

1997 SESSION

INTRODUCED

971264351

HOUSE BILL NO. 1645

Offered January 8, 1997

Prefiled December 23, 1996

A BILL to amend and reenact § 16.1-122.4 of the Code of Virginia, relating to representation in small claims court.

Patron—McEachin

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-122.4 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-122.4. Representation and removal; rights of parties.

A. All parties shall be represented by themselves in actions before the small claims court except as follows:

1. A corporate or partnership plaintiff or defendant may be represented by an owner, a general partner, an officer or an employee of that corporation or partnership *and shall have all the rights and privileges given an individual to represent, plead and try a case without an attorney.* An attorney may serve in this capacity if he is appearing pro se, but he may not serve in a representative capacity.

2. A plaintiff or defendant who, in the judge's opinion, is unable to understand or participate on his own behalf in the hearing may be represented by a friend or relative if the representative is familiar with the facts of the case and is not an attorney.

B. A defendant shall have the right to remove the case to the general district court at any point preceding the handing down of the decision by the judge.

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