



COMMONWEALTH OF VIRGINIA

## *Fairfax Circuit Court*

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Fairfax, Virginia 22030-4048



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### **Board of Supervisors Committee Meeting, September 17, 2019**

The Circuit Court is Fairfax's "court of record" and the only local court where a litigant can request a jury trial. Accordingly, its cases and documents are the permanent record for our community. In our smart phone era, and with instant information expectations, citizens and companies expect the Circuit Court to be accessible, which is increasingly a high-tech affair.

The Clerk of the Circuit Court is a Constitutional Officer, serving a decidedly local function. The Clerk's office is responsible for over 800 mandated duties set out in the Code of Virginia. These duties include issuing marriage licenses, and notaries, jury management, civil and criminal cases, including appeals from the lower courts, land records and administratively handling, the vast majority of probate cases without a judge. In addition, the Clerk's office provides administrative support for our 15 Circuit Judges.

The Clerk collects state and local fees, court costs, and state and local recordation taxes. Generally, from this revenue, Fairfax County receives 1/3 of the money, and 2/3 of the money goes to the Commonwealth. In CY2018, the Clerk's office transmitted \$119,736,460 to the state and \$38,271,284 to the county. This year, to date, we have transmitted \$87,586,046 to the state and \$28,727,553 to the county.

The Clerk's office has a budget of approximately eleven million dollars annually. Three million is assigned to operating budget, and eight million dollars in personnel costs, representing a staff of 167 employees. For 28 years, the Clerk has remained within the advertised budget, and in the past 10 years has only once asked for, and received, new positions to address emerging Court trends.

What are the trends facing Virginia's largest trial court?

1) Increased statutory mandates regarding confidentiality of records imposed by the Virginia General Assembly. In 2014 Conceal Weapon Permits became sealed records, and in 2019, Juvenile & Domestic Relations Court appeals became sealed

records. At the same time, VFOIA, and calls for transparency have increased, resulting in more requests from the public for special reports, which requires staff time to prepare and then to review the reports to redact sealed cases before releasing the report to the requestor.

2) Digital Evidence/Records for both criminal and civil litigation: The use of video in civil and criminal trials is increasing. Police-worn camera video footage, citizen smart phone video, and home-security/business security video are all being submitted with increasing regularity. This presents both technical, and long-term storage issues, given that trial evidence is a public record. Digital record storage, in the context of a perpetual records, as reported below, will never decrease. As more video evidence comes into the courtroom, larger "file size" will have to be stored.

3) An increase in Jury Trials. In 2014, the Virginia General Assembly created Multi-Jurisdictional Grand Juries (MJGJ). While pulling its jurors from the constituent counties, MJGJ present an increased management role for the Fairfax Judge assigned to that unique Grand Jury, and the clerks and jury clerks who manage the highly confidential process. This is in addition to regular grand juries, and regular jury trials in civil and criminal cases.

4) A general trend toward electronic filing. The number of land record documents electronically filed is now 70%. The number of people choosing to electronically submit their juror questionnaire has been rising every year. This year we are currently in the process of receiving juror questionnaires. So far, approximately 58% of the respondents have filed their juror questionnaire on-line.

We also have a pre-application for marriage licenses. So far, this calendar year, approximately 56% of the marriage licenses being processed by staff are applications which have been completed by the parties using the pre-application software on our website.

While meeting the customer's e-expectations, there are resulting technology costs associated with keeping these offerings available to the residents of Fairfax.

<b>Trial/Conclusion Statistics</b>	<b>FY2015</b>	<b>FY2016</b>	<b>FY2017</b>	<b>FY2018</b>	<b>FY2019</b>
<b>Jury Trials</b>	<b>272</b>	<b>268</b>	<b>307</b>	<b>325</b>	<b>294</b>
<b>Jurors Sent to Panel: Criminal</b>	<b>4,558</b>	<b>4,700</b>	<b>5,809</b>	<b>6,153</b>	<b>5,301</b>
<b>Jurors Sent to Panel: Civil</b>	<b>2,102</b>	<b>2,115</b>	<b>2,179</b>	<b>2,306</b>	<b>2,433</b>
<b>Multi-Juris. Grand Jury Assigned to Fairfax?</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>	<b>YES</b>
<b>Domestic Cases Concluded</b>	<b>3,694</b>	<b>3,685</b>	<b>3,678</b>	<b>3,557</b>	<b>3,438</b>
<b>Commercial Cases Concluded</b>	<b>2,176</b>	<b>1,978</b>	<b>2,366</b>	<b>2,271</b>	<b>2,427</b>
<b>Total Digital Records Preserved</b>	<b>47,705,318</b>	<b>48,809,319</b>	<b>51,431,288</b>	<b>52,696,565</b>	<b>53,780,698</b>
<b>% of Juror Questionnaires e-filed</b>	<b>38%</b>	<b>39%</b>	<b>40%</b>	<b>56%</b>	<b>58% (to date)</b>
<b>% of e-recordings</b>	<b>22%</b>	<b>48%</b>	<b>60%</b>	<b>66%</b>	<b>70%</b>

5) While not a trend, per se, the Circuit Court will need a larger or additional criminal evidence vault. Evidence in criminal cases can only be destroyed by an Order of the court, and with the consent of the Commonwealth Attorney. There are many valid reasons the Commonwealth Attorney does not want to destroy evidence in many criminal cases, but the corresponding impact is the need for more vault space.

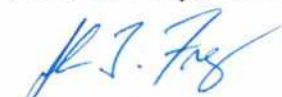
6) Finally, I would like to remind the Board of Supervisors that the Circuit Court Clerk's offsite records center is housed in the Fairfax County Redevelopment and Housing Authority's building on University Drive, across from the George Mason

I appreciate the support that the Board of Supervisors has given to my office over the last 28 years. Without the support of the Board of Supervisors, the Circuit Court of Fairfax would not be one of the leaders in court case management or court technology. Our success has been due to a deep and ongoing collaboration between the Judges and the Clerk's office, along with the support of the Board of Supervisors.

If the Clerk's office had to operate on what the Virginia State Compensation Board budgets us each year, the backlogs would most likely be months, if not years.

Thank you for your support!

John T. Frey, Clerk



Fairfax Circuit Court