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HOUSE BILL NO. 1435**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Rules

on January 31, 2013)

(Patron Prior to Substitute—Delegate Albo)

A BILL allowing a study by the National Center for State Courts of a senior judge system for the circuit and district courts of the Commonwealth. Report.

Be it enacted by the General Assembly of Virginia:

1. § 1. The Office of the Executive Secretary of the Supreme Court of Virginia may contract with an independent entity such as the National Center for State Courts to study the feasibility and effect of implementing a senior judge system for the circuit and district courts of the Commonwealth. Under such a system, a specified number of retired circuit and district judges would become senior judges who sit for a specified amount of time each year in return for a portion of the current compensation of active judges, eliminating the need for substitute judges and special justices and for the reliance on recalled retired judges.

Technical assistance for the study shall be provided by the Office of the Executive Secretary of the Supreme Court of Virginia. All agencies of the Commonwealth shall provide assistance for this study, upon request.

The Office of the Executive Secretary of the Supreme Court of Virginia shall submit an executive summary of its progress towards meeting the objectives of this section on the feasibility of implementing a senior judge system to the General Assembly by November 15, 2014. If a study is conducted, the report shall include (i) recommendations for the number of senior judges required and the minimum amount of time each senior judge would be required to sit in order to eliminate the need for substitute judges and special justices and to eliminate the reliance on recalled retired judges; (ii) the fiscal impact of a senior judge system in order to weigh the costs and benefits of such a system; (iii) recommendations for how a senior judge system should be structured to allow for more equitable and efficient allocation of judicial resources within and among the judicial circuits and districts; (iv) the improvements to the administration of justice resulting from such a system, including but not limited to more efficient and consistent adjudication in all courts through the use of a constant group of judges, in contrast to the more random, unsystematic use of substitute judges, special justices, and recalled retired judges; (v) recommendations for the method used to select, designate, and compensate senior judges, including the appropriate duration of such service; and (vi) recommendations for the most effective procedure to transition to a senior judge system.

The executive summary and report shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.