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HOUSE JOINT RESOLUTION NO. 22

Offered January 8, 2020

Prefiled December 27, 2019

Requesting the Office of the Executive Secretary of the Supreme Court of Virginia to study the current training and legal education requirements and performance standards for substitute judges and retired district court judges subject to recall. Report.

Patron—Orrock

Referred to Committee on Rules

WHEREAS, retired general district court and juvenile and domestic relations court judges who have not obtained the age of 70 are placed on the recall list at the discretion of the Chief Justice of the Supreme Court of Virginia, and retired district court judges who have obtained the age of 70 may request that they be placed on the recall list at the discretion of the Chief Justice; and

WHEREAS, the Office of the Executive Secretary of the Supreme Court of Virginia mandates that active judges and retired judges attend the annual judicial conference and complete a civility in the workplace course and information security awareness training; and

WHEREAS, substitute judges are licensed practicing attorneys appointed to hear cases by the chief judge of the circuit court sharing the same judicial boundaries as the district courts in the event that an active sitting judge or retired judge is unable to preside; and

WHEREAS, the Office of the Executive Secretary of the Supreme Court of Virginia currently mandates that substitute judges complete orientation, foster care, and child and spousal support online courses, annually attend an educational seminar presented by the Office of the Executive Secretary of the Supreme Court of Virginia, and complete conflict of interest training and provides materials detailing legislative updates to substitute judges; and

WHEREAS, as of December 1, 2019, there are 52 retired general district court judges and 37 retired juvenile and domestic relations court judges on the recall list and 232 substitute judges; and

WHEREAS, during the 2018 Regular Session of the General Assembly, SB 939, which transferred the authority to review retired circuit court judges on the recall list from the Chief Justice of the Supreme Court of Virginia to the members of the Committees for Courts of Justice, was signed into law; and

WHEREAS, retired district court judges and substitute judges are not subject to legislative review or the judicial performance evaluation process, which allows attorneys and court staff, as applicable, to anonymously evaluate the judge in many categories, including demeanor and legal knowledge; and

WHEREAS, retired judges and substitute judges who lack the requisite legal expertise necessary to competently handle certain judicial matters can cause attorneys and the parties involved to question whether the case before the judge was fairly heard and whether the decision rendered was correct; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Office of the Executive Secretary of the Supreme Court of Virginia be requested to study the current training and legal education requirements and performance standards for substitute judges and retired district court judges subject to recall.

In conducting its study, the Office of the Executive Secretary of the Supreme Court of Virginia shall (i) review the current required training courses and materials for both retired district court judges and substitute judges and provide recommendations for additional training and educational opportunities; (ii) examine the current system for appointing substitute judges and provide recommendations for additional oversight of substitute judges throughout their terms; (iii) determine the feasibility and cost of incorporating all retired district court judges and substitute judges into the judicial performance evaluation program or implementing a similar evaluation program for such judges; (iv) provide recommendations for a reporting system that would encourage attorneys to notify the Supreme Court of any substantial issue with a retired judge or substitute judge that fails to fall within the jurisdiction of the Judicial Inquiry and Review Commission; and (v) provide recommendations to ensure that performance standards of substitute judges and retired district court judges subject to recall are equal to those of active sitting judges.

Technical assistance shall be provided to the Office of the Executive Secretary of the Supreme Court of Virginia by the general district courts and juvenile and domestic relations courts in the Commonwealth. All agencies of the Commonwealth shall provide assistance to the Office of the Executive Secretary of the Supreme Court of Virginia for this study, upon request.

INTRODUCED

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59 The Office of the Executive Secretary of the Supreme Court of Virginia shall complete its meetings
60 by November 30, 2020, and shall submit to the Governor and the General Assembly an executive
61 summary and a report of its findings and recommendations for publication as a House or Senate
62 document. The executive summary and report shall be submitted as provided in the procedures of the
63 Division of Legislative Automated Systems for the processing of legislative documents and reports no
64 later than the first day of the 2021 Regular Session of the General Assembly and shall be posted on the
65 General Assembly's website.