

Richmond Circuit Court
John Marshall Courts Building
400 N. 9th Street
Richmond, VA 23219

Judges:

Hon. Jacqueline S. McClenney, Chief Judge
Hon. Richard B. Campbell
Hon. Claire G. Cardwell
Hon. Bradley B. Cavedo
Hon. Clarence N. Jenkins, Jr.
Hon. Devika E. Davis
Hon. Tracy W. J. Thorne-Begland

Clerk of Court:

Hon. Edward F. Jewett – email: Edward.Jewett@rva.gov
Clerk's office: (804)646-6505 phone
8:30 a.m. (804)646-6562 fax
to 4:30 p.m. (804)646-7274 law fax
Mon. – Fri. (804)646-6562 criminal section fax

Staff Attorney/Court Administrator (Please communicate via email copying all parties):
Virginia E. Bray, Esq. – email: virginia.bray@rva.gov

Judicial Assistants (Please communicate via email copying all parties):

Phyllis Thomas (Chief Judge McClenney) – email: phyllis.thomas@rva.gov
Sandy McCarthy (Judge Campbell) – email: sandra.mccarthy@rva.gov
Sandra Ceruti (Judge Cardwell) – email: sandra.ceruti@rva.gov
Sharon O'Brien (Judge Cavedo) – email: sharon.o'brien@rva.gov
Margaret Smith (Judge Jenkins) – email: margaret.smith@rva.gov
LaTasha Booker (Judge Davis) – email: latasha.booker@rva.gov
Regina Corbitt (Judge Thorne-Begland) – email: regina.corbitt@rva.gov

Law Clerks (civil) (Please communicate via email copying all parties):

Rita Orozco (Chief Judge McClenney) – email: lawclerkjudge4@rva.gov
Hailey Kates (Judge Davis) – email: lawclerkjudge7@rva.gov
Hailey Kates (Judge Cardwell) – email: lawclerkjudge5@rva.gov
Kevin Byrne (Judge Campbell) – email: lawclerkjudge1@rva.gov
Kevin Byrne (Judge Thorne-Begland) – email: lawclerkjudge2@rva.gov
Sydney Coker (Judge Cavedo) – email: lawclerkjudge6@rva.gov
Sydney Coker (Judge Jenkins) – email: lawclerkjudge8@rva.gov

Sheriff:

Hon. Antionette V. Irving – email: antionette.irving@rva.gov

Commonwealth's Attorney:

Hon. Colette W. McEachin, Esq. – email: colette.mceachin@rva.gov
John Marshall Courts Building
400 N. 9th Street, Room 100
Richmond, VA 23219
Phone: (804)646-3500
Fax: (804)646-0506

Marsh Manchester Courts Building
920 Hull Street
Richmond, VA 23224
Phone: (804)646-8704
Fax: (804)646-8988

Oliver W. Hill Courts Building
1600 Oliver Hill Way
Richmond, VA 23219
Phone: (804)646-2950
Fax: (804)646-3225

Victim Witness Services (Criminal):

Phone: (804)646-7665

Fax: (804)646-3610

Public Defender:

Chief Public Defender: Tracy Paner, Esq. – email: tpaner@vadefenders.org

701 E. Franklin Street, Ste. 600

Richmond, VA 23219

Phone: (804)225-4330

Fax: (804)371-4908

Commissioner of Accounts:

Kimberly Pinchbeck, Esq. – email: kimberly@kpinchbeck.com

Terms of Court and General Information:

Civil Terms begin on the 4th Mondays of January, April, July, and October

Criminal terms begin the 1st Monday every month

Criminal Docket Call: 1st Monday of the month, if that is a holiday then the 1st Tuesday (9:00 a.m.)

Information for People Representing Themselves:

All litigants must follow the law and rules. As a courtesy, please find resources that may assist you with that below.

Code of Virginia: [Code of Virginia \(https://law.lis.virginia.gov/vacode/\)](https://law.lis.virginia.gov/vacode/)

Administrative Code: [Virginia Administrative Code \(https://law.lis.virginia.gov/admincode/\)](https://law.lis.virginia.gov/admincode/)

Rules of the Supreme Court of Virginia: [RULES OF SUPREME COURT OF VIRGINIA \(vacourts.gov\) \(https://www.vacourts.gov/courts/scv/rulesofcourt.pdf\)](https://www.vacourts.gov/courts/scv/rulesofcourt.pdf)

Virginia Rules of Evidence: [Friday 6th August, 2004 \(vacourts.gov\) \(https://www.vacourts.gov/courts/scv/amendments/2012_0601_Part2updated20120618.pdf\)](https://www.vacourts.gov/courts/scv/amendments/2012_0601_Part2updated20120618.pdf)

The Court may not provide you with legal advice. If you require assistance, please find resources below:

Virginia State Bar Lawyer Referral Service: [Find trusted lawyers in Virginia | Virginia Lawyer Referral Service \(community.lawyer\)](#) Phone number Metro Richmond: (804)775-0808; Phone number for long-distance: (800)552-7977; Email: lawyerreferral@vsb.org

Virginia Poverty Law Center maintains this website as a resource: [VaLegalAid.org - A guide to free and low cost civil legal information and services in Virginia](http://VaLegalAid.org)

Central Virginia Legal Aid Society: [Home - \(cvlas.org\)](http://cvlas.org)

Legal Aid Justice Center: [Home - Legal Aid Justice Center \(justice4all.org\)](http://justice4all.org)

Legal Helplines:

Legal Aid: 1-866-LEGLAID

Eviction Helpline: 1-833-NOEVICT

Predatory Loan Helpline: 1-866-830-4501

Senior Legal Helpline: 1-844-802-5910

Any party not represented by counsel must file a written statement of their place of residence and mailing address and notify the clerk in writing of any changes. To assist in this process, the Court has drafted a *Pro Se* Litigant Information Sheet.

Parties who are representing themselves (proceeding *pro se*) schedule all trials and hearings regardless of length by emailing the judicial assistant for the judge assigned to the case, copying all parties to the case on the email. If the unrepresented party does not know the email address of counsel for the opposing party, they will be able to find that email address on the pleadings filed by that party in the case. If the other party or parties are also not represented by counsel and the *pro se* litigant does not know their email address and their email address was not included on the *Pro Se* Litigant Information Sheet, the litigant seeking to schedule the trial or hearing shall contact the opposing party or parties and get their available dates prior to communicating with the judicial assistant about scheduling.

The clerk's office accepts filings made in person or by first class mail. The e-filing system is only available to licensed attorneys at this time. The clerk's office does not accept filings made via email or fax. For further information regarding electronic filings, see Rule 1:17, Rule 3.3, and Rule 3A:23 of the Rules of the Supreme Court of Virginia.

In any motion where a *pro se incarcerated* person is counsel of record, the Court will only hear oral arguments on such motion at the request of the Court. See Rule 4:15(d).

Email policy:

The email addresses of court staff are provided for the purposes of scheduling, addressing other non-substantive administrative matters, and providing a courtesy copy of pleadings and briefs that have already been filed with the Clerk of Court. Additionally, court staff may reach out to litigants or counsel with inquiries such as a request for update on status, or court staff may provide litigants or counsel courtesy copies of the Court's orders.

When communicating via email with court staff, please copy all parties on the communication to avoid the appearance of any *ex parte* communications. Emailing court staff on substantive matters, arguing your position on any matter, or seeking legal advice from court staff is strictly prohibited.

Transcripts and Statements of Facts and Testimony:

In criminal matters, the Court will arrange to have a court reporter present at all proceedings.

In civil matters, the Court encourages counsel to arrange for a court reporter at hearings and trial. Written Statements of Facts, Testimony, and Incidents of the Case, though permitted if made part of the record as provided in Rule 5:11, are not the best practice.

Civil Scheduling:

Dates will only be set on dates available to the Court and all parties. If the parties are unable to agree upon a date, the Court may invoke its authority under Rule 4:13 and Rule 1:20 to hold a Pretrial Scheduling Conference.

Trials where the parties are represented by counsel are scheduled with the clerk's office by emailing Stephanie Stutz at stephanie.stutz@rva.gov and Shelton Johnson at shelton.johnson@rva.gov and including all parties on their email communications.¹ Hearings expected to last longer than two hours where the parties are represented by counsel are scheduled with the clerk's office by emailing Stephanie Stutz at stephanie.stutz@rva.gov and Shelton Johnson at shelton.johnson@rva.gov and including all parties on their email communications.²

Hearings expected to be shorter than two hours are scheduled by emailing the Judicial Assistant for the Presiding Judge, copying all parties to the case on the email.³ Any matters involving parties representing themselves are scheduled by emailing the Judicial Assistant for the Presiding Judge, copying all parties to the case on the email.⁴

When scheduling a trial date, you must let the clerk or judicial assistant know if it is being scheduled for a bench trial or a jury trial.

When scheduling either a trial or hearing date, you must provide a realistic estimate of the amount of time required on the docket to complete the matter. When calculating the realistic estimate of the amount of time required, please count the amount of time necessary for any opening statements of all parties, the taking of any necessary evidence from each party, the time needed for any cross-examination, the time required for any rebuttal evidence, and the time required for all parties to present argument on the issues, including any motions to strike or other mid-trial and post-trial motions generally heard on the date of trial.

No motions dates will be scheduled until the moving party has filed their motion with the clerk's office and certified that they have provided a copy of their motion to all parties.

A written pleading reflecting any scheduled hearing or trial date should be timely filed and provided to all parties by Notice of Hearing, Praecipe,⁵ or consent Pretrial Scheduling Order. These documents clarify the record and ensure that all parties have notice to be present. These documents are only to be filed after the date has been selected pursuant to the docketing procedures of the Court.

The Court may schedule more than one trial on a particular date. If your trial is "stacked" and more than one trial is going forward on that date, it is possible that your case may be continued if there is no feasible accommodation for all stacked trials to proceed.

The Court may require a Pretrial Conference pursuant to Rule 1:19.

Matters in which the moving party has not issued service cannot be scheduled on the docket until service is complete and twenty-one days have passed, unless otherwise agreed upon by counsel or provided by rule or statute.

¹ Authorized pursuant to Rule 1:20(a)

² Authorized pursuant to Rule 1:20(a)

³ Authorized pursuant to Rule 1:20(a)

⁴ Authorized pursuant to Rule 1:20(a)

⁵ It is uncommon to file a Praecipe in our Court but they are an acceptable form of written notice.

The parties should submit an agreed upon Pre-Trial Scheduling Order promptly. The Court strongly encourages the use of the Uniform Pre-Trial Scheduling Order.⁶

Parties should be mindful of the Court's authority to strike matters from the docket where there has been no movement in the case after one,⁷ two,⁸ or three⁹ years pursuant to §8.01-335.

Criminal Scheduling:

Trials and hearings on criminal cases are usually pre-scheduled prior to Docket Call by emailing the Judicial Assistant for the Presiding Judge, copying all parties to the case on the email. The cases are then set for trial and motions hearing (if a motions hearing is known to be needed at the time of Docket Call) by Order at Docket Call. If the defense fails to provide dates in the emails with the Judicial Assistant and fails to appear to set the matter at Docket Call, the Court will select a date for trial using only the Commonwealth's available dates. For more serious felonies, or in its discretion, the Court may require the parties to schedule the matter for trial at a proceeding on the record.

If a need arises for a hearing on a criminal case previously set for trial, these hearings are generally set after the motion has been filed. The Court may make an exception for scheduling bond hearings before they have been filed, however other motions should be filed with the clerk's office prior to any attempts to schedule a hearing. This allows the parties an opportunity to review the motion to determine the need for evidence or witnesses prior to scheduling the matter as these considerations may influence the amount of time allotted for the hearing. Once the motion has been filed, the movant should initiate the process of docketing the matter for hearing by emailing the judicial assistant for the judge assigned to the case, copying all parties to the case on the email.

The Court requires that criminal matters set for jury also be scheduled for a pretrial conference.

Filings:

"Brevity is enjoined as the outstanding characteristic of good pleading. In any pleading a simple statement, in numbered paragraphs, of the essential facts is sufficient." Va. Sup. Ct. R. 1:4.

The Clerk of Court must receive and file all pleadings when tendered, see Rule 3:3. Litigants and attorneys must perfect all filings through the clerk's office. The Court does not accept motions, pleadings, information, or requests made outside of a court proceeding related to cases via direct communication with the Court by any means including telephone call, email, or letter. These will only be considered if a written filing is made with the clerk's office and proper notice is given to all parties. Any attempts at filing documents through chambers or the law clerks will be returned to sender with a cover letter. This may result in delays in your case.

The clerk's office accepts filings made in person, by first class mail, or by use of the e-filing system. The clerk's office does not accept filings made via email or fax. For further information regarding electronic filings, see Rule 1:17, Rule 3.3, and Rule 3A:23 of the Rules of the Supreme Court of

⁶ Rule 1:18B of the Rules of the Supreme Court of Virginia

⁷ See §8.01-335(C) permitting discontinuance of appeals from the general district court where an appeal bond has been posted. See §8.01-335(D) permitting discontinuance of matters in which no process has been served.

⁸ See §8.01-335(A) permitting discontinuance of the case unless a party requests the matter be continued.

⁹ See §8.01-335(B) permitting discontinuance of the case "without any notice to the parties."

Virginia. Information on the Virginia Judiciary E-Filing System may be found here:
<https://www.rva.gov/index.php/office-circuit-court-clerk/vjefs>.

Attorneys perfecting filings in the clerk's office must place at the foot of their filings: their Virginia State Bar number, office address, telephone number, business email address, and business fax number. These requirements are periodically updated, please check the below Rule for any updates.

If a certified copy of any order entered pursuant to a filing is requested of the Court, please provide the clerk's office with a self-addressed, stamped envelope for that purpose.

Please see Rule 1:4 of the Rules of the Supreme Court of Virginia for further directions. If you need to amend a filing, please see Rule 1:8 of the Rules of the Supreme Court of Virginia.

Filings: courtesy copies for the Court:

Courtesy copies will only be considered if a written filing is made with the clerk's office and proper notice is given to all parties.

Courtesy copies for chambers may be provided by email to the Judicial Assistant or Law Clerk for the Presiding Judge or may be provided by hard copy directed to the attention of chambers with a note as to the name of the Presiding Judge. Any emails or cover letters should be copied to all parties.

Filings: continuances and removing matters from the docket:

A party requesting a continuance should do so as soon as practicable by filing a motion and sketch order with the clerk's office to be considered by the judge assigned to hear the trial. The motion and sketch order should both include the following information:

- 1) who is requesting the continuance,
- 2) whether the requesting party knows if the other parties object or concur with the request,
- 3) the good cause for the continuance, and
- 4) the number of times the hearing or trial has previously be continued.

Agreed motions to continue filed with the Court in advance are generally liberally granted in civil matters.

The parties shall endeavor to make motions to continue in a timely manner to avoid inconvenience to the other party, the witnesses, and prospective jurors and to avoid the waste of judicial resources.

Requests for continuances should not be made directly to the Court except in cases of an emergency that arises between the close of the clerk's office the day before the scheduled hearing or trial and the scheduled hearing or trial date and time. If an emergency arises: 1) email the Judicial Assistant and Law Clerk for the assigned judge, copying all parties, and 2) call the Clerk's Office. Communicating expeditiously with the Court and the other parties prevents unnecessary inconvenience to the parties and the waste of judicial resources.

Continuances are granted at the discretion of the Presiding Judge. The matter shall remain on the docket until such time as the Court may enter an order continuing the case.

If the parties have resolved their matter or wish to remove the trial or hearing date(s) from the docket, they should file the appropriate pleadings to either dispose of the case or remove the matter from the docket immediately and email a courtesy copy to the Judicial Assistant and Law Clerk for the assigned judge, copying all parties, to avoid unnecessary inconvenience. If the matter is civil, please also include Stephanie Stutz at stephanie.stutz@rva.gov and Shelton Johnson at shelton.johnson@rva.gov.¹⁰

Filings: motions:

Motions should be filed in writing with the clerk's office as far in advance of trial as practicable, but in no event shall any party file a motion outside of any time periods as may be proscribed by the Code of Virginia or Rules of the Supreme Court of Virginia. Pursuant to Rule 4:15(b), all civil motions must be preceded by reasonable notice, in writing and served at least seven days before the hearing unless this requirement is waived by the Court. In criminal matters, there are specific requirements for the timing and filing of some defense motions in §19.2-266.2 and Rule 3A:9.

Please keep in mind that the Court becomes aware that a motion has been filed in the clerk's office when 1) a sketch order is submitted with the motion; 2) a motions hearing is properly scheduled, docketed, and noticed for hearing; or 3) a courtesy copy is provided to the judicial assistant of the assigned judge or to the law clerk of the assigned judge.

All criminal discovery motions filed pursuant to Rule 3A:11 should be either accompanied by a sketch order or docketed for hearing. The Court is required to act upon the filing of these motions.

The Court encourages litigants to state with particularity the grounds upon which the motion is based, to include: 1) any relevant facts on which the motion relies; 2) all law upon which the movant relies; 3) argument in support of the motion. Similarly, responses to the motion should clearly state: 1) any relevant facts on which the response relies or any corrections to the facts supplied by the movant; 2) all law on which the respondent relies; 3) argument in support of the denial of the motion.

Any cases upon which counsel intends to rely should be cited in the motion and reply or in the accompanying brief. This allows the Court to review the law cited by the parties prior to the docketed hearing.

Counsel must confer and make a good faith effort to resolve the issue raised in the motion prior to giving notice of a motion.

Filings: orders:

The moving party should prepare a sketch order and either file it in advance with the accompanying motion or bring it to a scheduled motions hearing date. If the opposing party has filed an objection to the motion, it is best practice for the opposing party to prepare a sketch order for the Court to consider in case the Court denies the motion.

It assists the Court if the party drafting the proposed order endorses the draft prior to forwarding it to the other parties for endorsement and delivery for filing with the Clerk. If the draft is presented to the Court fully endorsed, it saves the staff of the Court from having to reach out to inquire about the status of the outstanding endorsements, as well as additional scanning and filing time.

¹⁰ Matters will not be removed from the docket without the authorization of the Presiding Judge.

Filings: briefs and memoranda:

Counsel may elect or the Court may require the parties to file briefs in support of or opposition to a motion. Briefs shall be filed with the Court and served on counsel and/or unrepresented parties far enough in advance of hearing to allow for consideration of the issues involved. Absent leave of the Court, a brief shall be filed and served at least 14 days before the hearing and any brief in opposition generated in response must be filed and served at least 7 days before the hearing. Pursuant to Rule 4:15, briefs in civil cases may not exceed 20 pages, double spaced, absent leave of the Court.

Requests for appearances by telephonic or electronic means:

Any requests that a witness in civil cases appear remotely by audiovisual means must be made in accordance with Rule 1:27. Many of the judges follow the guidance from the Office of the Executive Secretary of the Supreme Court of Virginia that such appearances should be made via WebEx. The requesting party is responsible for setting up the virtual appearance.

The opportunity for witnesses to appear virtually in criminal cases is limited to circumstances outlined in the Code of Virginia.

In any civil proceeding the Presiding Judge may, in their discretion, choose to permit any hearing by a telephonic communication system or by an audiovisual communication system pursuant to §17.1-513.2. This provision is discretionary.

Pursuant to Rule 1:19, a final pretrial conference in a criminal or civil matter may be conducted in person, by telephone, or by videoconference in the discretion of the Presiding Judge. This language does not appear in Rule 4:13, which governs other pretrial conferences.

Pursuant to Rule 3:24, hearings on an appeal of an order of quarantine issued pursuant to §32.1-48.09 or an order of isolation pursuant to §32.1-48.012 may be held by telephone or video conference if that is necessary to protect the health and safety of court personnel, counsel, witnesses, and the public.

Pretrial Procedures:

If there is hope of a resolution in any case, criminal or civil, the parties should be mindful of other litigants and the Court by resolving such matters as far in advance as possible so that the scheduled trial date may be used by other litigants and to avoid unnecessarily inconveniencing prospective jurors.

In all matters before the Court, the parties are encouraged to attempt to resolve disputes about the sufficiency of discovery responses between themselves. If the parties are unable to resolve the matter, they should docket a hearing. In civil matters, the parties should provide the Court with copies of the objected discovery replies filed as exhibits appended to their motions and responses regarding the sufficiency of discovery as well as the required certification of good faith attempt to confer. In criminal matters, the Court should be provided a copy at the hearing of any discovery materials that are the subject of the dispute between the parties so that the Court is able to rule on the sufficiency of the disclosure.

For any matter scheduled for trial, the Court encourages the parties to consider whether there are undisputed facts to which the parties might stipulate. Stipulations avoid requirements of unnecessary

proof and act to simplify and expedite the trial. Stipulations will generally be placed into evidence at the beginning of the evidence unless the parties request otherwise.

Pursuant to Rule 1:15(c) and Rule 3A:16 (b), this Court directs that counsel for all parties, unless compliance is waived by the judge assigned to hear the case, must, two days prior to a jury trial date, submit to the court a copy of all instructions such counsel proposes to request via hand-delivery of a hard copy to the attention of the Law Clerk assigned to the Presiding Judge, copying all parties. Such copies should note the authority or authorities relied upon for such instructions. This rule does not preclude the offering of additional instructions at the trial.

For trial, counsel should prepare jury instructions that do not contain a notation of the authority upon which they are based.

To avoid the issues that arise due to last minute preparation, the Court strongly encourages:

- The utilization of Pretrial Scheduling Conferences in any matter docketed for trial by jury, criminal or civil.
- Docketing and noticing any motions in advance of trial. It is an imposition on the witnesses, as well as jurors in the event the matter is docketed for jury, to appear at the trial date requesting to postpone the commencement of trial until after motions are heard.
- The Court encourages the parties to appropriately avail themselves of the tools of discovery so that matters appropriate for motions *in limine* may be heard by the Court in advance of trial. This avoids unnecessary pauses in trial and resulting inconveniences to everyone involved.
- The Court, similarly, encourages the parties to share exhibits at least 5 days in advance of trial to allow for the opportunity to address objections in advance of trial via a motion *in limine*.
- Many cases involve evidence in the form of video or transcripts. Counsel should confer before trial and attempt to resolve any issues in advance concerning what portions of these forms of evidence are necessary and whether redactions are required, permitted, or whether there is an agreement to limit such introduction to a specific relevant portion of such evidence.
- The Court encourages the parties to discuss the jury instructions in advance, so they are prepared for trial. If the parties choose not to discuss the instructions in advance, counsel may be required to discuss the instructions during a break in the proceedings. The parties should be prepared to present to the Court a set of agreed instructions and a set of instructions on which the parties request the Court hear argument. Counsel should be prepared for argument as to the instructions that are not agreed and should be prepared with any law they wish to present to the Court. Counsel should bring a copy of any law cited for the Court and for all parties.

The Court does not have technology set ups in every courtroom. The Court is not responsible to provide computers, laptops, tablets, USB flash drives, DVD players, cords, projectors, or any other device necessary for the presentation or submission of digital evidence by parties. The Court may have an available television screen if such is not currently in use in another courtroom. The Court is not responsible for ensuring connectivity of any device to the internet. The parties are responsible for ensuring the operation and compatibility of any equipment.

If any party wants to set up technology in advance of a scheduled trial or hearing, they should email the Court Administrator & Staff Attorney, Virginia Bray, copying all parties. The requesting party should fill in the Technology Reservation Request Form. These provisions also apply to requests for viewing the courtroom in advance to determine what technology might be needed and/or accommodated in the space. Pursuant to a Standing Order of this Court, non-attorneys are generally not permitted to bring

electronic devices into the courthouse. If your technological devices will not be accompanied by a licensed attorney, please email as outlined above. Any requests made upon short notice might not be accommodated.

Storage of audio and/or visual evidence on a flash drive is preferred over other storage media such as DVD or CD. Digital evidence stored in the cloud does not have a physical presence that can be placed into the record.

For further information regarding pretrial procedures in civil matters, see Part Four of the Rules of the Supreme Court of Virginia. For further information regarding procedures in criminal matters, see Part Three A of the Rules of the Supreme Court of Virginia.

Trial Procedures:

The Court encourages the parties to follow the procedures for publishing exhibits electronically to the jury. Should a party desire to use a bulky exhibit like a posterboard, the Court requests the party introduce a smaller version of the bulky demonstrative exhibit into the record.