

EXECUTIVE SECRETARY
KARL R. HADE

**ASSISTANT EXECUTIVE SECRETARY &
LEGAL COUNSEL**
EDWARD M. MACON

COURT IMPROVEMENT PROGRAM
SANDRA L. KARISON, DIRECTOR

EDUCATIONAL SERVICES
CAROLINE E. KIRKPATRICK, DIRECTOR

FISCAL SERVICES
BARRY M. WENZIG, DIRECTOR

HUMAN RESOURCES
RENÉE FLEMING MILLS, DIRECTOR

SUPREME COURT OF VIRGINIA



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JUDICIAL SERVICES
PAUL F. DELOSH, DIRECTOR

LEGAL RESEARCH
EILEEN A. LONGENECKER, DIRECTOR

LEGISLATIVE & PUBLIC RELATIONS
ALISA W. PADDEN, DIRECTOR

MAGISTRATE SERVICES
JONATHAN E. GREEN, DIRECTOR

OFFICE OF THE EXECUTIVE SECRETARY
100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219-2334
(804) 786-6455

January 13, 2025

Members of the General Assembly of Virginia
General Assembly Building
201 North 9th Street
Richmond, VA 23219

Justices of the Supreme Court of Virginia
Supreme Court of Virginia
100 North Ninth Street
Richmond, VA 23219-1315

Re: 2024 Report of the Judicial Council of Virginia

Dear Members of the General Assembly and Justices of the Supreme Court of Virginia:

As Secretary of the Judicial Council of Virginia, I am pleased to submit the 2024 Report of the Judicial Council, as required by Code § 17.1-705.

If you have any questions, please do not hesitate to contact me.

With best wishes, I am

Very truly yours,

Karl R. Hade


cc: Division of Legislative Automated System
Enclosure

2024

Judicial Council of Virginia



Report to the General Assembly and Supreme Court of Virginia



The Judicial Council of Virginia
2024 Report to the General Assembly and Supreme Court of Virginia
Supreme Court of Virginia, Office of the Executive Secretary
Richmond, Virginia
Published January 2025

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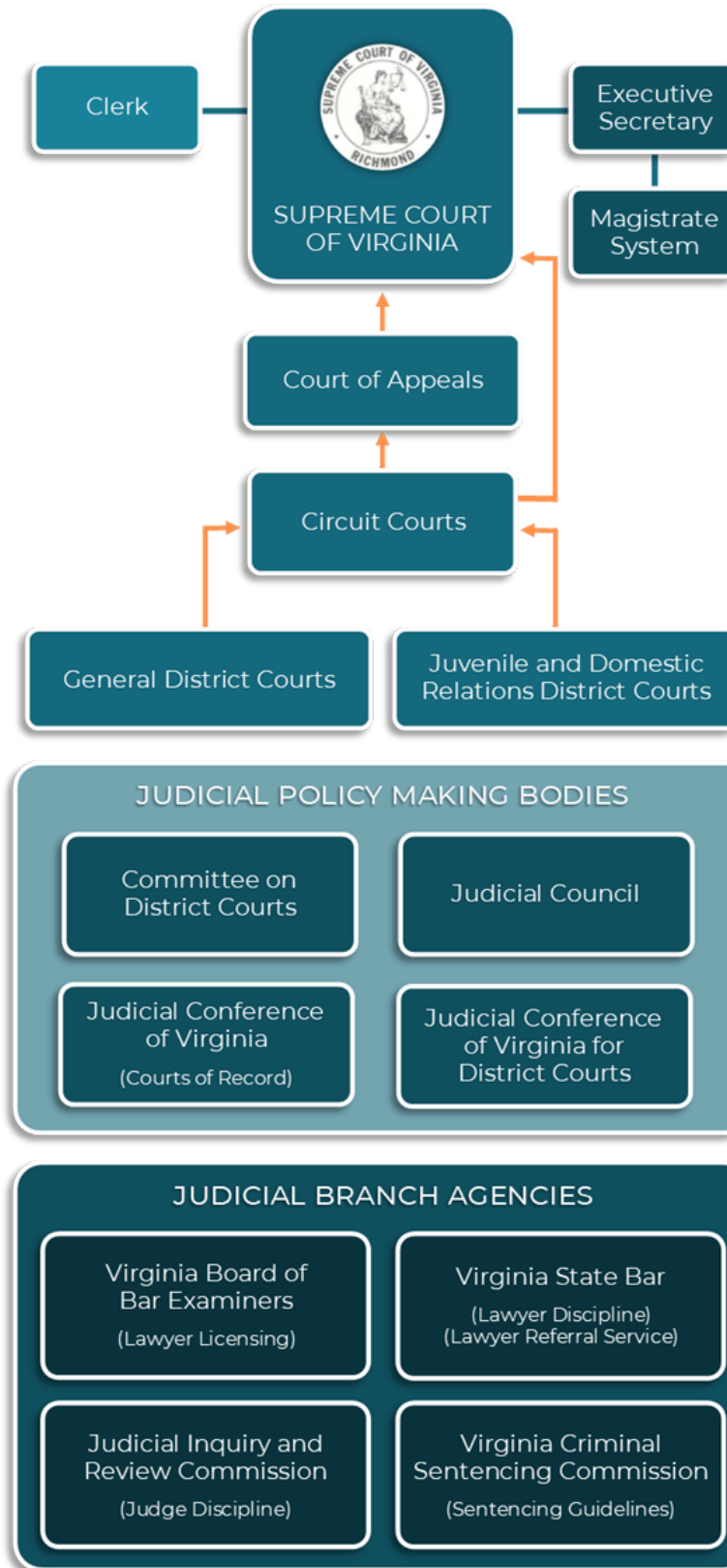
The Judicial Council of Virginia

Membership as of November 30, 2024

The Honorable S. Bernard Goodwyn	Chief Justice, Supreme Court of Virginia
The Honorable Marla Graff Decker	Chief Judge, Court of Appeals of Virginia
The Honorable Claude V. Worrell, Jr.	Judge, Sixteenth Judicial Circuit
The Honorable Penney S. Azcarate	Judge, Nineteenth Judicial Circuit
The Honorable Christopher B. Russell	Judge, Twenty-Fifth Judicial Circuit
The Honorable Deanis Simmons	Judge, Twenty-Eighth Judicial Circuit
The Honorable Jacqueline S. McClenney	Judge, Thirteenth Judicial Circuit
The Honorable Stacey W. Moreau	Judge, Twenty-Second Judicial Circuit
The Honorable George Barton Chucker	Judge, Fourteenth Judicial District
The Honorable Jay E. Dugger	Judge, Eighth Judicial District
The Honorable Scott A. Surovell	Chair, Courts of Justice Committee, Senate of Virginia
The Honorable Richard C. (Rip) Sullivan	Member, Courts of Justice Committee, Virginia House of Delegates
Corrynn Peters, Esquire	Attorney-at-Law, Member of the Bar of the City of Norfolk
Michael N. Herring, Esquire	Attorney-at-Law, Member of the Bar of the City of Richmond
Karl R. Hade*	Executive Secretary

*Ex-officio

Virginia Judicial System



Route of Appeal →

I. PROCEEDINGS OF THE JUDICIAL COUNCIL OF VIRGINIA

Introduction

The Judicial Council of Virginia was established by statute in 1930. Council is charged with making a continuous study of the organization and the rules and methods of procedure and practice of the judicial system of the Commonwealth of Virginia, including examining the work accomplished and results produced by the judicial system. See Va. Code § 17.1-703.

Increase to Court Interpreter Fees

Virginia Code §§ 19.2-164 and 8.01-384.1:1 provides that the compensation of interpreters for non-English-speaking persons in civil and criminal cases appointed by the court shall be fixed by the court, in accordance with guidelines set by the Judicial Council of Virginia.

In 2024, the Council approved an increase in compensation for court interpreters. The fee for non-certified interpreters was increased to \$60 per hour, with a two-hour minimum payment. The fee for certified interpreters was increased to \$80 per hour, with a two-hour minimum payment. These increases became effective July 1, 2024.

Revision to *Guidelines for the Training and Certification of Court-Referred Mediators*

The Judicial Council promulgates guidelines for the certification of mediators in Virginia. In 2024, the Council approved the following changes to the *Guidelines for the Training and Certification of Court-Referred Mediators* proposed by the Division of Dispute Resolution Services in the Office of the Executive Secretary.

Section C of the Guidelines was revised to clarify that mentorship requirements are not limited to the co-mediation sessions in which a mentee works directly with a mentor but includes observation sessions as well.

Section D of the Guidelines was revised to (1) clarify that the required two continuing mediator education ethic hours must come from a live training, (2) cap the use of pre-recorded webinars and videos for recertification purposes, (3) change the requirement of “co-mediation” to “mediation” in the self-reflection credit, and (4) direct lapsed mediators to contact the Division of Dispute Resolution Services to request a partial waiver of initial certification requirements if they wish to renew their certification.

2024 Weighted Caseload Report

At the request of the General Assembly, the Supreme Court of Virginia contracted with the National Center for State Courts to evaluate the judicial caseloads throughout the Commonwealth. In 2024, the Judicial Council reviewed the Judicial Workload Assessment Report prepared by the National Center for State Courts, which details the factors that affect the judicial caseload and the judicial need at each level of trial court statewide.

Requests for Additional Judgeships

Virginia Code § 17.1-507 provides that no additional circuit court judge shall be authorized or provided for any judicial circuit until the Judicial Council has made a study of the need for such additional circuit judge and reports its findings and recommendations.

In 2024, the Judicial Council received a request for three additional judgeships from the Twentieth Judicial Circuit. The Council reviewed documentation and statistical information presented by the judicial circuit as well as the Judicial Workload Assessment Report prepared by the National Center for State Courts. Chief Justice Goodwyn appointed a subcommittee of Judicial Council members to review the materials presented and make a recommendation regarding this request to the Executive Committee of the Judicial Council. The Executive Committee of the Judicial Council met on December 11, 2024, and decided to continue studying the request for additional judgeships for the Twentieth Judicial Circuit and recommended the request be considered at the next scheduled meeting of the full Judicial Council. The Executive Committee also requested the Office of the Executive Secretary develop a protocol or process to assist the Council in objectively evaluating claims for additional judgeships that differ vastly from the conclusions of the workload study.

Report from the Court Performance Advisory Committee

In July of 2023, the Office of the Executive Secretary of the Supreme Court of Virginia created the Court Performance Advisory Committee (“CPAC”), to recommend performance measures and to use the data to manage and improve court performance. CPAC is composed of four judges, four clerks, one magistrate supervisor and one chief magistrate. Since its creation, CPAC has formed four substantive subcommittees: (1) case-related data, reporting and standards, (2) court user perspectives, (3) employee viewpoints, and (4) magistrates.

In 2024, the Judicial Council received a report from Judge Stacy Moreau, Chair of CPAC detailing the roles, responsibilities, and goals for each subcommittee.

The Honorable Harry L. Carrico Outstanding Career Service Award

In 2004, the Judicial Council of Virginia created an Outstanding Career Service Award in honor of the Honorable Harry L. Carrico, Chief Justice of Virginia from 1981 to 2003. This award is presented annually to one who, over an extended career, demonstrates exceptional leadership in the administration of the courts while exhibiting the traits of integrity, courtesy, impartiality, wisdom, and humility.

The Judicial Council of Virginia named the Honorable Lisa Bondareff Kemler, a judge of the Eighteenth Judicial Circuit, as the recipient of the 2023 award at the annual meeting of the Judicial Conference of Virginia on May 16, 2024. Judge Kemler has presided as a judge of the Alexandria Circuit Court since June 17, 2004, and has served as Chief Judge of the Eighteenth Judicial Circuit since 2012. Judge Kemler has presided as the Judge of the Alexandria Treatment Court docket since 2019. Judge Kemler serves as a judicial coach and judicial mentor and is a frequent lecturer and panel speaker at continuing legal education seminars.

Judge Kemler is a member of the Committee on District Courts and the Virginia Model Jury Instructions Committee, and a past member of the Virginia Criminal Sentencing Commission. Judge Kemler has served on the Judicial Conference of Virginia's Judicial Administration and Judicial Education Committees. She is a member of the Alexandria Community Criminal Justice Board, a speaker at the Alexandria City Academy, and a past member of the Boyd-Graves Conference.

Judge Kemler received her bachelor's degree from the University of Virginia, and her juris doctorate from George Mason University School of Law. Prior to taking the bench, Judge Kemler was engaged in the private practice of law in Alexandria and served as a Substitute Judge in the Eighteenth Judicial District.

II. LEGISLATIVE PROPOSALS FOR THE 2025 GENERAL ASSEMBLY SESSION

In 2024, the Judicial Council endorsed legislative proposals recommended by the Executive Committee of the Judicial Conference of Virginia for approval by the Supreme Court of Virginia, and inclusion in the Court’s legislative package for the 2025 Session of the General Assembly.

Proposals Recommended by the Executive Committee of the Judicial Conference of Virginia

1. Foreign Protective Order Violations Punishable under § 16.1-253.2.

This proposal would add a reference to foreign protective orders in Va. Code § 16.1-253.2, which provides penalties for various protective order violations. Currently, charges may potentially issue for violations of foreign protective orders under the general “full faith and credit” standard outlined within Va. Code § 16.1-279.1(F). This proposal would eliminate any potential ambiguity as to whether foreign protective orders may be enforced within the Commonwealth.

§ 16.1-253.2. Violation of provisions of protective orders; penalty.

A. In addition to any other penalty provided by law, any person who violates any provision of a protective order issued pursuant to § 16.1-253.1, 16.1-253.4, 16.1-278.14, or 16.1-279.1, or subsection B of § 20-103, or any order entitled to full faith and credit as described in subsection F of § 16.1-279.1, when such violation involves a provision of the protective order that prohibits such person from (i) going or remaining upon land, buildings, or premises; (ii) further acts of family abuse; or (iii) committing a criminal offense, or which prohibits contacts by the respondent with the allegedly abused person or family or household members of the allegedly abused person as the court deems appropriate, is guilty of a Class 1 misdemeanor. The punishment for any person convicted of a second offense of violating a protective order, when the offense is committed within five years of the prior conviction and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. Any person convicted of a third or subsequent offense of violating a protective order, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term of confinement of six months. The mandatory minimum terms of confinement prescribed for violations of this section shall be served consecutively with any other sentence.

2. Amend Va. Code §§ 19.2-392.5, 19.2-392.12, 19.2-392.13, and 19.2-392.17 to Address Unresolved Issues with the 2021 Criminal Sealing Legislation Prior to the July 1, 2025 Effective Date.

Many unresolved issues have been discovered in the process of preparing to implement the 2021 criminal sealing legislation, which will go into effect on July 1, 2025. This proposal addresses issues that could not be resolved by staff in the Office of the Executive Secretary through internal discussions or programming. The Council expects that the Virginia State Crime Commission will recommend legislation for the 2025 General Assembly Session addressing some, or all, of these issues. If the Crime Commission moves forward with legislation for the 2025 Session addressing these issues, Judicial Council approved deferring to the Crime Commission legislation.

The proposed changes to § 19.2-392.5(C) address a conflict with the language in 19.2-392.14(B) regarding what information clerks are able to disclose when a sealed record is requested. Currently, the language in § 19.2-392.5(C) would require the clerk to deny that the record exists. The proposed amendment would allow the clerk to inform a person requesting the record that the record has been sealed and can only be accessed by means of a court order. This information will allow persons who may access sealed records pursuant to § 19.2-392.13 to avail themselves of the court procedures to request such access.

The proposed amendments to § 19.2-392.12 would establish a process by which persons could petition for the sealing of certain types of records that cannot be automatically sealed. Persons petitioning for sealing would need to identify the case number for the case to be sealed, except when not reasonably available, as this will help the courts and the automated systems correctly identify cases ordered to be sealed and minimize the potential for related records to be missed for petition-based sealing. Additionally, an amendment has been included to establish that an attorney appointed by the court to represent a petitioner who is requesting sealing should continue in their representation during a subsequent appeal.

Amendments to § 19.2-392.13 would ensure that clerks are able to disseminate information from sealed records to the Auditor of Public Accounts (APA) for audit purposes. It also adds clarifying language addressing other electronic systems that may contain sealed case information and specifies that the APA and individuals authorized to collect fines, costs, and restitution may still continue to access information. Language in subsection (F) is revised to address issues raised by appellate court staff. When a case is appealed from circuit court, multiple charges are combined into one case at the appellate level that cannot be broken apart to be automatically sealed if only one or some of such charges are ordered to be sealed. Therefore, language is added to specifically address these appellate court records that may contain charges that are sealed among others that are not. Appellate courts

also issue orders and summaries of cases that cannot be sealed without extensive manual review and redaction (for the Court of Appeals, summaries are required per § 17.1-413). This language exempts such orders and summaries from the sealing provisions along with published and unpublished opinions.

The proposal also adds language in § 19.2-392.17 to address issues with traffic cases appealed to the Court of Appeals. Revisions within subsection (B) clarify that there will be no sealing orders entered for traffic cases that are “deemed to be sealed.” This is based on the understanding that no order of the court will issue because the records are deemed sealed once they reach the applicable retention schedule and are purged by the district courts.

§ 19.2-392.5 (For contingent effective date see Acts 2021, Sp. Sess. I, cc. 524 and 542) Sealing defined; effect of sealing.

...

C. Records relating to an arrest, charge, or conviction that have been sealed may be disseminated only for purposes set forth in § 19.2-392.13 and pursuant to rules and regulations adopted pursuant to § 9.1-128 and procedures adopted pursuant to § 9.1-134. ~~The court, except as provided in subsection B of § 19.2-392.14, and~~ Any law-enforcement agency shall reply to any inquiry that no record exists with respect to an arrest, charge, or conviction that has been sealed, unless such information is permitted to be disclosed pursuant to § 19.2-392.13 and pursuant to rules and regulations adopted pursuant to § 9.1-128 and procedures adopted pursuant to § 9.1-134. As provided in subsection B of § 19.2-392.14, a clerk of any court shall reply to any inquiry requesting access to a sealed court record that such court record has been sealed and can only be accessed pursuant to a court order. A clerk of any court and the Executive Secretary of the Supreme Court shall be immune from any cause of action arising from the production of sealed court records, including electronic records, absent gross negligence or willful misconduct. This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law or to affect any cause of action accruing prior to the effective date of this section.

...

§ 19.2-392.12. (For effective date see Acts 2021, Sp. Sess. I, cc. 524 and 542) Sealing of offenses resulting in a deferred and dismissed disposition or conviction by petition.

A. Except for a conviction or deferral and dismissal of a violation of § 18.2-36.1, 18.2-36.2, 18.2-51.4, 18.2-51.5, 18.2-57.2, 18.2-266, or 46.2-341.24, a person who has been convicted of or had a charge deferred and dismissed for a (i) misdemeanor offense, (ii) Class 5 or 6 felony, or

(iii) violation of § 18.2-95 or any other felony offense in which the defendant is deemed guilty of larceny and punished as provided in § 18.2-95 may file a petition setting forth the relevant facts and requesting sealing of the criminal history record information and court records relating to the charge or conviction, provided that such person has (a) never been convicted of a Class 1 or 2 felony or any other felony punishable by imprisonment for life, (b) not been convicted of a Class 3 or 4 felony within the past 20 years, and (c) not been convicted of any other felony within the past 10 years of his petition.

B. A person who has had a charge or conviction ordered to be sealed pursuant to this Chapter may file a petition setting forth the relevant facts and requesting sealing of the criminal history record information and court records relating to (i) any violation of the terms and conditions of a suspended sentence or probation relating to a conviction that was ordered to be sealed, (ii) any appeal from a bail, bond or recognizance order relating to a charge or conviction that was ordered to be sealed, and (iii) any other publicly available court or criminal history record the petitioner alleges is related to an arrest, charge or conviction that was ordered to be sealed.

~~B-C.~~ A person shall not be required to pay any fees or costs for filing a petition pursuant to this section if such person files a petition to proceed without the payment of fees and costs, and the court with which such person files his petition finds such person to be indigent pursuant to § 19.2-159.

~~C-D.~~ The petition with a copy of the warrant, summons, or indictment, if reasonably available, shall be filed in the circuit court of the county or city in which the case was disposed of and shall contain, except when not reasonably available, the date of arrest, the name of the arresting agency, ~~and~~ the date of conviction, and the case number associated with the court record that is the subject of the petition. When this information is not reasonably available, the petition shall state the reason for such unavailability. The petition shall further state the charge or conviction to be sealed; the date of final disposition of the charge or conviction as set forth in the petition; the petitioner's date of birth, sex, race, and social security number, if available; and the full name used by the petitioner at the time of arrest or summons. A petition may request the sealing of the criminal history record information and court records for multiple charges or convictions as set forth in subsection A provided that all such charges and convictions arose out of the same transaction or occurrence and all such charges are eligible for sealing. A petition may not request the sealing of the criminal history record information and court records for multiple charges or convictions that arose out of different transactions or occurrences. A petitioner may only have two petitions granted pursuant to this section within his lifetime. Any petition that is granted (i) solely to seal a violation of subsection A of § 18.2-265.3 as it relates to marijuana, (ii) solely to seal a violation of § 4.1-305, or (iii) to seal a violation of both subsection A of § 18.2-265.3 as it relates to marijuana and § 4.1-305 arising

out of the same transaction or occurrence shall not count against the petitioner's lifetime maximum.

...

~~L~~M. If a petitioner qualifies to file a petition for sealing of records without the payment of fees and costs pursuant to subsection ~~B~~ C and has requested court-appointed counsel, the court shall then appoint counsel to file the petition for sealing of records and represent the petitioner in the sealed records proceedings, including an appeal, if any. Counsel appointed to represent such a petitioner shall be compensated for his services subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia, in a total amount not to exceed \$120, as determined by the court, and such compensation shall be paid from the Sealing Fee Fund as provided in § 17.1-205.1.

...

§ 19.2-392.13. (For effective date see Acts 2021, Sp. Sess. I, cc. 524 and 542) Disposition of records when an offense is sealed; permitted uses of sealed records.

...

C. Records relating to an arrest, charge, or conviction that was ordered to be sealed pursuant to § 19.2-392.7, 19.2-392.8, 19.2-392.11, or 19.2-392.12 shall not be open for public inspection or otherwise disclosed, provided that such records may be disseminated and used for the following purposes: (i) to make the determination as provided in § 18.2-308.2:2 of eligibility to possess or purchase a firearm; (ii) for fingerprint comparison utilizing the fingerprints maintained in the Automated Fingerprint Information System; (iii) to the Virginia Criminal Sentencing Commission, the Virginia State Crime Commission, and the Joint Legislative Audit and Review Commission for research purposes and to the Auditor of Public Accounts for audit purposes; (iv) to any full-time or part-time employee of the State Police or a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof for the purpose of screening any person for full-time employment or part-time employment with, or to be a volunteer with, the State Police or a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof; (v) to the State Health Commissioner or his designee for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency as provided in § 32.1-111.5; (vi) to any full-time or part-time employee of the Department of Forensic Science for the purpose of screening any person for full-time or part-time employment with the Department of Forensic Science; (vii) to the chief law-enforcement officer of a locality, or his designee who shall be an individual employed

as a public safety official of the locality, that has adopted an ordinance in accordance with §§ 15.2-1503.1 and 19.2-389 for the purpose of screening any person who applies to be a volunteer with or an employee of an emergency medical services agency as provided in § 32.1-111.5; (viii) to any full-time or part-time employee of the Department of Motor Vehicles, any employer as defined in § 46.2-341.4, or any medical examiner as defined in 49 C.F.R. § 390.5 for the purpose of complying with the regulations of the Federal Motor Carrier Safety Administration; (ix) to any employer or prospective employer or its designee where federal law requires the employer to inquire about prior criminal charges or convictions; (x) to any employer or prospective employer or its designee where the position that a person is applying for, or where access to the premises in or upon which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any contract with, or statute or regulation of, the United States or any Executive Order of the President; (xi) to any person authorized to engage in the collection of court costs, fines, or restitution under subsection C of § 19.2-349 for purposes of collecting such court costs, fines, or restitution; (xii) to administer and utilize the DNA Analysis and Data Bank set forth in Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18; (xiii) to publish decisions of the Supreme Court, Court of Appeals, or any circuit court; (xiv) to any full-time or part-time employee of a court, the Office of the Executive Secretary, the Division of Legislative Services, or the Chairs of the House Committee for Courts of Justice and the Senate Committee on the Judiciary for the purpose of screening any person for full-time or part-time employment as a clerk, magistrate, or judge with a court or the Office of the Executive Secretary; (xv) to any employer or prospective employer or its designee where this Code or a local ordinance requires the employer to inquire about prior criminal charges or convictions; (xvi) to any employer or prospective employer or its designee that is allowed access to such sealed records in accordance with the rules and regulations adopted pursuant to § 9.1-128 and procedures adopted pursuant to § 9.1-134; (xvii) to any business screening service for purposes of complying with § 19.2-392.16; (xviii) to any attorney for the Commonwealth and any person accused of a violation of law, or counsel for the accused, in order to comply with any constitutional and statutory duties to provide exculpatory, mitigating, and impeachment evidence to an accused; (xix) to any party in a criminal or civil proceeding for use as authorized by law in such proceeding; (xx) to any party for use in a protective order hearing as authorized by law; (xxi) to the Department of Social Services or any local department of social services for purposes of performing any statutory duties as required under Title 63.2; (xxii) to any party in a proceeding relating to the care and custody of a child for use as authorized by law in such proceeding; (xxiii) to the attorney for the Commonwealth and the court for purposes of determining eligibility for sealing pursuant to the provisions of § 19.2-392.12, whether the court or parties failed to strictly comply with sealing procedures, or whether an order for sealing was entered contrary to law; (xxiv) to determine a person's eligibility to be empaneled as a juror; and (xxv) to the person arrested, charged, or convicted

of the offense that was sealed.

...

E. No access shall be provided to electronic records in an appellate court, circuit court, or district court case management system or other system containing electronic case information maintained by the Executive Secretary of the Supreme Court or in a case management system maintained by a clerk of the circuit court for any arrest, charge, or conviction that was ordered to be sealed pursuant to § 19.2-392.7, 19.2-392.8, 19.2-392.11, or 19.2-392.12, except to (i) the Virginia Criminal Sentencing Commission, the Virginia State Crime Commission, and the Joint Legislative Audit and Review Commission for research purposes, (ii) the Auditor of Public Accounts for audit purposes, (iii) any person authorized to engage in the collection of court costs, fines or restitution under subsection C of § 19.2-349 for the purposes of collecting such court costs, fines or restitution, and (iv) any person authorized to submit a request for payment to the Office of the Executive Secretary of the Supreme Court for services provided in a criminal case. ~~Such~~ Electronic records may be disseminated as authorized in this subsection to the Virginia Criminal Sentencing Commission, the Virginia State Crime Commission, and the Joint Legislative Audit and Review Commission without a court order.

F. If a pleading or case document in a court record that was sealed is included among other court records that have not been ordered to be sealed, the clerk of court shall not be required to prohibit dissemination of that record. If an appellate court record contains court records that have been ordered to be sealed and court records that have not been ordered to be sealed, the clerk of the Supreme Court or Court of Appeals shall not be required to prohibit dissemination of that appellate court record. The Supreme Court, Court of Appeals, and a Any circuit court shall not be required to prohibit dissemination of any published or unpublished opinion, relating to an arrest, charge, or conviction that was ordered to be sealed. The Supreme Court and Court of Appeals shall not be required to prohibit dissemination of any published or unpublished opinion, order or summary of a case; any court records for matters in which the Supreme Court or Court of Appeals has original jurisdiction; or any appellate court record of a traffic infraction under Title 46.2 that is not punishable as a criminal offense relating to an arrest, charge or conviction that was ordered to be sealed. A clerk of court shall not be required to redact information pertaining to a court record that has been sealed in any reports or electronic transmissions of case information that are required by statute or prepared and distributed to a state or local government entity in the normal course of business.

...

§ 19.2-392.17 (For contingent effective date see Acts 2021, Sp. Sess. I, cc. 524 and 542) Traffic infractions deemed sealed

A. Except as provided in subsection F of § 19.2-392.13, Any record of a traffic infraction under Title 46.2 that is not punishable as a criminal offense shall be deemed to be sealed after 11 years from the date of final disposition of the offense, unless such sealing is prohibited under federal or state law. No record of any such traffic infraction shall be disseminated, unless such dissemination is authorized pursuant to § 19.2- 392.13 and pursuant to the rules and regulations adopted pursuant to § 9.1-128 and the procedures adopted pursuant to § 9.1-134.

B. The Department of Motor Vehicles shall not seal any traffic infraction under Title 46.2 (i) in violation of federal regulatory record retention requirements or (ii) in violation of federal program requirements if the Department of Motor Vehicles is required to suspend a person's driving privileges as a result of the traffic infraction that was ~~ordered to be sealed~~ deemed to be sealed pursuant to subsection A. ~~Upon receipt of an order directing that a traffic infraction be sealed,~~ The Department of Motor Vehicles shall seal all records deemed to be sealed pursuant to subsection A if the federal regulatory record retention period has run and all federal program requirements associated with a suspension have been satisfied. However, if the Department of Motor Vehicles cannot seal a traffic infraction pursuant to this subsection at the time it is ~~ordered~~ deemed to be sealed pursuant to subsection A, the Department of Motor Vehicles shall (a) notify the Department of State Police of the reason the record cannot be sealed and cite the authority prohibiting sealing ~~at the time it is ordered~~; (b) notify the Department of State Police of the date, if known ~~at the time when the sealing is ordered~~, on which such record can be sealed; (c) seal such record on that date; and (d) notify the Department of State Police when such record has been sealed within the Department of Motor Vehicles' records.

...

III. RECOMMENDED CHANGES TO RULES OF COURT

Background

Article VI, Section 5 of the Constitution of Virginia authorizes the Supreme Court of Virginia to promulgate rules governing the practice and procedures in the courts of the Commonwealth.

In 1974, the Judicial Council of Virginia established the Advisory Committee on Rules of Practice and Procedure in Virginia Courts to provide members of the Virginia State Bar and other interested participants a means of more easily proposing Rule changes to the Council for recommendation to the Supreme Court. The duties of this committee include: (a) evaluating suggestions for modification of the Rules made by the Bench, Bar, and public, and recommending proposed changes to the Judicial Council for its consideration; (b) keeping the Rules up-to-date in light of procedural and legislative changes; and (c) suggesting desirable changes to clarify ambiguities and eliminate inconsistencies in the Rules.

Rules recommended by the Council and subsequently adopted by the Supreme Court are published in Volume 11 of the Code of Virginia. All orders of the Supreme Court amending the Rules, along with an updated version of the Rules that incorporates the amendments as they become effective, are posted on Virginia's Judicial System website at <https://www.vacourts.gov/courts/scv/rules>.

RULE CHANGES RECOMMENDED BY THE JUDICIAL COUNCIL AND ADOPTED BY THE SUPREME COURT OF VIRGINIA IN 2024

At the May 7, 2024, meeting, Judicial Council considered and recommended to the Supreme Court these changes to the Rules of the Supreme Court of Virginia:

1. Amend Rule 1:1A to clarify when an order denying a petition for appeal triggers the 30-day period to seek additional attorney fees in the circuit court;
2. Amend Rule 1:1B(a)(3)(C) to confirm a trial court's concurrent jurisdiction to resolve objections to an appeal bond or suspending bond;
3. Amend Rule 1:4 to clarify the good-faith-denial requirement;
4. Permit electronic signatures on all pleadings;
5. Allow corrections to a stenographic transcript of an audio-visual deposition;
6. Specify record requirements in petitions for appeal to the Court of Appeals;
7. Clarify the briefing rules for en banc review in the Court of Appeals;

III. RECOMMENDED CHANGES TO RULES OF COURT

8. Correct Form 10 in Part Five A;
9. Amend the Part 5A rules to distinguish between preliminary and final assignments of error;
10. Permit reply briefs in support of cross-error;
11. Conform Rule 1:24 to the recent statutory amendment; and
12. Conform Rule 1:25 to the recent statutory amendment.

Rules 1:1B, 1:4, 1:5, 1:24, 1:25, 4:7A, 5:1B, 5:26, 5:29, 5A:1, 5A:10, 5A:12, 5A:13, 5A:19, 5A:20, 5A:21, 5A:22, 5A:25, and Part Five A, Appendix, Form 10 were amended by Order dated June 21, 2024, effective August 20, 2024.

Rules 1:1A and 5A:35 were amended by Order dated September 26, 2024, effective November 25, 2024.

At the October 22, 2024, meeting, Judicial Council considered and recommended to the Supreme Court these changes to the Rules of the Supreme Court of Virginia:

1. Amendment to Rules 5:11 and 5A:8 to clarify the requirements for a written statement in lieu of a transcript;
2. Amendment to streamline Rule 1:27 governing remote testimony; and
3. Amendment to Rule 1:17 to give pro se parties access to electronic filings.

Changes to Rule 1:17, 1:27, 5:11, and 5A:8 are still pending before the Supreme Court.

Rule 3:26 to specify the standard for granting a preliminary injunction was recommended by Judicial Council at the October 17, 2023 meeting, and adopted and promulgated by Order dated June 5, 2024, effective August 4, 2024.