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HOUSE BILL NO. 1038

Offered January 8, 2014

Prefiled January 8, 2014

A BILL to amend and reenact § 8.01-4 of the Code of Virginia, relating to certain rules prescribed by district courts and circuit courts; hearings.

Patron—Joannou

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-4 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-4. District courts and circuit courts may prescribe certain rules.

The district courts and circuit courts may, from time to time, prescribe rules for their respective districts and circuits. Such rules shall be limited to those rules necessary to promote proper order and decorum and the efficient and safe use of courthouse facilities and clerks' offices. No rule of any such court shall be prescribed or enforced which is inconsistent with this statute or any other statutory provision, or the Rules of Supreme Court or contrary to the decided cases, or which has the effect of abridging substantive rights of persons before such court. Any rule of court which violates the provisions of this section shall be invalid.

The courts may prescribe certain docket control procedures which shall not abridge the substantive rights of the parties nor deprive any party the opportunity to present its position as to the merits of a case solely due to the unfamiliarity of counsel of record with any such docket control procedures. *No scheduled hearing or trial by jury shall be removed from any district court or circuit court docket for failure to comply with any rule created under this section.*

INTRODUCED

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