

# CODE OF VIRGINIA

## 1950

With Provisions for Subsequent Pocket Parts

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ANNOTATED

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BY

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### VOLUME 3B

2003 REPLACEMENT VOLUME

*Includes acts adopted at the 2003 Regular Session, Acts 2003, cc. 1 to 1042,  
of the General Assembly*



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ATTACHMENT A:

§ 17.1-314. **Executive Secretary.** — The Office of Executive Secretary to the Supreme Court, to be filled by a person having the qualifications required of a judge of a court of record, is hereby created to be the court administrator for the Commonwealth. He shall be appointed by the Supreme Court, shall hold office at the pleasure of the Court, and during his term of office shall not engage in the private practice of law. He shall receive such compensation as may be fixed by the Court. He may, with the approval of the Court, employ such persons as are necessary for the performance of the duties of his office, whose compensation shall be fixed by the Court within the limits of the amounts appropriated by law. (1952, c. 506, § 17-111.1; 1966, c. 148; 1973, c. 544; 1998, c. 872.)

**Law Review.** — For article, "Appellate Justice: A Crisis in Virginia?" see 57 Va. L. Rev. 3 (1971).

§ 17.1-315. **Duties of Executive Secretary.** — The Executive Secretary to the Supreme Court shall have the following duties:

1. He shall be the Secretary of the Judicial Council;
2. He shall be the Secretary of the Judicial Conference;
3. He shall assist the Chief Justice and the Supreme Court in the administration of the judicial branch of the government to the end that litigation may be expedited and the administration of justice improved in the courts of the Commonwealth; and
4. He shall have such other duties as may be required of him by the Chief Justice or by the Supreme Court in the performance of the administrative functions of that Court. (1952, c. 506, § 17-111.2; 1998, c. 872.)

**Cross references.** — For provisions relating to the Judicial Council, see §§ 17.1-700 through 17.1-705. For provisions relating to the Judicial Conference of Virginia, see §§ 17.1-706 through 17.1-709.

§ 17.1-316. **Printing and binding reports of Supreme Court.** — When notified by the reporter of the Supreme Court that he has sufficient copy to issue a volume of the Virginia Reports, or a substantial part thereof, the Executive Secretary of the Supreme Court of Virginia shall order the printing of such copy. The Executive Secretary of the Supreme Court of Virginia shall order sufficient copies for distribution as set forth in § 17.1-319 and for sale to the public.

All reports sold by authority of this section shall be sold at a price per volume fixed by the Executive Secretary, said price to be reasonable and sufficient to cover the cost of printing, binding, mailing and handling. The receipts from such sales shall be paid into the state treasury and credited as revenue to a special fund for use by the Supreme Court. The Executive Secretary may arrange for quantity, volume sales to book dealers or publishers for resale and on such quantity sales he may allow a reasonable discount; but the Executive Secretary may limit such sales whenever such sales would reduce the stock below a reasonable number of volumes to be held for sale to individuals for their own use. (1980, c. 615, § 17-111.3; 1983, c. 588; 1998, c. 872.)

**Michie's Jurisprudence.** — For related discussion, see Courts, § 33.

§ 17.1-317. **Printing and distribution of advance sheets of such reports.** — A. In addition to the copies authorized to be printed and bound under § 17.1-316, the Executive Secretary of the Supreme Court of Virginia

may have printed, for sale as advance sheets, a number of copies of each such report sufficient to fill orders received for advance sheets. He shall fix the price for advance sheets in an amount to cover the cost of printing, mailing and handling. All the funds collected from the sale of advance sheets shall be paid into the state treasury and reported to the Comptroller for credit to the general fund of the Commonwealth.

B. The Executive Secretary of the Supreme Court of Virginia may also have printed as advance sheets a number of copies of each such report sufficient to furnish one copy of each such report to the following for their use and the use of their successors in office:

1. The Clerk of the Supreme Court;
2. The reporter of the Supreme Court;
3. The judges of each court of record of this Commonwealth;
4. The Division of Legislative Services;
5. The Secretary of the Virginia State Bar;
6. Each justice of the Supreme Court;
7. The members of the State Corporation Commission;
8. Each judge of a general district court and each judge of a juvenile and domestic relations district court and such district courts as shall be designated by the Executive Secretary of the Supreme Court of Virginia not to exceed 250 copies;
9. The Attorney General, his deputies and assistants upon written application to the Executive Secretary of the Supreme Court of Virginia; and
10. Any member of the General Assembly upon written application to the Executive Secretary of the Supreme Court of Virginia. (1980, c. 615, § 17-111.4; 1990, c. 731; 1998, c. 872.)

§ 17.1-318: Repealed by Acts 2003, c. 280, cl. 2.

**Cross references.** — For duty of Virginia Code Commission to publish rules adopted by the Supreme Court, see § 8.01-3.

**§ 17.1-319. Custody and distribution of reports of Supreme Court; Court of Appeals.** — A. The Executive Secretary of the Supreme Court of Virginia shall be charged with the custody, disposal and sale of the published reports of the decisions of the Supreme Court and the Court of Appeals. One copy of each volume of the reports hereafter published shall be furnished either in print or in electronic format to each of the following for their use and the use of their successors in office:

1. The Clerk and the Executive Secretary of the Supreme Court;
2. The reporter of the Supreme Court;
3. The judges and retired judges of each circuit court of this Commonwealth;
4. The clerk of each such court;
5. Each judge of a general district court and each judge of a juvenile and domestic relations district court, and such district courts as shall be designated by the Executive Secretary of the Supreme Court of Virginia not to exceed 250 copies;
6. The Clerk of the House of Delegates;
7. The Clerk of the Senate;
8. The Division of Legislative Services;
9. The Virginia Workers' Compensation Commission;
10. The Secretary of the Virginia State Bar;
11. The clerk of each of the district courts of the United States held in this Commonwealth for the use of the courts and the members of the bar practicing therein;

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12. The attorney for the Commonwealth in counties and cities, and the county attorney in those counties which created the office of the county attorney;

13. The Attorney General, his deputies and assistants upon written application to the Executive Secretary of the Supreme Court of Virginia.

B. Two copies of each volume of the reports hereafter published shall be furnished to each of the justices of the Supreme Court, to each of the judges of the Court of Appeals and to each of the members of the State Corporation Commission for their use and for the use of their successors in office, except that each justice, judge or member shall be entitled to retain for personal use one copy of each volume in which appear any opinions authored by him. Eight copies of each volume of the reports hereafter published shall be furnished to each university and college in the Commonwealth in which a law school approved by the American Bar Association is established. Fifteen copies of each such volume shall be placed in the State Law Library at Richmond.

C. He shall place in the Law Library at Richmond such additional copies of all of the decisions of the Supreme Court as are available, so as to make up 15 complete sets of the Virginia Reports for the justices' private offices, conference rooms and the Law Library. (1980, c. 615, § 17-111.6; 1984, c. 703; 1990, c. 739; 1998, c. 872; 2003, c. 141.)

The 2003 amendments. — The 2003 amendment by c. 141 inserted "either in print or in electronic format" in subsection A; and substituted "15" for "fifteen" in subsection C.

§ 17.1-320. **Furnishing reports to law libraries destroyed by fire.** — The Executive Secretary of the Supreme Court of Virginia is authorized and directed to furnish to the law school of any university or incorporated college in the Commonwealth whose law library has been destroyed by fire, out of any surplus copies on hand and available for such distribution, eight copies of each volume of the Virginia Reports, or so many thereof as may be necessary to replace copies of such volumes which have been destroyed by such fire.

Nothing in this section shall be construed to require the Executive Secretary of the Supreme Court of Virginia to purchase any such copies for distribution hereunder. (1980, c. 615, § 17-111.7; 1998, c. 872.)

Michie's Jurisprudence. — For related discussion, see Courts, § 33.

§ 17.1-321. **Reporter of Court; his appointment and salary.** — The Supreme Court shall have authority to contract with some suitable person to report such of its decisions as the Court shall direct, at such compensation as may be appropriated by law for the purpose, payable in monthly installments.

The Court may at any time put an end to such contract and contract with another person for performing the service, upon the same terms. (Code 1919, §§ 5879 and 5882, §§ 17-113, 17-114; 1998, c. 872.)

Cross references. — As to the salary of the Reporter, see § 17.1-326.

Michie's Jurisprudence. — For related discussion, see Courts, § 33.

§ 17.1-322. **Duties.** — The Reporter shall prepare and deliver from time to time to such printer as the Comptroller may direct manuscript reports of such decisions of the Court as the judges thereof shall direct, with an abstract of the points decided in each case and an index to the contents of the volume, a table of cases reported, a table of cases cited and a table of Virginia statutes cited and construed in the volume. The Reporter shall examine and correct the proof

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