

Circuit Court and Records

Mission

To provide administrative support to the 19th Judicial Circuit; to preserve, maintain and protect the public records; and to offer public services with equal access to all in accordance with the Code of Virginia.

Connection to the Countywide Strategic Plan

The Fairfax County Board of Supervisors adopted the first-ever Countywide Strategic Plan on October 5, 2021. The Countywide Strategic Plan serves as a road map to help guide future work, focusing on the 10 Community Outcome Areas that represent the issues of greatest importance to the community. In February of 2023, the first Annual Report on the work of the strategic plan was released to the public. The report contains point-in-time progress highlights for each of the proposed plan strategies, plus a sample data dashboard and data story that is being replicated across all of the outcome areas, and a number of additional initiatives to embed the elements of the plan within department-level work. The report also includes a Year Two Implementation Model, which focuses on identifying the specific strategies that will move forward to implementation under the guidance of the Board of Supervisors. For more information on the Countywide Strategic Plan, please visit www.fairfaxcounty.gov/strategicplan. The Circuit Court and Records primarily supports the following Community Outcome Areas:



Community Outcome Area	Vision Statement
Effective and Efficient Government	<i>All people trust that their government responsibly manages resources, is responsible to their needs, provides exceptional services and equitably represents them.</i>
Safety and Security	<i>All people feel safe at home, school, work and in the community.</i>

Focus

The Fairfax Circuit Court is a Virginia “Court of Record” and has jurisdiction over Fairfax’s Criminal and Civil cases and has appellate review over several lower courts and tribunals. Fairfax has 15 Circuit Court judges, and the Clerk’s Office supports these judges as they adjudicate almost 30,000 new civil, fiduciary, and criminal cases each year. The Circuit Court also has original jurisdiction over other matters such as adoptions; divorce proceedings; disputes concerning wills, trusts, and estates; election recounts; eminent domain; and controversies involving personal and real property. As custodian of the public record, the Clerk of Court also administers the land records for Fairfax, recording over 169,044 land transactions last year. As such, the Fairfax Circuit Court is, by far, the busiest and most sophisticated court in the Commonwealth of Virginia.

As a court of record, the Circuit Court hears the appeals from Fairfax’s General District Court and Juvenile & Domestic Relations District Court. All appeals are heard *de novo*, meaning cases are tried from the beginning, giving the citizen an all-new hearing on the facts of the case. And, as opposed to the lower courts, Circuit Court offers all litigants the right to a jury trial. Citizens can also seek judicial review of administrative agency decisions in Circuit Court, and the Court hears appeals

from the Board of Zoning Appeals, the Virginia Employment Commission, the Elections Registrar, and even the Department of Motor Vehicles (DMV). In criminal cases, the Circuit Court has original jurisdiction over the trial of all felonies (crimes that are punishable by more than one year in prison) and hears appeals of misdemeanors from the General District Court.

The Clerk of Court's mission is to serve the residents, the bench, and the bar, and to exceed their high expectations of Virginia's largest Circuit Court by keeping public records well-preserved and readily available. Fairfax residents expect a highly-informed, knowledgeable, customer-oriented staff. The Clerk's Office has maintained its culture of excellence by relying on two major budgetary investments: talent and technology.

The Courts have been able to provide 24-hour customer access to land and business records through the Court Public Access Network (CPAN) and the web-based case management system. Technology allowed for land records to be recorded electronically, through the Clerk's Electronic Filings System (EFS). Electronic Filing for existing civil cases began in May 2022. The plan is to expand electronic filing for additional case types within the next year. Although the Clerk's office has resumed in-person appointments for marriage licenses, the Clerk's office continues to offer the online marriage license pre-application to help reduce the time spent in the courthouse.

Capitalizing on all that technology has to offer requires a properly trained staff, who must keep pace with system updates and new releases. The Clerk places a pronounced emphasis on not only functional, system trainings for staff, but on subject-matter education and training offered by national court associations and land records industry groups. Staff keeps abreast of best practices for state courts by regularly attending trainings on legal practice standards and overall industry trends.

Maximizing Court Technology

The Fairfax Circuit Court manages to outperform statewide averages for docket and land records volume and performance through cutting-edge workflows and utilizing legacy systems to their fullest potential. Through web-based case management, online trial scheduling, digital-imaging, and SQL-reporting, in FY 2022, the Court was able to conclude 81 percent of Civil Law cases within 12 months and conclude 95 percent of Civil-Domestic cases within 15 months. On the land records side, with the E-Submitter Program, now 89.6 percent of all land transactions are e-filed with the Clerk. Through this, and such innovations as the Clerk's marriage license pre-application, the Court's online Jury Questionnaire Submission System, Online Scheduling System (OSS), Civil e-Filing, and "E-Decree" initiative, the Court continues to reduce the number of trips a court-user must make to the courthouse.

The fully integrated case management system links case management, document management and financial management systems, and allows the Clerk's staff to efficiently handle complex cases from beginning to end. It is likely because of Fairfax's comprehensive case management system, along with effective jury management, experience with high-profile cases, and staff who can handle such complexity, that Fairfax has repeatedly been selected to host a regional multi-jurisdictional grand jury and is expected to do so again in 2023. Furthermore, newest trends in problem-solving courts continue in Fairfax. Pursuant to the Code of Virginia, the Fairfax Circuit Court has held the Veterans Treatment Docket for qualifying military veterans, as well as the Drug Court, which is a specially tracked docket that identifies qualifying, non-violent defendants to receive intense drug addiction treatment, as part of, and to ensure, their probation-compliance requirements.

A Perpetual Record for a Digital Era

The Fairfax Circuit Court must *preserve forever* most of its case-related files, whether they are video files, digital audio file, or paper files. Digital evidence—whether audio or video files—takes up large amounts of server-space.

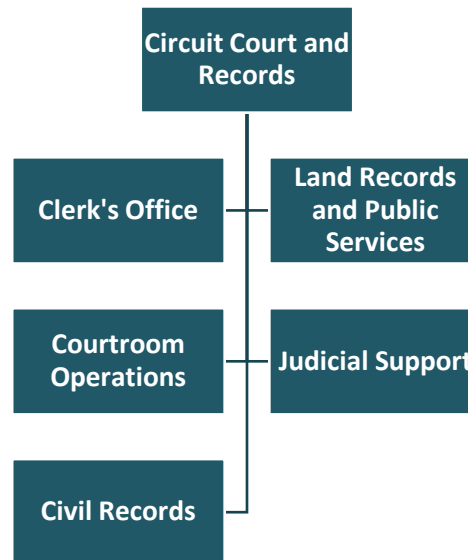
To meet these emerging trends, the Clerk has allocated IT staff and paraprofessional staff to explore the most cost-effective ways to receive, preserve, and manage this digital discovery and trial exhibit evidence. By Virginia Code, the Clerk must preserve, in perpetuity, almost all digital case records, and all real estate, land, vital, marriage and probate records. In FY 2022, the Clerk's Office maintained over 59 million digital images of court records and land records on its servers. The Clerk must also care for the Court's Historic Records. To help manage budgetary expenditures for physical preservation, the Archival Staff of the Clerk's Office writes and observes an Historic Records Five-Year Preservation Plan, which identifies and prioritizes specialized preservation, conservation, and digitization of 17th and 18th Century court records.

In order to responsibly on-board new technologies, and support these digitized archival treasures, the Clerk must honor all licensing agreements and software/hardware maintenance agreements, so that the public can access historic and modern court records. In FY 2022, 39 percent of the Circuit Court's Operating Budget was consumed by technology system maintenance. Though this is to be expected in a modern court whose jurisdiction spans over 275 years of Fairfax legal records, it is also a factor in responsible stewardship, and it influences the Clerk's contract negotiation strategies, as we enter into the newest technology initiatives and digital court practice.

"Essential" Staff, Specialists in Court Administration

Court customers rightly expect knowledgeable and responsive court staff, so investing in personnel is a wise decision for the Clerk. The high pace and volume, the headline-making trials, and the natural energy of the state's largest court, make for a unique working environment. Because of their court-specific experience, fluency with the Code of Virginia, and exposure to the confidential nature of civil procedure, criminal procedure and jury trials, the Clerk's talented staff are court paraprofessionals, whose work stands apart from traditional administrative positions. Given the wide-range of practice-areas of law that the Fairfax Circuit Court covers, staff is offered extensive, paraprofessional training on trial-court practice, custody of evidence standards, court-debt collection procedures, administrative probate standards, Supreme Court of Virginia Court Rules, court technology updates, legal ethics, vendor-specific system trainings, court financial management, post-judgement remedial measures, jury management, and Courthouse-specific customer service. The Clerk's Office supports its high-performing legal records specialists and courtroom personnel, as they master emerging national trends in trial court administration.

Organizational Chart



Budget and Staff Resources

Category	FY 2022 Actual	FY 2023 Adopted	FY 2023 Revised	FY 2024 Advertised	FY 2024 Adopted
FUNDING					
Expenditures:					
Personnel Services	\$10,354,645	\$11,183,670	\$11,251,381	\$11,781,662	\$12,165,989
Operating Expenses	2,423,455	2,246,143	2,289,517	2,248,857	2,249,035
Capital Equipment	95,223	0	10,311	0	0
Total Expenditures	\$12,873,323	\$13,429,813	\$13,551,209	\$14,030,519	\$14,415,024
Income:					
Land Transfer Fees	\$30,722	\$26,194	\$26,194	\$26,194	\$26,194
Courthouse Maintenance Fees	25,626	32,475	32,475	32,475	32,475
Circuit Court Fines and Penalties	44,041	60,757	44,041	44,041	44,041
County Clerk Fees	5,741,182	5,585,581	4,376,521	4,376,521	4,376,521
City of Fairfax Contract	225,479	285,964	313,885	309,132	309,132
Recovered Costs - Circuit Court	91	25	25	25	25
CPAN	393,181	401,242	401,242	401,242	401,242
State Shared Retirement - Circuit Court	187,959	182,465	182,465	191,588	191,588
Total Income	\$6,648,281	\$6,574,703	\$5,376,848	\$5,381,218	\$5,381,218
NET COST TO THE COUNTY	\$6,225,042	\$6,855,110	\$8,174,361	\$8,649,301	\$9,033,806
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)					
Regular	155 / 155	155 / 155	155 / 155	156 / 156	156 / 156
Exempt	24 / 24	24 / 24	24 / 24	24 / 24	24 / 24
State	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15

FY 2024 Funding Adjustments

The following funding adjustments from the FY 2023 Adopted Budget Plan are necessary to support the FY 2024 program. Included are all adjustments recommended by the County Executive that were approved by the Board of Supervisors, as well as any additional Board of Supervisors' actions, as approved in the adoption of the Budget on May 9, 2023.

Employee Compensation **\$909,757**

An increase of \$909,757 in Personnel Services includes \$607,775 for a 5.44 percent market rate adjustment (MRA) for all employees and \$237,883 for performance-based and longevity increases for non-uniformed merit employees, both effective July 2023. The remaining increase of \$64,099 is included to support employee retention and recruitment efforts that will reduce pay compression and align the County's pay structures with the market based on benchmark data.

Department of Vehicle Services Charges **\$392**

An increase of \$392 in Department of Vehicle Services Charges is based on anticipated billings for maintenance and operating-related charges.

Probate Clerk Position **\$75,062**

An increase of \$75,062 and 1/1.0 FTE new Probate Clerk position is included to support the Probate Division of the Fairfax County Circuit Court. The addition of this position will allow the County to offer a minimum of 20 additional appointments per week. Workload within the Probate Division has increased exponentially over the past 20 years, as the number of Probate Clerks has remained at six during that period. It should be noted that an increase of \$37,217 in Fringe Benefits funding is included in Agency 89, Employee Benefits, for a total cost of \$112,279 in FY 2024. For further information on Fringe Benefits, please refer to the Agency 89, Employee Benefits, narrative in the Nondepartmental program area section of Volume 1.

Changes to FY 2023 Adopted Budget Plan

The following funding adjustments reflect all approved changes in the FY 2023 Revised Budget Plan since passage of the FY 2023 Adopted Budget Plan. Included are all adjustments made as part of the FY 2022 Carryover Review, FY 2023 Third Quarter Review, and all other approved changes through April 30, 2023.

Carryover Adjustments **\$53,685**

As part of the FY 2022 Carryover Review, the Board of Supervisors approved funding of \$53,685 in encumbered funding. This amount includes \$43,374 in Operating Expenses and \$10,311 in Capital Equipment.

Third Quarter Adjustments **\$67,711**

As part of the FY 2023 Third Quarter Review, the Board of Supervisors approved funding of \$67,711 to support employee retention efforts that reduce pay compression and align the County's pay structures with the market based on benchmark data. This adjustment accelerates the changes resulting from the FY 2024 Benchmark Compensation Study.

Cost Centers

The Circuit Court and Records has five cost centers including Land Records and Public Services, Courtroom Operations, the Clerk's Office, Judicial Support, and Civil Records.

Land Records and Public Services

This cost center exists to record, preserve, safeguard, and provide access to all recorded documents and instruments pertaining to land, property, and judgments. The Clerk's Probate division

administers wills and qualifies fiduciaries for estate, trust, and guardianship matters. The Public Services division issues marriage licenses and processes notary public commissions.

Category	FY 2022 Actual	FY 2023 Adopted	FY 2023 Revised	FY 2024 Advertised	FY 2024 Adopted
EXPENDITURES					
Total Expenditures	\$2,438,814	\$3,407,111	\$3,427,789	\$3,605,508	\$3,707,504
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)					
Regular	31 / 31	31 / 31	31 / 31	32 / 32	32 / 32

Courtroom Operations

The Courtroom Operations cost center provides full administrative and paraprofessional support to the 19th Judicial Court in order to accomplish the efficient and prompt resolution of all cases and jury functions according to the Code of Virginia.

Category	FY 2022 Actual	FY 2023 Adopted	FY 2023 Revised	FY 2024 Advertised	FY 2024 Adopted
EXPENDITURES					
Total Expenditures	\$2,776,364	\$2,683,067	\$2,697,371	\$2,784,088	\$2,865,480
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)					
Regular	46 / 46	46 / 46	46 / 46	46 / 46	46 / 46

Clerk's Office

The Clerk's Office cost center provides effective management of technical support and other agency-wide components to produce efficient and effective service to the bench, the bar, and the residents of Fairfax.

Category	FY 2022 Actual	FY 2023 Adopted	FY 2023 Revised	FY 2024 Advertised	FY 2024 Adopted
EXPENDITURES					
Total Expenditures	\$4,333,598	\$3,460,221	\$3,529,677	\$3,602,540	\$3,671,027
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)					
Regular	27 / 27	27 / 27	27 / 27	27 / 27	27 / 27
Exempt	9 / 9	9 / 9	9 / 9	9 / 9	9 / 9

Judicial Support

The Judicial Support cost center provides full administrative and professional support to the Judges of Virginia's 19th Judicial Circuit to ensure appropriate and prompt resolution of cases.

Category	FY 2022 Actual	FY 2023 Adopted	FY 2023 Revised	FY 2024 Advertised	FY 2024 Adopted
EXPENDITURES					
Total Expenditures	\$1,003,904	\$1,665,077	\$1,665,547	\$1,732,798	\$1,789,255
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)					
Regular	2 / 2	2 / 2	2 / 2	2 / 2	2 / 2
Exempt	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15
State	15 / 15	15 / 15	15 / 15	15 / 15	15 / 15

Civil Records

The Civil Records cost center is responsible for records management and the coordination of the retention and archiving of cases. It also processes the filing of new civil cases and subsequent documents to ensure efficient and timely resolution of civil cases brought before the Judges of the 19th Judicial Circuit.

Category	FY 2022 Actual	FY 2023 Adopted	FY 2023 Revised	FY 2024 Advertised	FY 2024 Adopted
EXPENDITURES					
Total Expenditures	\$2,320,643	\$2,214,337	\$2,230,825	\$2,305,585	\$2,381,758
AUTHORIZED POSITIONS/FULL-TIME EQUIVALENT (FTE)					
Regular	49 / 49	49 / 49	49 / 49	49 / 49	49 / 49

Position Detail

The FY 2024 Adopted Budget Plan includes the following positions:

LAND RECORDS AND PUBLIC SERVICES - 32 Positions			
1	Legal Records Manager III	3	Senior Legal Records Clerks
2	Legal Records Managers II	3	Legal Records Supervisors
7	Probate Clerks [+1]	16	Legal Records Clerks
COURTROOM OPERATIONS - 46 Positions			
2	Legal Records Managers II	2	Courtroom Supervisors
4	Legal Records Supervisors	15	Courtroom Clerks
5	Senior Legal Records Clerks	1	Business Analyst II
2	Assistant Legal Records Clerks	2	Administrative Assistants I
13	Legal Records Clerks		
CLERK'S OFFICE - 36 Positions			
1	County Clerk (Elected), E	1	Network/Telecom. Analyst I
2	Deputy County Clerks, 1E	1	Programmer Analyst IV
1	Management Analyst IV	1	Programmer Analyst II
2	Management Analysts III, E	1	Financial Specialist III
1	Management Analyst I	1	Financial Specialist II
2	Administrative Assistants V, 1E	1	Financial Specialist I, E
5	Administrative Assistants IV, 1E	1	Human Resources Generalist II
1	Administrative Assistant II	1	Archives Technician
1	Administrative Assistant I	1	Assistant Archivist
1	Info. Tech. Program Mgr. I	1	Business Analyst IV
1	Info. Tech. Technician III	1	Legal Records Manager III, E
1	Info. Tech. Technician II	1	Legal Records Supervisor
3	Info. Tech. Technicians I	1	Legal Records Clerk, E
1	Network/Telecom. Analyst III		
JUDICIAL SUPPORT - 32 Positions			
1	Chief Judge S	1	Courtroom Supervisor
14	Judges S	1	Senior Legal Records Clerk
15	Judicial Law Clerks, E		
CIVIL RECORDS - 49 Positions			
1	Legal Records Manager III	33	Legal Records Clerks
2	Legal Records Managers II	1	Assistant Legal Records Clerk
3	Legal Records Supervisors	3	Administrative Assistants I
6	Senior Legal Records Clerks		
	+ Denotes New Position(s)		
	E Denotes Exempt Position(s)		
	S Denotes State Position(s)		

**Performance
Measurement
Results by
Community
Outcome Area**

Effective and Efficient Government

As a Virginia Constitutional Officer, the Clerk of Court to the 19th Judicial Circuit serves all residents of the City of Fairfax and Fairfax County. Court users include litigants, attorneys, jurors, title companies, state and local agencies, and members of the public who need to record real estate deeds or easements, or to get a marriage license, probate a will, or become a notary. The Clerk’s Office, like the Court, has Constitutionally, and statutorily-mandated duties.

With over 1.3 million residents in Fairfax City and Fairfax County, the clerk issued 6,342 marriage licenses and took in 3,113 divorce cases in FY 2022. Even though Fairfax has such a high volume of domestic cases, the Circuit Court finalized 95 percent of these cases within 15 months of filing. This exceeds the Commonwealth’s goal of 90 percent completion in that time period, earning the Fairfax Circuit Court a reputation as one of the most efficient circuit courts in the Commonwealth.

In FY 2022, the Probate Division returned to in-person appointments. Due to additional requirements, the appointment wait time has increased to over four weeks. These requirements include an increase in processing enforcements. Each enforcement proceeding includes a minimum of four tasks: (i) issuing service to the fiduciary; (ii) processing the service return; (iii) setting the show cause hearing; and (iv) processing the court order. Most enforcements go through these four tasks multiple times. As of December 2022, Circuit Court Probate staff is fully trained which has reduced overall appointment wait times, but the appointment wait times are still longer than the goal of 10 business days.

In FY 2022, the Clerk took in 169,044 records. CPAN digital images grew by almost 1.5 million images, up to 59,302,489 in FY 2022.

Safety and Security

A second area of streamlined performance is the Clerk’s management of the Court’s jury system. Jury service is a civic right and a civic duty, so the Court has worked hard to make the Fairfax citizens’ jury duty as convenient and efficient as possible. In the early fall of each year, the jury clerk sends out about 65,000 juror questionnaires. Potential jurors can complete the questionnaire from the convenience of their home using the Clerk’s online submission portal. Currently, 42 percent of the questionnaires are submitted online. Through the end of FY 2022, 5,936 citizens were brought into the Courthouse, to serve on petit juries. The juror utilization rate was 84 percent for FY 2022, getting closer to the pre-pandemic rate of 89 percent.

Community Outcome Area	FY 2020 Actual	FY 2021 Actual	FY 2022 Estimate	FY 2022 Actual	FY 2023 Estimate	FY 2024 Estimate
Effective and Efficient Government						
Customer Satisfaction with County Services						
Percent change in time to return documents	180%	(50%)	0%	(14%)	0%	0%
Percent change in waiting time	(7.4%)	4.0%	(11.5%)	61.5%	(45.2%)	(13.0%)
Percentage change in number of requests (phone & email) received	(3%)	14%	(15%)	3%	(5%)	0%
Effective Technology and Quality Facilities						
Percent change of CPAN connections	0.2%	4.2%	0.0%	(0.1%)	0.0%	0.0%

Community Outcome Area	FY 2020 Actual	FY 2021 Actual	FY 2022 Estimate	FY 2022 Actual	FY 2023 Estimate	FY 2024 Estimate
Safety and Security						
Effective and Equitable Administration of Justice						
Percentage point change in juror utilization rate	(1)	(18)	18	16	2	2
Percentage point change of DCTP Law caseload concluded within one year	7	(2)	2	(4)	(6)	2
Percentage point change of DCTP Domestic caseload concluded within 15 months of initial filing	0	(2)	2	(1)	3	0

A complete list of performance measures can be viewed at <https://www.fairfaxcounty.gov/budget/fy-2024-adopted-performance-measures-pm>