

SELECTED RESOURCES

BACKGROUND

The Supreme Court of Virginia created the Virginia Access to Justice Commission by Court Order in 2013 (<http://www.vacourts.gov/programs/vajc/resources/order.pdf>).

Commission Membership

The Judicial Education Committee is one of five standing Committees of the Commission, with members including judges, court clerks, and representatives of legal aid organizations.

Committee's membership list:

http://www.vacourts.gov/programs/vajc/resources/committee_members.pdf

In 2018, the Judicial Education Committee completed a strategic plan.

http://www.vacourts.gov/programs/vajc/resources/judicial_ed_cmte_strat_plan.pdf

JUDICIAL CANONS AND SELF-REPRESENTED LITIGANTS

http://www.vacourts.gov/courts/scv/canons_of_judicial_conduct.pdf

The Canons of Judicial Conduct for the Commonwealth of Virginia have been amended in recent years to give judges broader authority to inform litigants of legal aid, and encourage lawyers to participate in pro bono services. Of particular note are additions to Canons 3 and 4, excerpted below.

Judicial Canon 3 (B) (3): A judge shall require order, decorum, and civility in proceedings before the judge.

Comment on Canon 3, subdivision B(3):In performing the duties of his or her judicial office, a judge may explain the judicial process while maintaining impartiality. A judge may also inform unrepresented persons of free legal aid and similar assistance that is available. (*Adopted February 27, 2015*)

Judicial Canon 4, subdivision (C): A judge may encourage lawyers to provide pro bono public legal services. (*Adopted November 2, 2016*)

Comment on Canon 4, subdivision (C): A judge may promote broader access to justice by encouraging lawyers to participate in pro bono public or legal services, if in doing so the judge does not employ coercion, or abuse the prestige of judicial office. Such encouragement may take many forms, including providing a list of available programs, training lawyers to do pro bono public service or legal work, and participating in events recognizing lawyers who have done pro bono public work, including nominating lawyers for such recognition. A judge may assist an organization in the recruitment of lawyers or law firms to provide pro bono legal

services so long as the recruitment effort cannot reasonably be perceived as coercive. This includes a judge requesting an attorney to accept pro bono representation of a party in a proceeding pending before the judge. (*Adopted November 2, 2016*)

GUIDANCE FOR JUDGES ADJUDICATING SRL CASES

Court cases increasingly involve one or more parties who are self-represented. The Judicial Education Committee has developed materials for inclusion in the District Court bench book to assist judges with these cases. The materials begin at page 157 of the District Court Judges' Benchbook, and are entitled "*Practice Points for Civil Matters Involving Self-Represented Litigants.*" Here is a link to the Benchbook:

<http://www.vacourts.gov/courts/gd/resources/manuals/districtcourtbenchbook.pdf>

PAYMENT PLANS

State Law

Virginia Code provides that courts shall afford defendants ordered to pay court fines and costs written notice of the availability of deferred, modified deferred, and installment payment agreements. If a community service program has been established, the court also must inform defendants of the availability of earning credit toward discharge of fines and costs through the performance of community service work. The court shall offer any defendant who is unable to pay in full the fines and costs within 30 days of sentencing the opportunity to enter into a deferred payment agreement, modified deferred payment agreement, or installment payment agreement.

<https://law.lis.virginia.gov/vacode/title19.2/chapter21/section19.2-354/>

<https://law.lis.virginia.gov/vacode/title19.2/chapter21/section19.2-354.1/>

Examples of Court Policies Governing Payment Plans

Circuit Court – Hanover

<http://www.vacourts.gov/courts/circuit/Hanover/paymentplanpolicy.pdf>

General District Court –Sussex

<http://www.vacourts.gov/courts/combined/Sussex/paymentplanpolicy.pdf>

Juvenile & Domestic Relations District Court – Nelson

<http://www.vacourts.gov/courts/jdr/Nelson/paymentplanpolicy.pdf>

SATISFYING PAYMENTS THROUGH COMMUNITY SERVICE

State Law

Virginia Code § 19.2-354 authorizes Courts to allow defendants to use credits for the performance of community service work to discharge all or part of any fines and costs that

have been imposed. Virginia Code § 19.2-354.1 requires courts to supply written notice to defendants of any community service program that the court has established. See hyperlinks to the cited State Code provisions, *supra*.

Examples of Court Policies Governing Community Service Plans

Hampton General District Court has detailed documentation guiding their use of community service work to satisfy court fines and costs.

http://www.vacourts.gov/programs/vajc/resources/hampton_guidelines.pdf

MODEL POLICY FOR USE OF PORTABLE ELECTRONIC DEVICES IN COURTHOUSES AND COURTROOMS

On December 14, 2018, the Supreme Court of Virginia issued a model policy on the use of portable electronic devices in courthouses and courtrooms. The announcement and the policy are attached here:

http://www.vacourts.gov/programs/vajc/resources/policy_electronic_devices.pdf

The Supreme Court notes the importance of courts “clearly [communicating] to the public their policies regarding the use of portable electronic devices in courthouses and courtroom.” The Court “recommends [the model policy] for consideration by the district courts and circuit courts of the Commonwealth.” *Memorandum of the Honorable Donald W. Lemons, Chief Justice, Supreme Court of Virginia*, December 14, 2018.

If you have questions regarding these materials, please contact:

Ellen Bowyer, Staff Attorney, Access to Justice Commission
Office of the Executive Secretary
Supreme Court of Virginia
100 North Ninth Street, Third Floor
Richmond, Virginia 23219
(804) 371-0940
ebowyer@vacourts.gov

Rev. 7-29-2020