenient and efficient as possible. In the early fall every year, the Jury Clerk sends out 54,000 juror questionnaires, and the Clerk offers an online submission portal, so potential jurors can complete their jury questionnaire online, from the convenience of their home. Currently, 55 percent of the questionnaires are submitted online by the Fairfax citizens who receive them. On any given Monday, the Clerk can have over 200 jurors assembled to be used in trials for that day. Even with this brisk jury trial docket, Fairfax Circuit Court boasts 89 percent Juror Utilization Rate, making the civic duty of jury service in Fairfax extraordinarily efficient.

In FY 2018, the Probate Division took an average of 22 appointments per day, helping keep the appointment wait time down. For Fairfax families who have suffered the loss of a loved-one, getting an appointment with experts in estate administration in a week makes for a smooth transition through an already difficult time.