PRINCE WILLIAM COUNTY
GENERAL DISTRICT COURT

TIMESAVER GUIDELINES 2026

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Acknowledgement

The Prince William County Bar Association gratefully acknowledges the contributions of the Judges of the General District Court for making the 2026 revisions to the General District Court Time Savers, first published by the Prince William County Bar Association in 2003.

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SECTION I ~ CIVIL PRACTICE GUIDELINES

The following is an overview of the General District Court, Civil Division, together with tips and suggestions for working with the Court as efficiently as possible. The Civil Clerk's Office is located in Room 220, which is on the Second Floor of the Judicial Center. Its hours of operation are Monday through Friday, 8:00 a.m. to 4:00 p.m. The office telephone number is 703-792-6149. The cooperation of the staff of the Clerk's Office can be an invaluable aid to any practicing attorney. Treating the staff with respect and courtesy is the cornerstone of establishing a mutually advantageous relationship and a hallmark of professionalism. You will find the staff of the Clerk's Office eager to serve you.

MAIL: Remember that our mail goes through distribution and can take a week or longer for us to receive mail hence pleadings arriving after due date.

FAXING: please limit faxes to no more than 5 pages! We CANNOT accept large faxes. If you fax a *release of garnishment* DO NOT send an original later as this creates inefficiency and causes confusion.

COPIES: If attorney is requesting copies of any sort include a self-addressed stamped envelope (SASE) with request, if more than 1- or 2-pages fees will apply. ($1.00 for the first page, $1.00 for the second page, and $0.50 for every page following.)

DISMISSAL: If a case has been dismissed in court, DO NOT send a dismissal order as the judge will NOT sign the order after court.

A. **GENERAL DISTRICT COURT CIVIL DOCKET OVERVIEW**.

The General District Court hears civil matters every day of the week at 9:00 a.m., 11:00 a.m. and 1:00 p.m. See the Civil Court Docketing Schedule attached.

Counsel is encouraged to arrive early to provide contact information to the opposing party and to discuss continuance or trial dates beforehand. Conversations with parties during the docket call is discouraged as it is disruptive to the order of the court proceedings, and parties are required to go into the hallway to have any discussions. Date sheets are available on the podium prior to each docket, call 15 minutes before the docket call.

The civil dockets are generally divided into the following categories:

1. *The First Return Docket* (9:00 a.m., 11:00 a.m. or 1:00 p.m.):

   First returns of civil cases (Warrants in Debt, Detinue, Motions, etc.) on the 9:00 a.m. or 11:00 a.m. docket are scheduled in Courtroom #1. First returns of most civil cases (Warrants in Debt, Detinue, Motions, etc.) on the 1:00 p.m. docket are scheduled in Courtrooms #6. Post-judgment matters are scheduled on Mondays and Wednesdays for 11:00 a.m. in Courtroom #1 and 1:00 p.m. in Courtrooms #6. {Post Judgment matters shall include garnishments, interrogatories, attachments, motions, rehearing requests, as well as any other issue requiring court review following the entry of judgment.}

   If the Warrant in Debt is uncontested on the Return Date, then the Court may enter judgment on the affidavit if the damages are liquidated or upon the taking of *ex parte* proof if unliquidated damages have been claimed.

2. *The Trial Docket & Contested Motions* (1:30 p.m.):

   Contested Motions are any motion that will take more than a combined time of twenty (20) minutes.

   If the defendant appears on the first return date and contests the case, a trial for the case will be set on a Monday, Tuesday, Wednesday or on a Thursday at the 1:30 p.m. docket for most civil cases in

Courtroom #1. See Section A.3. below for scheduling of Unlawful Detainer trials and Section A.4. below for Small Claims trials.

**LONG TRIALS: Trials that will take longer than two (2) hours MUST be specially set on the court's Long Trial docket, and the parties must advise the court of the same at the time trial is scheduled on the Return Day or must schedule the same as soon as it becomes apparent. Bring an order for when trial is set with how many hours it is anticipated to take.

TRIAL DATE: All parties shall report to Court at 1:30 p.m. on the scheduled trial date. Unless otherwise designated all parties shall report to Courtroom #1 where the trial docket will be called. Note, on Friday's trials are calked in courtroom #1 and #6. All parties and witnesses shall appear on time. Cases will be called, and some cases may be transferred from Courtroom #1 to one of the other courtrooms for trial.

3. *The Unlawful Detainer Docket*:

Unlawful detainer cases **without counsel (pro se)** are scheduled at 9:00a.m. on Tuesdays for both trial and first returns. In most cases where the parties are unrepresented by counsel and the issues are contested the court will refer the case to trained mediators. If mediation is unsuccessful those cases will be heard on the scheduled trial date. These trials are heard Tuesdays at 9:00a.m. *

All unlawful detainer matters **with counsel** are scheduled at 9:00 a.m. on Mondays or on Fridays at 1:00p.m. for first returns. Trials will be scheduled for the next available Friday at 1:30 p.m. or on an available Monday at 9:00 a.m.*

*If the plaintiff has checked the block indicating another date will be set for trial, then the case will generally be continued for trial in accordance with procedure above, unless both parties agree otherwise.

> *Provided the docket has availability and if the plaintiff has checked the block indicating the case will be heard <u>on the return date</u>, then the case <u>may</u> be heard on that date unless the Plaintiff agrees to a continuance. Typically, the dockets are unable to accommodate trials on the initial return day but under certain circumstances this may be possible. In the most rare of cases, if the defendant appears on the first return date and contests the case and both parties are ready for trial, the case may be heard on that day at the discretion of the Court, either at the end of the RETURN docket or at the end of the 1:30 p.m. trial docket.*

Prosecution of unlawful detainers upon affidavit, as authorized by the Virginia Code, will require proof in Court of the following:

a. Original Lease or an affidavit of authenticity for copies of Lease, with late charge, attorney's fee and other relevant **provisions highlighted**.
b. Applicable Pay or quit notice.
c. Any necessary Reservation of Rights Notice
d. A statement of account
e. Virginia Statement of Tenants Rights and Responsibilities Form, or language within the lease as required by the Code of Virginia.
f. *Ex Parte* Proof. Judgment for unliquidated damages to property cannot be granted without *ex parte* evidence.
g. *An order filled out with all the requested times.*

4. *The Small Claims Docket*

a. Small claims first returns are heard on Fridays at 9:00 a.m. with trials also being heard Fridays at 9:00 a.m. Contested cases on may be referred to trained mediators.

b. Counsel wishing to remove a case from the Small Claims Court should appear at the scheduled 9:00 a.m. First Return docket. Any case removed will be set for trial on the 1:30 p.m. docket on a Monday, Tuesday, Wednesday, or Thursday. Counsel should file a praecipe with the Court as soon as possible and should give notice to the other party that the case will need to be removed to the Civil section of General District Court docket for trial in order to minimize inconvenience to witnesses. The praecipe will need to include counsel's full name, mailing address, email address and phone number.

5. *Tenant's Assertions or Unlawful Exclusions*

a. Tenant's Assertions filed with the Clerk's office will be heard within 15 days after service on the Landlord/Agent, unless emergency conditions exist in which case an earlier hearing can be requested. Rent must be paid into the Clerk's office for escrow.

b. Unlawful Exclusions filed with the Clerk's office will be heard *ex parte* the same day or not later than five days after filing, with the full hearing to be heard within 10 days of *ex parte* hearing.

6. *Eviction Diversion Program*

In accordance with Virginia Code Sec. 55.1-1260, the Court has implemented the eviction diversion program. To qualify for this program a tenant must indicate they wish to be in the program at the first docket call of the case. As outlined by the Virginia Code to qualify for the program the tenant must have pay or have paid at least 10% of the amount due on the date of the hearing or prior to the hearing by certified funds into the court or to the landlord. In addition, the Tenant must swear under oath in Court that they have income or sufficient funds to meet the payment plan, which requires 30% payments over the next three months for the balance in addition to regular rent; explain the reason they have not made the rental payments; and have not previously participated in payment plan, defaulted from a payment plan or participated in an eviction diversion program within the last 12 months. If the tenant is accepted into the program, the case will be set out for two weeks past the final payment date for resolution. There is a payment plan order which will need to be completed by the landlord or his or her attorney. In the event that the tenant fails to comply with the program, the Landlord will file the appropriate pleading, and the case will be advanced on the docket to the earliest available unlawful detainer docket for potential immediate possession. All forms are available on the Court's website or from the Clerk's office.

7. *Blue Attorney Communication Forms*

In each of the courtrooms are blue attorney communications forms. Attorney are advised that they are expected to be in court on time for a case when it is on the docket. In the event attorneys have multiple courtrooms, they should fill out a blue attorney communication form to let the Court know where they will be and how to reach them to avoid the case being handled in the absence of the attorney.

Additional information may be obtained from the clerk's office or the website for the Supreme Court of Virginia.

B. **FILING CIVIL SUITS AND OTHER CIVIL PLEADINGS**.

1. *Forms Available in the Clerk's Office*:

Various standard forms, such as Warrants in Debt, Summons for Unlawful Detainer, Summons for Debtor's Interrogatories, garnishment forms, affidavits for service on the Secretary of the Commonwealth, the State Corporation Commission, and the Virginia DMV are available in the Clerk's

office. Forms are also available online through the General District Court's web site (https://www.vacourts.gov/forms/district/home.html). These forms can also be accessed on the kiosk located in the hallway on the 2nd floor.

2. *Signatures, Service Copies and Proof of Filing*:

Please verify that all pleadings have been signed by counsel of record have the required statutory information for counsel's office or *pro se* party and contain the appropriate addresses of all parties. If pleadings require service, please provide the correct number of service copies along with the original (1 for each defendant to be served, additional copies if service is pursuant to Section C5 below), together with instructions for forwarding service copies to the appropriate sheriff. A check or checks sufficient to pay all filing and service fees will need to be provided at the same time.

3. *Filing and Service Fees*:

Please note that checks for all filing fees should be made payable to the *Clerk of the General District Court* or *Prince William General District Court*. Filing fees are separate and distinct from applicable service fees to the Sheriff, BUT the Sheriff's service fee may be included in the check made payable to the Clerk of the General District Court, ***except as noted in sections C2 and C5 below (Norfolk, Virginia Beach and governmental entity services)***.

Most common fees are as follows:

**Warrant in Debt/Detinue/Unlawful Detainer*	***$50.00 filing+ $12.00 service/person***
**Garnishment/Summons to Answer Interrogatories*	***$50.00 filing+ $12.00 service/party***
**Writs (Levy/Fi Fa/Possession)- fee includes service on 1 person*	***$25.00***
-service on each additional person/entity	***$12.00***
**Subpoenas (Witness/Duces Tecum)*	***$12.00 service fee/person (no filing fee)***
**ALIAS Warrants/Summons/etc.*	***$12.00 service fee/person (no filing fee)***

Please verify that all checks are signed. The Clerk's Office will accept personal checks from *pro se* litigants, cash, credit card, money orders, or checks drawn on an attorney's account. Checks will not be accepted if written out for the incorrect amount, i.e., you have has crossed out one amount and wrote another.

4. *Purchased Debt Cases*

The defendant should be able to tell from the style of the case, the nature of the account on which he/she has been sued. While it is not necessary to provide the entire chain of title to the account, the style of the case must contain the names of both the present creditor and the original creditor. If the issue of ownership of the account is raised in the course of the proceeding, by pleading, or otherwise, the plaintiff must be prepared to prove its chain of title, and to present, if necessary, all of the assignments which resulted in the ownership of the account, by the ultimate plaintiff in the case.

The plaintiff's counsel, on the return date, shall be in possession of sufficient documentation of the claim, to enable the defendant to recognize the nature of the obligation, and the manner in which the balance claimed was determined.

At a minimum, the plaintiff should be prepared to present an invoice from the original creditor, on the creditor's billing form, or some other documentation by any creditor in the chain showing actual usage, in the case of a credit card account. If the defendant claims not to be the correct debtor, or not to have any account or dealings with the original creditor, the plaintiff must be able to produce documentation showing that the defendant signed a contract, used the credit card in question, or in some other manner was the party that contracted with the original credit grantor.

Pleadings must provide the basis for the claim (contract, card usage, note or other document signed by the defendant), a breakdown of debits and credits, showing how the balance was determined, and appropriate documentation to support the claim. If charges from the original creditor include interest at a rate in excess of the judgment rate, fees, such as over limit charges, or other charges that do not reflect purchase or cash advances, the creditor must document the rules and regulations to which the debtor agreed to be bound, either by written agreement, or by card or account usage.

If documentation is not sufficient, judgment may not be granted. If there is a problem or concerns with the affidavit provided, the Court will continue the case in accordance with statute. Counsel can request a control/status date for the Court to set any matters if there are deficiencies in what is provided. If no date is given, the case will be rescheduled on a date selected by the Court or dismissed by the Court.

5. *Self Help*

The Supreme Court of Virginia has a self-help site at http://selfhelp.vacourts.gov/. Which can be located from the kiosk on the 2nd floor or on a home computer.

8. Agreed Orders Resolving Case

In the event the parties have settled the matter and have prepared an agreed order to submit to the Court. The Clerk's office has established a procedure whereby when an agreed orders is submitted to the Court, the case is pulled to be entered by the Judge in advance of the docket and the case is removed from the docket if the order is timely received. Parties are encouraged to submit agreed orders as soon as possible to avoid an appearance in Court. Additionally, when orders are submitted to the Court, parties are encouraged to advise the clerk upon filing to ensure the case is pulled as well as file a *praecipe* asking that it be sent to chambers for entry.

C. SERVICE OF PROCESS

Please note: the following is a general overview of the Clerk's Office procedures relating to the service of process. Service requirements are statutorily mandated, and attorneys and parties should satisfy themselves that all service requirements applicable to any particular case have been met.

1. *In-County Service*:

In general, original process to be served by the Sheriff of Prince William County will be forwarded to the Sheriff's Department within 48-72 hours following the filing of the pleadings.

2. *Out-of-County Service*:

The Clerk's Office processes any pleadings that must be served by the Sheriff of another county or city and forwards the pleadings to the Sheriff of the indicated jurisdiction. Counsel, or any pro se party, is responsible for identifying on the pleading the jurisdiction in which service is to be performed and noting said jurisdiction on the pleading.

** Please note that if service is in the City of Virginia Beach or City of Norfolk, a separate check for service must be sent made payable to "High Constable of Virginia Beach" or "High Constable of Norfolk". Service costs is $12.00 per person/entity**

3. *Private Process Service*:

When filing pleadings to be served by private process, counsel or any pro se party, should advise the Clerk's Office if private process service is desired. The Clerk's Office will notify counsel or the party when the process is ready for pick-up.

4. *Checking Service*:

The status of service returns can be determined by checking the files in the Clerk's Office during regular business hours. Counsel, or any pro se party, are reminded that files are not available for review after 10:15 a.m. on the morning of the court date. For cases on the 9:00 a.m. docket, the files would need to be reviewed the prior day or before 8:15 a.m. on the day of court.

*5. Out of State/Secretary of Commonwealth/State Corporation Commission/DMV service**:

When serving a defendant who is out of state or requires service through the
Secretary of the Commonwealth (Secretary), Department of Motor Vehicles (DMV) or
State Corporation Commission (SCC), please be advised that the first return date will need to be scheduled a minimum of eight (8) weeks past the filing date. Fees and copies are as follows:
* Only Government Agencies can be served by Certified Mail.

State Corporation Commission
Original plus two (2) copies of the Affidavit
Original plus two (2) copies of the filing to be served.
Check made payable to SCC for $30.00
Check for Applicable filing fee made payable to Clerk of the General District Court or Prince William General District Court

Secretary of the Commonwealth (SOC)
Original SOC affidavit plus two (2) copies
Original plus two (2) copies of the filing to be served.
Completed green cards for certified mailing and
Envelope addressed to person being served w/ no postage.
Check made payable to the SOC for $28.00
Check for Applicable filing fee made payable to Clerk of the General District Court or Prince William General District Court

Department of Motor Vehicles
Original DMV affidavit plus three (3) copies
Original plus three (3) copies of the filing to be served.
Check made payable to the DMV for $28.00
Check for Applicable filing fee made payable to Clerk of the General District Court or Prince William General District Court

6. *Alias Summons*:

Please remember that when requesting the issuance of an Alias summons (service to be made on a different address for the defendant/party), the Sheriff's fee, as well as the appropriate number of copies of the pleading to be served, must accompany a copy of the request. If the Alias is to be served by private process, only the service copy(ies) needed are required. Please note "ALIAS" on the cases.

D. **REVIEWING CIVIL GENERAL DISTRICT COURT FILES**.

1. *Review of Case Files*:

Counsel, or any pro se party, are encouraged to review their files for service information either the day before the scheduled court date or before 10:15 a.m. on the morning of Court. It is essential to the orderly progression of the docket that counsel, or any pro se party, (1) know the status of service of process of each case on his or her docket, (2) be prepared to request an action that is consistent with the service status, and (3) know the order of the cases to be called by the court.

2. *Location*:

All active civil General District Court files available for review are located in the Clerk's Office in Room 220. In addition to having the style of the case and the case number when asking for a file, Counsel, or any pro se party, should also know on what date the matter is scheduled to be in Court. Counsel, or any pro se party, should note that the files of cases set for Court on any particular day will not be available for review after 10:15 a.m. on the scheduled court date (or 8:15 a.m. if the case is scheduled on the 9:00 am docket).

3. *Removal/Copies*:

Files MAY NOT be removed from the Clerk's Office by attorneys or by any party for any reason. Removal of files is a Class 6 Felony. Files must be reviewed at the court or in the immediate vicinity of the counter. All copies must be made by the Clerk's staff in the Clerk's Office. The Clerk handles the forwarding of all files to Chambers.

4. *Copy/Certification Fees*:

No counsel, or any pro se party, shall remove any document from the Court file. Counsel, or any pro se party, who want copies should place paper clips on the relevant pages and return the entire file to a clerk. The fee charged for all copies made in the Clerk's Office is $1.00 for the first and second pages and fifty cents (50¢) for each page thereafter.

E. **CONTINUANCE GUIDELINES FOR CIVIL MATTERS**.

In accordance with Rule 7A:14 of the Rules of the Supreme Court of Virginia and in keeping with the spirit of the recommendations of the Judicial Council of Virginia as to the "Adoption and Implementation of Case Processing Time Standards," the General District Court of Prince William County strives to adhere to the following guidelines:

1. *Cases on the Civil Return Docket*:

   a. Uncontested Cases:

   If the Plaintiff appears alone or both parties appear at the Return Day and are in agreement, cases will generally be continued to the requested Return Day, as long as it is available on the court's calendar.

   b. Contested Cases:

   PLEASE NOTE THAT CONTINUANCES WILL ONLY BE ALLOWED FOR GOOD CAUSE SHOWN AND SHOULD BE SCHEDULED WITHIN SIXTY (60) DAYS, WHEN POSSIBLE.

2. *Cases on the Trial Docket*:

   a. How a Continuance May Be Obtained by Agreement:

   There are three (3) methods by which a trial may be continued by consent:

      i. One or both of the attorneys or parties may appear in open Court to make the Motion, and a date will be scheduled with leave of Court; or
      ii. Either attorney or party may file a written Praecipe in the Clerk's Office. The Praecipe must be filed in the Clerk's Office no less than five (5) business days prior to the scheduled trial date. The Praecipe shall state the new court date which date shall have been obtained from the clerk, shall state that the continuance is agreed among all parties and shall have been mailed or sent to all parties; or
      iii. The parties may submit an Agreed Order to the Court at least three (3) days prior to the originally scheduled trial date. The Order must state the new trial date, and that said date has been obtained from the clerk.

   b. Contested Motions for Continuance:

   In the event one party objects to the Motion to Continue, then the parties must appear in Court on or before the trial date for a hearing on the Motion to Continue. Filing, service, and hearing requirements are governed by the Rules of the Supreme Court of Virginia.

3. *Cases on the Unlawful Detainer Docket*:

Unlawful Detainer actions have priority by statute, so the following guidelines are generally adhered to:

a. Absent consent by the Plaintiff, continuances will only be for good cause shown at the discretion of the court and will generally be brief—one or two weeks. Trials are set for Tuesdays at 9:00a.m. (*pro se*), or Mondays at 9:00a.m. (with counsel), and Fridays at 1:30p.m. (with counsel)

b. Continuances of cases under the Landlord-Tenant Act, where the issue is non-payment of rent, may be conditioned on the Defendant's posting of a bond, at the court's discretion.

F. **INCIDENTS OF CIVIL TRIAL**.

1. *Subpoenas*:

Subpoenas must be prepared by counsel or by *pro se* litigants. The Clerks will **not** prepare subpoenas but will send blank forms to a party in response to a letter requesting subpoenas.

a. How Obtained:

Witness subpoenas may be made on forms available in the Clerk's Office or online at **www.vacourts.gov. (See Form DC-325 and Form DC-336)** Similarly, the Clerk's Office has forms available for Subpoenas *Duces Tecum*. A specific list of documents being requested must be provided.

b. Attorney-Issued Subpoenas:

Many civil witness and document subpoenas may also be attorney-issued in compliance with the provisions of the Virginia Code and the Virginia Rules. An attorney-issued summons must be on a form approved by the Virginia Supreme Court, which forms are available in the Clerk's Office. (See Form DC-497 and Form DC-498). A copy of the summons and, if the summons is to be served by the Sheriff, payment for all service fees, must be mailed or delivered to the Clerk's Office on the date of issuance by the attorney, together with a certificate of service. Attorney-issued subpoenas to be transmitted by Sheriff's Service must be accompanied by a transmittal sheet containing all pertinent information. Counsel should also consult the Virginia Code and applicable rules for specific information relating to attorney-issued subpoenas.

c. Timing:

Attorneys/parties are encouraged to file witness subpoenas as far in advance of the hearing date as possible. While the Clerk's Office makes every effort to process requests as expeditiously as possible, as a practical matter, witnesses must be given reasonable notice. This requires advance planning on the part of the requesting party. As a general rule, counsel/party requesting witness subpoenas must allow at least fourteen (14) days for processing and service within the jurisdiction, in addition to the time necessary to provide the recipient with proper and timely notice. Similarly, document subpoenas should be filed far enough in advance to allow reasonable time for processing and service, as well as a sufficient time period for compliance in accordance with the Virginia Rules.

Please take into consideration that the paperwork for subpoenas to be **served outside of Prince William County, the City of Manassas or the City of Manassas Park** must be forwarded directly to the appropriate jurisdiction in which the service is to be accomplished. Each party making such a request should be familiar with the procedures of the Sheriff's Office in the foreign jurisdiction. As such, service outside of Prince William County, the City of Manassas or the City of Manassas Park almost certainly takes more time than service within the jurisdiction. Counsel/parties should plan accordingly.

d. Fees:

The Sheriff's fee for each service should be included with the filing. If the subpoena is to be served by private process, please note this with the subpoena request at the time it is filed. There is NO filing fee.

2. *Court Reporters*:

The Court does not provide a court reporter for any civil matter. The litigant who chooses to hire a court reporter must bear the cost thereof absent an agreement to the contrary.

3. *Interpreters/Translators*:

Litigants must notify the Court if any language interpreters or translators will be needed. For trials, a court certified interpreter will be required. Requests for interpreters/translators must be made in writing, at least ten (10) days before trial with the Clerk's office in Room 220. Please use the form attached in Section III (available in the Clerk's office).

4. *Available Equipment/Remote Hearing*:

Each General District Courtroom has a dry marker board available for use, if needed. There are also small cars available for demonstrative purpose in each courtroom. Consult the Deputy for availability of markers. Counsel or parties must provide any other items. Television monitors are available in each courtroom for media presentations, but parties must provide their own equipment (laptop, etc.).

A party may make a request to appear (or have a witness appear) remotely for trial or hearing (remote hearings are conducted on the Webex platform, unless the judge approves a different program). Such request must be made at least 10 days (or as soon as possible) prior to trial using the Request form found in the Clerk's office or the courtroom. Parties must discuss the request prior to filing the same with the court AND must provide written notice of the request to the opposing party. If not agreed, a judge will make a ruling on the request and notify the parties of the same as soon as possible prior to trial. No requests will be accepted on the day of court. APPROVAL OF THE REQUEST IS NOT GUARANTEED!

5. *Courtroom Etiquette*:

All persons are expected to stand when addressing the Court.

Parties are expected to be in the Courtroom ready to proceed by the scheduled time on the trial date. The trial docket begins as soon as possible, with the Judge calling the docket to obtain time estimates from parties/counsel. Time estimates are used to prioritize cases. The Judge may transfer matters to other courtrooms for hearing, depending upon the availability of other judges. Accordingly, after your case has been called for a time estimate, please remain in or close to the Courtroom even when other cases are being heard as other courtrooms may become available at any time.

G. **POST JUDGMENT PROCEEDINGS**.

1. *Debtor's Interrogatories*:

A judgment creditor's right to conduct Debtor's Interrogatories is governed by the Virginia Code and parties are advised to review the statute to determine authority to proceed.

Returns on Debtor's Interrogatories are called on the 11:00 a.m. or 1:00 p.m. Monday and Wednesday Return Docket. After the case is called, the Court will instruct the debtor to wait for the judgment creditor or his counsel in the hallway. Interrogatories are conducted in the General District Court hallway unless the circumstances require the parties to proceed in open court. The Court will swear the debtor on counsel's request.

Counsel IS expected to know the status of service when the debtor's interrogatory summons is called in Court so that counsel may request a disposition that is within the power of the Court to grant. In the event that a defendant who has been served with a summons to answer interrogatories fails to appear, the Court upon request, will grant the judgment creditor one (1) continuance for the issuance of a "Show Cause Summons" or "Capias" against the defendant. The judgment creditor or attorney must prepare the Show Cause Summons or Capias and file it with sufficient time to allow for processing and service before the new court date. If the defendant fails to appear on that date or was not served, the Court, upon request, will grant the judgment creditor ONE (1) CONTINUANCE ONLY for an Alias Show Cause Summons or Capias. At the judgment creditor's request this may be served by Private Process instead of the Sheriff.

If the judgment creditor fails to issue the Show Cause Summons or Capias at all, or in time to allow for processing and service before the new court date, the court may in its discretion allow one (1) additional continuance.

THE CLERK'S OFFICE STRONGLY RECOMMENDS THAT PLAINTIFFS ALLOW SIX (6) to EIGHT (8) WEEKS BETWEEN THE FILING DATE OF A SHOW CAUSE SUMMONS OR CAPIAS AND THE RETURN DATE TO ALLOW TIME FOR THE PROCESSING AND SERVICE OF THE PLEADING.

2. *Garnishments*:

A judgment creditor's right to conduct wage, bank, and any other garnishment action is governed by the Virginia Code. Counsel and *pro se* parties, are urged to review the applicable Virginia Code to determine a creditors' authority to proceed. Returns on garnishments are called on the 11:00 a.m. or 1:00 p.m. Monday or Wednesday Return Docket.

Counsel is expected to know status of service when the garnishment return is called in Court so that counsel requests a disposition that it is within the power of the Court to grant. In the event that the Garnishee is served but fails to file an Answer, the Court, upon request, will grant the plaintiff one (1) continuance for good cause to obtain an Answer. If the Garnishee fails to file an Answer by the continuance date, the plaintiff must either proceed with a Show Cause Summons against the Garnishee or dismiss the Garnishment. Prior to obtaining a judgment against the Garnishee for failing to file an Answer, the Plaintiff must provide *ex parte* evidence of the Garnishee's obligation to the judgment debtor and have proper service against the Garnishee, as required by statute. The judgment creditor, or counsel,

will be required to sign the Garnishment Summons form in court on the return date in order to receive any garnishment funds that have been received by the Court.

a. Exemption Hearings

Exemption hearings requested by Judgment Debtor will be placed on the court's docket as expeditiously as possible, allowing time for Judgment Creditor/Counsel to receive notice of the same.

3. *Abstracts of Judgment*:

Counsel or parties should allow at least ten (10) days after the entry of judgment before filing a written request for an Abstract of Judgment. The written request must be accompanied by a self-addressed, stamped envelope for the transmission of the Abstract to counsel or *pro se* party.

Please be advised that the successful plaintiff or counter-plaintiff is responsible for docketing any General District Court judgment among the records of the Circuit Court of Prince William County or any other jurisdiction. Judgments entered in the General District Court are NOT automatically docketed in the Circuit Court or elsewhere.

4. *Notice of Satisfaction/Release of Judgment*:

Code of Virginia § 16.1-94.01 requires a judgement creditor to give written notice of satisfaction within 30 days of receipt of payment. It is not enough to advise the Court verbally that the judgment is paid. It must be marked released/satisfied within thirty (30) days of payment. A praecipe, or Form DC-458, is available online at www.vacourts.gov and will suffice.

5. *Writ of Fi Fa Requests*

Please see Levy Information attached hereto.

6. *Motions to Rehear*

Motions to Rehear or Reopen a matter that has been decided should be filed with the Court within the statutory time period and noticed to the other party. Hearing shall be held by the original judge who heard the matter, and if not available, by another judge of the Court. Case should be heard and noticed on one of the Court's post-judgment dockets.

H. PRELIMINARY & PERMANENT PROTECTIVE ORDERS

Applications for Preliminary Protective Orders (PPO) will not be accepted by the clerk's office unless the application is accompanied by an affidavit in support of the request for protection. Kiosk are also available in the 2nd floor hallway for completion of all forms necessary to request issuance of a PPO. If an attorney notes an appearance, the attorney must file a Praecipe including a time estimate for the hearing. The cut off time to file is 3:30p.m.

Hearings on Final Protective Orders shall be scheduled within fifteen (15) days of the date of entry of the PPO and a trial shall be conducted on said hearing date provided the Respondent has been served, and unless the Respondent requests a continuance, or the parties otherwise agree. Protective Order hearings are generally scheduled for various times. Please check your paperwork carefully to confirm your scheduled time.

SECTION II ~ TRAFFIC AND CRIMINAL PRACTICE GUIDELINES

The following is a general overview of the General District Court, Traffic and Criminal Division, together with tips and suggestions for working with the Court as efficiently as possible. The Clerk's Office for the Traffic and Criminal Division is located in Room 230, which is on the Second Floor of the Courthouse. Its hours of operation are Monday through Friday, 8:00 a.m. to 4:00 p.m. The Office telephone number is 703-792-6141. The cooperation of the staff of the Clerk's Office can be an invaluable aid to any practicing attorney. Treating the staff with respect and courtesy is the cornerstone of establishing a mutually advantageous relationship and a hallmark of professionalism. The Clerk's Office is eager to serve you.

COPIES: Attorneys and Defendants may obtain one (1) copy of the charging documents and up to 10 additional pages, at no cost. Additional copies will be provided at a cost of $.50 per page. If copies are voluminous the requesting party must submit an advanced written request to the Clerk's office which shall be fulfilled within 48 hours. Please specify if a certified copy is needed. Requesting party may provide a self-addressed stamped envelope (SASE) with sufficient postage to receive copies by mail.

A. GENERAL DISTRICT COURT TRAFFIC/CRIMINAL DOCKET OVERVIEW.

1. *The 8:30 a.m. Motions*

The Court conducts an 8:30 a.m. docket in Courtroom #6 for all motions, including bond motions, and extraditions.

Attorneys should arrive at least **15 minutes prior to the docket beginning** to discuss motions and potential resolutions before the docket begins. Motions greater than 20 minutes must be specially scheduled on the Court's docket, preferably for the afternoon after 1:00 p.m., or may be specially scheduled with the judge scheduled to hear the motion. If your client is in custody, your motion should so state and if you do not have a signature of the client the person will need to be brought from the jail.

2. *The 9:30 a.m. in-jail arraignment Docket*

Defendants who have been arrested, and have not posted bail, are arraigned via video conferencing in Courtroom 6. If an attorney outside of the Public Defender's Office is appointed for an in-jail defendant during the 9:30 a.m. in-jail arraignment dockets, the attorney will be notified by email the same day of his or her appointment. Court appointed counsel are expected to see the defendant in the Adult Detention Center within 48 hours of appointment and to file a bond motion, if appropriate. The Public Defender's Office will routinely request bond on behalf of Defendants at the arraignment and any decision denying bail at that time is without prejudice so that counsel may still file a bond motion for consideration by the court on a subsequent date.

3. *9:00 a.m. Traffic Infraction and Walk in Arraignment (Ofc Court Date) Docket*

General District Courtrooms 2, 3, 4 and 5 have traffic infractions, misdemeanor non jailable offenses and walk in arraignment dockets at 9:00 a.m. daily.

The 9:00 a.m. docket is posted on Electronic Boards near the stairway on the second floor. Cases are listed alphabetically according to Defendant's last name.

Except for accident cases or misdemeanor where jail time is waived by the Commonwealth the day of court involving, citizen witnesses and unless a continuance is granted, traffic matters generally proceed to trial on the first day they are in court. See section B3(d) below re: accident cases involving citizen witnesses.

The 9:00 docket is intended to be without counsel. If counsel has entered an appearance in the matter beforehand the case will remain at 9:00a.m. on docket but heard at 10:30am this does not prevent the attorney from coming to court early to resolve the case.

General District Courtrooms 2, 3, 4, and 5 will also have cases for building code violations at 9:00a.m. without attorneys, animal control cases, wildlife cases.

Additionally, in all felony cases and Class 1 and Class 2 misdemeanors where the Defendant has been released on a Summons or posted bond by the Magistrate, the defendant will be required to appear in court at 9:00 a.m. to be advised of his or her right to counsel (this is universally, if not imprecisely, referred to as an "arraignment"). If the defendant has retained counsel prior to the first appearance (or arraignment), counsel may enter an appearance, either in person, or by praecipe, at or prior to the first appearance. In that case, the defendant is not required to appear at the first appearance and counsel may set the next hearing date by providing availability on at least two (2) of the officer's next court dates in which case the court will schedule the hearing on the next available date.

4. *10:30 a.m. Dockets*

General District Courtrooms 2, 3, 4 and 5 have misdemeanor criminal matters, some traffic matters, cases with the Virginia State Police, cases with animal control and building code violations with attorney at 10:30 a.m. If your client is in local custody on another charge, you must notify the clerk's office by praecipe to ensure transport.

5. *Deferred cases, restitution, etc.*

- The Court will hear all Deferred Disposition cases, Restitution Reviews, and SIS matters, ASAP violations, and uncontested Local Offenders Probation in Courtroom #2 on Friday unless previously docketed for a different time. The schedule is as follows:
- 9:00 a.m. – VASAP violations
- 9:30 a.m. – Uncontested local offender probation violations/arraignments
- 10:00 a.m. – § 19.2-298.02 matters or SIS
- 11:00 a.m. – Restitution reviews

Contested Local Offender Probation Violations

- Wednesdays at 9:00 a.m.

6. *The Preliminary Hearing Docket*

The Court conducts preliminary hearings on Felony matters beginning at 11:30 a.m., or as soon thereafter as the matters may be heard. Preliminary hearings are held in Courtrooms 2, 3, 4, and 5 on Monday through Friday. See section B 2(c) below for felony cases involving accidents with citizen witnesses. Ancillary misdemeanor or traffic matters are docketed with their associated felony matter on the 11:30 a.m. docket. If your client is in local custody on another charge, you must notify the clerk's office by praecipe to ensure transport.

7. Blood Draw DUI Dockets

Driving under the Influence charges which involve blood analysis are set for trial at 1:30 p.m. on the 2nd Wednesday of each month. Each Courtroom maintains a list of available Blood Draw Trial dates. Only those cases for which a Blood Draw Certificate Analysis has been filed will be set on the 1:30 p.m. trial docket. Cases set on this trial docket must be ready promptly for trial or plea on the assigned trial date.

8. Divert Status Docket

Cases that have been diverted from the regular docket based upon the need for mental health services prior to proceeding with adjudication are placed upon a special docket, normally heard on the 4th Monday of each month at 1:30 p.m.

9. VASAP Docket

Cases involving alleged VASAP violations shall be heard by the Court each week on Fridays at 9:00a.m. in courtroom #2. The VASAP representative will be present, and counsel (or the defendant) is encouraged to speak with the representative before the start of the docket.

10. Transurban/HOT lanes/Red Light Camera Docket

a. Red Light Camera/ Photo Speed contested cases are currently heard every Monday in Courtroom #2 at 9:00a.m.
b. Transurban/Hot Lane dockets are heard every Wednesday at 9:05a.m. in Courtroom #1.
c. I66 Express Hot lane dockets are heard every Wednesday at 9:25a.m. to begin at 9:45 a.m. in Courtroom #1.

11. *Veterans Docket*

Cases on the Veteran's Docket are heard every other Wednesday at 3:00 p.m. In order to be placed on this docket a Defendant must first be evaluated and approved. This process begins by contacting the designated attorney (Erin Davies or Anthony Kostelecky) through the Commonwealth Attorney's office.

B. CASE PROCESSING TIME STANDARDS, CONTINUANCES, ETC.

1. *Commonwealth's Attorney/ Other Prosecuting Attorneys*

Defense counsel is obligated to notify the proper prosecuting attorney or authority when filing certain pleading and notices.

All felony matters are handled by the Office of the Commonwealth's Attorney. Misdemeanor and Traffic cases from the Virginia State Police, or any other state law enforcement agency, Prince William County Police Department, Manassas City Police Department, and their animal control bureaus are handled by the Office of the Commonwealth's Attorney.

Misdemeanor and Traffic matters from the City of Manassas Park Police Department, and the Towns of Dumfries, Haymarket, Occoquan, and Quantico Police Departments are handled by other Prosecuting Attorneys. The contact information for each of these Prosecuting Attorneys can be obtained from the Criminal Clerk's Office in Room 230. ****Please make sure that you are notifying the proper Prosecuting Attorney when you file your motions or other pleadings. See local prosecuting attorney below. Please note these are subject to change.**

Manassas Park Prosecuting Attorney: Michael Pignone
Law Offices of Michael Pignone
9214 Center St., 3rd Floor
Manassas, Virginia 20110
(703) 330-3200
manassasparkprosecutor@gmail.com

Town of Dumfries Town Attorney: Sandra R. Robinson
17739 Main Street, Suite 200
Dumfries, Virginia 22026
(703) 221-3400
srobinson@dumfriesva.gov

Town of Occoquan: Lisa Caruso
Stevens Caruso
4311 Ridgewood Center Dr. Suite A P (703) 897-1777
Woodbridge, VA 22192 F (703) 897-0077
Email: lcarusolaw13@yahoo.com

Town of Haymarket and Town of Quantico: Bradley Marshall
9200 Church St, Suite 400
Manassas, Virginia 20110
(703) 369-4738
info@vfnlaw.com

2. *Case Processing Time Standards*:

In accordance with Rule 7A:14 of the Rules of the Supreme Court of Virginia and in keeping with the spirit of the recommendations of the Judicial Council of Virginia as to the "Adoption and Implementation of Case Processing Time Standards," the General District Court of Prince William County strives to adhere to the Standards, as set forth below.

a. Misdemeanors/Infractions:

Ninety percent (90 %) of the Court's misdemeanors and traffic infractions should be adjudicated within sixty (60) days from the date of arrest or citation and One Hundred percent (100%) within One hundred and twenty (120) days.

b. Felonies:

Preliminary Hearings should be concluded within sixty (60) days from the date of arrest.

3. *Continuance Guidelines*:

Necessary continuances will be approved so long as appropriate steps are taken to adequately notify all interested parties so as to minimize inconvenience.

a. Preliminary hearings, Class 1 Misdemeanors, and Class 2 Misdemeanors Without Citizen Witnesses (only witness is law enforcement officer):

1. Defendant must be represented by counsel or have acknowledged his right to counsel and waived that right by execution of a waiver of rights form or by his appearance at trial without counsel. Defendant can execute the waiver form at his or her assigned initial appearance or on the trial date if no initial appearance has been assigned.

2. FIRST CONTINUANCE MAY BE OBTAINED upon good cause shown (by Commonwealth Attorney, defense counsel or *pro se* defendant who has executed an acknowledgement of his or her right to counsel), upon filing and entry of AGREED ORDER (see Section 3 e below), upon motion at trial by counsel, upon agreement of the parties by submitting a yellow sheet to the court on the hearing date or upon appearance of the party or counsel at the 8:30 a.m. motions docket any day after appropriate notice to the opposing party.

3. Subsequent continuances may be obtained only by leave of court upon good cause shown. Agreed orders may be submitted for the court's consideration (See also Section 3 e below), or motion may be made at the 8:30 a.m. docket.

b. Class 3 Misdemeanors, Class 4 Misdemeanors and Infractions Without Citizen Witnesses (only witness is law enforcement officer) and Class 1 Misdemeanors, and Class 2 Misdemeanors pursuant to Va Code Section 46.2 without citizen witnesses:

1. FIRST CONTINUANCE MAY BE OBTAINED upon good cause shown (by Commonwealth Attorney, defense counsel or *pro se* defendant), upon filing and entry of AGREED ORDER (see Section 3 e below), upon motion at trial by counsel or parties, upon agreement of the parties by submitting a yellow sheet to the court on the hearing date or upon appearance of the party or counsel at the 8:30 a.m. motions docket any day after appropriate notice to the opposing party, or by filing a completed Request for Continuance (*pro se, defense counsel)* with court at the Clerk's office for a first time Continuance, which will be processed by the Clerk of Court. Forms are available in the Clerk's Office.

2. A subsequent continuance may be obtained only by leave of court through agreed order or motion set for the 8:30 a.m. docket—same procedure as in section 3.a(3) above.

c. Preliminary Hearings, Misdemeanors, and Infractions Involving Citizen Victims or Subpoenaed Citizen Witnesses:

1. If the continuance is requested more than then (10) days before trial, the Court will consider an agreed order that contains certification that witnesses will be notified, or motion may be made at the 8:30a.m. motions docket after notice to opposing party (notice to be filed and delivered to opposing counsel no later than 3:00 p.m. on the business day prior to motion).

2. If a continuance is requested less than ten (10) days before trial, it will be granted only by leave of court on motion at the 8:30 docket when the court is assured that citizen witnesses will be notified in accordance with Rule 7A:14 of Rules of Supreme Court of Virginia to avoid any inconvenience to them.

3. Continuances requested at time of trial when witnesses are present will be granted upon a showing that to proceed with the trial would not be in the best interest of justice. Such showing may consist of exigent circumstances coupled with a bona fide attempt to notify all witnesses prior to trial date.

    a. Parties are urged to communicate by telephone with witnesses to assure appearance or to advise of a continuance. Witnesses must be notified of a continuance as soon as possible to minimize inconvenience to such witnesses. If witnesses report difficulty with a proposed continuance date, it is the responsibility of the moving party to report this to the court for consideration in selecting a new date.
    b. Police officers, magistrates and court personnel are urged to confirm addresses and telephone numbers so as to maximize the ability of parties to communicate with all witnesses and persons involved with cases.

d. Traffic Accident Cases Involving Citizen Witnesses:

Examples of this type of case are citations for failure to yield, following too closely, and reckless driving.

The witnesses will not be subpoenaed for the first hearing date and will only be subpoenaed if the case is contested. A trial date will then be scheduled if the case is contested or if there will be a need for witnesses in order for the court to properly dispose of the case. Any request for continuance of such a case, and any agreed orders for continuance must specify if the request is to continue the case for first return (no witnesses to be subpoenaed), or for trial (officer to subpoena witnesses). Note: Our continuance order is changed. Please pay careful attention to the Orders to ensure all parties are notified if the intent is for a first return versus a trial.

This does not apply to (a) felony charges resulting from an accident involving citizen witnesses, or (b) misdemeanor or traffic charges resulting from an accident involving citizen witnesses, where a felony is also charged. In these situations, the witnesses will be subpoenaed for the first hearing. Examples are as follows:

1. Felony DUI/DOS involving an accident with citizen witnesses;

2. Felony possession of controlled substance, misdemeanor DUI with accident and citizen witnesses-or-Felony possession, DOS, and/or following too closely.

In the above cases the witnesses will be subpoenaed for the preliminary hearing and trial on the <u>first</u> court date.

e. Agreed Orders of Continuance.

The Court will consider entry of agreed orders continuing cases which do not require notice and argument at the 8:30 docket under the foregoing guidelines, and which otherwise meet the Court's criteria for agreed orders as set forth above.

Note that the Court requires that any defendant who is incarcerated endorse an agreed continuance order—defense counsel is responsible for determining whether a defendant is incarcerated, and if so, for obtaining the necessary endorsement. If Defendant is not incarcerated and their signature is not contained on the order, defense counsel is responsible for ensuring the Defendant is notified of the new court date.

If an agreed order is submitted, counsel is responsible for confirming the availability of the proposed date and checking to be sure that the order has been entered. This can be checked through the Court's website at: <u>www.vacourts.gov</u>. Counsel should bear in mind that there can be several days delay between the time an agreed order is delivered to the Commonwealth's Attorney and the time the entry of the order is ultimately posted on the Court's website—(the process includes: review and endorsement by the Commonwealth's Attorney, submission to the Clerk's Office by the Commonwealth's Attorney, pulling the case and submission of case and order to a judge, review and entry by a judge, posting by a Clerk, and updating in the computer system). You may always check with the Clerk's Office to see the status of said order. Every effort is made by the Court to expedite this process, but Counsel should be sure to submit said orders <u>*at least ten (10) days*</u> in advance or place the matter on the <u>*8:30 am docket*</u> for immediate consideration. Make sure all relevant case numbers are on your order.

4. *Appointment of Counsel to Indigent Defendants*

The Public Defender's Office will be appointed to represent most indigent defendants. However, in cases of conflict or other unavailability of the Public Defender, or where defendants currently have other court appointed counsel on related matters, the court will appoint outside counsel to represent indigent defendants.

a. Standards & Expectations

Attorneys who meet the State guidelines to accept court appointment to indigent defendants must abide by The Standards of Practice of Indigent Defense Counsel found at: VIDC-SOP.pdf

Court appointed attorneys must communicate with their client within 48 hours of the date of appointment. Failure to abide by minimum standards of competent assistance will result in a written letter from the Chief Judge warning of the perceived deficiency and requiring remedial measures to correct the deficiency. Second or subsequent failure to abide by minimum standards of competency will result in suspension from the court appointed attorney list. Failure to abide by minimum standards of competent assistance include but are not limited to:

1. Failure to communicate with clients in a timely fashion;
2. Habitual failure to appear in court;
3. Habitual failure to timely notify the court of the status of a case;
4. Failure to secure court permission to substitute counsel;
5. Failure to secure court permission to excuse a client's appearance in court.

b. Appearance by other Attorneys

Court appointed counsel may have other attorneys from the same firm appear for pre-trial motions. Court appointed counsel may not substitute any other attorney for trial without prior leave of court. Substitute counsel from the same firm may only substitute in court appointed cases if the new attorney is also on the court appointed list. In some instances, court appointed counsel may have other court appointed counsel (not in their firm) handle preliminary matters on their behalf, with leave of court.

c. Time Sheets

Time Sheets should be submitted in a timely manner for processing in accordance with Virginia Code §19.2-163. Cases where the Defendant is charged under state code violations should be submitted through the Electronic Voucher Payment System (EVPS) through the Supreme Court of Virginia. Bear in mind that this is a multi-step process which includes receipt and processing by the clerk, submission to the presiding judge, submission to the Chief Judge (in certain waiver situations), and then submission to the Supreme Court. As such, it may take up to 14 days for the submission to go through and therefore timely submissions by counsel are integral to receipt of timely payment.

LOCAL ORDINANCES: For cases where Defendant is charged under local ordinances, counsel must submit a *written local voucher* and DC-40 list of allowance that shows hours worked on the case to the clerk's office for payment processing.

5. *Blue Attorney Communication Forms*

In each of the courtrooms are blue attorney communications forms. Attorney are advised that they are expected to be in court on time for a case when it is on the docket. In the event attorneys have

multiple courtrooms, they should fill out a blue attorney communication form to let the Court know where they will be and how to reach them to avoid the case being handled in the absence of the attorney.

C. MOTIONS.

1. *Motions for Discovery*:

The Court will generally enter agreed orders of discovery without the necessity of notice and docketing. Motions may also be filed and docketed for the 8:30 docket; these must be filed in the Clerk's Office and served upon the appropriate prosecuting attorney's office no later than 3:00 p.m. two (2) business days preceding the requested hearing date.

2. *Bond Motions*

Bond motions must be filed in the Clerk's Office and served upon the appropriate prosecuting attorney's office no later than 3:00 p.m. the day preceding the requested hearing date. Please note that defendants are being brought to the courtroom from the jail for bond hearings at 8:30 a.m., unless special circumstances exist. The court attempts to hear all motions prior to the commencement of the in-jail video arraignments, however once said video arraignments begin, all remaining bond motions will be heard by the court after the conclusion of the videos. If counsel must be in another courtroom, please provide a blue half sheet to the clerk so that the court is aware of your whereabouts. The court will do its best to hear the motion as soon as possible.

The Clerk's office accepts these by fax, but they must be received by 2:30 p.n.

Counsel is encouraged to contact the Prince William County Office of Criminal Justice Services (OCJS) Pretrial Supervision Program ahead of filing a Bond motion if you are interested in having your client evaluated for Intensive Pretrial Supervision. Counsel does NOT need prior approval of the Court to request their client to be evaluated for the Intensive Pretrial Program.

3. *Other Motions*:

Other motions such as, extensions of time to pay fines and costs, and the like, may be filed in the Clerk's Office, and will be scheduled at least two business days out on the 8:30 a.m. motions docket.

4. Motions for Restricted License made after the court appearance and to remove interlock will be submitted to chambers for review and entry. The Clerk's office will call once the motion has been reviewed or they can be scheduled at least two business days out on the 8:30 a.m. motions docket.

D. INCIDENTS OF CRIMINAL TRIAL.

1. *Subpoenas:*

Subpoena requests must be prepared by counsel or by *pro se* litigants. The Clerks will prepare subpoenas for criminal trials when the form requesting such a subpoena is correctly completed and filed.

a. How Obtained:

Witness subpoenas may be made on forms available in the Clerk's Office or on the Court's website: www.vacourts.gov. Similarly, the Clerk's Office has forms available for Subpoenas Duces Tecum. A specific list of documents being requested must be provided.

b. Attorney-Issued Subpoenas:

As of July 1, 2007, Virginia law allows for attorney-issued witness subpoenas in criminal and traffic cases. Counsel is responsible for timely filing the names and addresses of subpoenaed witnesses with the Clerk's Office, as required by statute.

c. Timing:

Attorneys are encouraged to file witness subpoenas as far in advance of the hearing date as possible. While the Clerk's Office makes every effort to process requests as expeditiously as possible, as a practical matter, witnesses must be given reasonable notice. This requires advance planning on the part of the requesting party. As a general rule, counsel requesting witness subpoenas must allow at least 14 days for processing and service, in addition to the time necessary to provide the recipient with proper notice. Similarly, document subpoenas should be filed far enough in advance to allow reasonable time for processing and service, as well as a sufficient time period for compliance in accordance with the Virginia Rules.

Please take into consideration that the paperwork for subpoenas to be served outside of Prince William County must be forwarded to the appropriate jurisdiction and then go through whatever procedures the Sheriff's Department in the foreign jurisdiction employs. As such, service outside of Prince William County almost certainly takes more time than service within the County. Counsel should plan accordingly and allow more than 30 days, where possible.

d. Fees:

There is no fee for filing or serving a criminal witness or document subpoena.

2. *Available Equipment/Remote Hearing*:

Each General District Courtroom has a dry marker board available, if needed. Consult the Deputy for availability of markers. There are also small cars available for demonstrative purposes in each courtroom. Counsel or parties must provide any other items. Television monitors are available in each courtroom for media presentations, but parties must provide their own equipment (i.e. laptop, etc.).

A party may make a request to appear (or have a witness appear) remotely for trial or hearing (remote hearings are conducted on the Webex platform, unless prior approval from the judge for a different platform). Due to constitutional protections and concerns, any approvals by the Court must be with the agreement of the Defendant AND the Commonwealth. Such request must be made at least fourteen (14) days (or as soon as possible) prior to trial using the Request form found in the Clerk's office or the courtroom. Parties must discuss the request prior to filing the same with the court AND must provide

written notice of the request to the opposing party. A judge will make a ruling on the request and notify the parties of the same as soon as possible prior to trial. Exhibits or documents may also need to be addressed in advance if an electronic hearing is approved. APPROVAL OF THE REQUEST IS NOT GUARANTEED!

3. *Availability of Counsel at Docket Call*

Court will begin as promptly as possible at the docket call times listed in Section A above. Counsel is expected to be in the assigned courtroom and ready to proceed at the docket call. If counsel will be in another courtroom or area at the assigned docket call time, counsel shall place in the file the blue half sheet or other note indicating counsel's location and anticipated arrival so that neither the court nor the parties are trying to locate counsel for the hearing.

4. *Interpreters/Translators*:

Defense Counsel must notify the Court if any interpreters or translators, besides Spanish, will be needed for a Defendant. If the Commonwealth will need an interpreter or translator for a witness(es), then the Commonwealth must notify the Court.

For trials, a court certified interpreter will be required. Requests for interpreters/translators must be made in writing, at least ten (10) days before trial with the Clerk's office in Room 230. Please use the form attached to make said request (available in the Clerk's office).

5. ADA coordinator. The Court has an ADA coordinator. If you have and ADA needs, please contact Carolyn Bryant in the General District Court

E. **PAYMENT OF FINES AND COSTS**.

A copy of the court's fines, costs, and restitution policy is posted in room 230 of the Clerk's Office. Defendants' generally have 90 days to pay fines and costs from the conviction date. Additional time may be requested from the Court by filing a DC-210 *Fines and Costs Payment Agreement* with the Clerk's Office and such will be granted at the Court's discretion with a $10.00 time to pay fee.

F. GUILTY PLEAS.

1. *Preparation of Plea Forms*

In an effort to expedite the handling of those cases involving a plea of guilty and/or a recommendation by the prosecuting attorney of a disposition, a plea form must be prepared for all class 1 and 2 misdemeanor pleas, as well as felony pleas. A separate plea form must be prepared for each class 1 or 2 misdemeanor count for which there will be a guilty or no contest plea. For charges that are being nolle prosequi, they may be listed on one (1) form.

2. *Deferred Dispositions*

For cases involving a deferred disposition pursuant to Va. Code §19.2-298.02, the appropriate form must be completed which should include the following: terms and conditions of the deferral, time period for deferral and disposition is in the discretion of court. A plea sheet must also be filled out.

3. *Referral Orders (LOP, ASAP, etc.)*

For cases involving a referral to the Virginia Alcohol Safety Action Program (ASAP) (driving while under the influence), Local Offenders Program (LOP) or the Voluntary Action Center (VAC) (any misdemeanor charge whether convicted or not requiring community service under 19.2-354), and restitution order (including only one case), counsel for the Defendant is expected to prepare the aforesaid referral order forms or restricted license request form and review the same with his/her client prior to the case being called by the court. Forms are available in the Clerk's office and in all courtrooms.

G. TRAFFIC SCHOOL RETURNS

The court no longer conducts hearings for traffic school returns. There is one (1) administrative review date for traffic school each quarter. The Defendant shall be provided with an instruction sheet at the time traffic school is ordered and it will be incumbent upon the Defendant to comply with all requirements (payments and submission of certificate) before the review date. Failure to comply will result in a finding of guilt and appropriate disposition by the court.

General District Docket

CRIMINAL-TRAFFIC COURT SCHEDULE

Courtroom 1: WALK-IN PROTECTIVE ORDERS ONLY

Wednesday
9:00 AM TRANSURBAN I-95 Hot Lanes
9:45 AM I-66 (Changing to 9:25AM beginning in January)

Courtroom 2: **Monday**
9:00 AM RED LIGHT/SPEED CAMERA ENFORCEMENT and Traffic Cases
10:30 AM Criminal Docket—Misdemeanors/cases with counsel.
11:30 AM Felony Docket/Preliminary Hearings

Tuesday
9:00 AM Small Traffic Cases,
10:30 AM Criminal Docket—Misdemeanors/cases with counsel
11:30 AM, Felony Docket/Preliminary Hearings

Wednesday
9:00 AM Contested LOP, Traffic Cases
10:30 AM Criminal Docket—Misdemeanors/cases with counsel.
11:30 AM, Felony Docket/Preliminary Hearings

Thursday
9:00 AM Small Traffic Cases,
10:30 AM Criminal Docket—Misdemeanors/cases with counsel.
11:30 AM, Felony Docket/Preliminary Hearings

Friday
9:00 AM VASAP VIOLATIONS
9:30 uncontested LOP/Arraignments
10:00AM 298.02 or SIS
11:00AM Rest Reviews.

Everyday
10:00AM ---CRIMINAL RETURNS, SIS, RESTITUTION, ETC
(until currently set cases cycle out. Any continuances should follow the new disposition schedule)

Courtroom 3: 9:00AM Traffic Cases/Infractions/ & Jail Waived Cases
10:30AM Criminal Docket—Misdemeanors/cases with counsel & Walk-In Arraignments (on Officer Court date)
11:30AM Felony Docket/Preliminary Hearings
1:30PM Civil Trials

Courtroom 4: 9:00AM Traffic Cases/Infractions/ & Jail Waived Cases

	10:30AM	Criminal Docket—Misdemeanors/cases with counsel & Walk-In Arraignments (on Officer Court date)
	11:30AM	Felony Docket/Preliminary Hearings
	1:30PM	Civil Trials
Courtroom 5:	9:00AM	Traffic Cases/Infractions/ & Jail Waived Cases
	10:30AM	Criminal Docket—Misdemeanors/cases with counsel & Walk-In Arraignments (on Officer Court date)
	11:30AM	Felony Docket/Preliminary Hearings
	1:30PM	Civil Trials
Courtroom 6:	8:30AM	Criminal Motions, including bond motions
	9:30AM	In Jail Video Arraignments
		FLOAT JUDGE (until 1:00pm)
	1:00PM	Civil Returns

Civil Docket Schedule

Monday

9:00am – Attorney Unlawful Detainers **(100 max / 2 trials)**

11:00am – Post Judgment *(Post-Judgment Motions, Garnishments, Interrogatories, Show Cause, Capias, Exemptions)* **(175 max)**

1:00pm – Post Judgment *(Post-Judgment Motions, Garnishments, Interrogatories, Show Cause, Capias, Exemptions)* **(150 max, all cases in courtroom 6)**

1:30pm – Warrant in Debt Trials (**Max 12**; called in Courtroom 2, then distributed to Courtrooms 1–6 as available)

Tuesday

9:00am – WOCO Unlawful Detainers & Trials **(25 Returns / 2 Trials max)**

11:00am – Warrants in Debt, Warrant in Detinue, Complaints, Motion for Judgments, Pre-Judgment Motions **(175 max)**

1:00pm – Warrants in Debt, Warrant in Detinue, Complaints, Motion for Judgments, Pre-Judgment Motions **(150 max, all cases in courtroom 6)**

1:30pm – Warrant in Debt Trials (**Max 12**; called in Courtroom 2, then distributed to Courtrooms 1–6 as available)

Wednesday

11:00am – Post Judgment *(Post-Judgment Motions, Garnishments, Interrogatories, Show Cause, Capias, Exemptions)* **(175 max)**

1:00pm – Post Judgment *(Post-Judgment Motions, Garnishments, Interrogatories, Show Cause, Capias, Exemptions)* **(150 max, all cases in courtroom 6)**

1:30pm – Warrant in Debt Trials (**Max 12**; called in Courtroom 2, then distributed to Courtrooms 1–6 as available)

Thursday

9:00am – Warrants in Debt, Warrant in Detinue, Complaints, Motion for Judgments, Pre-Judgment Motions **(100 max)**

11:00am – Warrants in Debt, Warrant in Detinue, Complaints, Motion for Judgments, Pre-Judgment Motions **(175 max)**

1:00pm – Warrants in Debt, Warrant in Detinue, Complaints, Motion for Judgments, Pre-Judgment Motions **(150 max, all cases in courtroom 6)**

1:30pm – Warrant in Debt Trials (**Max 12**; called in Courtroom 2, then distributed to Courtrooms 1–6 as available)

Friday

9:00am – Small Claims Returns & Trials **(15 Returns / 5 Trials max)**

1:00pm – Attorney Unlawful Detainers **(175 max**; **s***plit between courtrooms 1 & 6)*

1:30pm – Attorney Unlawful Detainer Trials (**Max 15**; *split between Courtrooms 1 & 6 based on the courtroom where the attorney has a 1:00 pm case. If the attorney has no 1:00 pm case, the trial will be assigned to Courtroom 1*)

FOREIGN LANGUAGE INTERPRETER REQUEST FORM FOR THE PRINCE WILLIAM COUNTY JUDICIAL CENTER

CASE NAME:

LANGUAGE: COUNTRY:

HEARING DATE: HEARING TIME:

CASE NUMBER: ESTIMATED LENGTH OF TIME:

CHARGE: CODE SECTION:

WILL THE DEFENDANT/RESPONDENT/PLAINTIFF NEED AN INTERPRETER?

HOW MANY WITNESSES WILL NEED AN INTERPRETER?
ATTORNEY'S NAME (IF ANY):

REQUEST SUBMITTED BY:

DATE SUBMITTED:

TELEPHONE NUMBER: E-MAIL:

ADDITIONAL REQUIREMENTS:

THIS FORM MUST BE SUBMITTED TO THE CLERKS' OFFICE.
Please contact the Clerks' Office immediately to cancel an interpreter request.
Department of Judicial Services – Foreign Language Services Division - Revised: 7/08/2021

PRINCE WILLIAM GENERAL DISTRICT COURT

ATTORNEY (please print): _____

Attorney mobile number: _____

CASE NAME(S): _____

I am also in the following courtrooms,

CIRCUIT COURTROOM(S) # _____

GENERAL DISTRICT COURTROOM(S) # _____

JUVENILE & DOMESTIC RELATIONS COURTROOM(S) # _____

I expect to return to this courtroom by: _____

PRINCE WILLIAM GENERAL DISTRICT COURT

ATTORNEY (please print): _____

Attorney mobile number: _____

CASE NAME(S): _____

I am also in the following courtrooms,

CIRCUIT COURTROOM(S) # _____

GENERAL DISTRICT COURTROOM(S) # _____

JUVENILE & DOMESTIC RELATIONS COURTROOM(S) # _____

I expect to return to this courtroom by: _____

LEVY INSTRUCTIONS

Levy on Property in The Hands of the Judgment Debtor:

A levy on personal property means that the property levied may be sold or disposed of by the judgment creditor to satisfy the judgment of the court, if not satisfied by other means.

1. Procedures for execution by levy include:

    a. Form DC-467, Writ of Fieri facias is filed along with district court form DC-407, NOTICE TO DEBTOR – HOW TO CLAIM EXEMPTIONS/REQUEST FOR HEARING - EXEMPTION CLAIM, the clerk's office collects sheriff's fees (Va. Code § 17.1-272) and forwards it to the sheriff. Va. Code § 8.01-501. Only a sheriff, high constable or treasurer may levy upon property. Va. Code § 8.01-293.

    b. The sheriff levies on the property of the judgment debtor and if the judgment creditor posted an indemnifying bond with the sheriff, seizes the particular items of personal property noted in the writ of fieri facias, and serves a copy of the writ on the judgment debtor or other responsible person at the premises. Va. Code § 8.01-487.1.

    c. The judgment debtor may at this time decide to pay the debt and may do so within the ninety-day (90) life of the execution and ask that the judgment creditor recall the writ to stop the sheriff's sale or regain possession or obtain a release of the lien by posting a bond.

    d. See District court form DC-470, FORTHCOMING BOND, or return the district court form DC-407, NOTICE TO DEBTOR - HOW TO CLAIM EXEMPTIONS/REQUEST FOR HEARING - EXEMPTION CLAIM whereupon the clerk schedules a hearing on the claim within ten (10) business days from receiving the request and notifies the parties And sheriff of the date, time, place of the hearing plus, the exemption being claimed.

    e. If the judge determines that the exemption claim is valid, the clerk gives a copy of the order to the parties. Otherwise, no copy is provided.

    f. The sheriff sells the levied property if the judgment debtor does not pay off the debt and the judgment creditor has posted an indemnifying bond.

    g. The executed writ is returned with the net proceeds, and the proceeds of the sale are disbursed to the judgment creditor by the sheriff. The return shall account for the property seized and sold, the disbursement of funds, and the service of process on the judgment debtor or other responsible person at the premises.

DC-467 – WRIT OF FIERI FACIAS POLICY

PLEASE BE ADVISED OF THE FOLLOWING PROCEDURES WHEN FILING A WRIT OF FIERI FACIAS:

In the case where no levy is being requested and the associated box is marked on the form (DC-467), a private process server may perform service on the judgment debtor.

In the case where levy on property is being requested and the associated box is marked on the form (DC-467), service can only be performed by a sheriff, high constable for the City of Norfolk or Virginia Beach, or a treasurer per Virginia Code 8.01-293 (B) noted below:

A. Notwithstanding any other provision of law (i) only a sheriff or high constable may execute an order or writ of possession for personal, real or mixed property, including a writ of eviction arising out of an action in unlawful entry and detainer or ejectment; (ii) any sheriff, high constable or law-enforcement officer as defined in § 9.1-101 of the Code of Virginia may serve any capias or show cause order; and (iii) only a sheriff, the high constable for the City of Norfolk or Virginia Beach or a treasurer may levy upon property.

The appropriate service fees would be collected at the time of filing, if requesting levy on property.

Once the Court has processed the filing and a clerk has issued service, we will forward to your private process server in the case of no levy being requested or forward to the sheriff, high constable, or treasurer in the case of levy on property being requested.

If you wish that the defendant receives any additional documentation with the service copy, please file the original documents with the Court. Any document(s) attached to the original filing should also be provided to the Court to be attached to the defendant's service copy. Documents MAY NOT be attached to any filing after being issued by a clerk.

Thank you for your time and attention to these procedures for filing and issuance of the DC-467 Writ of Fieri Facias.