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SENATE JOINT RESOLUTION NO. 58

Offered January 10, 2018

Prefiled January 10, 2018

Requesting the Office of the Executive Secretary of the Supreme Court of Virginia to study the use and impact of law clerks in circuit courts on judicial workload and work product. Report.

Patron—Surovell

Referred to Committee on Rules

WHEREAS, the Commonwealth of Virginia first appropriated funding for law clerks to assist the justices of the Supreme Court in 1962, and then for research assistants to judges of the Court of Appeals in 1983; and

WHEREAS, law clerks in circuit courts are funded by localities in select jurisdictions in 22 of the 31 judicial circuits of the Commonwealth, and the types of cases handled by each clerk vary by jurisdiction; and

WHEREAS, law clerks provide legal research and analysis and writing, editing, case processing, order check-listing, and organizational support to judges; and

WHEREAS, the use of law clerks in Virginia's Courts could create significant efficiencies in helping to process routine but technical and time-consuming matters such as no fault divorces, concealed weapons permits, support orders, and motions which could reduce judicial paperwork and create more time for judges to focus on conducting trials or other hearings; and

WHEREAS, the most recent Weighted Caseload Study conducted by the National Center for State Courts attempted to evaluate law clerk usages as part of assessing judicial workload across the Commonwealth but specifically commented that useful data was not available or usable; and

WHEREAS, a comprehensive study of the impact of law clerks in circuit courts on judicial workload and work product is essential to provide Virginia's lawmakers with the necessary information to assess whether a statewide policy on law clerks would be feasible or useful, would save taxpayer expense, and would be capable of being considered as part of the Weighted Caseload Study to provide an accurate picture of judicial workload; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Office of the Executive Secretary of the Supreme Court of Virginia be requested to study the use and impact of law clerks in circuit courts on judicial workload and work product. The Office of the Executive Secretary of the Supreme Court shall include, with the results of the study, recommendations for methods of incorporating the impact of law clerks on judicial workload into future judicial workload assessment reports.

In conducting its study, the Office of the Executive Secretary of the Supreme Court of Virginia shall determine (i) the use of law clerks in each circuit court across the Commonwealth; (ii) the impact of law clerks on judicial workload and judicial work product; (iii) the cost for each locality that provides funding for the use of law clerks; and (iv) the potential cost to the Commonwealth to provide funding for law clerks in all circuit courts across the Commonwealth and any potential cost savings and benefits due to authorizing law clerk positions in all circuit courts. The Office of the Executive Secretary of the Supreme Court of Virginia shall provide any recommendations for methods of incorporating the impact of law clerks on judicial workload into future judicial workload assessment reports.

Assistance shall be provided to the Office of the Executive Secretary of the Supreme Court of Virginia by all circuit court judges and circuit court staff across the Commonwealth. Research, analysis, and other services as requested by the Office of the Executive Secretary of the Supreme Court of Virginia may be provided by an organization such as the National Center for State Courts. All agencies of the Commonwealth shall provide assistance to the Office of the Executive Secretary of the Supreme Court of Virginia for this study, upon request.

The Office of the Executive Secretary of the Supreme Court of Virginia shall complete its meetings by November 30, 2018, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2019 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

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