

VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

CHAPTER 612

An Act to amend and reenact § 16.1-112 of the Code of Virginia, relating to transmission of case papers to appellate court; acceptability of electronic case papers.

[H 64]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-112 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-112. All papers transmitted to appellate court; further proceedings.

The judge or clerk of any court from which an appeal is taken under this article shall promptly transmit to the clerk of the appellate court the *case papers, which shall include the original warrant or warrants or other notices or pleadings with the judgment endorsed thereon, together with all pleadings, exhibits, and other papers filed in the trial of the case; the*. The required bond, and, if applicable, the money deposited to secure such bond and the writ tax and costs paid pursuant to § 16.1-107 *shall also be submitted, and along with the fees for service of process of the notice of appeal in the circuit court. Upon agreement between the chief judge of the general district court and the clerk of the appellate court, the case papers shall be transmitted to the appellate court by an electronic method approved by the Executive Secretary of the Supreme Court, with the exception of any exhibit that cannot be electronically transmitted. In the jurisdictions where an agreement pursuant to this section is in effect for the electronic submission of case papers to the appellate court, the appellate court may transmit the case papers back to the general district court by electronic submission where the case is to be returned to the general district court under applicable law. Electronic case papers, whether originating in electronic form or converted to electronic form, shall constitute the official record of the case. Such electronic case papers shall also fulfill any statutory requirement requiring an original, original paper, paper, record, document, facsimile, memorandum, exhibit, certification, or transcript if such electronic case papers are in an electronic form approved by the Executive Secretary of the Supreme Court. Upon receipt of the foregoing by the clerk of the appellate court, the case shall then be docketed.*

When such case has been docketed, the clerk of such appellate court shall by writing to be served, as provided in §§ 8.01-288, 8.01-293, 8.01-296, and 8.01-325, or by certified mail, with certified delivery receipt requested, notify the appellee, or by regular mail to his attorney, that such an appeal has been docketed in his office; provided, that upon affidavit by the appellant or his agent in conformity with § 8.01-316 being filed with the clerk, the clerk shall post such notice at the front door of his courtroom and shall mail a copy thereof to the appellee at his last known address or place of abode or to his attorney; and he shall file a certificate of such posting and mailing with the papers in the case. No such appeal shall be heard unless it appears that the appellee or his attorney has had such notice, or that such certificate has been filed, 10 days before the date fixed for trial, or has in person or by attorney waived such notice.

2. That any clerk who uses private technology systems authorized pursuant to § 17.1-502 may utilize the provisions of § 16.1-112 provided that the electronic method for transmittal to the appellate court complies with the security and data standards established by the Executive Secretary of the Supreme Court of Virginia.

3. That the provisions of this act shall become effective on January 1, 2017.