

Chesterfield Circuit Court
Case Scheduling Information / Docketing Procedures

1. JUDGES' CHAMBERS: 804-748-1333

Judges: T.J. Hauler; Frederick G. Rockwell, III; Steven C. McCallum; Lynn S. Brice; David E. Johnson; Edward A. Robbins, Jr.

Staff – CIVIL SCHEDULING ONLY:

- Beth Ball, Legal Assistant to Judges McCallum & Johnson, BallB@chesterfield.gov
- Teresa Ryan, Assistant Judicial Administrator and Legal Assistant to Judges Rockwell & Robbins, RyanT@chesterfield.gov
- Vacant, Legal Assistant to Judges Hauler & Brice

- Jean Marretti, Legal Secretary, MarrettiJ@chesterfield.gov
- Tricia Muller, Administrator of Judicial Operations, MullerT@chesterfield.gov

2. CLERK Wendy S. Hughes

PO Box 125, Chesterfield VA, 23832
804-748-1241; www.chesterfield.gov/circuitclerk/

3. SHERIFF Karl S. Leonard

PO Box 940, Chesterfield, VA 23832
804-748-1261; www.chesterfield.gov/Sheriff/

4. COMMISSIONER OF ACCOUNTS: Bryan K. Selz

www.courts.state.va.us/courts/circuit/resources/coa/home.html.

5. COMMONWEALTH'S ATTORNEY: William W. Davenport

PO Box 25, Chesterfield, VA 23832
804-748-1221

6. LOCATION(S): Courtrooms 1, 2, 3, 4, 5 - 9500 Courthouse Road
Historic 1917 Courthouse - 10011 Iron Bridge Road

7. HOURS: 8 AM – 4 PM - Clerk's Office & Judges' Chambers public service hours
8 AM – 3:30 PM – Recording hours

8. DOCKET PROCEDURES:

DOCKET CALL PROCEDURES

It is encouraged to pre-set both civil and criminal cases rather than waiting for docket call. All hearings must be scheduled in advance, except in emergency situations. Prior to setting the date, the attorney or *pro se* litigant should clear available dates with other attorneys or parties in the case.

- To set a case for trial in a civil matter, the attorney should call or email the assigned Judge's Legal Assistant.
- Criminal matters are pre-set in the Commonwealth's Attorney's Office by orders endorsed by defense counsel or *pro se* defendant. Matters shall be set within the same term or otherwise docketed for a hearing prior to the term ending.

If attorneys/parties do attend docket call to schedule a trial date, criminal docket call is held at 9:30 AM on the Tuesday following the 3rd Monday in January and the 3rd Monday in March, May, July, September, and November. Civil docket call is held every Monday afternoon (2 PM J&DR, 2:30 PM GD) on the "duty" docket for the presiding judge's assigned cases. If attorneys or *pro se* parties in civil cases fail to appear for docket call, it may result in the dismissal of such civil cases.

When setting a case for trial, the attorney should know the case number, style of case, and whether a jury is requested. Trial dates for civil cases may be set by either lawyer as long as they have good dates (or avoid dates) for the other side.

When scheduling civil cases by phone, email, or at docket call, a confirmation letter must be mailed to all parties within 10 business days of scheduling, with a copy to the Court. The confirmation letter must state the trial date, time, and whether trial will be by jury or non-jury. Note, the Historic 1917 Courthouse is being used for some civil matters; please pay careful attention to the location of the hearing and expressly include that location in the Notice of Hearing.

In criminal cases not pre-set with the Commonwealth's Attorney, defense counsel and defendants out on bail must appear for docket call.

CIVIL SCHEDULING

- Trials: Cases should be set by telephone or emails through the Legal Assistant, once mutually agreeable dates are obtained by counsel. Once the moving party sets the trial date, they must send a notice of trial to opposing counsel/party stating the trial date(s) and time, copying the Court. Because of the limited number of trial days, the Court sets several cases for trial each day. Experience has shown that many cases go off the docket before the trial date due to settlements or continuances. On the rare occasion that more than one case remains on the docket, the Court must then continue some cases.
- In any matters that require more than two hours or involve a *pro se* party, a pre-trial conference may be required.
- Matters in which the moving party has not issued service cannot be scheduled on the docket until service is complete and 21 days has passed, unless otherwise agreed upon by opposing counsel or provided by statute.

- Garnishments, civil restricted licenses (OLPs), restoration of firearms, concealed handgun permit (CHP) denial appeals and show causes, expungements, and celebrate rites of marriage will be docketed by the Clerk's Office on the presiding judge's duty day at 8:30 AM.
- All other civil motions: Absent leave of Court, motions will be individually docketed. Motions are held on a first come first serve basis on the docket. These cases should also be set by telephone or emails through the Legal Assistant, once mutually agreeable dates are obtained by counsel and the proper motion is filed with the Clerk's Office. All motions should inform the Court whether the moving party intends to present any testimony concerning that motion.
- Plaintiff will submit an agreed and fully endorsed pre-trial scheduling order within ten (10) calendar days of setting the trial date. All exhibits which a party intends to offer into evidence at trial during their case in chief must be filed with the Clerk not later than ten (10) days prior to trial. Additionally, in domestic cases involving support matters; income and expense worksheets, applicable guidelines worksheets and supporting documents must also be filed ten (10) days prior to trial.

CRIMINAL SCHEDULING

- **EVERY REQUEST MUST BE PROPERLY FILED AS A WRITTEN MOTION** through the Clerk's Office (attorney and *pro se*). Dates for hearings on motions should be obtained from the Commonwealth's Attorney and submitted with the motion when filed.
- All motions, including motions to continue, must be properly filed in writing with the Circuit Court Clerk's Office. Dates for hearings shall be set by the Commonwealth Attorney's Office by order endorsed by all parties.
- Continuances will be granted in the Court's discretion for good cause shown (see continuance policy below).
- For proper docket control, in the event of an agreed disposition by plea, the Court requires cases that are set for trial by jury be advanced on the docket for disposition.

CONTINUANCE POLICY

Procedure to Continue a Trial Date:

1. Notice. All requests for continuances of a trial date must be made by written motion and in as far advance of the trial date as possible. All requests must be properly filed through the Clerk's Office and properly noticed for a hearing if applicable. If a hearing is required, it will need to be scheduled based on the above requirements for civil and criminal matters.
 - The motion to continue the trial must fully state the good cause in support of the motion and must include the number of previous continuances.
2. Good Cause. Continuances will be granted in the Court's discretion for good cause shown. The following, by way of example, may not be considered as good cause:
 - All parties have agreed to the continuance.
 - This is the first continuance request.
 - The other party has been granted a continuance before.

- The case is close to resolved or will be if a continuance is granted.
- Counsel is unprepared for trial.
- After the trial is set a witness (subpoenaed or not) advises they are unavailable on that date. Counsel is expected to have witnesses' available dates prior to setting the trial.

3. Court Order.

Civil:

- In cases where a continuance of trial is granted, counsel shall prepare and submit an endorsed order at the hearing for the Continuance. The order shall state upon whose request the continuance is granted; the date from which the trial is being continued; the new trial date; and other such terms as the Court may require.

Criminal:

- At the time of filing, prepared by the Commonwealth's Attorney's Office. The order will be submitted with the motion for judicial consideration. If the motion is denied, parties will be notified by the Commonwealth's Attorney's Office.

OTHER NOTES

Filings are accepted by the Clerk's Office via mail, courier, and hand delivery. The Court does not accept case-related filings via the Internet, email, or fax. The public service hours of both the Clerk's Office and Judges' Chambers are 8 AM – 4 PM.

- All orders, motions, notices, pleadings, exhibits, or any other type of case-related filing must be filed in the Clerk's Office.
- No orders, motions, notices, pleadings, exhibits, or any other type of case-related filing will be accepted by the Judges' Chambers. Case-related correspondence or documents sent or delivered directly to Judges will be re-directed to the Circuit Court Clerk's Office for proper filing with the case and may result in delays in processing.
- All orders submitted for entry must be original orders with original signatures.
- As noted above, no faxes or emails are accepted by the Clerk's Office.
- Courtesy copies directed to Judges' Chambers will be accepted but need to be clearly marked as such. Marked copies delivered to the Judges' Chambers are not substitutions for proper filing in the Clerk's Office.
- For all civil and criminal restricted operators' license requests, DMV transcripts should be filed in the Clerk's Office with the petition or motion.

Updated: 1/22/2018