



Judicial Department

Overview

The Judicial Department includes Virginia's system of courts. It has responsibility for legal proceedings for criminal offenses and civil issues, including custody and control of children, divorce and other family matters, traffic offenses, and the appointment of electoral boards. The courts also review decisions of quasi-judicial agencies such as the Virginia Workers' Compensation Commission and State Corporation Commission.

The courts order funding for indigent defense and involuntary mental commitments through the "criminal fund" and the "involuntary mental commitment fund." These funds are supported by general tax dollars. The criminal fund pays the legal costs to defend low-income people who are accused of crimes for which they could be imprisoned, as required by both the Virginia and federal constitutions. The involuntary mental commitment fund pays the legal and medical costs needed to commit low-income people against their will for mental health evaluations and care.

In addition to the court system, the Judicial Department includes several other agencies which regulate the legal profession, as well as the Public Defender Commission, which administers the statewide system of public defender offices, and the Virginia Criminal Sentencing Commission, which establishes voluntary sentencing guidelines for judges.

Summary of recommended funding for Judicial agencies

Agency	Fiscal year 2001			Fiscal year 2002		
	GF	NGF	All funds	GF	NGF	All funds
Supreme Court of Virginia	13.0	0.5	13.4	13.0	0.5	13.5
Court of Appeals of Virginia	5.2	0.0	5.2	5.3	0.0	5.3
Circuit Courts	71.2	0.2	71.4	71.2	0.2	71.4
General District Courts	66.6	0.0	66.6	66.7	0.0	66.7
Juvenile and Domestic Relations District Courts	47.2	0.0	47.2	47.3	0.0	47.3
Combined District Courts	15.1	0.0	15.1	15.2	0.0	15.2
Magistrate System	18.3	0.0	18.3	18.3	0.0	18.3
Board of Bar Examiners	0.9	0.0	0.9	0.9	0.0	0.9
Judicial Inquiry and Review Commission	0.5	0.0	0.5	0.5	0.0	0.5
Public Defender Commission	18.4	0.0	18.4	18.4	0.0	18.4
Virginia Criminal Sentencing Commission	0.8	<0.1	0.9	0.8	<0.1	0.9
Virginia State Bar	2.1	9.2	11.3	2.1	9.2	11.3
Total for Judicial	259.3	9.9	269.2	259.7	9.9	269.5

Dollars in millions. Figures may not add due to rounding. See "How to read the summary tables" on page 8.

Supreme Court of Virginia

The Supreme Court, made up of a Chief Justice and six Justices, hears evidence and issues opinions in cases appealed from lower courts on whether laws are constitutional and properly applied. It also may determine whether persons are being held legally and hears cases of judicial misconduct. It considers over 2,700 cases each year. The Supreme Court, with the help of its support staff, administers other state courts and sets rules for legal practice and procedures. In fiscal year 1999, 7.3 percent of the agency's spending was from federal funds.

Recommended changes:

- ▶ **Adjust number of nongeneral positions.** A reduction in the number of nongeneral fund positions to reflect actual employment levels. For 2001, a reduction of five positions (NGF).
- ▶ **Cover increased rent costs.** Additional funds to cover the higher cost of renting state-owned space for buildings located in the Capitol Square complex. This represents the first fee increase since 1995. These funds will provide this agency sufficient resources to cover the increased rent. For 2001, \$110,157 (GF). For 2002, \$134,322 (GF).
- ▶ **Adjust general liability premium funding.** Reduction in funds for the decrease in the agency's general liability insurance premiums, which are based on its recent claims experience. For 2002, a reduction of \$5,949 (GF).

Court of Appeals of Virginia

This court, made up of a Chief Judge and nine judges, hears appeals in criminal (excluding death penalty) cases, domestic relations cases, and cases of most administrative agencies, such as those of the Industrial Commission. It considers over 3,000 cases annually. The Court of Appeals does not receive any federal funds.

Recommended change:

- ▶ **Cover increased rent costs.** Additional funds to cover the higher cost of renting state-owned space for buildings located in the Capitol Square complex. This represents the first fee increase since 1995. These funds will provide this agency sufficient resources to cover the increased rent. For 2001, \$14,129 (GF). For 2002, \$17,253 (GF).

Circuit Courts

Virginia has 31 circuit courts served by 148 judges. Circuit courts decide about 250,000 cases annually, involving civil matters (including divorce, will, and property disputes), all felonies, and misdemeanors which come from grand jury indictments. Circuit Courts also hear appeals from cases decided in General District Courts, Juvenile and Domestic Relations District Courts, and administrative agencies. The Circuit Courts do not receive any federal funds.

Recommended change:

- ▶ **Increase funds for criminal indigent defense.** Additional funds to pay the court costs of low-income persons. The Criminal Fund is a descriptive title for the various statutes that require the payment of court costs and allowances. The major expenditure in this fund is for the services of court-appointed attorneys for indigent defendants in criminal cases. Based on the forecast of estimated costs next biennium, additional funding is required. For each year, \$2.0 million (GF).

General District Courts

Virginia has 32 districts, served by 122 judges. Each year district courts decide over three million criminal misdemeanor cases, traffic violation cases, and civil cases involving small amounts of money. They also hold preliminary hearings on felony cases. The General District Courts do not receive any federal funds.

Recommended change:

- ▶ **Increase funds for criminal indigent defense.** Additional funds to pay court costs of low-income persons. The Criminal Fund is a descriptive title for the various statutes that require the payment of court costs and allowances. The major expenditure in this fund is for the services of court-appointed attorneys for indigent defendants in criminal cases. Based on the forecast of estimated costs next biennium, additional funding is required. For each year, \$623,126 (GF).

Juvenile and Domestic Relations District Courts

Virginia's 32 districts are served by 107 judges who hear more than 545,000 cases each year involving juvenile offenders and family issues such as child abuse, child support payments, and custody disputes. The Juvenile and Domestic Relations District Courts do not receive any federal funds.

Recommended change:

- ▶ **Increase funds for criminal indigent defense.** Additional funds to pay the court costs of low-income persons. The Criminal Fund is a descriptive title for the various statutes that require the payment of court costs and allowances. The major expenditure in this fund is for the services of court-appointed attorneys for indigent defendants in criminal cases. Based on the forecast of estimated costs next biennium, additional funding is required. For each year, \$1.4 million (GF).

Combined District Courts

Some areas of the Commonwealth do not have enough legal cases to require separate General District and Juvenile and Domestic Relations District Courts. In these localities, some activities for the two courts may be combined. The Combined District Courts do not receive any federal funds.

No recommended changes for this agency

Magistrate System

Magistrates issue legal papers such as subpoenas, search warrants, civil warrants, and arrest warrants for law enforcement officers and private citizens. They also conduct bond hearings and accept payment for traffic violations and some misdemeanors. The system deals with over a million transactions per year. The Magistrate System does not receive any federal funds.

No recommended changes for this agency

Board of Bar Examiners

Each fiscal year this board composes, administers, and grades the Virginia Bar Examination for about 1,600 qualified candidates. The board examines the character and fitness of those who take the examination and of those who seek certification in Virginia. In July 1998, the board also began processing applications for out-of-state attorneys who wish to be admitted to the Virginia State Bar under the Supreme Court's reciprocity rules, and certifying those eligible for such admission. In 1999, the board received over 100 applications for admission by motion. The agency does not receive any federal funds.

Recommended changes:

- ▶ **Provide new staff position.** Adds one full-time staff position to provide administrative support for an increase in workload due to the requirement to certify out-of-state attorneys to the Virginia State Bar. For 2001, one position (GF).
- ▶ **Adjust general liability premium funding.** Adds funds for the increase in the agency's general liability insurance premiums, which are based on its recent claims experience. For 2001, \$50 (GF). For 2002, \$42 (GF).

Judicial Inquiry and Review Commission

The commission investigates alleged judicial misconduct and may file formal complaints against judges with the Supreme Court. The commission does not receive any federal funds.

Recommended change:

- ▶ **Cover increased rent costs.** Additional funds to cover the higher cost of renting state-owned space for buildings located in the Capitol Square complex. This represents the first fee increase since 1995. These funds will provide this agency sufficient resources to cover the increased rent. For 2001, \$3,050 (GF). For 2002, \$3,725 (GF).

Public Defender Commission

Virginia has 20 public defenders, 172 assistant public defenders, 33 investigators, and sentencing specialists who serve 46 jurisdictions through 20 offices across the Commonwealth. They provided legal defense, from pre-trial motions through appeals, for about 75,000 low-income people in fiscal year 1999. Those defendants were charged with over 130,000 offenses that carried possible jail or prison terms or the death penalty. In fiscal year 1999, less than one percent of the agency's spending was from federal funds.

Recommended change:

- ▶ **Adjust general liability premium funding.** Adds funds for the increase in the agency's general liability insurance premiums, which are based on its recent claims experience. For 2001, \$1,208 (GF). For 2002, \$1,365 (GF).

Virginia Criminal Sentencing Commission

The commission was established by the 1994 General Assembly during its second special session. The commission assists the judiciary in setting appropriate sentence lengths for felony convictions by providing a system of discretionary sentencing guidelines. These guidelines use historical time served, as well as other factors deemed relevant in determining sentence length. The commission also provides a risk assessment instrument to judges to help them determine if an individual is an appropriate candidate for alternative forms of incarceration. In fiscal year 1999, six percent of the agency's spending was from federal funds.

Recommended changes:

- ▶ **Cover increased rent costs.** Additional funds to cover the higher cost of renting state-owned space for buildings located in the Capitol Square complex. This represents the first fee increase since 1995. These funds will provide this agency sufficient resources to cover the increased rent. For 2001, \$4,343 (GF). For 2002, \$5,304 (GF).
- ▶ **Adjust general liability premium funding.** Adds funds for the increase in the agency's general liability insurance premiums, which are based on its recent claims experience. For 2001, \$42 (GF). For 2002, \$49 (GF).

Virginia State Bar

Virginia has over 29,000 active and associate lawyers and 900 judges. In fiscal year 1999, the Virginia State Bar received over 3,100 complaints against lawyers. If the bar finds substantial misconduct, it can reprimand, suspend, or disbar an attorney from practicing in Virginia. Each year, it trains over 1,200 new lawyers on professional responsibility and monitors around 90,000 credit hours for continuing legal education. The bar also recruits and trains volunteer lawyers to provide pro bono legal services to low-income Virginians. The primary nongeneral fund sources for this agency are dues paid by lawyers and related business and license fees.

Included in the bar's budget is funding to defend people who cannot afford lawyers in civil cases. The Legal Services Corporation of Virginia provides these services, funded through a filing fee charged on civil cases. General fund money passes through the bar to the Virginia Capital Representation Resource Center. Begun in 1992, this private agency assists lawyers who are defending low-income persons who could be put to death for their crimes. The bar does not receive any federal funds.

No recommended changes for this agency



Judicial Department

Detail Tables

	Fiscal Year 2001			Fiscal Year 2002		
	General	Nongeneral	All Funds	General	Nongeneral	All Funds
SUPREME COURT						
FY 2000 appropriation	12,115,747	471,875	12,587,622	12,115,747	471,875	12,587,622
Technical adjustments to base	735,993	0	735,993	747,672	0	747,672
Adjusted base budget	12,851,740	471,875	13,323,615	12,863,419	471,875	13,335,294
Recommended funding changes:						
▶ Adjust general liability premium funding	0	0	0	(5,949)	0	(5,949)
▶ Cover increased rent costs	110,157	0	110,157	134,322	0	134,322
Total recommended funding changes	110,157	0	110,157	128,373	0	128,373
Total recommended funding	12,961,897	471,875	13,433,772	12,991,792	471,875	13,463,667
Percent change	6.98%	0%	6.72%	7.23%	0%	6.96%
Position level:						
FY 2000 appropriation	108.63	6.00	114.63	108.63	6.00	114.63
Recommended position level changes	0	(5.00)	(5.00)	0	(5.00)	(5.00)
Total recommended positions	108.63	1.00	109.63	108.63	1.00	109.63
COURT OF APPEALS OF VIRGINIA						
FY 2000 appropriation	4,639,112	0	4,639,112	4,639,112	0	4,639,112
Technical adjustments to base	594,796	0	594,796	604,165	0	604,165
Adjusted base budget	5,233,908	0	5,233,908	5,243,277	0	5,243,277
Recommended funding changes:						
▶ Cover increased rent costs	14,129	0	14,129	17,253	0	17,253
Total recommended funding changes	14,129	0	14,129	17,253	0	17,253
Total recommended funding	5,248,037	0	5,248,037	5,260,530	0	5,260,530
Percent change	13.13%	0%	13.13%	13.40%	0%	13.40%
Position level:						
FY 2000 appropriation	52.13	0	52.13	52.13	0	52.13
Recommended position level changes	0	0	0	0	0	0
Total recommended positions	52.13	0	52.13	52.13	0	52.13

	Fiscal Year 2001			Fiscal Year 2002		
	General	Nongeneral	All Funds	General	Nongeneral	All Funds
CIRCUIT COURTS						
FY 2000 appropriation	64,544,030	198,600	64,742,630	64,544,030	198,600	64,742,630
Technical adjustments to base	4,574,246	0	4,574,246	4,669,869	0	4,669,869
Adjusted base budget	69,118,276	198,600	69,316,876	69,213,899	198,600	69,412,499
Recommended funding changes:						
▶ Increase funds for criminal indigent defense	2,034,790	0	2,034,790	2,034,790	0	2,034,790
Total recommended funding changes	2,034,790	0	2,034,790	2,034,790	0	2,034,790
Total recommended funding	71,153,066	198,600	71,351,666	71,248,689	198,600	71,447,289
Percent change	10.24%	0%	10.21%	10.39%	0%	10.36%
Position level:						
FY 2000 appropriation	155.00	0	155.00	155.00	0	155.00
Recommended position level changes	0	0	0	0	0	0
Total recommended positions	155.00	0	155.00	155.00	0	155.00
GENERAL DISTRICT COURTS						
FY 2000 appropriation	60,954,638	0	60,954,638	60,954,638	0	60,954,638
Technical adjustments to base	5,034,724	0	5,034,724	5,116,392	0	5,116,392
Adjusted base budget	65,989,362	0	65,989,362	66,071,030	0	66,071,030
Recommended funding changes:						
▶ Increase funds for criminal indigent defense	623,126	0	623,126	623,126	0	623,126
Total recommended funding changes	623,126	0	623,126	623,126	0	623,126
Total recommended funding	66,612,488	0	66,612,488	66,694,156	0	66,694,156
Percent change	9.28%	0%	9.28%	9.42%	0%	9.42%
Position level:						
FY 2000 appropriation	913.70	0	913.70	913.70	0	913.70
Recommended position level changes	0	0	0	0	0	0
Total recommended positions	913.70	0	913.70	913.70	0	913.70
JUVENILE AND DOMESTIC RELATIONS DISTRICT COURTS						
FY 2000 appropriation	39,417,348	0	39,417,348	39,417,348	0	39,417,348
Technical adjustments to base	6,413,556	0	6,413,556	6,475,856	0	6,475,856
Adjusted base budget	45,830,904	0	45,830,904	45,893,204	0	45,893,204
Recommended funding changes:						
▶ Increase funds for criminal indigent defense	1,388,358	0	1,388,358	1,388,358	0	1,388,358
Total recommended funding changes	1,388,358	0	1,388,358	1,388,358	0	1,388,358
Total recommended funding	47,219,262	0	47,219,262	47,281,562	0	47,281,562
Percent change	19.79%	0%	19.79%	19.95%	0%	19.95%

	Fiscal Year 2001			Fiscal Year 2002		
	General	Nongeneral	All Funds	General	Nongeneral	All Funds
Position level:						
FY 2000 appropriation	551.10	0	551.10	551.10	0	551.10
Recommended position level changes	0	0	0	0	0	0
Total recommended positions	551.10	0	551.10	551.10	0	551.10
COMBINED DISTRICT COURTS						
FY 2000 appropriation	12,996,155	0	12,996,155	12,996,155	0	12,996,155
Technical adjustments to base	2,135,199	0	2,135,199	2,162,952	0	2,162,952
Adjusted base budget	15,131,354	0	15,131,354	15,159,107	0	15,159,107
Total recommended funding	15,131,354	0	15,131,354	15,159,107	0	15,159,107
Percent change	16.43%	0%	16.43%	16.64%	0%	16.64%
Position level:						
FY 2000 appropriation	220.70	0	220.70	220.70	0	220.70
Recommended position level changes	0	0	0	0	0	0
Total recommended positions	220.70	0	220.70	220.70	0	220.70
MAGISTRATE SYSTEM						
FY 2000 appropriation	16,341,936	0	16,341,936	16,341,936	0	16,341,936
Technical adjustments to base	1,995,410	0	1,995,410	2,007,797	0	2,007,797
Adjusted base budget	18,337,346	0	18,337,346	18,349,733	0	18,349,733
Total recommended funding	18,337,346	0	18,337,346	18,349,733	0	18,349,733
Percent change	12.21%	0%	12.21%	12.29%	0%	12.29%
Position level:						
FY 2000 appropriation	399.20	0	399.20	399.20	0	399.20
Recommended position level changes	0	0	0	0	0	0
Total recommended positions	399.20	0	399.20	399.20	0	399.20
BOARD OF BAR EXAMINERS						
FY 2000 appropriation	839,285	0	839,285	839,285	0	839,285
Technical adjustments to base	32,715	0	32,715	33,002	0	33,002
Adjusted base budget	872,000	0	872,000	872,287	0	872,287
Recommended funding changes:						
▶ Adjust general liability premium funding	50	0	50	42	0	42
Total recommended funding changes	50	0	50	42	0	42
Total recommended funding	872,050	0	872,050	872,329	0	872,329
Percent change	3.90%	0%	3.90%	3.94%	0%	3.94%
Position level:						
FY 2000 appropriation	4.00	0	4.00	4.00	0	4.00
Recommended position level changes	1.00	0	1.00	1.00	0	1.00
Total recommended positions	5.00	0	5.00	5.00	0	5.00

	Fiscal Year 2001			Fiscal Year 2002		
	General	Nongeneral	All Funds	General	Nongeneral	All Funds
JUDICIAL INQUIRY AND REVIEW COMMISSION						
FY 2000 appropriation	414,452	0	414,452	414,452	0	414,452
Technical adjustments to base	34,846	0	34,846	35,153	0	35,153
Adjusted base budget	449,298	0	449,298	449,605	0	449,605
Recommended funding changes:						
▶ Cover increased rent costs	3,050	0	3,050	3,725	0	3,725
Total recommended funding changes	3,050	0	3,050	3,725	0	3,725
Total recommended funding	452,348	0	452,348	453,330	0	453,330
Percent change	9.14%	0%	9.14%	9.38%	0%	9.38%
Position level:						
FY 2000 appropriation	3.00	0	3.00	3.00	0	3.00
Recommended position level changes	0	0	0	0	0	0
Total recommended positions	3.00	0	3.00	3.00	0	3.00
PUBLIC DEFENDER COMMISSION						
FY 2000 appropriation	16,801,726	0	16,801,726	16,801,726	0	16,801,726
Technical adjustments to base	1,610,835	0	1,610,835	1,624,133	0	1,624,133
Adjusted base budget	18,412,561	0	18,412,561	18,425,859	0	18,425,859
Recommended funding changes:						
▶ Adjust general liability premium funding	1,208	0	1,208	1,365	0	1,365
Total recommended funding changes	1,208	0	1,208	1,365	0	1,365
Total recommended funding	18,413,769	0	18,413,769	18,427,224	0	18,427,224
Percent change	9.59%	0%	9.59%	9.67%	0%	9.67%
Position level:						
FY 2000 appropriation	300.00	0	300.00	300.00	0	300.00
Recommended position level changes	0	0	0	0	0	0
Total recommended positions	300.00	0	300.00	300.00	0	300.00
VIRGINIA CRIMINAL SENTENCING COMMISSION						
FY 2000 appropriation	759,363	35,000	794,363	759,363	35,000	794,363
Technical adjustments to base	55,855	0	55,855	56,314	0	56,314
Adjusted base budget	815,218	35,000	850,218	815,677	35,000	850,677
Recommended funding changes:						
▶ Adjust general liability premium funding	42	0	42	49	0	49
▶ Cover increased rent costs	4,343	0	4,343	5,304	0	5,304
Total recommended funding changes	4,385	0	4,385	5,353	0	5,353
Total recommended funding	819,603	35,000	854,603	821,030	35,000	856,030
Percent change	7.93%	0%	7.58%	8.12%	0%	7.76%

	Fiscal Year 2001			Fiscal Year 2002		
	General	Nongeneral	All Funds	General	Nongeneral	All Funds
Position level:						
FY 2000 appropriation	10.00	0	10.00	10.00	0	10.00
Recommended position level changes	0	0	0	0	0	0
Total recommended positions	10.00	0	10.00	10.00	0	10.00
 VIRGINIA STATE BAR						
FY 2000 appropriation	2,095,000	8,750,820	10,845,820	2,095,000	8,750,820	10,845,820
Technical adjustments to base	0	419,019	419,019	0	422,450	422,450
Adjusted base budget	2,095,000	9,169,839	11,264,839	2,095,000	9,173,270	11,268,270
Total recommended funding	2,095,000	9,169,839	11,264,839	2,095,000	9,173,270	11,268,270
Percent change	0%	4.79%	3.86%	0%	4.83%	3.90%
 Position level:						
FY 2000 appropriation	0	73.50	73.50	0	73.50	73.50
Recommended position level changes	0	0	0	0	0	0
Total recommended positions	0	73.50	73.50	0	73.50	73.50
 TOTAL FOR JUDICIAL DEPARTMENT						
Grand total recommended funds	259,316,220	9,875,314	269,191,534	259,654,482	9,878,745	269,533,227
Grand total recommended positions	2,718.46	74.50	2,792.96	2,718.46	74.50	2,792.96