



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	16.8	0.5	17.2	17.7	0.5	18.2
Court of Appeals of Virginia	5.6	0.0	5.6	6.3	0.0	6.3
Circuit Courts	71.6	0.2	71.8	74.9	0.2	75.1
General District Courts	66.2	0.0	66.2	69.1	0.0	69.1
Juvenile and Domestic Relations District Courts	47.7	0.0	47.7	47.8	0.0	47.8
Combined District Courts	15.2	0.0	15.2	15.2	0.0	15.2
Magistrate System	18.3	0.0	18.3	18.3	0.0	18.3

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Agency	Fiscal year 2001			Fiscal year 2002		
	GF	NGF	All funds	GF	NGF	All funds
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	18.5	0.0	18.5
Virginia Criminal Sentencing Commission	0.8	<0.1	0.9	0.8	<0.1	0.9
Virginia State Bar	2.1	10.1	12.3	2.1	10.1	12.3
Total for Judicial	264.2	10.9	275.1	272.1	10.8	283.0

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 2000, 13.4 percent of the agency's spending was from federal funds.

Recommended amendments:

- ▶ **Increase number of Supreme Court law clerk positions.** Provides funding and seven law clerk positions, an additional one for each justice, to meet increased workload. For 2001, \$46,037 (GF). For 2002, \$450,867 (GF) and seven positions (GF).
- ▶ **Increase number of clerk's office positions.** Provides funding and one additional position to the clerk's office of the Supreme Court to meet increased workload. For 2002, \$40,459 (GF) and one position (GF).
- ▶ **Increase funds for Social Security tax.** A technical adjustment to pay increases in Social Security taxes on salaries for justices. For each year, \$3,385 (GF).
- ▶ **Implement central account adjustments.** An adjustment to properly distribute to agencies the savings associated with the suspension of performance indemnity bond premium payments. The amount was included in a central account in the 2000 Appropriation Act. For 2002, a reduction of \$3,940 (GF).

Court of Appeals of Virginia

This court, made up of a Chief Judge and ten 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 amendments:

- ▶ **Increase number of Court of Appeals' law clerk positions.** Provides funding and law clerk positions, an additional one for each judge, to meet increased workload. For 2001, \$54,025 (GF). For 2002, \$699,430 (GF) and 11 positions (GF).
- ▶ **Increase funds for Social Security tax.** A technical adjustment to pay increases in Social Security taxes on salaries for judges. For each year, \$5,320 (GF).

Circuit Courts

Virginia has 31 circuit courts served by 150 judges. Circuit courts decide about 250,000 cases annually, involving civil matters (including divorce, will, and property disputes), all felonies, and misdemeanors arising 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 amendment:

- ▶ **Increase funds for Social Security tax.** A technical adjustment to pay increases in Social Security taxes on salaries for judges. For each year, \$72,540 (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 amendments:

- ▶ **Adjust funding for the Involuntary Mental Commitment Fund.** A technical adjustment in the Involuntary Mental Commitment Fund to more accurately reflect the amount needed, based on a revised forecast of anticipated needs. For 2001, a reduction of \$700,000 (GF).
- ▶ **Annualize personal services costs.** A technical adjustment to pay costs of two pay periods for court employees. The 2000 General Assembly granted the court system funding for positions for only 22 pay periods for fiscal year 2002. These funds will provide the balance for the remaining two pay periods in that year. For 2002, \$22,189 (GF).
- ▶ **Increase funds for Social Security tax.** A technical adjustment to pay increases in Social Security taxes on salaries for judges. For each year, \$58,999 (GF).

Juvenile and Domestic Relations District Courts

Virginia's 32 districts are served by 108 judges who hear more than 550,000 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 amendments:

- ▶ **Annualize personal services costs.** A technical adjustment to pay costs of two pay periods for court employees. The 2000 General Assembly granted the court system funding for positions for only 22 pay periods for fiscal year 2002. These funds will provide the balance for the remaining two pay periods in that year. For 2002, \$22,124 (GF).
- ▶ **Increase funds for Social Security tax.** A technical adjustment to pay increases in Social Security taxes on salaries for judges. For each year, \$52,229 (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.

Recommended amendment:

- ▶ **Annualize personal services costs.** A technical adjustment to pay costs of two pay periods for court employees. The 2000 General Assembly granted the court system funding for positions for only 22 pay periods for fiscal year 2002. These funds will provide the balance for the remaining two pay periods in that year. For 2002, \$5,853 (GF).

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 amendments

Board of Bar Examiners

Each fiscal year this board composes, administers, and grades the Virginia Bar Examination for about 1,700 qualified candidates. The board also processes applications and certifies admissions of out-of-state attorneys who wish to be admitted to the Virginia Bar under the Supreme Court's reciprocity rule. In 2000, the board received 118 applications for admission on motion. The board also conducts a character and fitness background investigation of applicants. In addition, the board reviews and approves applicants and monitors the law office study program authorized by statute. The agency does not receive any federal funds.

Recommended amendments:

- ▶ **Provide funding for additional position.** A technical adjustment to provide funding for an additional position. The position was added to the agency in the 2000–02 biennial budget, but no additional funding was provided. For 2001, \$25,336 (GF). For 2002, \$36,847 (GF).
- ▶ **Implement central account adjustments.** An adjustment to properly distribute savings associated with the suspension of performance indemnity bond premium payments. These amounts were included in a central account in the 2000 Appropriation Act. For 2002, a reduction of \$23 (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 amendment:

- ▶ **Implement central account adjustments.** An adjustment to properly distribute savings associated with the suspension of performance indemnity bond premium payments. These amounts were included in a central account in the 2000 Appropriation Act. For 2002, a reduction of \$23 (GF).

Public Defender Commission

Virginia has 20 public defenders, 173.5 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 77,000 low-income people in fiscal year 2000. Those defendants were charged with over 142,000 offenses that carried possible jail or prison terms or the death penalty. In fiscal year 2000, less than one percent of the agency's spending was from federal funds.

Recommended amendments:

- ▶ **Implement central account adjustments.** An adjustment to properly distribute savings associated with the suspension of performance indemnity bond premium payments. These amounts were included in a central account in the 2000 Appropriation Act. For 2002, a reduction of \$455 (GF).
- ▶ **Annualize cost for new positions.** A technical adjustment to pay a salary increase for new employees. The 1999 General Assembly granted the commission additional positions, but additional funding for salary increases provided in the 2000-02 biennial budget did not take into account the new positions. For 2002, \$66,767 (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 2000, 5.4 percent of the agency's spending was from federal funds.

Recommended amendment:

- ▶ **Implement central account adjustments.** An adjustment to properly distribute savings associated with the suspension of performance indemnity bond premium payments. This amount was included in a central account in the 2000 Appropriation Act. For 2002, a reduction of \$18 (GF).

Virginia State Bar

Virginia has over 30,500 active and associate lawyers and 900 judges. In fiscal year 2000, the Virginia State Bar received over 3,300 complaints against lawyers. If the bar finds substantial misconduct, then 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 250,000 credit hours for continuing legal education. The bar also recruits and trains volunteer lawyers to provide pro bono le-

gal 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 amendments



Judicial Department

Detail Tables

	Fiscal Year 2001			Fiscal Year 2002		
	General	Nongeneral	All Funds	General	Nongeneral	All Funds
SUPREME COURT						
2000-2002 legislative appropriation	16,711,897	471,875	17,183,772	17,241,792	471,875	17,713,667
Central accounts adjustments	0	0	0	(3,940)	0	(3,940)
Recommended amendments:						
▶ Increase number of Supreme Court law clerk positions	46,037	0	46,037	450,867	0	450,867
▶ Increase number of clerk's office positions	0	0	0	40,459	0	40,459
▶ Increase funds for Social Security tax	3,385	0	3,385	3,385	0	3,385
Total recommended amendments	49,422	0	49,422	494,711	0	494,711
Total recommended funding	16,761,319	471,875	17,233,194	17,732,563	471,875	18,204,438
% change over legislative appropriation	0.30%	0%	0.29%	2.85%	0%	2.77%
Position Level:						
2000-2002 legislative appropriation	108.63	1.00	109.63	108.63	1.00	109.63
Recommended amendments	0	0	0	8.00	0	8.00
Total recommended positions	108.63	1.00	109.63	116.63	1.00	117.63
COURT OF APPEALS OF VIRGINIA						
2000-2002 legislative appropriation	5,571,175	0	5,571,175	5,571,888	0	5,571,888
Recommended amendments:						
▶ Increase number of Court of Appeals' law clerk positions	54,025	0	54,025	699,430	0	699,430
▶ Increase funds for Social Security tax	5,320	0	5,320	5,320	0	5,320
Total recommended amendments	59,345	0	59,345	704,750	0	704,750
Total recommended funding	5,630,520	0	5,630,520	6,276,638	0	6,276,638
% change over legislative appropriation	1.07%	0%	1.07%	12.65%	0%	12.65%
Position Level:						
2000-2002 legislative appropriation	55.13	0	55.13	55.13	0	55.13
Recommended amendments	0	0	0	11.00	0	11.00
Total recommended positions	55.13	0	55.13	66.13	0	66.13
CIRCUIT COURTS						
2000-2002 legislative appropriation	71,558,266	198,600	71,756,866	74,820,195	198,600	75,018,795
Recommended amendments:						
▶ Increase funds for Social Security tax	72,540	0	72,540	72,540	0	72,540
Total recommended amendments	72,540	0	72,540	72,540	0	72,540

	Fiscal Year 2001			Fiscal Year 2002		
	General	Nongeneral	All Funds	General	Nongeneral	All Funds
Total recommended funding	71,630,806	198,600	71,829,406	74,892,735	198,600	75,091,335
% change over legislative appropriation	0.10%	0%	0.10%	0.10%	0%	0.10%
Position Level:						
2000-2002 legislative appropriation	157.00	0	157.00	157.00	0	157.00
Recommended amendments	0	0	0	0	0	0
Total recommended positions	157.00	0	157.00	157.00	0	157.00
GENERAL DISTRICT COURTS						
2000-2002 legislative appropriation	66,856,577	0	66,856,577	68,971,939	0	68,971,939
Recommended amendments:						
▶ Adjust funding for the Involuntary Mental Commitment Fund	(700,000)	0	(700,000)	0	0	0
▶ Annualize personal services costs	0	0	0	22,189	0	22,189
▶ Increase funds for Social Security tax	58,999	0	58,999	58,999	0	58,999
Total recommended amendments	(641,001)	0	(641,001)	81,188	0	81,188
Total recommended funding	66,215,576	0	66,215,576	69,053,127	0	69,053,127
% change over legislative appropriation	(0.96%)	0%	(0.96%)	0.12%	0%	0.12%
Position Level:						
2000-2002 legislative appropriation	921.20	0	921.20	921.20	0	921.20
Recommended amendments	0	0	0	0	0	0
Total recommended positions	921.20	0	921.20	921.20	0	921.20
JUVENILE AND DOMESTIC RELATIONS DISTRICT COURTS						
2000-2002 legislative appropriation	47,646,818	0	47,646,818	47,709,118	0	47,709,118
Recommended amendments:						
▶ Annualize personal services costs	0	0	0	22,124	0	22,124
▶ Increase funds for Social Security tax	52,229	0	52,229	52,229	0	52,229
Total recommended amendments	52,229	0	52,229	74,353	0	74,353
Total recommended funding	47,699,047	0	47,699,047	47,783,471	0	47,783,471
% change over legislative appropriation	0.11%	0%	0.11%	0.16%	0%	0.16%
Position Level:						
2000-2002 legislative appropriation	559.80	0	559.80	559.80	0	559.80
Recommended amendments	0	0	0	0	0	0
Total recommended positions	559.80	0	559.80	559.80	0	559.80
COMBINED DISTRICT COURTS						
2000-2002 legislative appropriation	15,195,766	0	15,195,766	15,223,519	0	15,223,519
Recommended amendments:						
▶ Annualize personal services costs	0	0	0	5,853	0	5,853
Total recommended amendments	0	0	0	5,853	0	5,853

	Fiscal Year 2001			Fiscal Year 2002		
	General	Nongeneral	All Funds	General	Nongeneral	All Funds
Total recommended funding	15,195,766	0	15,195,766	15,229,372	0	15,229,372
% change over legislative appropriation	0%	0%	0%	0.04%	0%	0.04%
Position Level:						
2000-2002 legislative appropriation	222.75	0	222.75	222.75	0	222.75
Recommended amendments	0	0	0	0	0	0
Total recommended positions	222.75	0	222.75	222.75	0	222.75
MAGISTRATE SYSTEM						
2000-2002 legislative appropriation	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
% change over legislative appropriation	0%	0%	0%	0%	0%	0%
Position Level:						
2000-2002 legislative appropriation	399.20	0	399.20	399.20	0	399.20
Recommended amendments	0	0	0	0	0	0
Total recommended positions	399.20	0	399.20	399.20	0	399.20
BOARD OF BAR EXAMINERS						
2000-2002 legislative appropriation	872,050	0	872,050	872,329	0	872,329
Central accounts adjustments	0	0	0	(23)	0	(23)
Recommended amendments:						
► Provide funding for additional position	25,336	0	25,336	36,847	0	36,847
Total recommended amendments	25,336	0	25,336	36,847	0	36,847
Total recommended funding	897,386	0	897,386	909,153	0	909,153
% change over legislative appropriation	2.91%	0%	2.91%	4.22%	0%	4.22%
Position Level:						
2000-2002 legislative appropriation	5.00	0	5.00	5.00	0	5.00
Recommended amendments	0	0	0	0	0	0
Total recommended positions	5.00	0	5.00	5.00	0	5.00
JUDICIAL INQUIRY AND REVIEW COMMISSION						
2000-2002 legislative appropriation	452,348	0	452,348	453,330	0	453,330
Central accounts adjustments	0	0	0	(23)	0	(23)
Total recommended funding	452,348	0	452,348	453,307	0	453,307
% change over legislative appropriation	0%	0%	0%	<0.01%	0%	<0.01%
Position Level:						
2000-2002 legislative appropriation	3.00	0	3.00	3.00	0	3.00
Recommended amendments	0	0	0	0	0	0
Total recommended positions	3.00	0	3.00	3.00	0	3.00

	Fiscal Year 2001			Fiscal Year 2002		
	General	Nongeneral	All Funds	General	Nongeneral	All Funds
PUBLIC DEFENDER COMMISSION						
2000-2002 legislative appropriation	18,413,769	0	18,413,769	18,427,224	0	18,427,224
Central accounts adjustments	0	0	0	(455)	0	(455)
Recommended amendments:						
▶ Annualize cost for new positions	0	0	0	66,767	0	66,767
Total recommended amendments	0	0	0	66,767	0	66,767
Total recommended funding	18,413,769	0	18,413,769	18,493,536	0	18,493,536
% change over legislative appropriation	0%	0%	0%	0.36%	0%	0.36%
Position Level:						
2000-2002 legislative appropriation	300.00	0	300.00	300.00	0	300.00
Recommended amendments	0	0	0	0	0	0
Total recommended positions	300.00	0	300.00	300.00	0	300.00
VIRGINIA CRIMINAL SENTENCING COMMISSION						
2000-2002 legislative appropriation	819,603	35,000	854,603	821,030	35,000	856,030
Central accounts adjustments	0	0	0	(18)	0	(18)
Total recommended funding	819,603	35,000	854,603	821,012	35,000	856,012
% change over legislative appropriation	0%	0%	0%	<0.01%	0%	<0.01%
Position Level:						
2000-2002 legislative appropriation	10.00	0	10.00	10.00	0	10.00
Recommended amendments	0	0	0	0	0	0
Total recommended positions	10.00	0	10.00	10.00	0	10.00
VIRGINIA STATE BAR						
2000-2002 legislative appropriation	2,145,000	10,147,468	12,292,468	2,145,000	10,108,454	12,253,454
Total recommended funding	2,145,000	10,147,468	12,292,468	2,145,000	10,108,454	12,253,454
% change over legislative appropriation	0%	0%	0%	0%	0%	0%
Position Level:						
2000-2002 legislative appropriation	0	79.50	79.50	0	79.50	79.50
Recommended amendments	0	0	0	0	0	0
Total recommended positions	0	79.50	79.50	0	79.50	79.50
TOTAL FOR JUDICIAL						
Grand total recommended funds	264,198,486	10,852,943	275,051,429	272,139,647	10,813,929	282,953,576
Grand total recommended positions	2,741.71	80.50	2,822.21	2,760.71	80.50	2,841.21