

20th JUDICIAL CIRCUIT: LOUDOUN COUNTY LOCAL RULES AND PROCEDURES

These Local Rules and Procedures (“Local Rules”) are adopted by the Judges of the Loudoun County Circuit Court, pursuant to Rule 1:15 of the Rules of the Supreme Court of Virginia, by Order of Adoption entered March 28, 2023, and are effective April 17, 2023. These Local Rules rescind and replace the Loudoun County Circuit Court Resumption of Operations Plan and Order entered June 6, 2022.

I. CIVIL CASES

The Court will hear trials on Monday, Tuesday, and Wednesday of each week. All properly scheduled matters will be heard in-person, except by leave of Court pursuant to Rule 1:27.

Nothing in these Local Rules and Procedures dispenses with parties’ obligation to comply with Rule 4:15(b) of the Rules of the Supreme Court of Virginia.

TRIALS: Jury trials will commence at 9:00 a.m. Bench trials will commence at 10:00 a.m.

II. CIVIL SCHEDULING PROCEDURES

- A. PHONE SCHEDULING:** Civil trial scheduling will occur every Monday and Tuesday at 9:00 a.m. by the filing of a Civil Phone Scheduling *Praecipe*. Other matters may be scheduled without the need for a Civil Phone Scheduling *Praecipe* if authorized by the Court. If any Monday or Tuesday falls on a recognized holiday, or other date that courts are closed, phone scheduling will not occur.

The Civil Phone Scheduling *Praecipe* approved by the Court is available at the Clerk’s Office and on the Clerk’s Office website. A Civil Phone Scheduling *Praecipe* must be filed with the Clerk at least seven (7) days prior to scheduling.

All civil phone scheduling is conducted at the following number: 571-258-3708. Counsel and self-represented parties are expected to call in

and remain in the telephone queue until their call is answered. The parties must be on the phone together prior to calling the scheduling docket. If, after reasonable notice, a party fails to participate in phone scheduling, the matter may be scheduled in their absence.

B. CIVIL MOTIONS: Civil motions dockets will be heard on the **first, third,** and **fourth** Friday of each month according to the following schedule:

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|-------------------|---|--------------------------------------|
| 9:00 a.m. | Uncontested Motions, Agreed Orders
Returns on Rules to Show Cause
& Scheduling of Civil Appeals | - 5 min. |
| 10:00 a.m. | Contested Non-Domestic Relations Motions | - 20 min. |
| 2:00 p.m. | Contested Domestic Relations Motions
Pendente Lite Motions | - 20 min.
- 30 min. |

The Court in its discretion may remove and specially set any motion that, in its judgment, requires a lengthier hearing. Due to volume, the Court may, *sua sponte*, reassign a motion to the next available docket.

C. DOCKETING OF CIVIL MOTIONS: Civil motions shall be docketed by using a Civil Motions *Praecipe* filed at least fourteen (14) days prior to the scheduled motions hearing date. The *praecipe* approved by the Court is available in the Clerk's office and on the Clerk's office website.

All civil motions are to be placed on a Civil Motions Docket. Except as noted below for *pendente lite* motions, all motions and responses thereto will be allocated a maximum of 20 minutes. Should either party believe argument on the motion will exceed 20 minutes, a time estimate should be noted on the Civil Motions *Praecipe*. Motions exceeding 20 minutes may be heard on the Civil Motions Docket, or may be specially set, in the discretion of the presiding judge. To provide all parties a fair opportunity to file and argue motions, a movant is limited to one motion per case on a given Civil Motions Day, unless otherwise authorized by the Court. Absent authorization, excess Motions may be removed by the Court.

D. MOTIONS: A motion shall concisely set forth the facts relied upon, and the relief requested (i.e., no authority). The motion shall be filed at least 14 days prior to the scheduled motions day. A brief shall accompany a motion, unless otherwise noted below. If the motion is contested, a response to the motion shall be filed at least 7 days prior to the scheduled hearing.

The following motions shall not require briefs, unless ordered by the Court:

- i. Motions for modification of custody, visitation or support,
- ii. Motions to Compel (see paragraph F below),
- iii. Motions to Withdraw / Substitution of Counsel,
- iv. Motions for *pendente lite* Relief,
- v. Motions to Continue,
- vi. Motions to Appoint a *guardian ad litem*,
- vii. Motions for a Rule to Show Cause,
- viii. Motions for Presentment or Entry of an Order.

E. PENDENTE LITE MOTIONS: *Pendente lite* hearings are for support only, not for child custody and parenting time (i.e. visitation) disputes. Final custody and visitation hearings receive priority on the Court's docket.

In addition to the briefing requirements above, the parties shall exchange at least seven days prior to the hearing, but not file with the Court, their exhibits, intended to be referenced at the *pendente lite* hearing. Counsel or self-represented litigants shall file a notice with the Clerk at least 7 days prior to the hearing certifying compliance with this requirement. The exhibits shall be provided to the Court immediately prior to the *pendente lite* hearing. Exhibits exchanged for *pendente lite* hearings shall include, as applicable, a party's most recent W2 or 1099, the last two pay statements, evidence of periodic health insurance paid on behalf of the child(ren), evidence of work-related childcare expenses, an income and expense statement, and a complete proposed support guideline worksheet. Exhibits that are not timely exchanged may not be considered.

Pendente lite hearings are allocated 30 minutes as follows:

- (a) moving party and responding party proffered testimony (5 minutes per side);

- (b) cross-examination of the proffered testimony (5 minutes per side);
- (c) questions from the Court, review of exhibits, and ruling (10 minutes).

The time limits herein will be strictly enforced. Parties are strongly encouraged to enter into written stipulations on uncontested issues and submit them to the Court at the start of the hearing.

F. MOTIONS TO COMPEL: In all motions to compel, and oppositions thereto, the parties shall file an excel-type spreadsheet (“The Spreadsheet”). The Spreadsheet shall include:

- (a) the verbatim interrogatory, document request and/or request for admission at issue;
- (b) the responding party’s verbatim answer and/or objection;
- (c) a summary of the moving party’s basis for requesting an order to compel;
- (d) a blank column for the Court’s notes/ruling.

The Spreadsheet shall be filed with the motion at least 14 days prior to the hearing. An Opposition Spreadsheet shall be filed at least 7 days prior to the hearing. Parties are strongly encouraged, but not required, to file a Joint Spreadsheet fourteen (14) days prior to the hearing. The Spreadsheet requirement supersedes the briefing requirement above.

No Spreadsheet shall be required by the moving party where the responding party has failed to file any response to discovery.

G. RULES TO SHOW CAUSE: A Petition for a Rule to Show Cause shall be made under oath and filed with the Circuit Court Clerk to be directed to Judges’ Chambers, with an accompanying Order for signature. The Order shall designate a return date, allowing sufficient time for the Petitioner to issue service of process, to any civil motions docket at 9:00 a.m. No praecipe is required to docket the first return date, which shall be for status and/or scheduling.

H. GUARDIAN AD LITEM REPORTS: A *Guardian Ad Litem* report in any guardianship, conservatorship, or infant settlement case shall be filed at

least seven (7) days prior to the hearing. Failure to file a *Guardian Ad Litem* report in a timely manner may result in the case being removed from the docket or rescheduled. Movants in guardianship, conservatorship, or infant settlement cases are strongly encouraged to communicate with the *Guardian Ad Litem* to ensure the report will be timely filed in anticipation of the scheduled hearing date.

I. CIVIL TRIALS:

- 1. TRIALS:** Parties requesting a trial may schedule through the phone scheduling procedures outlined above in Section II A.
- 2. PRE-TRIAL CONFERENCES:** Pre-trial conferences will be set at 9:00 a.m. approximately one month prior to the trial in all cases involving Equitable Distribution; any civil case expected to last longer than two days; and otherwise as may be ordered by the Court. The pre-trial conference dates will be selected at the time counsel select their trial dates when they call Phone Scheduling.

The parties (or corporate representative authorized to negotiate settlement), and counsel who will be trying the case, are required to attend the Pre-Trial Conference. Failure to appear may cause the Court to remove or continue the pre-trial conference or the trial, or impose sanctions on the non-appearing party/counsel.

In any case involving equitable distribution pre-trial conferences, the parties must file, at least seven (7) days prior to the pre-trial conference, an initial joint equitable distribution schedule highlighting each entry on which the parties **disagree**. Failure to do so may cause the court to remove or continue the pre-trial conference or the trial, or impose sanctions on a non-cooperating party.

- J. EQUITABLE DISTRIBUTION TRIALS:** In any case involving equitable distribution, the parties must file, at least seven (7) days prior to trial a final joint equitable distribution schedule highlighting each entry on which the parties **disagree**.

This requirement will necessitate cooperation between the parties.

Parties in contested domestic relations cases involving grounds of divorce, child custody, equitable distribution, spousal support and/or child support may expect the Court to require post-trial transcripts and proposed findings of fact and conclusions of law cross-referenced to the trial transcripts and exhibits. Parties are required to prepare their respective cases in anticipation of the Court ordering the above post-trial filings, to include securing a court reporter. Parties shall be responsible for securing a court reporter and shall not rely on the Court's recording system for the preparation of transcripts.

- K. **CIVIL APPEALS:** With the exception of Protective Order appeals, in all civil cases appealed from the District Courts, the parties will be contacted by the Circuit Court Clerk's Office and given a specific date to have their appeal scheduled. All provisions of the Virginia Code relating to papers transmitted to the appellate court and service of protective orders (e.g. Va. Code 16.1-112 and 8.01-290, as amended) shall apply.

For appeals of Protective Orders hearings, once service is made on the opposing party, the Circuit Court Clerk's Office will contact the parties to schedule their appeal.

Scheduling of all civil appeals from the District Courts will be conducted in person on the Civil Motions Docket at 9:00 a.m.

- L. **EXHIBITS:** For all trials, exhibits shall have each page uniquely numbered, in sequential order, for ease of reference for the Court and the parties.

III. CRIMINAL CASES

- A. **GRAND JURY:** The Grand Jury convenes on the second Monday of the month. Should the second Monday fall on a recognized holiday, the Grand Jury convenes on the third Monday. Grand Jury Returns shall be at 2:00 p.m. on the next business day following Grand Jury.
- B. **CRIMINAL SCHEDULING DOCKET:** Criminal scheduling will occur on the Grand Jury Return Date at 2:00 p.m. by indictment, filing of a Criminal *Praecipe*, or as specially set by the Court. A Criminal *Praecipe* approved by the Court is available at the Clerk's Office and on the Clerk's Office

website. A Criminal Praecipe must be filed with the Clerk at least (7) seven days prior to scheduling.

- C. **TRIALS:** All jury trials will commence at 9:00 a.m. All bench trials will commence at 10:00 a.m., with the exception of misdemeanor appeal bench trials, which will be set on a Thursday criminal docket at 9:00 a.m.
- D. **BOND MOTIONS:** Bond motions and bond appeals shall be filed with the Clerk and will be scheduled on the docket as priority matters.
- E. **THURSDAY CRIMINAL DOCKET PROCEDURES:** Criminal matters will be scheduled every Thursday as follows:

- 9:00 a.m. MISDEMEANOR APPEALS
- 10:00 a.m. PLEAS, SENTENCINGS & REVOCATIONS
- 1:00 p.m. CRIMINAL MOTIONS & SPECIALLY SET MATTERS

- 1. **MISDEMEANOR APPEALS:** Misdemeanor appeals will be directly scheduled on any Thursday at 9:00 a.m. by the District Courts at the time of the appeal, but not earlier than 21 days and no later than 60 days after the appeal date.

No witnesses will be required to be subpoenaed on the first misdemeanor appeal date. The first date will be for discussion between parties/counsel, possible proposed agreed dispositions, and further scheduling. For misdemeanor appeals that cannot be resolved short of trial, and for efficiency of scheduling of counsel and self-represented litigants, parties are encouraged to communicate in advance regarding time estimates for trial.

2. PLEAS:

- a. For cases already set for trial, a party may advance a case for entry of a guilty plea by filing a Criminal Praecipe, at least seven days prior, to a Thursday Criminal Docket.
- b. For all felony guilty pleas, the Commonwealth's Attorney must ensure the following are filed **at least seven days prior:**

- i. a signed written plea memorandum or agreement, or guilty plea form;
- ii. a signed detailed, written proffer of facts;
- iii. if applicable, initialed copies of proposed amendments to warrants/indictments;
- iv. if applicable, a waiver of indictment; and
- v. if applicable, a Certification of Compliance with the Crime Victim and Witness Rights Act (Virginia Code §19.2-11.01).

3. SENTENCINGS & REVOCATIONS: Sentencings and revocation hearings will be docketed by the Court.

4. CRIMINAL MOTIONS: All motions are to be placed on the Thursday Criminal Docket at 1:00 p.m. by filing a *Criminal Praecipe*. Time estimates shall be noted on the *Criminal Praecipe*. For a contested motion, a *Criminal Praecipe*, and the corresponding brief must be filed fourteen (14) days prior to the scheduled hearing. A motion shall concisely set forth the facts relied upon, and the relief requested (i.e. no authority). A brief shall accompany a motion, unless otherwise noted below. Responses to contested motions shall be filed at least seven days prior to the scheduled hearing. The parties may submit joint written stipulations applicable to the motion.

For an uncontested motion, a *Criminal Praecipe*, and the corresponding brief must be filed seven (7) days prior to the scheduled hearing.

The following motions shall not require briefs:

- i. Motions to Continue,
- ii. Motions to Withdraw / Substitution of Counsel,
- iii. Motions for Bond.

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