

I. EXECUTIVE SUMMARY

During the 2011 General Assembly Session, two bills were introduced that would have redrawn existing judicial circuit and district boundaries. These bills, House Bill 1990 and Senate Bill 1240, would have reduced the current 31 judicial circuits and 32 judicial districts to 19 judicial circuits and 19 judicial districts, and would have reduced the total number of circuit and district judges authorized pursuant to the Code of Virginia from 402 to 382. Both House Bill 1990 and Senate Bill 1240 were left in the Senate Courts of Justice Committee.

At the conclusion of the 2011 General Assembly Session, the Honorable Henry L. Marsh, III, Chair of the Senate Courts of Justice Committee, wrote a letter requesting the Supreme Court of Virginia to review the judicial circuits and districts proposed by House Bill 1990 and Senate Bill 1240, and to provide its recommendations for changes to the judicial boundary lines, including the number of judges designated to serve in each judicial circuit and district, by November 1, 2011.

In response to Senator Marsh's letter, the Chief Justice formed a study committee. As part of the study, input was solicited from judges, clerks, bar associations, attorneys and other organizations and entities that interact with the courts. The Study Committee analyzed all of the information collected, which included population data and currently available caseload data. Six regional public meetings were held across the Commonwealth during July 2011 to solicit feedback on the proposed legislative model (House Bill 1990/ Senate Bill 1240) and two judicial boundary models developed by the Study Committee for consideration.

Despite the significant efforts of the Study Committee, its work was constrained by the condensed time period allotted for the study and limited existing resources; in particular, many of the data elements necessary for a comprehensive study are not currently captured and could not be collected in time for the Study Committee to consider them. While the available data clearly show that Virginia's population and caseloads have increased and outpaced the growth in judicial resources, the caseload statistics alone should not provide the basis for the realignment of judicial boundaries. Judicial redistricting studies require extensive data collection and the analysis of actual judicial workload. The preferred method of judicial workload analysis is the weighted caseload study.

Virginia's judicial system does not currently utilize a weighted caseload system to assess workload, nor do specific workload standards exist for judges. In contrast to raw caseload data, a weighted caseload system, with agreed upon weights for the various case types, takes into account the fact that all cases are not equally difficult and should not, therefore, be counted equally when measuring workload. The lack of such a system or measures was the most fundamental challenge to the Study Committee in its efforts to redraw Virginia's judicial boundaries to ensure more efficient allocation and utilization of judicial resources. Until such standards are developed and implemented, existing data can tell only part of the story.

Given these limitations, the Supreme Court of Virginia makes the following recommendations:

Recommendation 1: No changes should be made to judicial boundaries until the Judiciary completes a comprehensive study of judicial caseloads and workloads, including development of a "weighted caseload" system to more precisely measure and compare judicial caseloads.

- Such a study would take approximately eighteen months and would include the development of a comprehensive workload model, providing an objective means of determining the need for judges, assessing the distribution of judges throughout Virginia, and linking judicial resource levels with measurable performance indicators, such as time to disposition and clearance rate.

- Funds should be made available to support such a study to be conducted by a third party entity with expertise in workload assessments, specifically, the development of a comprehensive weighted caseload system.

Recommendation 2: Although no changes to judicial boundaries are recommended at this time, if the General Assembly determines that changes to judicial boundaries are necessary, a regional approach creating a regional overlay on existing judicial circuits and districts is recommended, as illustrated by the Judicial Boundary Realignment Study (JBRS) Regional Model in *Figure 27* and *Table 23* on pages 35 and 36, respectively. Such an approach would leave intact all current boundaries for Virginia’s judicial circuits and districts and create 12 regions for purposes of assessing judicial workload need and distributing judicial resources.

- This recommendation includes filling existing judicial vacancies that are currently funded but unfilled, which would result in a total of 390 circuit and district judgeships.
- This recommendation also includes funding for five additional judgeships, including three circuit court judges and two general district court judges. Specifically, the recommendation is for a circuit court judgeship in each of the following proposed Regions: 6, 10 and 12. A general district court judgeship is recommended for both proposed Region 4 and proposed Region 5.
- In order to implement a regional approach, the Code of Virginia should be amended as suggested in the draft included as *Appendix E*.