

COMMONWEALTH OF VIRGINIA

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Sixteenth Judicial Court

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Greene Louisa Madison Orange Charlottesville

May 1, 2017

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Re: Message to the bar regarding Charlottesville Circuit Court docket

Dear James,

I want to remind the bar that we all need to do everything we can to help use courtroom time more efficiently, save time in cases, and make the docket and case-handling flow better.

First, I am asking of any attorney who files any complaint, petition, plea, or motion, that if there is a statute, rule, or case opinion that is the sole or primary basis for the Court's authority to grant the relief requested, you please include a reference to such authorizing, controlling, or pertinent statute(s), rule(s), or case law somewhere in the initial paragraph or the prayer for relief. Over the last two years we have received many motions, petitions, or other pleadings asking for relief in which there is no reference to any authority that such is being sought under.

This would apply to both criminal matters (motions to admit to or revoke or increase bail, or for examinations or the appointment of experts, or requests for show causes, for example) and civil matters (e.g., motions to remand divorce cases to Juvenile and Domestic Relations District Court, motions to compel discovery, and requests for injunctions, sanctions, or attorney's fees). Including this authority will save time for both the Court and opposing counsel by 1) alerting opposing counsel to the legal basis for the request, possibly encouraging an agreed disposition, and 2) eliminating the need for the Court to take time to inquire whether there is a statutory or other basis, and if so determining what it is.

Second, with regard to nonsuits, dismissals, or settlements on civil cases: please include the releasing of any trial dates in such orders as well as in your letter of transmittal. Do not assume that we will realize that there is already a trial date set, and that it may now be released.

James W. Barkley, President CABA

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Often a nonsuit is taken or a consent dismissal order submitted before the case is set for trial, and many cases settle before there is any trial date yet, and often a nonsuit is taken as to one party or claim and not as to others and some cases settle in part but not as to all parties or claims, so the trial still must proceed. Again, please do not assume that we will automatically release a trial date that was previously set. We will await your instructions or confirmation.

So if you have a trial already set (particularly if it is a jury), and the case settles, please let Ms. Runner know that the trial date will no longer be needed and can be released. We have had a few occasions where in preparing for a civil jury trial just a week or two away, we notice that the case was settled months earlier and there is a dismissal order already in the file and entered, but no mention was made in the order or otherwise of the trial date, and no one released the jury. That also results in a wasted court day.

Finally, we need to know just as early as possible if a case is going to plead guilty, be nonsuited, settle, or be continued. As I am now sitting in Fluvanna one or two days a week, we are going to continue to lose some court days here in Charlottesville, at least until our Circuit gets a sixth judge. We will arrange to have substitute judges for some, but not all, of the days I need to be in Fluvanna; we are often running a regular docket in Charlottesville when I am in Fluvanna. We need to use the days we have efficiently. This puts a premium on our knowing as soon as possible if a case settles or is going to plead out, be nonsuited, or needs to be continued, so we can schedule something else in that time slot. Over the last year, we have had several cases that settled or became a guilty plea, or asked for a justified continuance, too late for us to use the time for another case. This wreaks havoc on our docket and results in lost courtroom time, producing longer waits and more crowded dockets down the road. In addition, this also has sometimes resulted in a substitute judge travelling from out of town, only to find out that the case is not going forward. This obviously is a waste of his or her time, and our Court's goodwill. I ask you all to do your best to help avoid this in the future. We do try to "double-book" many trial dates, but this also has its drawbacks.

If you could disseminate this to the bar in some form, I would be most appreciative.
Thank you.

Very Truly Yours,



Richard E. Moore

cc: Llezelle A. Dugger, Clerk of Court