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**SENATE JOINT RESOLUTION NO. 360**  
**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
(Proposed by the Senate Committee on Rules  
on February 6, 2009)

(Patron Prior to Substitute—Senator Stolle)

*Establishing a joint subcommittee to study regular assignment of judicial personnel outside of established circuit boundaries. Report.*

WHEREAS, the current boundaries of the several judicial circuits were established over 30 years ago based on assumptions of caseload and population movement and trends that now, more than a generation later, have either come to pass or have changed or even reversed course; and

WHEREAS, other factors influencing caseloads in some circuits include the successful use of mediation and other docket control measures, the aging of the population in certain areas of the Commonwealth, the imbalance of caseloads between localities within circuits, and the explosive population growth in other circuits that not so long ago were considered rural areas; and

WHEREAS, although recommended as necessary by the administration of the court system, the General Assembly has been unable to create new judgeships in the last several years due to financial constraints; and

WHEREAS, a more fluid manner of assigning caseloads may better serve the needs of the citizens and provide a way in which the judicial system can handle imbalances in caseloads without the time and expense of seeking additional judicial personnel; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study regular assignment of judicial personnel outside of established circuit boundaries. The joint subcommittee shall have a total membership of eight members that shall consist of three members of the Senate to be appointed by the Senate Committee on Rules and five members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates. The joint subcommittee shall elect a chairman and vice chairman from among its membership.

In conducting its study, the joint subcommittee shall consider a plan for using judicial personnel across circuit lines and may also consider redistricting the current boundaries of the several judicial circuits, if found appropriate.

Administrative staff support shall be provided by the Office of the Clerk of the Senate. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the Office of the Executive Secretary of the Supreme Court, upon request of the joint subcommittee. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2009 interim and four meetings for the 2010 interim and the direct costs of this study shall not exceed \$8,000 for each year without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the Senate members or a majority of the House members of the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings for the first year by November 30, 2009, and for the second year by November 30, 2010, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2009 or 2010 interim.