

LOCAL RULES

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VIRGINIA:

IN THE CIRCUIT COURT OF FAUQUIER COUNTY

IN RE: LOCAL RULES OF COURT PRESCRIBED BY
THE CIRCUIT COURT OF FAUQUIER COUNTY,
VIRGINIA

ORDER

It appearing to the Court that Local Rules of Court consistent with the requirements of Va. Code Section 8.01-4 are necessary to promote proper order and decorum and the efficient use of this Court's courthouse facilities and its Clerk's Office and to incorporate the procedural mandates of the added Supreme Court Rules 1:18, 1:19, 1:20 & 4:15, it is ordered that the Local Rules of the Fauquier County Circuit Court, attached and made a part hereof, be the Local Rules of this Court effective January 20, 2009.

It is further ordered that a copy of this order including said rules be forwarded to Karl R. Hade, Executive Secretary of the Supreme Court of Virginia, 100 North Ninth Street, Richmond, Virginia, 23219, and a copy spread upon the civil order book of this Court. It is also further ordered that a copy of this order be forwarded to the Judges of the 20th Judicial Circuit Court of Virginia and to the President of the Fauquier County Bar Association.

These Local Rules are adopted pursuant to Va. Code Section 8.01-4 as amended effective and pursuant to Supreme Court Rule 1:15. They incorporate and are consistent with amendments to the Rules of the Supreme Court of Virginia. The Court specifically finds that these Local Rules are absolutely necessary to promote proper order and decorum and the efficient use of the Court's courthouse facilities and its Clerk's Office. They also set forth the Court's procedural elections required by the amended Rules of the Supreme Court of Virginia.

ENTER this 20th day January 2009.

/s/ Jeffrey W. Parker, Judge
JEFFREY W. PARKER, JUDGE

FAUQUIER COUNTY CIRCUIT COURT LOCAL RULES

GENERAL PROVISIONS

Rule 1:1. Application of Rules.

These rules and any amendments hereto shall apply as of their effective date to all cases, criminal and civil, as indicated, pending or hereafter instituted in this Court, except where in pending cases their application in the opinion of the Court would not be feasible or would work injustice.

Rule 1:2. Business Hours, Days and Holidays.

(a) The Court's business hours are 8:30 a.m. to 4:30 p.m. or as directed by the trial judge.

(b) Excepting holidays as mentioned in this Rule, the regular business days of the Court for the conduct of its proceedings shall be Monday through Friday of each week.

(c) The regular holidays of the Court shall be as set forth in Va. Code Section 2.2-3300. In addition there may be special holidays by entry of Court order.

(d) Notwithstanding the other provisions of this Rule, in case of emergency or other necessity as determined by the Court, it may in its discretion set for hearing or hear any matter on any day other than a regular business or before or after business hours.

Rule 1:3. Schedule of Regular Days.

(a) Term Days. By virtue of an order heretofore entered pursuant to Va. Code Section 17.1-517, Term Days shall be:

The fourth Monday in January, March, May, July, September, and November beginning at 9:00 a.m. when the Grand Jury shall be convened, except that other matters may be heard as directed by the Court.

If the first day, known as Term Day, of any Term as scheduled above shall fall on a legal holiday as set or defined in Va. Code Section 2.1-21, then such Term shall commence and its Term Day be on the day next following.

(b) Misdemeanor Appeal Days. Misdemeanor Appeal Days shall be:

The second Tuesday of each month beginning at 9:00 a.m.

If a Misdemeanor Appeal Day is on a legal holiday as defined in Rule 1:2 (c), then said Misdemeanor Appeal Day shall be upon the day immediately following, except as otherwise ordered by the Court.

(c) Motions Days. Motions Days shall be:

The first and third Tuesday of each month. Civil non-domestic motions shall be scheduled beginning at 9:00 a.m. Domestic Relations Motions shall be scheduled beginning at 1:30 p.m.

If a Motions Day is on a legal holiday as defined by Rule 1:2(c) then said Motions Day shall be upon the day immediately following, except as otherwise ordered by the Court.

(d) The foregoing schedule of regular days notwithstanding, any date may in cases of necessity be omitted, or changed or continued to some other convenient date by timely entry of an order for the purpose.

Rule 1:4. Calendar of Holidays and Regular Days.
[Circuit Court Schedule](#)

Annually, before the first day of January, the Clerk of Court shall prepare a list in chronological order showing so far as foreseeable the date in the succeeding calendar year of each date mentioned in Rule 1:3(a), (b), (c), & (d).

The clerk shall furnish a copy of such list to each circuit judge and to the District Courts from which appeals lie and upon requests he shall furnish a copy to any attorney or other person having need therefor.

Rule 1:5. Use of Docket Numbers.

The clerk shall assign a docket number to each case instituted, and thereafter all pleadings, other papers, and orders and decrees shall bear said docket number. Counsel or pro se parties have the responsibility to see that all documents filed with the Court are properly numbered.

Rule 1:6. Courtroom Decorum.

(a) Silence is requested while the Court is in session. The reading of newspapers and sleeping are forbidden and the Court may not be entered on the lower level except as permitted by the Court.

(b) Dress Code – Proper attire is required of all persons appearing in Court. Attorneys are expected to dress in traditional attire. For witnesses and parties, shorts, tank tops, halter tops and sleeveless T-shirts are prohibited. Shirts are to be tucked in and midribs and stomachs are to be covered at all times. Clothes are to be reasonably clean and not torn or ripped. T-shirts are not to contain inappropriate language or images. Cell phones are to be turned off or on vibrator mode. Headwear is permitted only for cases of recognized cultural or religious reasons.

PROVISIONS IN CRIMINAL CASES

Rule 2:1. Responsibility for Criminal Orders.

In all criminal cases the Clerk of the Court shall be primarily responsible for drafting and presenting for entry the orders in such cases, a copy of which upon entry the clerk shall forthwith send counsel of record for the defendant unless the Court shall otherwise direct.

Rule 2:2. Misdemeanor Appeals.

In all non-jury misdemeanor cases including criminal contempt in which an appeal has been noted from the final judgment of any district Court, the matters shall be set for trial or tried consistent with the indication in the Notice of Appeal. District courts shall forthwith transmit the papers of the case to the Clerk of the Court after the expiration of 10 days from date of conviction, but not before. Cases set for trial on a Misdemeanor Appeal Day which for any reason are not tried on that day may be continued by order to a day certain.

PROVISIONS IN CIVIL CASES

Rules 3:1. Civil Motions Day Hearings.

(a) Except as provided in (b), (c), (d) and (e) of this Rule, the Civil motions, Executions, Fiduciary matters, Domestic Relations Motions, & Motions to set trials shall be heard only on the Motions days thereof.

(b) Any matter appearing on the docket of a Motions Day, the hearing of which is not completed or not reached that day, may be continued as determined by the Court to some later day.

(c) Any matter specified in (a) of this Rule to be heard only on Motions Day may be heard on any other day by leave of or by order of Court. Any matter not specified by (a) of this Rule to be heard on Motions Days may be heard thereon by leave of or by order of Court, in which event, a praecipe shall be filed as required by Rule 3:2.

(d) Except by leave of the presiding judge, no matter shall exceed 30 minutes total, allotting equal time to each side.

(e) Except by leave of Court no matter shall be placed on a Motions Day without timely filing of a praecipe as required by Rule 3:2. Unless previously filed, the subject motion shall be filed with the praecipe and served as required by the Rules of Court.

(f) Two and a half hours will be allotted by the Court for civil motions (not including Docket Call) in the morning with two and a half hours for domestic matters (not including Docket Call) in the afternoon. The Court reserves the discretion to increase or decrease this time allotment based upon its estimate of the length of the docket.

(g) Cases will be scheduled upon the Court's docket until the available time is fully allocated. Counsel may check the [Circuit Court Case Information for Fauquier County](#) on the Supreme Court's web site or from the Fauquier County Clerk's Office Web Page to see if the matter has been docketed. Once a date is fully scheduled, motions must be placed upon a subsequent motions day. Docket call shall begin prior to calling the motions on the morning and afternoon dockets. Civil cases are to be set in the morning. Domestic Relations' cases are to be set in the afternoon.

(h) The same day as the Court rules upon the subject motion, the parties shall present a completed draft of a proposed Order to the Court or Clerk for entry, unless a court reporter is present on the parties' behalf or otherwise permitted by the Court. On the date set for hearing, the respective parties should bring a proposed Order, which may be submitted to the Court immediately after argument on that day. These Orders should not be prefiled with the Court prior to the hearing. Failing previous preparation and

tender of an acceptable draft Order, the parties shall submit for entry a neat hand-printed Order using blank forms maintained by the Court.

Rule 3:2.
Praeipce Form

(a) In order to place matters required by local Rule 3:1 to be set on a Motions Docket, counsel or a party not represented by counsel shall file in the clerk's office a praecipe motion duly signed and in the form of the form praecipe provided for in Rule 1:15(b) and the Appendix thereto of the Supreme Court of Virginia or Form 3:2 attached as Exhibit A hereto not less than eight days by 12:00 noon prior to the Motions Day to which it is returnable. The certificate of service shall contain the names and addresses of all persons entitled to receive the praecipe. Counsel and an unrepresented party shall appear in person to set a trial date and to consider other matters set forth in Supreme Court Rule 1:19 or Supreme Court Rule 4:13. See Supreme Court Rule 1:20(c).

(b) The Clerk of Court shall maintain a docket sheet for each motions day and shall list thereon each case for which a proper praecipe under (a) of this Rule has been timely filed, noting as to each the short style of the case, the names of counsel including parties not in default and not represented by counsel, the purpose of the hearing, the hour at which it is scheduled to commence and the estimate of time required for hearing. The order in which matters are heard on the Motions Day docket shall be in the discretion of the Court.

Rule 3:3. Pretrial Conference.

(a) A pretrial conference may be set by the Court at which all matters listed under Supreme Court Rules 1:19 & 4:13 may be considered prior to and as a prerequisite to hearing any matter for trial or hearing on its merits.

(b) Failure to comply with dates established by pretrial or pretrial scheduling order could result in the delay of hearings and trials including the loss of hearing or trial dates.

(c) Parties by counsel or pro se are to appear in person unless leave of court is received in advance.

Rule 3:4. Setting for Trial.

(a) Trials on issues of fact raised by plea may be, in the discretion of the Court, heard separately or in conjunction with trial on the merits. Trials will be held when:

1. The parties are at issue on the matters to be tried and the case is matured.
2. Pretrial conferences, if required, in accordance with Local Rule 3:3 have been had.
3. All discovery procedures relating to the issues to be tried have been completed or a date by which all discovery procedures shall have been completed has been determined by order.

(b) Requests for trial on the merits shall be by use of an acceptable Praecipe.

Rule 3:5. Preparation and Presentation of Orders & Decrees.

(a) Other than as set forth in Rule 3:1(h), the party substantially prevailing on a particular matter in a case shall be primarily responsible for drafting and presenting for entry of the order, judgment or decree upon that matter within the time limits set forth below. In other instances the Court shall determine responsibility. Orders and decrees may be mailed to pro se litigants for endorsement. If not endorsed and returned to the Court within 10 days, on certification of this mailing and that 10 days have passed, Orders may be presented by counsel for entry without endorsement pursuant to Rules of Court 1:13.

(b) Orders should be presented to the Court for entry no later than 21 days from the date of the Court's ruling. In the event that the parties cannot agree as to the terms of the Order within this period, the Order shall be noticed for entry by the prevailing party on the next available Motion's Day.

Rule 3:6. Domestic Relations Matters.

(a) All contested proceedings for divorce, annulment, separate maintenance, child custody, support and similar matters and all such matters pendente lite, contested or not, shall be heard ore tenus unless otherwise ordered by the Court. Any such proceeding, other than those pendente lite, when uncontested shall be heard on deposition unless otherwise ordered by the Court.

(b) A statistical report as required by Va. Code Section 32.1-268 shall be furnished to the Clerk as a prerequisite to the entry of a decree of divorce a vinculo matrimonii or of annulment.

Rule 3:7 Determination of Fact Issues in Equity.

The Court may order a reference articulating specific issues to a Commissioner in Chancery for hearing and report thereon consistent with Rule 3:23 of the Rules of the Supreme Court of Virginia. A reference should not be presented until all discovery is substantially concluded.

Rule 3:8 Certain Appeals by Juveniles.

(a) In all juvenile cases in which an appeal has been noted from the final judgment of a Juvenile and Domestic Relations District Court finding a juvenile subject to the provisions of the juvenile law for an offense which if committed by an adult would be a crime, the procedures provided by Rule 2:2 shall apply mutatis mutandis, unless the Court shall by entry of an order provide some other procedure.

(b) In such cases, the provisions of Rule 1:6 shall apply mutatis mutandis to the allowance of fees and expenses of Court-appointed counsel.

Rule 3:9. Other Civil Cases Appealed or Removed from the General District Court and the Juvenile and Domestic Relations District Court.

Upon an appeal to the Circuit Court of any civil matter, the parties in the lower court, even if the prevailing party, shall file pleadings as follows: The Plaintiff or Complainant, shall file with the Court and copy to opposing side, a Bill of Particulars, setting forth the true nature of the claim or complaint within 21 days from the party's first appearance in Circuit Court. The Defendant or Respondent shall file the grounds of defense with the Court and copy to the opposing side within 21 days of receipt of the Bill of Particulars. Either party may incorporate in writing by reference within the time period set, pleadings filed in the lower courts.

Failure to comply with these requirements may result in Summary Judgment being awarded to the adverse party.

Rule 3:10. Court Reporters.

The party or parties desiring the services of a Court reporter shall be responsible for obtaining and compensating the reporter. A court reporter may be required by the presiding judge.

Rule 3:12. Removal of Cases from Docket.

If the time required to dispose of any matter before the Court exceeds the time limits set in these rules, by any prior order of the Court, or for other good cause, the Court reserves the authority to adjust its schedule to meet the requirements of the Court, Clerk's staff, counsel or litigants.

Counsel in cases for trial are requested to advise the Court no later than 30 days before the date set for trial, that the case will exceed the time allotted for trial. Failure to do so could result in a reassigned trial date.

Continuances on motions can be granted only for good cause shown.

Rule 3:13. Motions for Reconsideration and Motions for Emergency Hearings

Motions for Reconsideration are to be in writing. Counsel is cautioned that the filing of a motion does not stay the Court's jurisdiction under Rule 1:1 of the Supreme Court of Virginia. It is the duty of counsel to preserve the Court's jurisdiction. The Court in its discretion reserves the right to summarily deny the motion without docketing or hearing oral argument.

Motions for Emergency Hearings are to be in writing. The Court will determine whether the matter is an emergency and docket it accordingly.

FORM 3:2(A)

VIRGINIA:

IN THE CIRCUIT COURT OF FAUQUIER COUNTY

v. (Short style of case)

Civil Case No. _____

PRAECIPE

The Clerk is requested to place the above-styled cause on the docket for the Motions Day of this Court to be held on:

Date: _____ (Tuesday)

Time (Check One):

_____ 9:00 a.m. (Civil, Non-Domestic)

_____ 1:30 p.m. (Domestic Relations)

Counsel's estimate of time required for this hearing:

_____ minutes.

for the following purpose(s) checked below:

- ___ 1. Entry of Order, Judgment or Decree.
- ___ 2. Argument of pleadings (specify):
- ___ 3. Hearing on Motion (specify):
- ___ 4. Pretrial Conference
- ___ 5. Set for trial on preliminary issues of fact.
- ___ 6. Other (specify)
- ___ 7. Set for trial on the merits, for which purpose I certify that the above-styled cause is matured for trial on its merits to be set for trial with () or without () jury.
Time estimate for trial: _____ hours/days

Dated this _____ day of _____, 20_____.

Counsel: _____
Address: _____

Telephone No.: _____

Certificate of Service

I CERTIFY THAT I HAVE MADE A GOOD FAITH EFFORT TO RESOLVE THIS MATTER WITH COUNSEL OF RECORD FOR THE OPPOSING PARTY PRIOR TO THE FILING OF THIS MOTION ON THE COURT'S DOCKET.

I further certify that on the ____ day of _____, 20____, I mailed or delivered a true copy of the foregoing praecipe to all counsel of record and parties unrepresented by counsel and not in default, the names and addresses of such counsel or parties being (Include names and addresses of counsel or parties in space below.):

Signature of Counsel
Submitting Praecipe: _____
Name of Party _____ for: Complainant/Respondent/_____

Name of Counsel: _____

Praecipe Revised 3/2007
Effective 10/1/2003

GENERAL INFORMATION

MOTIONS DAY: 1st & 3rd Tuesday of each month at 9:00 a.m.

DOMESTIC RELATIONS DAY: 1st & 3rd Tuesday of each month at 1:30 p.m.

(NOTE: Praecipes must be filed in the Clerk's Office no later than 12:00 Noon eight (8) days prior to Motions Day or Domestic Relations Day.)

VIRGINIA:

IN THE CIRCUIT COURT OF FAUQUIER COUNTY

IN RE: LOCAL RULES OF COURT PRESCRIBED BY
THE CIRCUIT COURT OF FAUQUIER COUNTY
VIRGINIA

ORDER

It appearing to the Court, that an Amendment to Local Rules of Court consistent with the requirements of Va. Code Section 8.01-4 is necessary to promote proper order and decorum and the efficient use of this Court's courthouse facilities and its Clerk's Office, it is ordered that the following Local Rule of the Fauquier County Circuit Court is attached and made a part hereof to the previously enacted Local Rules of this Court, effective July 1, 2014.

Consistent with Supreme Court Rule 1:15, it is further ordered that a copy of this order, including said rule, be forwarded to Karl R. Hade, Executive Secretary of the Supreme Court of Virginia, 100 North Ninth Street, Richmond, Virginia, 23219, and a copy spread upon the civil order book of this Court and placed on the Circuit Court's website so as to be available to attorneys regularly practicing before this Court.

ENTER this 27 day of June, 2014.



JEFFREY W. PARKER, JUDGE

RULE 2:3 USE OF FACILITY DOG

During the time that the Commonwealth's Attorney Office has a specially trained dog available for use by the Commonwealth or Defendant for the comfort of vulnerable victims, complainants or witnesses, who may be testifying, such dog shall be permitted in the Courtroom under the following terms and pursuant to such rulings as the Court may hereafter make:

- (a) Any party seeking to have such dog present in the courtroom during a trial or hearing shall file a written Motion no less than 30 days prior to the scheduled event seeking the Court's permission to have the dog present in the courtroom. After notice and the opportunity for hearing, the Court shall determine whether the dog and any accompanying handler, is suitably qualified, whether the dog would be appropriate in this particular proceeding, and any other limitations appropriate to the use of the dog consistent with proper decorum and the laws of the Commonwealth.
- (b) The Commonwealth Attorney may require a party utilizing the dog to comply with reasonable out of court procedures and to the extent that these procedures do not invade the province or discretion of the Court, this Court takes no position as to these requirements.
- (c) This Rule does not by implication extend to any civil proceeding or permit the use by any party of any other "comfort" person, animal or thing unless otherwise determined by the Court.
- (d) The Court reserves the right to enter such further Orders as are appropriate consistent with Rule of Evidence 2:611.

VIRGINIA:

IN THE CIRCUIT COURT OF FAUQUIER COUNTY

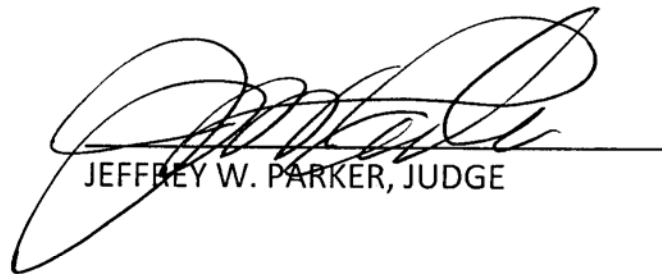
IN RE: LOCAL RULES OF COURT PRESCRIBED BY
THE CIRCUIT COURT OF FAUQUIER COUNTY
VIRGINIA

ORDER

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Consistent with Supreme Court Rule 1:15, it is further ordered that a copy of this order, including said rule, be forwarded to Karl R. Hade, Executive Secretary of the Supreme Court of Virginia, 100 North Ninth Street, Richmond, Virginia, 23219, and a copy spread upon the civil order book of this Court and placed on the Circuit Court's website so as to be available to attorneys regularly practicing before this Court.

ENTER this 25 day of July, 2014.


JEFFREY W. PARKER, JUDGE

Rule 1:6. Courtroom Decorum

(a) Silence is requested while the Court is in session. The reading of newspapers and sleeping are forbidden and the Court may not be entered on the lower level except as permitted by the Court.

(b) Dress Code – Proper attire is required of all persons appearing in the Courtroom. Dress appropriately: Clothes are to be reasonably clean and not torn or ripped. Shirts, neatly tucked in, and shoes are required. No shorts, miniskirts, tank-tops, sleeveless t-shirts or flip-flops. T-shirts are not to contain inappropriate language or images. Midriffs and stomachs are to be covered at all times. Dress should be modest whether sitting or standing. Headwear is permitted only for cases of recognized medical, cultural, or religious reasons. Attorneys are expected to dress in traditional attire as officers of the Court. The foregoing is subject to modification at the Court's discretion. Cell phones by non-attorneys are not permitted. Cell phone usage by attorneys is only authorized with Court's permission.