

**Department of Planning and Budget  
2012 Fiscal Impact Statement**

**1. Bill Number:** HB284

**House of Origin**    ☒ Introduced    ☐ Substitute    ☐ Engrossed  
**Second House**    ☐ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron:**    Iaquinto

**3. Committee:** House Committee for Courts of Justice

**4. Title:**    Record on appeal from district court.

**5. Summary:** Provides that, upon the appeal of a district court judgment in a civil case to circuit court, only the original warrants or pleadings with the judgment endorsed thereon and all other pleadings filed in the case shall be transmitted to the circuit court. All other materials contained in the case file, including all other documents, exhibits, or papers, shall be retained by the district court. Currently, the district court transfers all materials to the circuit court in the event of an appeal.

**6. Budget Amendment Necessary:** No

**7. Fiscal Impact Estimates:** Indeterminate (see Item 8)

**8. Fiscal Implications:** *This fiscal impact statement is revised to highlight the potential impact to district court clerk offices.*

According to the Supreme Court of Virginia, this bill would likely have an impact on the personnel resources of district clerk offices. If passed, this bill would require a deputy clerk to comb through the case file of each district court case appealed to circuit court in order to separate those portions of the case file to be transmitted to circuit court for a trial *de novo* from those portions of the case file which must be retained by the district court.

Data from the Supreme Court suggest clerks' offices are understaffed by 274 deputy clerk positions statewide, so it is possible that some clerk's offices may be impacted by the requirements of this legislation.

**9. Specific Agency or Political Subdivisions Affected:** Courts

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None

**Date:** February 8, 2012

**Document:** g:\2012 fis\hb284.doc