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SENATE BILL NO. 563

Senate Amendments in [] — February 12, 2008

A BILL to amend and reenact § 17.1-107 of the Code of Virginia, relating to holding cases under advisement.

Patron Prior to Engrossment—Senator Obenshain

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-107 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-107. Designation of judge to assist regular judge holding case under advisement for unreasonable length of time.

A. ~~Whenever the~~ A judge of a circuit court in a civil case shall report, in writing, to the parties or their counsel on any cause held under advisement for more than 90 days after final submission stating an expected time of a decision. In any civil case in which a judge holds any cause under advisement for more than 90 days after final submission, fails to report as required by this section, or fails to render a decision within the expected time stated in the report, any party or their counsel may notify the Chief Justice of the Supreme Court. [~~The Whenever the~~] Chief Justice of the Supreme Court, or any justice designated by him, [~~has reasonable cause to believe that any judge of a court of record may be holding one or more civil cases under advisement for an unreasonable length of time, he~~ has reasonable cause to believe that any judge of a court of record may be holding one or more civil cases under advisement for an unreasonable length of time, he] shall inquire into the cause of such delay, and if he finds it necessary, in order to expedite the administration of justice, he shall designate a judge or retired judge of a court of record [~~or take other appropriate action~~] to assist the regular judge in the performance of his duties.

B. Complaints made hereunder shall be absolutely privileged and the name of the complainant shall not be disclosed without his consent.

ENGROSSED

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