

**CIRCUIT COURT CLERKS' MANUAL - CIVIL****TABLE OF CONTENTS****PAGE i**

<b>Chapter 1 - Overview .....</b>	<b>1-1</b>
Civil Law - Generally .....	1-1
Civil Actions - Law and Chancery No Longer Distinguished .....	1-1
Common Law and Statute Law .....	1-2
Equity .....	1-2
Effect of Distinction between Law and Equity.....	1-4
Court Organization and Jurisdictional Distinctions.....	1-4
Supreme Court of Virginia.....	1-4
Court of Appeals of Virginia .....	1-5
Circuit Courts.....	1-5
District Courts .....	1-6
Participants in a Civil Action.....	1-7
Plaintiff.....	1-7
Defendant .....	1-8
Attorneys.....	1-8
<i>Pro se</i> Litigants .....	1-8
Guardian <i>Ad litem</i> .....	1-8
Commissioner in Chancery .....	1-8
Judges.....	1-8
Clerk of Circuit Court.....	1-9
Juries .....	1-9
Condemnation Commissioners .....	1-9
Special Commissioners.....	1-9
Registered Agents .....	1-9
Executors/Administrators .....	1-10
Sheriff.....	1-10
Judge Pro Tempore .....	1-10
Mediators.....	1-10
Police Officers .....	1-10
General Description of Civil Case Pleadings.....	1-10
Legal Causes of Action (formerly known as Actions at Law) .....	1-12
Complaint.....	1-13
Bills of Particulars.....	1-14

**CIRCUIT COURT CLERKS' MANUAL - CIVIL****TABLE OF CONTENTS****PAGE ii**

Demurrsers .....	1-14
Venue .....	1-14
Answer .....	1-14
Cross-Demands .....	1-15
Suits in Equity.....	1-15
Complaint.....	1-16
Demurrsers .....	1-17
Pleas in Equity.....	1-17
Disclaimers .....	1-18
Answers.....	1-18
Cross-Claims.....	1-18
Sources of Law Applicable to Civil Cases .....	1-18
Statutory Law .....	1-18
Acts of the General Assembly .....	1-19
Case Reporters.....	1-19
Opinions of the Attorney General.....	1-19
Other Reference Works .....	1-19
<b>Chapter 2 - Case Initiation .....</b>	<b>2-1</b>
Introduction .....	2-1
Acknowledging Receipt of Case Papers .....	2-1
Transfer of Cases – Amended Amount of Claim.....	2-3
Case Numbering.....	2-4
Indexing.....	2-5
Preparation of Case File – Paper Files.....	2-6
Issuance of Court Process .....	2-7
General.....	2-7
Service of Process .....	2-8
Acceptance/Waiver of Service .....	2-8
Order of Publication.....	2-8
Certified Mailing.....	2-9
Service Upon a Corporation or State Corporation Commission .....	2-9
Service on Secretary of the Commonwealth .....	2-11
<a href="#"><u>Virginia Code § 8.01-329</u></a> states: .....	2-11

**CIRCUIT COURT CLERKS' MANUAL - CIVIL****TABLE OF CONTENTS****PAGE iii**

Service Upon the Commissioner of DMV.....	2-12
Attorney-Issued Subpoenas.....	2-12
<i>Pro Se</i> Civil Actions - <i>Pro Se</i> Litigants .....	2-14
Virginia Prisoner Litigation Reform Act.....	2-14
<b>Chapter 3 - Caseflow Management.....</b>	<b>3-1</b>
Docket Call .....	3-1
Docket Preparation.....	3-1
Civil Docket Procedures .....	3-2
Caseflow Management .....	3-3
Defining Delay .....	3-3
Considerations in Developing Caseflow Management Prevention Efforts.....	3-4
Forming a Team .....	3-5
Steps Taken by the Court or Team to Assess Delay.....	3-6
Developing Caseflow Management Programs.....	3-9
Examples of Caseflow/Calendar Management Programs .....	3-10
Requests For Subpoenas, Production Of Documents, Etc.....	3-11
Definitions .....	3-11
Subpoena .....	3-11
Subpoena <i>duces tecum</i> .....	3-13
Uniform Interstate Depositions and Discovery Act .....	3-18
Jury Management .....	3-19
Civil Jury Composition.....	3-19
Condemnation Juries .....	3-20
Creation of the Master Jury List/It's Use in Jury Management .....	3-21
Appointment of Jury Commissioners.....	3-24
Master Jury List .....	3-25
Term Jury List .....	3-28
Petit Jury .....	3-30
Jury Orientation .....	3-31
<i>Voir dire</i> .....	3-33
Microfilming and Indexing Orders; Order Books .....	3-33
Microfilming .....	3-33
Court Orders .....	3-34

**CIRCUIT COURT CLERKS' MANUAL - CIVIL****TABLE OF CONTENTS****PAGE iv**

Indexing Orders.....	3-36
Order Books and Other Information Found In the Clerk's Office .....	3-36
Appeals.....	3-39
Court of Appeals of Virginia .....	3-40
Supreme Court of Virginia.....	3-50
<b>Chapter 4 - Pre-Trial .....</b>	<b>4-1</b>
Pretrial Conferences .....	4-1
Hearings on Motions.....	4-2
Commissioner in Chancery .....	4-3
Alternative Dispute Resolution .....	4-3
Referral.....	4-4
Cases for Mediation .....	4-5
Process .....	4-6
Appointment of Guardian Ad Litem.....	4-9
Generally .....	4-9
Specific Appointments .....	4-10
Recoup Fees .....	4-13
Nonsuit, Dismiss Action With(Out) Prejudice .....	4-13
Amendment of Claim – Case Transfer .....	4-14
Rules of The Supreme Court of Virginia.....	4-15
Pleadings .....	4-15
Time Computation .....	4-15
Amendments to Pleadings .....	4-16
Discretion of Court-Extensions of Time .....	4-16
Verification - Effect of Omission of Required Oath.....	4-16
Endorsements - Submission of Draft Orders, etc. ....	4-16
Legal Causes of Action & Actions in Equity.....	4-17
Interpreters.....	4-35
Local Rules of Court (Rule 1:15).....	4-35
Purging Inactive Cases From The Docket.....	4-36
One Year.....	4-37
Two Years .....	4-37
Three Years .....	4-38

**CIRCUIT COURT CLERKS' MANUAL - CIVIL****TABLE OF CONTENTS****PAGE v**

<b>Chapter 5 - Trial of The Action/Post-Trial .....</b>	<b>5-1</b>
Bench Trial .....	5-1
Procedures .....	5-1
Jury Trial.....	5-4
Right to Trial by Jury.....	5-5
Eligibility for and Exemption from Jury Service .....	5-6
Selection of Trial Jurors.....	5-6
Conduct of Jury Trial .....	5-8
Juror Reimbursement .....	5-15
Clerk's Duties In The Courtroom.....	5-15
The Court File .....	5-16
Jury Trial.....	5-16
Pre-Trial Motions .....	5-16
Trial .....	5-16
Trial Exhibits.....	5-16
Post-Trial Motions.....	5-16
Court Orders .....	5-16
Post-Trial Matters .....	5-17
Under Advisement Cases .....	5-17
Post-Trial Motions.....	5-17
Judgments and Executions Thereon .....	5-18
Records Management.....	5-18
Statutory Recordkeeping Duties .....	5-18
Creating A Records Management Program .....	5-20
Dealing with Electronic Records .....	5-22
Destroying Circuit Court Records.....	5-24
Destroying District Court Papers.....	5-27
<b>Chapter 6 - Suits/Action Types (A-B) .....</b>	<b>6-1</b>
Administrative Appeal (Employee Grievance) .....	6-1
Administrative Appeal (Virginia Retirement System Member Grievance).....	6-2
Administrative Impoundment of Motor Vehicles.....	6-3
Administrative Suspension of Driver's License .....	6-3
Adoption .....	6-3

**CIRCUIT COURT CLERKS' MANUAL - CIVIL****TABLE OF CONTENTS****PAGE vi**

Adoption-Foreign .....	6-8
Adoption-Post Adoption Contact And Communication Agreements .....	6-10
Adult Protective Services Emergency Order – Aged or Incapacitated Adults .....	6-11
Animal Violations .....	6-13
Annexation.....	6-13
Appeals.....	6-16
Blood Borne Pathogens Appeal .....	6-16
Civil Contempt from District Court .....	6-18
Civil Proceedings from J&DR.....	6-20
Decision from Board of Zoning Appeals.....	6-28
Decision from Zoning Administrator Decisions.....	6-31
Decision of ABC Board .....	6-32
Decision of Board of Real Estate Review, (Board of Assessors) and Equalization Board .....	6-34
Decision of Compensation Board or Governing Body .....	6-36
Decision of Support Enforcement Set Off Debt Collections .....	6-39
Decision of Employment Commission .....	6-40
Decision of Local Governing Body (Historic Landmarks) .....	6-42
Decision of Marine Resources Commission.....	6-43
Denial of Authorization for Abortion from J&DR.....	6-45
Denial of Voter Registration.....	6-48
General District Court Appeal .....	6-49
Involuntary Commitment/Inpatient and Outpatient - <a href="#">Va. Code § 37.2-821</a> .....	6-53
Isolation/Quarantine Order .....	6-55
Probate – Not an Original Action .....	6-58
Refusal to Take Blood or Breath Test.....	6-59
Withdrawal of Appeal from District Court .....	6-59
Appointment.....	6-61
Church Trustees and Fraternal Organizations Trustees.....	6-61
Special Conservator of the Peace .....	6-63
Special Conservator of the Peace-Revocation .....	6-66
Guardian/Conservator .....	6-67
Special Justice .....	6-67
Standby Guardian/Standby Conservator .....	6-68

**CIRCUIT COURT CLERKS' MANUAL - CIVIL****TABLE OF CONTENTS****PAGE vii**

Approval Of The Right To Be Eligible To Register To Vote.....	6-68
Attachments.....	6-71
Augmented Estate.....	6-76
Authorization of Non-Ministers to Perform Marriages .....	6-76
Birth Certificate – Amendment.....	6-76
Bond .....	6-78
<b>Chapter 7 - Suits/Action Types (C) .....</b>	<b>7-1</b>
Change of Sex.....	7-1
Child Abuse Or Neglect – Unfounded Complaint .....	7-2
Civil Commitment for Sexually Violent Predators .....	7-4
Civil Contempt.....	7-9
Complaint – Legal Cause Of Action Or Equitable Action.....	7-11
Compromise Settlement.....	7-13
Concealed Handgun Permit .....	7-15
Application for Concealed Handgun Permit .....	7-15
Renewal of Concealed Handgun Permit .....	7-18
Replacement Permit for a Change of Address.....	7-19
Replacement Permit for Lost or Destroyed Permit, Change of Name.....	7-20
Denial of Concealed Handgun Permit - Petition for Review .....	7-21
Revocation/Suspension of Concealed Handgun Permit .....	7-22
Condemnation/Eminent Domain/Inverse Condemnation and Related Procedures.....	7-23
Confession of Judgment.....	7-41
Consolidation of Counties.....	7-45
Construe/Establish/Reform Wills.....	7-47
Contracts.....	7-47
Rescission of Contract.....	7-47
Seeking Damages & Performance.....	7-49
Seeking Money Damages.....	7-50
Seeking Specific Performance .....	7-51
Convey/Encumber Church Property .....	7-52
Correction of Erroneous or Improper Assessments of Local Levies .....	7-54
Correction of Erroneous or Improper Assessments of State Tax .....	7-55
Correct Orders - Default Judgment/Pro Confesso .....	7-57

**CIRCUIT COURT CLERKS' MANUAL - CIVIL****TABLE OF CONTENTS**

	<b>PAGE</b>
Amendment of Final Decree, etc. in Original Action .....	7-58
File A New Action to Amend, Etc. The First Case.....	7-58
Counterclaim.....	7-59
Cross Claim.....	7-61
Custodian – Virginia Uniform Transfers to Minors Act.....	7-63
Duties of a Custodian .....	7-63
Incidents Involving a Petition to Circuit Court .....	7-63
<b>Chapter 8 – Suits/Action Types (D-F).....</b>	<b>8-1</b>
Death Certificate – Amendment .....	8-1
Declaratory Judgment.....	8-4
Declare Death .....	8-5
Destruction of Unexecuted Felony and Misdemeanor Warrants.....	8-7
Detinue.....	8-9
Divorce/Annulment/Affirmation .....	8-13
Election Laws – Violation of.....	8-24
Ejectment.....	8-24
Elections.....	8-27
Referendum Elections.....	8-27
Special Elections (Constitutional Officers) .....	8-30
Recount of Election.....	8-32
Elective Share.....	8-32
Enforcements.....	8-32
Mechanic's Lien.....	8-32
Vendor's Lien .....	8-35
Erroneous or Improper Assessments of Local Levies .....	8-36
Escheat.....	8-36
Establishments.....	8-38
Establish Property Line.....	8-38
Establish Record of Birth.....	8-39
Establish Report of Foreign Adoption.....	8-41
Establish Residency - Eligibility for In-State Tuition.....	8-41
Establish Right-Of-Way .....	8-43
Establish/Impeach/Reform Will.....	8-44

**CIRCUIT COURT CLERKS' MANUAL - CIVIL****TABLE OF CONTENTS**

	<b>PAGE ix</b>
Expungement .....	8-44
Expungement of Unlawful Detainer .....	8-51
Foreign Country Judgments .....	8-54
Forfeitures.....	8-55
Bail Bond .....	8-55
Financial Accounting for Processing Bond Forfeitures .....	8-59
Bond Refund Requests.....	8-60
Contraband Seized For ABC Violations .....	8-60
Forfeiture of Property, Money.....	8-62
Freedom of Information .....	8-66
<b>Chapter 9 - Suits/Action Types (G-M).....</b>	<b>9-1</b>
Garnishment .....	9-1
Guardians/Conservators .....	9-6
Guardian/Conservator Appointment.....	9-6
Guardian/Conservator Appointment-Uniform Adult Guardianship and Protective Proceedings Act .....	9-10
Guardian of Minor – Appointment of - Estate Filing .....	9-14
Guardian Of Minor – Distribution From Estate.....	9-16
Standby Guardian Conservator.....	9-18
Transfer of Guardianship or Conservatorship-Uniform Adult Guardianship and Protective Proceedings Act.....	9-20
Guardianship For Enrolling Child In School.....	9-23
Habeas Corpus Ad Subjiciendum .....	9-23
Illegal Gambling Devices .....	9-27
Income Deduction Order .....	9-28
Injunction .....	9-30
Interdiction .....	9-32
Interpleader .....	9-33
Intervener .....	9-34
Isolation/Quarantine.....	9-35
Judgment Lien (Bill To Enforce) .....	9-38
Judicial Reviews .....	9-41
DMV Revocation/Suspension of License .....	9-41
School Board Decision Regarding A Pupil .....	9-42

**CIRCUIT COURT CLERKS' MANUAL - CIVIL****TABLE OF CONTENTS**

	<b>PAGE x</b>
Juvenile & Domestic Relations Court Case Matrix.....	9-44
Levy/Seizure - (Post-Judgment) .....	9-44
Liquidated Damages/Overweight Vehicle Violations .....	9-49
Mandamus .....	9-49
Marriage-Authorization Of Persons Other Than Ministers To Perform .....	9-51
Medical Malpractice .....	9-53
<b>Chapter 10 – Suits/Action Types (N-W) .....</b>	<b>10-1</b>
Name Change.....	10-1
Name Change – Void.....	10-5
Partition .....	10-6
Pawnbroker – Application for License .....	10-8
Payment Of Funds Into The Circuit Court From General District Court.....	10-10
Petition By Public Officials To Prohibit Publication Of Information.....	10-11
Petition For Entry Onto School Property By Sex Offender .....	10-13
<i>Pro Hac Vice</i> – When Out-Of-State Lawyer Is Allowed to Participate In A Virginia Case .....	10-15
Prohibition .....	10-16
Protective Orders.....	10-18
Adult Protective Services – Emergency Order.....	10-18
Appeal .....	10-18
Hope Card Program.....	10-23
Protective Order Emergency - Family Abuse - Pass-Through (No File Created) .....	10-24
Protective Orders of Family Abuse Where Divorce, Custody, Visitation or Support Is Pending-Civil or Juvenile (Where Custody/Visitation Appealed) .....	10-28
Protective Order Firearm Certification Contempt .....	10-30
<i>Quo Warranto</i> .....	10-31
Receiver (Special).....	10-34
Reinstatements .....	10-37
Civil Case .....	10-37
Driving Privileges.....	10-38
Reinstatement Of Professional License .....	10-41
Restoration Of Voting Rights .....	10-42
Restore Driving Privileges (Third Offense , Involuntary Manslaughter or DUI Maiming).....	10-42
Restore, Modify or Terminate Guardian/Conservator .....	10-44

**CIRCUIT COURT CLERKS' MANUAL - CIVIL****TABLE OF CONTENTS****PAGE xi**

Restore Rights To Possess Firearm .....	10-47
Relief .....	10-50
Legal Determination of Paternity.....	10-50
Re-Registration - Sexual Offender Registry.....	10-52
Removals.....	10-54
Circuit to Federal Court.....	10-54
Personal Representative/Trustee .....	10-55
Name from Sexual Offender Register or Supplement to the Sex Offender and Crimes Against Minors Registry .....	10-57
Restricted Driver's License.....	10-60
Conviction for Unauthorized Driving .....	10-60
Revocation of License to Practice Law.....	10-61
Sell.....	10-63
Land for Delinquent Taxes .....	10-63
Sell, Etc. Land of Person under a Disability.....	10-66
Structured Settlement – Approval of Transfer .....	10-68
Substantial Risk Orders .....	10-69
Surcharge And Falsify An Accounting .....	10-73
Suspension of Professional License .....	10-75
Third-Party Practice .....	10-77
Trusts.....	10-79
Aid and Guidance for Established Trusts .....	10-79
Reformation of Trusts .....	10-80
Creation of Trusts.....	10-82
Unlawful Entry And Detainer .....	10-83
Violation of Election Laws.....	10-87
Wills.....	10-89
Construe Will.....	10-89
Elective Share and Augmented Estate .....	10-91
Establish/Impeach/Reform .....	10-92
Workers' Compensation Lien – Ascertain Amount.....	10-93
Workers' Compensation Commission Referral.....	10-95
Writ of Certiorari.....	10-97

**CIRCUIT COURT CLERKS' MANUAL - CIVIL****TABLE OF CONTENTS****PAGE xii**

Writ of Coram Nobis/Writ of Coram Vobis.....	10-98
Writ of Habeas Corpus Ad Subjiciendum.....	10-99
Writ of Vacatur.....	10-100
Wrongful Death/Personal Injury.....	10-103
<b>Appendix A - Worksheet for Filing Civil Actions.....</b>	<b>A-1</b>
<u>Cover Sheet For Filing Civil Actions CC-1416 .....</u>	<u>A-1</u>
<u>Instructions .....</u>	<u>A-1</u>
<b>Appendix B – Miscellaneous Bond Forms .....</b>	<b>B-1</b>
See also DC and CC series Bond Forms .....	B-1
Performance Bond .....	B-2
Injunction Bond.....	B-3
Special Commissioner's Bond .....	B-4
Special Commissioner's Bond – Clerk's Certificate and Notice .....	B-5
Forthcoming Bond [Relief from Writ of Fieri Facias] .....	B-7
Forthcoming Bond [Third-Party Claim to Property Levied On].....	B-8
Forthcoming Bond [Injunction Against Removal of Property].....	B-9
Indemnifying Bond [Fieri Facias, Attachment, Distress] .....	B-10
Indemnifying Bond [Action on Lost Evidence of Debt] .....	B-11
Bond for Costs.....	B-12
<b>Appendix C - Fee Schedule .....</b>	<b>C-1</b>
<b>Appendix D - Miscellaneous Orders, Decrees And Documents .....</b>	<b>D-1</b>
Closing Office for General Holiday.....	D-1
Closing Office for Christmas And New Year's .....	D-2
Closing Office - (Bad Weather, Office Catastrophe, Etc.) .....	D-3
Foreign Deposition Order .....	D-4
Petition for Proceeding in Civil Case Without Payment of Fees or Costs (CC-1414) .....	D-5
Petition for Proceeding in a No-Fault Divorce Without Payment of Fees or Costs (CC-1421) .....	D-7
Order for Proceeding in a Civil Case Without Payment of Fees or Costs (CC-1421(A)).....	D-9
Petition for Writ of Vacatur .....	D-10
Order to Open Sealed Record .....	D-11
Service of Process Order .....	D-12
Garnishment Exemption Order.....	D-13
Petition for Authorization to Celebrate Rites of Marriage (Persons Other Than Ministers) .....	D-14

**CIRCUIT COURT CLERKS' MANUAL - CIVIL****TABLE OF CONTENTS****PAGE** xiii

Order for Authorization to Celebrate Rites of Marriage (Persons Other Than Ministers) .....	D-15
Order to Celebrate Rites of Matrimony by Ministers .....	D-16
Petition to Appoint Church Trustees .....	D-17
Order of Appointment of Church Trustees .....	D-18
Clerk's Order - Qualification of Notary Public.....	D-19
Clerk's Order - Concealed Weapon Permit.....	D-19
Order - Reappointment to Electoral Board.....	D-20
Petition - Writ of Habeas Corpus .....	D-21
Order - Writ of Habeas Corpus .....	D-26
Writ of <i>Quo Warranto</i> .....	D-27
Checklist for Completing Expungement Proceedings .....	D-28
<b>Appendix E - Records Retention and Disposition Schedule .....</b>	<b>E-1</b>
<b>Appendix F - Sealing Court Records/Confidentiality Considerations.....</b>	<b>F-1</b>
Sealed Records.....	F-1
Confidentiality Considerations.....	F-10
<b>Appendix G – Manual Updates .....</b>	<b>G-1</b>
<b>Index .....</b>	<b>i</b>