

**Prince William County  
Circuit Court  
9311 Lee Avenue  
Manassas, Virginia 20110**

**TIMESAVER**

**GUIDELINES**

**Revised as of  
July 1, 2010**



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## SECTION I ~ CLERK'S OFFICE OVERVIEW

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The following is a general overview of the Circuit Court Clerk's Office, together with tips and suggestions for working with the Court as efficiently as possible. The Clerk's Office can be an invaluable aid to any practicing attorney. If you have any concerns, questions or suggestions for improvement, please contact the Clerk directly in room 306 or at 703-792-7065 or [mmcquigg@pwcgov.org](mailto:mmcquigg@pwcgov.org).

### A. CLERK'S OFFICE INFORMATION.

The Circuit Court Clerk's Office is located on the third floor of the Judicial Center. The Clerk's Office is open from 8:30 a.m. to 5:00 p.m. Monday through Friday. You are urged to bring payment for filings before 4:30 p.m. The general information number for the Clerk's Office is 703-792-6015. Documents submitted by fax or by email are not accepted. The Court's website [www.pwcgov.org/ccourt](http://www.pwcgov.org/ccourt) provides detailed information including procedural and fee information.

### B. COURT CASE MANAGEMENT SYSTEM.

Case status and other Circuit Court information can be obtained from the Court's Case Management System (CMS) via Internet or in the Clerk's Office. The CMS is an invaluable tool for obtaining the following information:

- ◇ The status of any civil or criminal case;
- ◇ The status of service in any case;
- ◇ Scheduled hearing dates.
- ◇ Scanned documents are currently only available on the Clerk's Public Computers. Almost all of the current cases are scanned. All documents received July 13, 2009 or later have been scanned.

The Internet URL for CMS is [www.courts.state.va.us](http://www.courts.state.va.us). The database can be searched by party, case number or hearing date. Information inputted into CMS in the Clerk's Office is available online generally within an hour. Courtroom assignments for hearings are available the evening before the hearing date, although information should be checked on the docket board the day of the hearing. Additional information is available at [www.pwcgov.org/online](http://www.pwcgov.org/online).

### C. CLERK'S OFFICE PUBLIC COMPUTERS

Clerk's Office Public Computers are located in the Public Service Center (Room 305), Land Records (Room 300), Criminal/Courtroom Support Section (Room 310), and Civil Section (Room 314). Land records are available only in rooms 300 and 305. Court records are not available in room 300. If you need assistance with a Public Computer, ask a staff member.

## SECTION II ~ CIVIL PRACTICE GUIDELINES

[www.pwcgov.org/civil](http://www.pwcgov.org/civil) 703-792-6029

### A. FILING CIVIL SUITS AND OTHER CIVIL PLEADINGS.

#### 1. **Where to File:**

All pleadings wherein payment of courts costs or Sheriff's fees accompany the pleading, such as civil suits, requests for alias summons, witness subpoenas, summons for interrogatories, and garnishments, are filed in Room 314 during the Clerk's Office's normal hours of operation.

#### 2. **Cover Sheet**

All initial filings should be submitted with a cover sheet available in the Clerk's Office and online.

#### 3. **Signatures, Service Copies and Proof of Filing:**

Please verify that all pleadings have been signed by counsel of record and contain the appropriate party addresses. If pleadings require service, please provide the correct number of service copies, together with instructions to forward same to the appropriate Sheriff and a check or checks sufficient to pay all filing and service fees.

Generally, for filings requiring service, it is necessary to provide the original plus one copy for each service. Additionally, it is strongly suggested that an extra copy of each pleading filed in a case be provided to the Clerk at the time of filing so that the Clerk can provide a file-stamped copy to counsel for his/her records. Counsel who file by mail and wish to have a file-stamped copy returned to them must provide a self-addressed stamped envelope with the mailed filing or indicate their "folder number" in the filing cabinet in room 305. Please note copies are file-stamped on the back of the last page.

#### 4. **Filing and Service Fees:**

Please note that checks for all filing fees should be made payable to the *Clerk of Circuit Court*. Filing fees are separate and distinct from applicable service fees to the Sheriff, but the Sheriff's service fee may be included in the check made payable to the Clerk of Circuit Court, so that only one check need be provided. Please verify that all checks are signed. The Clerk's Office will accept personal checks from *pro se* litigants, cash, money orders, or checks drawn on an attorney's account.

5. **Assignment of New Cases:**

New civil cases are randomly assigned to a judge when they are filed. Subject to availability, the assigned judge hears all motions in the case, enters any agreed orders in the case, and may ultimately be the trial judge if the case continues through to trial. If the assigned judge has heard significant motions in the case or has otherwise been particularly involved in pre-trial proceedings, every effort is made to assign that judge for trial.

**B. SERVICE AND ORDERS OF PUBLICATION.**

**Please note: the following is a general overview of Clerk's Office procedures relating to service of process. Service requirements are statutorily mandated and attorneys should satisfy themselves that all service requirements applicable to any particular case have been met.**

1. **In-County Service:**

In general, original process to be served by the Sheriff of Prince William County will be forwarded to the Sheriff's Department by the Clerk's Office within 48 hours of the filing of the pleadings. Sheriff's Department Civil Service phone number is 703-792-6070.

2. **Out-of-County Service:**

The Clerk's Office processes any pleadings which must be served by the Sheriff of another county or city in Virginia and forwards the pleadings to the Sheriff of the indicated jurisdiction.

3. **Private Process Service:**

When filing pleadings to be served by private process, the Clerk's Office will notify counsel by phone when the process is ready for pick-up.

4. **Forms Available in the Clerk's Office:**

Certain forms, such as the civil filing coversheet, standard affidavits for service on the Secretary of the Commonwealth, the State Corporation Commission, and the Virginia DMV are available for counsel's convenience in the Clerk's Office and on the Website. It is counsel's responsibility to determine which form is appropriate for any particular use.

5. **Checking Service:**

The status of service returns can be determined via Internet using the Case Management System (CMS) or by use of the Clerk's Public Computers, located

either in the Public Service Center (Room 305) or Civil section (Room 314). If after viewing the CMS, there are still questions or problems, please send an e-mail to [courts@pwcgov.org](mailto:courts@pwcgov.org) or call 703-792-6029. Always include the style of the case and the case number in all communication with the Clerk's Office.

**6. Alias Summons:**

Please remember that when requesting the issuance of an alias summons, the Sheriff's fee, as well as the appropriate number of copies of the pleading to be served, must accompany a copy of the alias summons request.

**7. Orders of Publication:**

An order of publication may be entered when an affidavit is filed alleging certain grounds, including but not limited to: non-residency; inability to determine the Defendant's location after the use of due diligence; or inability of the Sheriff to make service. Counsel should refer to the statute to determine whether applicable grounds for such service exist.

Orders of Publication and supporting Affidavits must be prepared by the attorney or *pro se* litigant. The Order and Affidavit are filed with the Clerk, together with a cover letter advising the Clerk of the newspaper(s) in which the Order is to be advertised. The Clerk then forwards the Order and Affidavit to a judge for review. Upon entry, the Clerk forwards the Order to the requested publication. Information pertaining to fees for publication may be obtained directly from those newspapers. Counsel should arrange payment directly with the newspaper(s) of choice.

Practice Tip: A common source of difficulty and delay involves affidavits which contain only broad, conclusory allegations, but lack sufficient factual allegations to support the conclusions. For example, affidavits alleging "due diligence" are frequently deemed insufficient if they do not allege the specific efforts made to locate the defendant (such as searches of local telephone books, post office mailing addresses, the records of the Department of Motor Vehicles, local utility company records, and the internet). Affidavits should contain specific detail as to efforts made.

Similarly, if non-residency is the ground used for publication, the affidavit must affirmatively state that the defendant is a nonresident and provide the last known address of the defendant *outside of the Commonwealth*. It is not sufficient, for example, for an affidavit to contain a Virginia address as the last known address and yet allege that the defendant is a non-resident because he "no longer resides at that address." Non-residency cannot be assumed from such an allegation (as the defendant may have moved within the state).

Affidavits of non-residency or failure to locate after exercise of due diligence must be filed as required by the Code and must be **signed by a party**, rather than the party's counsel.

**Note regarding publication in divorce cases pursuant to §§ 20-104 through 20-105.1, Va. Code Ann.**: Please note that some specific differences exist with respect to Orders of Publication in domestic relations cases. For more specific information on orders of publication in domestic relations cases, please see the Virginia Code.

## C. REVIEWING CIVIL CIRCUIT COURT FILES.

### 1. **Location:**

All active Civil Circuit Court files are available for review in room 314 on the Public Computers. If the file has not been scanned, hard copies are available upon request. All closed Civil Circuit Court files are available for review either on the Public Computers in Room 314 or in the Public Service Center in Room 305. Counsel should have the style of the case and/or the Civil file number when asking to review a file.

### 2. **Removal/Copies:**

Files *may not be removed* from the Clerk's Office by attorneys for any reason. All copies must be made by the staff in the Clerk's Office. The Clerk handles forwarding all files to Chambers. Please note that files are only forwarded to Judges' Chambers in response to a request from Chambers.

### 3. **Copy/Certification Fees:**

Never remove *any* documents from the Court file. Counsel who want copies should place paper clips on the relevant pages and give the entire file to a clerk. A fee of fifty cents (50¢) per page and two dollars (\$2.00) per certification is charged for all copies made in the Clerk's Office. Any images printed from the Public Computers are subject to the same fee.

## D. CIVIL MOTIONS.

The Bench and the Bar strive to promote the highest level of professionalism and civility in all dealings with the Court, counsel, and litigants. Accordingly, motions day protocol is predicated upon courtesy and respect. Counsel who cannot be present in the courtroom at the call of the docket, for instance, should inform opposing counsel and the Court of their whereabouts *before* the call commences. Similarly, opposing parties and their counsel are expected to treat each other with respect at all times.

1. **Noticing Civil Motions For Hearing:**

Civil motions, except those involving the Commonwealth's Attorney's Office, are heard every Friday at 10:00 a.m. Motions in which the Commonwealth's Attorney is involved are heard every Friday at 9:00 a.m. Motions can be placed on either docket by filing a notice and motion with the Civil Section (located in Room 314) no later than 5:00 p.m. on the Friday two weeks prior to the motions day sought by counsel. The opposing side must also receive actual notice by this time. No motions submitted after the above-referenced deadline may be placed on the docket for the following Friday without prior authorization from a judge. **All motions must comply with Rule 4:15(b) of the Rules of the Supreme Court of Virginia.**

2. **Briefs for Motions:**

The Clerk's Office receives frequent questions regarding whether certain motions require briefs or two weeks' notice. The requirements for pretrial motions are set forth in Part 4 of the Virginia Rules. Prince William County has no requirements that differ from or supplement the Virginia Rules.

3. **Removing or Continuing a Motion:**

Motions may be removed or continued by consent of the parties prior to motions day by notifying Chambers at 703-792-6010. New notice must be timely filed to put the motions back on the docket. Without consent, the request must be made to the Court. If a judge (as opposed to a party) has put a case on the docket (such as for a Rule to Show Cause), *it may not be removed* without the permission of the judge, regardless of whether or not the parties consent.

4. **Judge and Courtroom Assignments for Civil Motions:**

At the time a case is filed, it is randomly assigned to a judge for the purpose of hearing motions. Subject to availability, the assigned judge generally hears all motions in a given case. Counsel can confirm which judge will hear a motion either at filing or via the Public Computer.

On Friday morning, the docket and Courtroom assignments are posted on the third floor docket board next to the elevators.

5. **Motions Day Schedule and Time Limitations:**

Motions day begins at 10:00 a.m. with the Judge calling the docket to obtain time estimates from counsel. Time estimates are used to prioritize cases, with the Court normally taking the shorter motions first. Accordingly, the time estimate given should reflect the total time for both the moving and responding party.

There is a maximum 30-minute time limitation for motions heard on a regular Friday motions day. If a motion will take longer than thirty (30) minutes for the Court to hear, it will be referred to Judges' Chambers to be scheduled for a date certain. If counsel cannot agree whether a matter can be heard in thirty (30) minutes or less, they should indicate this at the call of the docket and the Court will either grant five (5) minutes for argument to determine whether or not the motion can be heard on the regular docket, or, in its discretion, will direct the litigants to obtain a date certain.

**6. Particular Motions:**

a. Discovery Motions:

Discovery requests that are subject to a motion to compel or a motion for protective order should be attached to the motion, as provided for in Rule 4:8(c) of the Rules of the Supreme Court. Counsel are expected to make: 1) a good faith effort to resolve and/or narrow discovery disputes prior to court intervention to the extent possible, as provided for in Rule 4:15, and 2) to make a reasonable effort to agree on the date to have the motion heard.

b. Decrees of Reference/Commissioner in Chancery:

Decrees of Reference do not have to be noticed for hearing on Fridays and may simply be filed if there is an agreement by counsels or a waiver by the defendant. If there is no agreement or waiver, the requesting party must place a motion on Motions Day requesting that a Commissioner be appointed. Generally, the Court appoints Commissioners on a rotating basis. However, if circumstances warrant the appointment of a particular commissioner, counsel should explain such circumstances in a cover letter accompanying the Decree of Reference. If a Commissioner is no longer needed in a particular case, the attorney should submit an Order vacating the appointment of the Commissioner.

**E. CIVIL PRETRIAL PRACTICE AND PROCEDURES.**

**1. Setting a Case For Trial:**

Cases are set for trial in Prince William County either by placing the matter on one of the Court's regularly scheduled Civil Term Day dockets and noticing the opposing parties or by selecting a date available with the Court by agreement of all parties.

Prince William County holds Civil Term Day on the first Tuesday after the first Monday in February, April, June, August, October and December, at 2:00 p.m. To place a case on the Civil Term Day Docket, a Term Day Praecipe must be

filed with the Court (and all parties must be properly noticed) by the Wednesday preceding the Term Day. Forms are available in Room 314 and online. At Term Day, counsel must be prepared to inform the Court of the anticipated number of days for trial and whether a jury is requested. When setting cases for Term Day, counsel is certifying that all discovery has been completed or will be complete prior to the trial date. In divorce cases that require a Commissioner, the Commissioner's Report must be on file before obtaining a trial date.

If *all parties agree*, counsel may obtain trial dates without attending Civil Term Day, by calling Judge's Chambers (703-792-6010) at any time prior to the week preceding the term day. **Calls must be made by counsel only, and not by secretaries and law clerks.** The trial date must then be confirmed by letter from one of the lawyers to all counsel of record, *pro se* litigants, and the Court. If the parties to an action are both *pro se (without counsel)*, trial dates must be set either on a Term Day or on a Motions Day, and both parties must attend that hearing.

Counsel is encouraged to schedule a trial date in a timely fashion. It is expected that trial dates will be set **within one year** of the filing date.

Continuances of trial dates are discouraged. Continuances cannot be accomplished solely by agreement of counsel. Counsel must seek the court's permission to grant a continuance. If permission for a continuance is granted, an agreed order granting the continuance should be submitted for the judge's signature.

**2. Scheduling Orders:**

Prince William County practice with regard to Pre-trial Scheduling Orders is in accordance with Part 1 of the Virginia Rules. The entry of Scheduling Orders is encouraged in order to facilitate mutual agreement and understanding concerning timeframes and the orderly progression of cases. Counsel may submit consent orders concerning scheduling matters or request the Court to enter a scheduling order by motion.

**3. Discovery:**

Discovery is to be conducted in accordance with the Virginia Rules. Accordingly, neither discovery requests nor objections and responses are to be filed with the Court, except as attachments to motions thereon.

Non-party deponents who are not willing to voluntarily appear for depositions must be subpoenaed to their depositions. Virginia has adopted the Uniform Foreign Depositions Act. §8.01-411, *et seq.*, Va. Code Ann., which can be utilized to compel the production of out-of-state evidence.

4. **Civil Witness and Document Subpoenas:**

a. How Obtained:

Requests for witness subpoenas (whether for trial or deposition) may be made by praecipe or letter filed with the Clerk, or on forms available in the Clerk's Office (Room 314) or online. Information provided must include the case style, witness(s) name and address(s), and date and time of trial or deposition. Similarly, subpoenas *duces tecum* can be issued by the Clerk upon written request. A specific list of documents being requested must be provided. *Subpoenas Duces Tecum* must have original plus two copies for each individual to be served.

b. Attorney-Issued Subpoenas:

Many civil witness and document subpoenas may also be attorney-issued in compliance with the provisions of the Virginia Code and the Virginia Rules. An attorney-issued summons must be on a form approved by the Virginia Supreme Court, which forms are available in the Clerk's Office and online. A copy of the summons (and, if summoned by the Sheriff, all service fees) must be mailed or delivered to the Clerk's Office on the date of issuance by the attorney, together with a certificate of service. Attorney-issued subpoenas being transmitted by Sheriff's Service must be accompanied by a transmittal sheet containing all pertinent information. Counsel should also consult the Virginia Code and applicable rules for specific information relating to attorney-issued subpoenas.

c. Timing:

Attorneys are encouraged to file witness subpoenas as far in advance of the hearing date as possible. While the Clerk's Office makes every effort to process requests as expeditiously as possible, as a practical matter, witnesses must be given reasonable notice. This requires advance planning on the part of the requesting party. As a general rule, counsel requesting witness subpoenas must allow at least 14 days for processing and service, in addition to the time necessary to provide the recipient with proper notice. Similarly, document subpoenas should be filed far enough in advance to allow reasonable time for processing and service, as well as a sufficient time period for compliance in accordance with the Virginia Rules.

Please take into consideration that the paperwork for subpoenas to be served outside of Prince William County must be forwarded to the appropriate jurisdiction and then go through whatever procedures the Sheriff's Department in the foreign jurisdiction employs. As such, service

outside of Prince William County almost certainly takes more time than service within the County. Counsel should plan accordingly.

d. Fees:

The Clerk's fee for subpoenas is currently \$5.00 each. Additionally, the Sheriff's fee of \$12.00 for each service should also be included. If the subpoena is to be served by private process, please note this with the subpoena request at the time it is filed.

e. Subpoena Requests:

Counsel can obtain information on the status of subpoena requests via the Public Computer or online.

**5. Pre-Trial Conferences and Stipulations:**

Upon motion, pretrial conferences may be granted at the Court's discretion, pursuant to Rule 4:13.

Additionally, counsel are encouraged to communicate before trial for the purpose of streamlining the trial, by considering, among other things, what stipulations can be made. Generally, stipulations may be agreed upon as to any matter of fact, law or procedure relevant to the issues to be raised at trial. Preferably, all stipulations should be in writing.

**6. Time Estimates:**

Counsel will receive a call from Judges' Chambers the week before trial requesting an estimate of the time necessary for trial and confirming that a jury, if one was previously requested, is still required. The day before trial, Counsel will receive a second call asking for confirmation of the time estimate. It is essential that Counsel promptly return calls from Chambers for time estimates. The number reserved for this purpose is 703-792-6013. (This is not a general number for use in calling Chambers, but rather reserved for time estimates and the like for upcoming trials.) Counsel who know they will be unavailable on the day prior to trial should arrange for staff to provide time estimate information to Chambers.

Cases are assigned to judges on the afternoon preceding the trial based on availability and counsel's time estimates. Make every effort to provide an accurate time estimate. Failure to provide an accurate time estimate can severely disrupt the court's schedule. If Chambers does not know the time estimate and the docket is full, the Judge may assign the case as a hold case that will be heard as soon as a Judge has completed his/her assigned docket.

**7. Settlement:**

Counsel are encouraged to conduct settlement negotiations in advance of the trial date. Judges may assist in settlement discussion if requested and some will invite discussions on their own either immediately prior to trial or during trial.

When a case settles in advance of trial, it is both parties' responsibility to inform Chambers at 703-792-6013 and all witnesses as soon as possible thereafter. Revised time estimates should be called in to this number in event of a partial settlement or complete settlement when counsel wishes to appear solely to make a record of settlement agreement. Please note that this number is reserved for calls relating to time estimates, settlement of cases, and the like, and is not for use in calling Chambers on other matters.

**F. INCIDENTS OF CIVIL TRIAL.**

**1. Court Reporters:**

The Court does not provide a court reporter for any civil matters. The litigant who chooses to hire a court reporter must bear the cost thereof absent an agreement or order to the contrary. Parties interested in making a contemporaneous record of the proceedings are highly encouraged to obtain a court reporter, as recollections often differ or are incomplete.

The Court has determined that it is often appropriate to require that there be a verbatim recording of proceedings in certain hearings in civil cases pursuant to Virginia Code Section 17.1-128, so that there is a record of proceedings in the event of appeal, and so that required findings may be made on the record. Accordingly, the judge hearing the trial on the merits or other extended hearing in a civil case, other than a pendente lite divorce hearing, may require that there be a verbatim recording of the evidence and incidents of trial, either by court reporter, or by mechanical or electronic device to be approved by the judge. In the event no party has provided for recordation of proceedings, the Court may in its discretion require that the hearing be postponed until means for recordation can be provided.

Counsel and parties should also be aware that, in the event the Court approves the recording of the proceedings by mechanical or electronic device approved by the judge, rather than by court reporter, that the party or counsel who has furnished the device will likely be designated as the person responsible for reporting and recording the proceedings, and for preserving the original records thereof, as provided in Virginia Code Section 17.1-128. The original records shall remain subject to further order of the Court.

The Court may enter further order at the hearing regarding allocation of costs and responsibilities with respect to recording proceedings and transcription of recordings.

**2. Interpreters/Translators:**

The Court does not provide interpreters or translators for any civil matters. Counsel must make arrangements for any interpreters or translators they need. See § 8.01-384.1:1

**3. Available Equipment:**

Each Circuit Courtroom has a white dry erase board which may also be used as a screen. Two 27-inch monitors with VCRs are available on roll around carts. One unit has CD/DVD capability. The units are not reserved for specific cases. The court also has three tripods that may be used to display posters. Any other items must be provided by counsel. Counsel should notify the bailiff (703-792-6072) the morning of trial for any equipment needs.

**4. Jury Panel Information:**

The pre panel jury list is available from the Jury Assignment Clerk in the Jury Assembly room, and can be requested 24-48 hours before trial. Information thereon includes the name, address, occupation, age and gender of each prospective juror. Information regarding the particular panel assigned to a case will be available on the morning of trial.

For further information, contact the Deputy Clerk in charge of juries and panel information at 703-792-6047.

**5. Courtroom Etiquette:**

Parties are expected to be in the courtroom ready to proceed by 10:00 a.m. on the trial date.

The plaintiff or moving party sits at the table closest to the jury. If no jury has been requested, the plaintiff should sit at the table that is on the right when facing the Judge.

All persons are expected to stand when addressing the Court.

All exhibits should be shown to opposing counsel before being handed to the bailiff for tender to the witness or to the court. Counsel should refrain from handing exhibits directly to any person but the bailiff unless the Court has given counsel permission to approach the witness, the clerk, or the bench.

Counsel should instruct their clients how to dress and how to address the court in a respectful manner. All parties are expected to dress appropriately for Court – no shorts, no tank tops, no flip flops.

6. **Hold Cases:**

Cases being placed “on hold” are posted as “UNA” on the docket board. Hold cases are called as judges become available. You are requested to wait in the hallway outside Courtroom 1 for your case to be called.

7. **Presentation of Evidence:**

a. **Exhibits:**

Prior to trial or during a break, counsel should tender exhibits to the clerk for marking. Counsel should refer to the exhibit number when showing an exhibit to a witness.

b. **Deposition Testimony:**

If evidence is to be provided by deposition, counsel should prepare a copy of the relevant portion of the transcript prior to trial by indicating thereon the testimony to be read. The Court Clerk or Law Clerk will read the section so indicated. For video depositions, obtain rulings on objections in advance of trial and prepare a clean copy of the video to show to the jury. Prior to trial, Counsel are encouraged to review the Rules of the Supreme Court of Virginia, as amended, concerning the use of depositions.

c. **Views:**

Counsel who intend to request that a jury or judge view a scene should advise the Court two days before trial so that appropriate arrangements can be made by the Sheriff's Department or the Court.

d. **Jury Instructions:**

The Court encourages counsel to refer to the publication "*Model Jury Instructions*" for drafting assistance and to exchange proposed instructions with opposing counsel before trial. Instructions should be prepared on 8 1/2" X 11" paper with the plaintiff *numbering* its instructions and the defendant *lettering* its instructions. Counsel should provide the Court with two sets of proposed instructions: one with supporting citations, which should also be provided to opposing counsel, and one without citations to be given to the jury.

e. Trial Briefs:

The Court does not require trial briefs. Counsel who intend to cite unusual case law may wish to make copies of the case(s) to provide to the Court and the other parties.

**G. POST-JUDGMENT PROCEEDINGS**

**1. Garnishments:**

- a. All garnishments should be filed in Room 314.
- b. For each garnishment, the party must file an original Garnishment Summons Form, along with an original and two copies for each defendant, and two copies for the judgment debtor(s), of a Garnishment Summons form and a Garnishment Exemption Claim Form. All such forms are available in the Clerk's Office and online. The return date should be set for a Friday Motions Day, and counsel should plan to appear in court on that date.

**2. Post-Judgment Interrogatories:**

- a. For post-judgment interrogatories, counsel should file, in Room 314, a Summons to Answer Interrogatories form and Notice to Debtor-Exemption Claim form. These forms are available in the Clerk's Office and online.
- b. If the summons is returnable to the Court, the return date will be a Friday at 10:00 a.m. Counsel who choose to have a commissioner appointed should submit a decree of reference prior to filing a request for issuance of the summons. Counsel who choose to have a Commissioner must comply with Va. Code Section 8.01-607.
- c. An original and two copies of the completed Summons must be filed along with a check made payable to the Clerk of Circuit Court for applicable filing and service fees, along with an original Certificate as required by the Code.
- d. Counsel who desire to have a written transcript of post-judgment interrogatories must make the necessary arrangements to engage a court reporter.

**3. Recording and Releasing Judgments:**

- a. Pursuant to Virginia law, all judgments entered in the Circuit Court of Prince William County are automatically recorded in the judgment index.
- b. To record a judgment from another Virginia jurisdiction or from the Prince William County General District Court, present an abstract to the judge along with the filing fee of \$10 to the Clerk in Room 300.
- c. To record an out-of-state judgment, present a triple seal abstract of the judgment (obtained from the Court where the judgment was entered) along with the filing fee to the Clerk in room 300. The process for domesticating an out-of-state judgment is set forth in the Virginia Code.
- d. To obtain an abstract of a Prince William County judgment under triple seal, present the request therefore and the fee of \$7.50 (\$17.50 if judgment has not been docketed) to the Clerk in Room 300. A stamped, self-addressed envelope or folder number is required so that the Clerk can return the triple seal to the attorney's office once it has been prepared. Generally, the Clerk's Office provides triple seal abstracts within 7 of the request.
- e. To release a judgment previously docketed, a form available from the Clerk's Office or online or Praeceptum signed by the judgment creditor or his counsel should be filed in Room 300. If the form or Praeceptum is signed by a person other than an attorney, the signature of the judgment creditor must be notarized.
- f. Levies and writs are requested by letter or Praeceptum. The clerk will prepare the writ. Court fees are available online. The Sheriff's fee is additional. Counsel who have special instructions or wish to have the Sheriff levy on specific goods should prepare a separate letter to the Sheriff to be forwarded with the levy. NOTE: Requests for levies from state agencies and foreign levies are processed in the Land Records Office, Room 300.

## SECTION III – DOMESTIC RELATIONS PRACTICE GUIDELINES (TIMESAVER PROCEDURES FOR DIVORCE CASES)

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### A. PROCEDURES FOR COMPLIANCE WITH §20.121.03

#### 1. **Code Section: §20-121.03: Identifying information confidential; separate addendum**

Any petition, pleading, motion, order, or decree filed under this chapter, including any agreements of the parties or transcripts, shall not contain the social security number of any party or of any minor child of any party, or any information of any party that provides identifying account numbers for specific assets, liabilities, accounts, or credit cards. Such information if required by law to be provided to a governmental agency or required to be recorded for the benefit or convenience of the parties, shall be contained in a separate Addendum filed by the attorney or party. Such separate Addendum shall be used to distribute the information only as required by law. Such Addendum shall otherwise be made available only to the parties, their attorneys, and to such other persons as the court in its discretion may allow. The attorney or party who prepares or submits a petition, pleading, motion, agreement, order, or decree shall ensure that any information protected pursuant to this section is removed prior to filing with the clerk.

*The Addendum may be in the form suggested by the Supreme Court. The Addendum may also contain other information or documents as ordered by the Court. The attorney is responsible for notifying the Clerk of Court as to what document(s) should be placed in the Addendum. It is useful to place a pink cover sheet on the Addendum to ensure it is noticed by the Clerk's office.*

#### 2. **Procedures to comply with Code Section 20-121.03**

a. **Complaint for Divorce:** The Complaint should NOT identify any party's social security number. The Code does not require that the social security number of a party be placed in the Complaint; therefore, the social security is not "required by law" pursuant to §20-121.03.

1. **Complaint Containing SSN:** If a Complaint does contain an improper social security number, the party shall file a motion to amend the Complaint. When such motion is granted, the amended Complaint (without the SSN) will be placed in the Court's file as a public record. The original Complaint (with the SSN) shall be placed into the separate Addendum.

**b. Property Settlement Agreement (PSA):**

1. **PSA to Be Incorporated:** If the parties have a PSA and wish to incorporate the PSA into an Order or into the Final Decree of Divorce, the original PSA must be submitted to the Court. If the PSA contains information prohibited by §20-121.03, then the Order/FDD should state that the PSA is being incorporated but the original PSA is being placed in the separate Addendum due to the confidential information. The attorney, at his/her option, may also redact the prohibited information from the original PSA before submission. Such redaction **must** be initialed by both parties.
2. **PSA Not To Be Incorporated:** If the parties have a PSA and do not wish to incorporate the PSA, the PSA should still be referenced in the Final Decree of Divorce without incorporating it. If the PSA is not to be incorporated, the original PSA need not be submitted to the Court unless the divorce is based on the grounds of a six month separation.
3. **Divorce Based on a Six Months Separation:** If the parties intend to file for divorce based on a six months separation, the parties must: 1) have no minor children and 2) have a PSA. Therefore, even if the parties are not seeking to incorporate the PSA, the parties must still submit to the Court either the original, if the PSA is to be incorporated, or a copy, if the PSA is not to be incorporated, of the PSA.
4. **No Identifying Information in PSA:** If the PSA does not contain any confidential identifying information prohibited by §20-121.03, the original PSA may be submitted to the Court without the necessity of a separate Addendum.

**c. Final Decree of Divorce (FDD):** The Code requires that all FDDs shall contain the social security number (SSN) **OR** driver license number (DLN) of a party (*see* §20-91). It is strongly suggested that if the party has a DLN, such number should be used in lieu of the SSN. If the parties will be using their SSNs, the FDD will need to reference the SSNs and state that the numbers are contained in the separate Addendum.

1. **Party Does Not Have a DLN:** If the party does not have a DLN, such party must provide his/her SSN to be placed in the separate Addendum.
2. **Party Does Have a DLN:** If the party does have a DLN, the FDD can be submitted using such party's DLN without the necessity of the separate Addendum. However, such FDD must not contain any other confidential identifying information prohibited by §20-121.03. If such FDD does contain other confidential identifying information, even if the party is using his/her DLN, such confidential information shall be placed in the separate Addendum.

- d. **Commissioner's Reports/Hearing Transcripts:** Pursuant to §20-121.03, transcripts are included in the list of items that are prohibited from containing confidential identifying information. The attorneys are responsible for making sure that such confidential information is not placed in the public file.
1. **Commissioner's Reports:** If the Commissioner's report contains any confidential identifying information, such report shall be submitted by a separate Addendum.
  2. **Hearing Transcripts:** If the transcript from a Commissioner's hearing contains any confidential identifying information, such transcript shall be filed and placed in a separate Addendum.
- e. **QDRO:** Pursuant to §20-121.03, Qualified Domestic Relations Order (QDRO), because it is an Order of the Court, is included in the list of items that are prohibited from containing confidential identifying information. Because all QDROs contain confidential identifying information, such information shall be submitted by a separate Addendum.
- f. **Pendente Lite Orders:** Pursuant to §20-121.03, any Order entered by the Court is prohibited from containing confidential identifying information. If the Order is required to contain the confidential identifying information, the party must submit the information by a separate Addendum.
- g. **Exhibits:** Exhibits, whether offered during or before trial, are not covered by the statute because they are not "a petition, pleading, motion, order, or decree". However, if an exhibit contains such confidential identifying information, the information should be redacted or the exhibit should be placed in the Private Addendum envelope. It is the attorney's responsibility to ensure that this is done.

**B. UNCONTESTED *ORE TENUS* PROCEEDINGS:  
(The Thursday 9:00 a.m. *Ore Tenus* Docket)**

*This is a program of the Circuit Court to accommodate the prompt resolution of uncontested divorces. All contested divorce cases needs to be set on a date certain.*

**1. Prerequisites**

*Ore tenus* divorce hearings will be heard every Thursday at 9:00 a.m. Parties to an uncontested divorce may proceed *ore tenus* on the Thursday 9:00 a.m. docket if the only testimony that will be presented are the grounds of divorce. To be placed on the Thursday 9:00 a.m. *ore tenus* docket, the party must comply with all of the following requirements:

- a. The Defendant must have accepted service of process after receiving the Complaint or must have been properly served pursuant to §8.01-296.
- b. The Defendant must have executed a proper waiver of notice *or* the Defendant or his attorney must have endorsed the FDD. If there is not a waiver nor endorsement of the FDD, the Complainant must give notice for a Friday motions day to set a date.
- c. The Complainant must submit a written request asking the Court to place the case on the Thursday 9:00 a.m. *ore tenus* docket.
- d. The parties must have resolved all issues, i.e., spousal support, child support/custody, and property distribution, whether by a PSA or other agreement unless there has been no response by the Defendant such as in the case of service on the Defendant by an Order of Publication.
- e. The Final Decree of Divorce, VS-4 form, and Private Addendum must be submitted for review by a law clerk at the time of the request.

## 2. Procedures

- a. The Defendant or his attorney should submit all required documents, i.e., the Acceptance/Waiver (if there is one), the PSA (if there is one), the written request for *ore tenus*, and the Final Decree of Divorce and VS-4 form to the Clerk of Court.
- b. The file will be reviewed by a law clerk to ensure that the file is ready for *ore tenus*.
- c. Once the law clerk has reviewed the file and approves it for *ore tenus*, a scheduling clerk from Chambers will contact the Complainant or his attorney to schedule a hearing date. If the Defendant has not waived notice nor endorsed the FDD, the Defendant will need to be served notice of the hearing date.
- d. *Ore tenus* hearings are held every Thursday at 9:00 a.m. At the hearing, the Complainant must bring a witness (other than the spouse) who has knowledge to corroborate the facts and circumstances of the marriage and separation. The Defendant may attend but does not need to attend the hearing. A court reporter is not required.

## C. COMMISSIONERS IN CHANCERY

### 1. Use of a Commissioner

- a. **When Commissioners Needed:** In Prince William County, divorces must proceed *ore tenus* or through a Commissioner's Hearing. Depositions are not used in lieu of these procedures.
- b. **Timing of Commissioner's Hearing:** Once an Answer has been filed or the time for filing an answer has expired, the Complainant, by an agreed order or upon motion, may file a Decree of Reference requesting the appointment of a Commissioner. The Defendant may file a Decree of Reference only if he/she has filed a Cross-Complaint and either an Answer thereto has been filed or 21 days have passed since filing of such Cross-Complaint.
- c. **Commissioner's Hearing:** The depositions taken before the Commissioner at the Commissioner's Hearing shall be authenticated by such Commissioner and attached to the Commissioner's Report.
- d. **Commissioner's Fees:** The Commissioner's fee is a flat fee of \$175.00 for uncontested cases. Fees for contested cases are set by the Commissioner. The Commissioner's fee in contested cases will be reasonably related to the time spent and any Commissioner's fee in excess of \$500.00 will have to be justified in the report.
- e. **Issues Reviewed by the Commissioner:** A Commissioner will only address the issues concerning the grounds of divorce. Commissioners address issues of jurisdiction, prerequisites of divorce (i.e., date and place of marriage, military service, age of parties/child(ren)) and the grounds of divorce. Commissioners do not hear evidence of custody, support or equitable distribution.
- f. **Timing of Commissioner's Report:** After the Commissioner's Hearing, the Commissioner has thirty (30) days from the receipt of the transcript to submit a report to the Court. When the Commissioner's Report is filed, the Commissioner will send notice to the Complainant, the Defendant (if the Defendant did not file a waiver), and the Court.
- g. **Exceptions to Commissioner's Report:** Exceptions to the Commissioner's Report must be filed within ten (10) days of the filing of the Commissioner's Report with the Court. *See §8.01-615.*

## 2. Appointment of a Commissioner

- a. **§8.01-607(B): Appointment and Removal:** Commissioners in Chancery may be appointed in cases in Circuit Court, including uncontested divorce cases, only when:
1. There is agreement by the parties with the concurrence of the court; or
  2. Upon (i) motion of a party, or (ii) upon motion of the court, *sua sponte*. The court shall make a finding of good cause shown in each individual case.
- b. **Methods of Appointment:** A Commissioner in Chancery may be appointed by the following procedures:
1. **By Agreed Order:** By agreement of counsel (or *pro se* litigants). Counsel/*Pro Se* litigant must submit to the Court an agreed order asking for the appointment of the Commissioner and endorsed by all parties or counsel of record; OR
  2. **By Waiver:** Waiver by the party. A party may file a written waiver with the Court specifically waiving his/her right to contest the appointment of a Commissioner. If there is such a waiver in the file, the non-waiving party may then submit an order for the appointment of the Commissioner without first obtaining the waiving party's signature. *However, the Order appointing the Commissioner shall contain language to indicate that the waiving party has specifically waived his/her right to contest the appointment of the Commissioner;* OR
  3. **By Motion:** Upon motion of a party. If a party cannot get an agreed order or waiver, then that party must file a motion with the Court setting forth the reasons why a Commissioner should be appointed. This motion must be placed on a Motions Day with notice to the opposing party. The statute reads "for good cause shown in each individual case," which means that the cases will be reviewed on an individual basis based upon the reasons set forth in the motion.

## 3. Inquiries of the Commissioner

The Commissioner will comply with the following rules of practice in all Decrees of Reference whether or not the contents hereof is stated in such decrees, incorporated by reference or a mere referral for inquiry, depositions and report. The Commissioner shall inquire and report as follows:

- a. **Appearances:** The full name of each person present at the hearing.
- b. **Service of Process:** How service of process was made on the Complaint.

- c. **Answer, Etc.:** Whether or not the Defendant filed an Answer and any responses and/or waiver of further notice.
- d. **Notice:** How notice was given of the Commissioner's Hearing, and if not required, the reason therefore.
- e. **Jurisdiction:** Whether or not the statutory domicile and residence requirements have been properly alleged and proven, including an independent investigation by the Commissioner for further determination that the statutory requirements of domicile and residence have been met.
- f. **Venue:** Whether or not venue is an issue.
- g. **Age, Etc.:** The full name, age, and disability, if any, of each party.
- h. **Armed Forces:** Whether or not the Defendant is a member of the Armed Forces of the United States, and if so, has the requirements of the Servicemembers Civil Relief Act of 2003 been met.
- i. **Marriage:** When and where the parties were married.
- j. **Children:** Relevant information on the child(ren), if any, of the parties, including the child(ren)'s full name and age.
- k. **Grounds for Divorce:** The alleged grounds for divorce.
- l. **Corroboration:** The corroboration of domicile, residence and grounds for divorce.
- m. **Property Rights:** If a property settlement agreement is introduced by any party, then the property settlement agreement should be sent by the Commissioner with the Report. Counsel may wish to treat the agreement as the Addendum to the Final Decree and should request the Clerk of Court to file the copy as the Addendum if it contains information excluded under §20.121.03.
- n. **Name Restoration:** Whether or not there is a motion for the restoration of a former name, and if so, the former name in full.
- o. **Other Matters:** Any other matter which the Commissioner deems pertinent to report to the Court.
- p. **Recommendations:** The Commissioner's recommendation on the relief sought.

#### **D. PENDENTE LITE HEARING (Va. Code § 20-103)**

It is the policy of this court to hear no more than one pendente lite hearing in a divorce case. The maximum time limit for a pendente lite hearing is two hours.

#### **E. THE FDD/ED HEARING**

*In the event the parties do not have a PSA and are not able to get on the regular Thursday Ore Tenus Docket and they are not able to go through a Commissioner in Chancery, the parties will need to request a FDD/ED hearing to be heard on the grounds of divorce. These hearings will involve grounds of divorce that may be either contested or uncontested. They may or may not involve equitable distribution issues. However, the FDD hearing shall NOT be separated from the ED hearing, if there is one, unless ordered by the Court.*

##### **1. Equitable Distribution Hearing Scheduled**

If an ED hearing is currently scheduled or will be scheduled, the parties will present an *ore tenus* hearing on the grounds of divorce *on the same day* as the ED hearing whether such grounds are contested or uncontested. However, should the grounds of divorce be contested and counsel expects to call several witnesses, counsel should be prepared to schedule a hearing for more than one day. This hearing date may be set on term day, by agreement of counsel through Chambers or on motion by either counsel.

- a. **By Agreement:** If the parties are in agreement on a date, the parties may call Chambers and, after approval from a law clerk, schedule such hearing for a date certain to be heard on the grounds of divorce and all ED issues.
- b. **On Motion:** If the party is seeking a hearing date by motion, the party may file a motion to be placed on a Motions Day, with proper notice to the opposing party, requesting that a date certain be set to be heard on the grounds of divorce and for ED issues. All such motion must comply with Rule 4:15(b).
- c. **Term Day:** In lieu of the motion, a party may also file a Praecipe for Term Day, with proper notice to the opposing party, to schedule a date certain to be heard on the grounds of divorce and ED issues.

##### **2. Equitable Distribution Hearing Not Scheduled/Needed**

If there are no property issues and an ED hearing will not be needed, the following are available to a Complainant to be heard on the grounds of divorce:

- a. **By Agreement:** If the parties are in agreement on a date, the parties may call Chambers and, after approval from a law clerk, schedule such hearing for a date certain (not be placed on the Thursday *Ore Tenus* Docket).

- b. **No Agreement:** In the event there is no agreement between the parties, a Complainant may file a motion to be placed on a Motions Day, with proper notice to the opposing party, requesting that a date certain be set to be heard on the grounds of divorce. All such motion must comply with Rule 4:15(b). In lieu of the motion, a Complainant may also file a Praecipe for Term Day, with proper notice to the opposing party, to schedule a date certain to be heard on the grounds of divorce.
- c. **Waiver:** In the event the Defendant has signed a “Waiver of Notice” that includes waiving his/her right to contest the grounds of divorce, the Complainant may proceed to set a date certain (not to be placed on the Thursday *Ore Tenus* Docket) by calling Chambers. However, such date may only be set after approval by a law clerk.

### 3. **Statutory Notices**

If any order awards child custody, child support, and/or spousal support, certain statutory notices must be included in the order.

- Order awards child custody: Va. Code §§ 20-124.5, 20-124.6.
- Order awards child support: Va. Code §§ 20-60.3, 20-124.2(C).
- Order awards spousal support and parties have no children: Va. Code § 20-107.1(H).
- Order awards spousal support and parties do have children: Va. Code § 20-60.3.

## SECTION IV ~ CRIMINAL PRACTICE GUIDELINES

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[www.pwcgov.org/criminal](http://www.pwcgov.org/criminal)  
703-792-6031 for fines and costs information  
703-792-6025 for courtroom information

### A. CRIMINAL PROCEDURE.

#### 1. **Grand Jury:**

The Grand Jury meets the first Monday of every month. When a legal holiday falls on the first Monday of a given month, the Grand Jury meets on the next regular business day following the holiday. Neither the defendant nor defense counsel appear at Grand Jury hearings.

#### 2. **Criminal Term Day:**

- a. Criminal Term Day begins at 10:00 a.m. on the next court day following the meeting of the Grand Jury.
- b. Defendants *who are not incarcerated* must be present with counsel. Incarcerated defendants will not be transported to court; however, counsel must be present. No attorney other than counsel of record should appear to set matters without the prior consent of the court.
- c. At Criminal Term Day, the court will request that the defendant, through counsel, and the Commonwealth choose or waive a jury trial, select a hearing date for a motion to suppress, if applicable, and select the trial date. The Court makes every attempt to schedule trials within two (2) months of Term Day. Trials are scheduled to begin on Mondays, Tuesdays and Wednesdays only. Trials that will take more than one day should be scheduled to begin on a Monday.
- d. At Criminal Term Day, the Court sets guilty pleas for any Thursday. The court controls the number of pleas on a given Thursday.
- e. The Court takes a dim view of continuance requests. Counsel are advised to select court dates with care to allow sufficient time for the argument of necessary motions.

#### 3. **Interpreters:**

Counsel should determine if an interpreter is needed in their case for the defendant and/or any witnesses and immediately notify the Clerk's Office by letter or praecipe.

## B. CRIMINAL MOTIONS.

### 1. **Motions Day:**

The criminal motions docket is heard on Friday mornings beginning at 9:00 a.m. Counsel must file a notice or Praecipe asking that the motions be heard no later than the Friday preceding the Friday to be heard. There is a maximum 15-minute time limitation for motions heard on a regular Friday motions day. If a motion will take longer than fifteen (15) minutes for the Court to hear, counsel should contact Judges' Chambers (703-792-6010) to schedule a date certain. If counsel cannot agree whether a matter can be heard in fifteen (15) minutes or less, they should indicate this at the call of the docket and the Court will either grant five (5) minutes for argument to determine whether or not the motion can be heard on the regular docket, or, in its discretion, will direct the litigants to obtain a date certain.

On Friday morning, the docket and Courtroom assignments are posted on the third floor docket board next to the elevators.

### 2. **Motions in Limine:**

If possible, motions *in limine* should be presented on a Friday motions day before trial. Only matters requiring a short argument without the presentation of evidence should be presented on the morning of trial.

### 3. **Motions to Suppress:**

Motions to Suppress are heard on Thursdays. Counsel must file a notice or praecipe asking that the motion to suppress be heard no later than the Thursday preceding the Thursday to be heard.

### 4. **Bond Motions:**

Bond Motions may be noticed for a hearing no earlier than 48 hours from the date filed. Monday through Thursday should be set on the 10:00 a.m. docket and Friday should be set on the 9 a.m. docket.

## C. GUILTY PLEAS.

### 1. **Plea Forms:**

Plea forms are available in Room 310 and on the Internet, and should be prepared by defense counsel prior to the plea date.

Counsel are strongly encouraged to thoroughly review plea forms with the defendant prior to the hearing. Court time is not allotted for such review.

Except for Judge Farris, plea forms are not required for misdemeanor pleas in Circuit Court, but a waiver of jury form is required. (This form is available on line.)

**2. Sentencing Recommendations:**

If an agreement exists with the Commonwealth regarding recommended sentence, ensure that the agreement is accurately and completely reflected on the plea form when endorsed by the Commonwealth's Attorney.

**3. Pre-Sentence Investigation and Report:**

If a pre-sentence investigation and report ("I&R") is ordered, the sentencing hearing will be scheduled on the Judge's sentencing day (normally six to eight weeks after the plea date for a short form I&R, and ten to twelve weeks for a long form I&R).

**D. INCIDENTS OF CRIMINAL TRIAL.**

**1. Available Equipment:**

Each Circuit Courtroom has a white dry erase board which may also be used as a screen. Two 27 inch monitors with VCRs are available on roll around carts. One unit has CD/DVD capability. The units are not reserved for specific cases. The court also has three tripods that may be used to display posters. Any other items must be provided by counsel. Counsel should notify the bailiff (703-792-6072) the morning of trial for any equipment needs.

**2. Jury Information:**

The pre panel jury list is available from the Jury Clerk in the Jury Assembly Room, and can be requested 24-48 hours before trial. Information thereon includes the name, address, occupation, age and gender of each prospective juror. Information regarding the particular panel assigned to a case will be available on the morning of trial.

For further information, contact the Jury Clerk at 703-792-6047.

**3. Time Estimates**

Counsel will receive a call from Judges' Chambers the week before trial requesting an estimate of the time necessary for trial and confirming that a jury, if one was previously requested, is still required. The day before trial, Counsel will receive a second call asking for confirmation of the time estimate. It is essential that Counsel promptly return calls from Chambers for time estimates. Counsel

who know they will be unavailable on the day prior to trial should arrange for staff to provide time estimate information to Chambers.

Cases are assigned to judges on the afternoon preceding the trial based on availability and counsel's time estimates. Make every effort to provide an accurate time estimate. Failure to provide an accurate time estimate can severely disrupt the court's schedule. If Chambers does not know the time estimate and the docket is full, the Judge may assign the case as a hold case that will be heard as soon as a Judge has completed his/her assigned docket.

When the status of a case changes, as by reaching a plea agreement, it is counsel's responsibility to notify Chambers as soon as possible. The number reserved for such calls is 703-792-6013. This is not a general number for use in calling Chambers.

**4. Docket Information:**

The trial docket is posted on the docket board next to the elevators by 9:00 a. m. Courtrooms open shortly thereafter.

**5. Hold Cases:**

Cases being placed "on hold" are indicated on the docket board as "UNA". Hold cases are called as Judges become available. You are requested to wait in the hallway outside the courtroom 1 for your case to be called.

**6. Courtroom Etiquette:**

Parties are expected to be in the courtroom ready to proceed by 10:00 a.m. on the trial date.

The Commonwealth sits at the table closest to the jury, whether or not a jury has been requested.

All persons are expected to stand when addressing the Court.

All exhibits should be shown to the Commonwealth before being handed to the bailiff for tender to the witness or to the bench. Counsel should refrain from handing exhibits directly to any person but the bailiff unless the Court has given counsel permission to approach the witness, the clerk, or the bench.

Counsel should instruct their clients how to dress and how to address the court in a respectful manner. All parties are expected to dress appropriately for Court – no shorts, no tank tops, no flip flops.

7. **Presentation of Evidence:**

a. Exhibits:

Prior to trial or during a break, counsel should tender exhibits to the clerk for marking. Counsel should refer to the exhibit number when showing an exhibit to a witness.

b. Views:

Counsel who intend to request that a jury or judge view a scene should advise the Court two days before the day of trial so that appropriate arrangements can be made by the Sheriff's Department and the Court.

c. Jury Instructions:

The Court encourages counsel to refer to the publication "*Model Jury Instructions*" for drafting assistance and to exchange proposed instructions with the Commonwealth Attorney before trial. Instructions should be prepared on 8 1/2" X 11" paper with the Commonwealth *numbering* its instructions and the defendant *lettering* his instructions. Counsel should provide the Court with two sets of proposed instructions: one with supporting citations, which should also be provided to the Commonwealth, and one without citations to be given to the jury.

Argument will normally be heard on the Commonwealth's instructions first, then proceed to any instructions proposed by the defense that remain at issue.

d. Trial Briefs:

The Court does not require trial briefs. Counsel who intend to cite unusual case law may wish to make copies of the case(s) to provide to the Court, the Commonwealth, and any co-defendants.

e. Restitution and DC-40 Forms:

Restitution and attorney time sheet (DC-40) forms should be completed and available before the defendant is sentenced. They are to be presented to the court at the time of sentencing. These forms are available in room 310.

- f. Criminal Forms Online:
- Request for Summons
  - Waiver Presentment to Grand Jury
  - Waiver of Jury
  - Waiver Right of Speedy Trial

## SECTION V ~ PROBATE OFFICE

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[www.pwcgov.org/probate](http://www.pwcgov.org/probate) 703-792-5587

### A. OFFICE INFORMATION.

Probate is located in room 314. The office is open from 8:30 a.m. to 5:00 p.m., Monday through Friday. The last probate appointment of the day is at 3:00 p.m. It is necessary to call ahead to schedule an appointment to ensure that all required documents and information are brought to the appointment. If this occurs, counsel and their clients often conclude the appointment with the certificates of qualification in approximately thirty (30) to forty-five (45) minutes.

### B. QUALIFICATION OF PERSONAL REPRESENTATIVE.

Generally, the following information will be needed:

1. An estimated value of all assets, both personal and real property, titled in the name of the decedent for the probate tax return and setting of the bond amount.
2. A list containing the names, addresses, ages, and degree of kinship (i.e., spouse, son, brother, etc.) of all of the heirs of the estate. If there is a surviving spouse and *no* children from a previous marriage, only the surviving spouse needs to be listed.
3. The name, address and telephone number of a bonding agent (if surety is not waived under the Will and if Counsel chooses to make such arrangements independently). Bonding agent must be present at appointment.
4. The original Will and proof of same if it is not self-proving. An original will is self proving if it contains an affidavit or the self-proving form executed as part of the will during the testator's lifetime. (An affidavit or the self proving form, if executed after the testator's demise or without the testator's participation, is insufficient).

An original will, if it is not self-proving, can be proved by deposition forms filed by the witnesses. Generally, it is not necessary for the witnesses to appear in person. In the case of holographic wills, however, it is necessary for two individuals familiar with the testator's handwriting and signature to physically appear and testify under oath.

5. The fees and taxes of probate, recording of the Will, qualification, and certificates of qualification, as the case may be.

**Please note** that the qualification of a personal representative for the purpose of maintaining a wrongful death action is treated differently from other qualifications. Counsel seeking such a qualification should notify the Deputy Clerk *in the first telephone call* to avoid problems and delays.

**C. FEES:**

Payment must be tendered by check or cash. Credit and debit cards are not accepted. Probate fees are based on the size of the probate estate and Prince William County does not assess any county tax on probate filings.

**D. SURETY BONDS:**

If a surety bond is required for a fiduciary to qualify, the clerk can provide a list of fiduciary bondsmen who have power of attorney recorded with Prince William. Alternatively, counsel is free to make arrangements independently. If a surety bond is required, the clerk will not issue certificates of qualification to the fiduciary until the bond is in place. Surety Bond must be pre-approved before the appointment.

**E. COMMISSIONERS OF ACCOUNTS:**

At the conclusion of a probate qualification the case is given a fiduciary file number and assigned to one of the two Commissioners of Accounts serving the Prince William County Circuit Court. The Commissioner of Accounts supervises the administration of the estate after the qualification of the personal representative. The Commissioners are as follows:

Timothy A. Cope	Linda J. Lonas
7915 Lake Manassas Dr.	9431 Main Street (P.O. Box 107)
Gainesville, VA 20155	Manassas, VA 20108
(703) 753-4804	(703) 368-5812

With minor exceptions, Ms. Lonas is assigned the cases that are opened in even numbered months and Mr. Cope the cases which are opened in odd numbered months. In a situation where a Will is probated and a fiduciary qualifies to administer the estate and then later returns to qualify as trustee under a testamentary trust established by the will,

the clerk will assign the “new” case to the Commissioner assigned to the existing case regardless of the month of qualification.

## SECTION VI ~ LAND RECORDS

[www.pwcgov.org/land](http://www.pwcgov.org/land) 703-792-6035

The Land Records section of the Clerk's Office is located in room 300 and is open between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday. Please note, however, that documents can only be recorded until 4:00 p.m. each day.

### A. RESEARCHING A DOCUMENT.

Terminals are available to the public in rooms 300 and 305 to obtain and search the land records available in the Land Records Management System (LRMS). Searches on this user-friendly system can be run using a person's name or the property address, among other things.

### B. RECORDING A DOCUMENT.

#### 1. Where to Record:

The Recording Counter is located in Room 300 on the third floor of the Judicial Center.

The Clerk's Office offers Remote Electronic Filing of Land Records. In order to participate, complete the Electronic Filing Agreement available on [www.pwcgov.org/online](http://www.pwcgov.org/online).

#### 2. Preliminaries:

Initially, the clerk will ensure that the property which is the subject of the recordation is located in the County of Prince William or Cities of Manassas or Manassas Park and that the document to be recorded has been signed and notarized as required by law.

#### 3. Recordation and Fee Payment:

After the clerk confirms that the prerequisites have been met, the document is inputted into the computer. This process generates an instrument number, which is provided to the person who presented the document for recordation. Filing fees

must be paid at this time. The clerk will then issue a computer-generated receipt noting the recordation of the document.

Payment must be in cash or by check. Counsel can confirm current recordation fees by checking the website ([www.pwcgov.org/land](http://www.pwcgov.org/land)).

**4. Return Address:**

All documents must bear the address to which the original should be returned. Unless Counsel has a Circuit Court Folder in room 305, Counsel should provide a self-addressed, stamped envelope in which the clerk can return the original document after completion of the recordation process. If there is no self addressed stamped envelope or folder number indicated on the original, the original will not be returned.

**C. ONLINE ACCESS TO LAND RECORDS MANAGEMENT SYSTEM (LRMS).**

The Clerk's Office offers two ways to access LRMS:

**1. Frequent Users:**

Remote Access is available via the Internet by subscription. To obtain a subscription, complete and return the Business Subscriber Agreement and/or Individual Agreement, which you can obtain on [www.pwcgov.org/online](http://www.pwcgov.org/online). The fee is \$150.00 per quarter.

**2. Occasional Users:**

This is a pilot program to enable those who want to obtain a copy of a recorded document from the convenience of their office or home. Searching the index is free. If you would like to view or print a document, there is a fee of \$.50 per image. In addition a Convenience Fee of \$2.00 will be added at the time of purchase.

More information is available at [www.pwcgov.org/online](http://www.pwcgov.org/online).

**D. MISCELLANEOUS SUGGESTIONS AND REQUESTS FROM THE LAND RECORDS SECTION OF THE CLERK'S OFFICE**

**1. Forms:**

The Recording Counter has a number of forms for use by attorneys, and use of these forms is encouraged. The following is a list of instrument forms which are presently available:

- a. Certificate and Affidavit of Satisfaction
- b. Certificate of Partial Satisfaction
- c. Certificate of Release of Mechanic's Lien
- d. Certificate of Release of Memorandum of *Lis Pendens*
- e. Judgment Assignment and Release

Forms are also available at [www.pwcgov.org/land](http://www.pwcgov.org/land)

**2. Exemptions:**

Most exemption codes for recording in Land Records are found in §§58.1-800, *et seq.*, Va. Code Ann. Any applicable exemptions must be specified in the margin of the front page of *all* instruments to which they apply to obtain a reduction in the statutory recordation taxes.

**3. Indices:**

Each of the indices (e.g., grantor, grantee, judgment, etc.) is updated daily and all updates are available in the Public Service Center.

**4. Days to Avoid Recording:**

Please note that the first and last two (2) business days of every month are generally the busiest days of the month for land records staff. Accordingly, service will generally be faster on other days of the month.

## SECTION VII ~ Public Service Center

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[www.pwcgov.org/psc](http://www.pwcgov.org/psc) 703-792-6035

The Public Service Center of the Clerk's Office is located in room 305 and is open between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday. Please note, however, that payment is taken until 4:30 p.m. each day.

### A. Documents Available

All land records are available in the Public Service Center. In addition all court case orders for cases closed prior to July 1, 2009 are available in the Public Service Center. Open cases and cases closed after July 1, 2009 can be found in the Civil or Criminal Offices. For a complete list of records available visit [www.pwcgov.org/psc](http://www.pwcgov.org/psc).

### B. Copies

Currently, the fee for obtaining copies of documents from Land Records and the Case Management System is fifty cents (50¢) per page and two dollars (\$2.00) for each certification (counsel can confirm current fees by checking the Website, at [www.pwcgov.org/ccourt](http://www.pwcgov.org/ccourt)). Counsel may set up escrow accounts with the Clerk's Office that will enable them to make copies from the Land Records Management System.

No copy requests are taken over the telephone.

### **Public Service Center Staff:**

Attorneys are encouraged to familiarize themselves with the operation of the Public Service Center. Full time staff is available to offer assistance. Public Service Center staff will not perform title searches.