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HOUSE BILL NO. 1560

Offered January 10, 2001

Prefiled August 31, 2000

A BILL to amend and reenact § 16.1-69.35 of the Code of Virginia, relating to authorities of the chief judge of a district court.

Patron—Jones, J.C.

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 16.1-69.35 of the Code of Virginia is amended and reenacted as follows:**

§ 16.1-69.35. Administrative duties of chief district judge; same judge may be both general district judge and juvenile and domestic relations district judge in certain counties.

The chief judge of each district shall have the following administrative duties and authority with respect to his district:

1. When any district court judge is under any disability or for any other cause is unable to hold court and the chief judge determines that assistance is needed:

a. The chief district judge shall designate a judge within the district or a judge of another district court within the Commonwealth, if one is reasonably available, to hear and dispose of any action or actions properly coming before such district court for disposition; or

b. If unable to designate a judge as provided in subdivision 1 a, the chief district judge may designate a retired district judge for such hearing and disposition if such judge consents; or

c. If unable to assign a retired district court judge, the chief district judge may designate a retired circuit court judge if such judge consents.

If no judges are available under subdivision a, b or c, then a substitute judge shall be designated pursuant to § 16.1-69.21.

While acting, any judge so designated shall have all the authority and power of the judge of the court, and his order or judgment shall, to all intents and purposes, be the judgment of the court. A general district court judge designated pursuant to subdivision 1 a, may, with his consent, substitute for or replace a juvenile and domestic relations district court judge, and vice versa. The names of the judges designated under subdivisions b and c shall be selected from a list provided by the Executive Secretary and approved by the Chief Justice of the Supreme Court.

2. The chief general district court judge of a district may designate any juvenile and domestic relations district court judge of the district, with the judge's consent, for an individual case or to sit and hear cases for a period of not more than ninety days, in any of the general district courts within the district. The chief juvenile and domestic relations district court judge of a district may designate any general district court judge of the district, with the judge's consent, for an individual case or to sit and hear cases for a period of not more than ninety days, in any of the juvenile and domestic relations district courts within the district. Every judge so designated shall have the same powers and jurisdiction and be authorized to perform the same duties as any judge of the district for which he is designated to assist, and, while so acting, his order or judgment shall be, for all purposes, the judgment of the court to which he is assigned.

3. If on account of congestion in the work of any district court there is in his opinion need therefor, the Chief Justice of the Supreme Court may, upon his own initiative or upon written application of the chief district court judge desiring assistance, designate a district court judge from another district or a retired district judge to provide judicial assistance to such district. Every judge so designated shall have the same powers and jurisdiction and be authorized to perform the same duties as any judge of the district for which he is designated to assist and while so acting his order or judgment shall be, to all intents and purposes, the judgment of the court to which he is assigned. If such a designation is made, the Chief Justice shall designate a general district court judge to sit in a general district court and a juvenile and domestic relations district court judge to sit in a juvenile and domestic relations district court.

4. Subject to such rules as may be established pursuant to § 16.1-69.32, the chief judge may establish special divisions of any general district court when the work of the court may be more efficiently handled thereby such as through the establishment of special civil, criminal or traffic divisions, and he may assign the judges of the general district court with respect to serving such special divisions. In the City of Richmond the general district court shall, in addition to any specialized divisions, maintain a separate division of such court in that part of Richmond south of the James River with concurrent

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59 jurisdiction in civil matters whenever one or more of the defendants reside or the cause of action or any
60 part thereof arises in that part of the city, concurrent jurisdiction over all traffic matters arising in that
61 part of the city and exclusive jurisdiction over all other criminal matters arising in that part of the city.

62 5. Subject to such rules as may be established pursuant to § 16.1-69.32, the chief judge shall
63 determine when the district courts or divisions of such courts shall be open for the transaction of
64 business. *However, in any case when the office of the clerk of the circuit court of the jurisdiction is*
65 *closed pursuant to § 17.1-207 on the basis of a possible threat to the health or safety of the general*
66 *public, the chief judge shall close the district courts for the transaction of business.* He shall determine
67 the times each such court shall be held for the trial of civil, criminal or traffic matters and cases. He
68 shall determine whether, in the case of district courts in counties, court shall be held at any place or
69 places in addition to the county seat. He shall determine the office hours and arrange a vacation
70 schedule of the judges within his district, in order to ensure the availability of a judge or judges to the
71 public at normal times of business. A schedule of the times and places at which court is held shall be
72 filed with the Executive Secretary of the Supreme Court and kept posted at the courthouse, and in any
73 county also at any such other place or places where court may be held, and the clerk shall make such
74 schedules available to the public upon request. Any matter may, in the discretion of the judge, or by
75 direction of the chief district judge, be removed from any one of such designated places to another, or
76 to or from the county seat, in order to serve the convenience of the parties or to expedite the
77 administration of justice; however, any town having a population of over 15,000 as of July 1, 1972,
78 having court facilities and a court with both general criminal and civil jurisdiction prior to July 1, 1972,
79 shall be designated by the chief judge as a place to hold court.

80 6. Subject to the provisions of § 16.1-69.38, the chief judge of a general district court or the chief
81 judge of a juvenile and domestic relations district court may establish a voluntary civil mediation
82 program for the alternate resolution of disputes. The costs of the program shall be paid by the local
83 governing bodies within the district or by the parties who voluntarily participate in the program.

84 7. Notwithstanding any other provision of law, the same judge shall be allowed to serve as both a
85 general district judge and a juvenile and domestic relations district judge for the Counties of Accomack
86 and Northampton.