

LD6402837

SENATE BILL NO. 713

Offered January 11, 1995

A BILL to amend and reenact § 16.1-69.35 of the Code of Virginia, as it is currently effective and as it may become effective, relating to designation of judges in the district courts.

Patrons—Holland, E.M., Andrews, Cross and Gartlan; Delegate: Almand

Referred to the 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, as it is currently effective and as it may become effective, is amended and reenacted as follows:

§ 16.1-69.35. (For effective date - See note) 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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60 jurisdiction in civil matters whenever one or more of the defendants reside or the cause of action or any
61 part thereof arises in that part of the city, concurrent jurisdiction over all traffic matters arising in that
62 part of the city and exclusive jurisdiction over all other criminal matters arising in that part of the city.

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

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

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

85 § 16.1-69.35. (Delayed effective date - See notes) Administrative duties of chief district court judge;
86 same judge may be both general district court judge and family court judge in certain counties.

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

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

91 a. The chief district judge shall designate, subject to the provisions of subsection 8, a judge within
92 the district or a judge of another district court within the Commonwealth, if one is reasonably available,
93 to hear and dispose of any action or actions properly coming before such district court for disposition;
94 or

95 b. If unable to designate a judge as provided in subdivision 1 a, the chief district judge may
96 designate, subject to the provisions of subsection 8, a retired district judge for such hearing and
97 disposition if such judge consents or a retired circuit court judge if such judge consents.

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

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

106 2. The chief general district court judge of a district may designate any family court judge of the
107 district, with the judge's consent, *for any individual case or to sit and hear cases for a period not to*
108 *exceed ninety days*, in any of the general district courts within the district. The chief family court judge
109 of a district may designate, subject to the provisions of subsection 8, any general district court judge of
110 the district, with the judge's consent, *for an individual case or to sit and hear cases for a period not to*
111 *exceed ninety days*, in any of the family courts within the district. Every judge so designated shall have
112 the same powers and jurisdiction and be authorized to perform the same duties as any judge of the
113 district for which he is designated to assist, and, while so acting, his order or judgment shall be, for all
114 purposes, the judgment of the court to which he is assigned.

115 3. If on account of congestion in the work of any district court there is in his opinion need therefor,
116 the Chief Justice of the Supreme Court may, upon his own initiative or upon written application of the
117 chief district court judge desiring assistance, designate, subject to the provisions of subsection 8, a
118 district court judge from another district, a retired district judge or a substitute judge to provide judicial
119 assistance to such district. Every judge so designated shall have the same powers and jurisdiction and be
120 authorized to perform the same duties as any judge of the district for which he is designated to assist
121 and while so acting his order or judgment shall be, to all intents and purposes, the judgment of the court

122 to which he is assigned. If such a designation is made, the Chief Justice shall designate a general district
123 court judge to sit in a general district court and a family court judge to sit in a family court.

124 4. Subject to such rules as may be established pursuant to § 16.1-69.32, the chief judge may establish
125 special divisions of any general district court when the work of the court may be more efficiently
126 handled thereby such as through the establishment of special civil, criminal or traffic divisions, and he
127 may assign the judges of the general district court with respect to serving such special divisions. In the
128 City of Richmond the general district court shall, in addition to any specialized divisions, maintain a
129 separate division of such court in that part of Richmond south of the James River with concurrent
130 jurisdiction in civil matters whenever one or more of the defendants reside or the cause of action or any
131 part thereof arises in that part of the city, concurrent jurisdiction over all traffic matters arising in that
132 part of the city and exclusive jurisdiction over all other criminal matters arising in that part of the city.

133 5. Subject to such rules as may be established pursuant to § 16.1-69.32, the chief judge shall
134 determine when the district courts or divisions of such courts shall be open for the transaction of
135 business. He shall determine the times each such court shall be held for the trial of civil, criminal or
136 traffic matters and cases. He shall determine whether, in the case of district courts in counties, court
137 shall be held at any place or places in addition to the county seat. He shall determine the office hours
138 and arrange a vacation schedule of the judges within his district, in order to ensure the availability of a
139 judge or judges to the public at normal times of business. A schedule of the times and places at which
140 court is held shall be filed with the Executive Secretary of the Supreme Court and kept posted at the
141 courthouse, and in any county also at any such other place or places where court may be held, and the
142 clerk shall make such schedules available to the public upon request. Any matter may, in the discretion
143 of the judge, or by direction of the chief district judge, be removed from any one of such designated
144 places to another, or to or from the county seat, in order to serve the convenience of the parties or to
145 expedite the administration of justice; however, any town having a population of over 15,000 as of July
146 1, 1972, having court facilities and a court with both general criminal and civil jurisdiction prior to July
147 1, 1972, shall be designated by the chief judge as a place to hold court.

148 6. Subject to the provisions of § 16.1-69.38, the chief judge of a general district court or the chief
149 judge of a family court may establish a voluntary civil mediation program for the alternate resolution of
150 disputes. The costs of the program shall be paid by the local governing bodies within the district or by
151 the parties who voluntarily participate in the program.

152 7. Notwithstanding any other provision of law, the same judge shall be allowed to serve as both a
153 general district judge and a family court judge for the Counties of Accomack and Northampton.

154 8. A general district court judge, retired district court judge or a substitute judge may be designated
155 pursuant to this section to hear and dispose of cases in family courts only if such judge has completed
156 the training program required by the Judicial Council of Virginia. A circuit court judge may be
157 designated pursuant to this section and § 17-7.2 to hear and dispose of cases in family courts only if he
158 voluntarily consents to so serve and expresses such intent in writing to the Office of the Executive
159 Secretary of the Virginia Supreme Court, which shall maintain a list of said judges.