

RULES OF SUPREME COURT OF VIRGINIA  
PART ONE  
RULES APPLICABLE TO ALL PROCEEDINGS

**Rule 1:1. Finality of Judgments, Orders and Decrees.**

All final judgments, orders, and decrees, irrespective of terms of court, shall remain under the control of the trial court and subject to be modified, vacated, or suspended for twenty-one days after the date of entry, and no longer. But notwithstanding the finality of the judgment, in a criminal case the trial court may postpone execution of the sentence in order to give the accused an opportunity to apply for a writ of error and supersedeas; such postponement, however, shall not extend the time limits hereinafter prescribed for applying for a writ of error. The date of entry of any final judgment, order, or decree shall be the date it is signed by the judge either on paper or by electronic means in accord with Rule 1:17.

**Last amended by Order dated March 1, 2011; effective May 2, 2011.**

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**Rule 1:1A. Recovery of Appellate Attorney's Fees in Circuit Court.**

a) Notwithstanding any provision of Rule 1:1, in any civil action in which an appeal lies from the circuit court to the Supreme Court and a petition for appeal is denied by the Supreme Court (and, if a petition for rehearing has been filed pursuant to Rule 5:20, such petition has been denied), an appellee who has recovered attorneys' fees, costs or both in the circuit court pursuant to a contract, statute or other applicable law may make application in the circuit court in which judgment was entered for attorneys' fees, costs or both incurred on appeal. The application must be filed within thirty (30) days after denial of the petition for appeal or of any petition for rehearing, whichever is later, and may be made in the same case from which the appeal was taken, which case shall be reinstated on the circuit court docket upon the filing of the application. The appellee shall not be required to file a separate suit or action to recover the fees and costs incurred on appeal, and the circuit court shall have continuing jurisdiction of the case for the purpose of adjudicating the application. The circuit court's order granting or refusing the application, in whole or in part, shall be a final order for purposes of Rule 1:1.

b) Nothing in this Rule shall restrict or prohibit the exercise of any other right or remedy for the recovery of attorneys' fees or costs, by separate suit or action, or otherwise.

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**Rule 1:2. Appeal From Partial Final Judgment in Multi-Party Cases.**

(a) *When Available.* – When claims for relief are presented in a civil action against multiple parties – whether in a complaint, counterclaim, cross-claim, or third-party claim – the trial court may enter final judgment as to one or more but fewer than all of the parties only by entering an order expressly labeled “Partial Final Judgment” which contains express findings that (i) the interests of such parties, and the grounds on which judgment is entered as to them, are separate and distinct from those raised by the issues in the claims against remaining parties, and (ii) the results of any appeal from the partial final judgment cannot affect decision of the claims against the remaining parties, and (iii) decision of the claims remaining in the trial court cannot affect the disposition of claims against the parties subject to the Partial Final Judgment if those parties are later restored to the case by reversal of the Partial Final Judgment on appeal.

(b) *Time to Appeal.* – Entry of an order of Partial Final Judgment as provided in subparagraph (a) of this Rule commences the period for filing a notice of appeal from such Partial Final Judgment under Rule 5:9 and a petition for appeal under Rule 5:17, subject to the provisions of Rule 1:1 and these Rules.

(c) *Refusal of Partial Final Judgment.* – No appeal shall lie from a refusal by the trial court to enter a Partial Final Judgment under this Rule.

(d) *Other Dispositions Adjudicating Claims Against Fewer than All Parties.* – In the absence of the entry of a Partial Final Judgment order as provided in subparagraph (a) of this Rule, any order which adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties in the action is not a final judgment.

**Former Rule 5:8A, promulgated by Order dated April 30, 2010; effective July 1, 2010. Relocated and renumbered as Rule 1:2 by Order dated November 1, 2016; effective January 1, 2017.**

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**Rule 1:3. Reporters and Transcripts of Proceedings in Courts.**

Reporters shall be first duly sworn to take down and transcribe the proceedings faithfully and accurately to the best of their ability, and shall be subject to the control and discipline of the judge.

When a reporter takes down any proceeding in a court, any person interested shall be entitled to obtain a transcript of the proceedings or any part thereof upon terms and conditions to be fixed in each case by the judge.

The proceedings may be taken down by means of any recording device approved by the judge.

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**Rule 1:4. General Provisions as to Pleadings.**

(a) Counsel tendering a pleading gives his assurance as an officer of the court that it is filed in good faith and not for delay.

(b) A pleading that is sworn to is an affidavit for all purposes for which an affidavit is required or permitted.

(c) Counsel or an unrepresented party who files a pleading shall sign it and state his address.

(d) Every pleading shall state the facts on which the party relies in numbered paragraphs, and it shall be sufficient if it clearly informs the opposite party of the true nature of the claim or defense.

(e) An allegation of fact in a pleading that is not denied by the adverse party's pleading, when the adverse party is required by these Rules to file such pleading, is deemed to be admitted. An allegation in a pleading that the party does not know whether a fact exists shall be treated as a denial that the fact exists.

(f) Requirements of pleadings applicable to instruments not under seal shall apply to instruments under seal.

(g) Requirements of pleadings applicable to legal defenses shall apply to equitable defenses.

(h) The clerk shall note and attest the filing date on every pleading. In an Electronically Filed Case, the procedures of Rule 1:17 shall be applicable to the notation by the clerk of the date of filing.

(i) The mention in a pleading of an accompanying exhibit shall, of itself and without more, make such exhibit a part of the pleading. Filing of such exhibits shall be governed by Rule 3:4.

(j) Brevity is enjoined as the outstanding characteristic of good pleading. In any pleading a simple statement, in numbered paragraphs, of the essential facts is sufficient.

(k) A party asserting either a claim, counterclaim, cross-claim, or third-party claim or a defense may plead alternative facts and theories of recovery against alternative parties, provided that such claims, defenses, or demands for relief so joined arise out of the same transaction or occurrence. When two or more statements are made in the

alternative and one of them if made independently would be sufficient, the pleading is not made insufficient by the insufficiency of one or more of the alternative statements. A party may also state as many separate claims or defenses as he has regardless of consistency and whether based on legal or equitable grounds.

(l) Every pleading, motion or other paper served or filed shall contain at the foot the Virginia State Bar number, office address and telephone number of the counsel of record submitting it, along with any electronic mail (E-mail) address and facsimile number regularly used for business purposes by such counsel of record.

**Last amended by Order dated November 1, 2012; effective January 1, 2013.**

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**Rule 1:5. Counsel and Parties Appearing Without Counsel.**

(a) (1) When used in these Rules, the word “counsel” includes a partnership, a professional corporation or an association of members of the Virginia State Bar practicing under a firm name.

(2) When such firm name is signed to a pleading, notice or brief, the name of at least one individual member or associate of such firm must be signed to it. Papers filed electronically may be signed electronically or by inclusion of a digital image of the signature, as provided in Rule 1:17. Signatures to briefs and petitions for rehearing may be printed or typed and need not be in handwriting.

(3) Service on one member or associate of such firm shall constitute service on the firm. Service is not required to be made on foreign attorneys.

(b) “Counsel of record” includes a counsel or party who has signed a pleading in the case or who has notified the other parties and the clerk in writing that he or she appears in the case, or has endorsed a draft order of the court as provided in Rule 1:13.

(c) As required by Code § 8.01-271.1, a party who is not represented by an attorney – including a person confined in a state or local correctional facility proceeding pro se – shall sign every pleading, motion, or other paper that he or she serves or files, and shall state his or her address.

(d) (1) Counsel of record shall not withdraw from a case except by leave of court after notice to the client of the time and place of a motion for leave to withdraw.

(2) Any order permitting withdrawal shall state the name, Virginia State Bar number, office address and telephone number of the attorney or law firm being substituted as counsel of record for the party, along with any electronic mail (email) address and any facsimile number regularly used for business purposes by such counsel; or

(3) if replacement counsel is not being designated at the time of

withdrawal by an attorney or law firm, the order permitting withdrawal shall state the address and telephone number of the formerly represented party for use in subsequent mailings or service of papers and notices, and the pro se party shall be deemed counsel of record.

(e) As required by Code §§ 8.01-319(A) and 16.1-88.03, any party not represented by counsel who has made an appearance in the case shall promptly file with the clerk of the court in which the action is pending a written statement of his or her place of residence and mailing address, and shall inform the clerk in writing of any changes of residence and mailing address during the pendency of the action. The clerk and all parties to the action may rely on the last written statement filed as aforesaid.

**Last amended by Order dated November 1, 2016; effective January 1, 2017.**



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**Rule 1:5A. Curing Signature Defects.**

(a) *Pro Se Litigants – Signature Defects.* — A litigant appearing in propria persona shall personally sign every pleading and paper served or filed, as required by Rule 1:5 and Virginia Code § 8.01-271.1. Subject to subpart (c) of this Rule, if a pleading or other paper is not signed or is not validly signed, within a reasonable time thereafter the pro se litigant may, upon written notice to all other parties, seek leave of court to properly sign such pleading or other paper. Upon obtaining such permission from the court, the properly signed pleading or other paper shall be valid and shall relate back to the date on which it was originally served or filed.

(b) *Curing Defective Signatures by Purported Representative; Relation Back.* — If a pleading or other paper filed on behalf of a party was not signed, or was signed by a person not authorized to practice law in the Commonwealth, within a reasonable time thereafter counsel authorized to practice law in Virginia may—upon notice to the opposing parties—seek leave of court to properly sign and file such pleading or other paper. If permitted by the court in the exercise of its discretion as provided in subpart (c) of this Rule, the properly executed pleading or other paper shall be valid and shall relate back to the date on which it was originally served or filed.

(c) *Discretion of the Trial Court; Time for Compliance.* — Leave to cure a signature defect under subparts (a) or (b) of this Rule shall be within the sound discretion of the court, and shall be liberally granted in furtherance of the ends of justice. An order granting such leave may be conditioned with provisions necessary to protect other parties from unnecessary burdens or prejudice. Such conditions may include a requirement that the party seeking to cure the signature defect reimburse any extra costs and fees, including reasonable attorney's fees, incurred by other parties solely as a result of the defective or missing signature. An order granting leave to cure a signature defect shall specify a date for filing and service of the properly executed paper.

(d) *Statute of Limitations Governed by Statute.* — If a complaint filed commencing a civil action—as provided in Rule 3:2(a)—is dismissed because it was signed by a person who is not authorized to practice law in Virginia, the statute of limitations for refiling of any claims asserted therein shall be computed in light of the time the action was pending as required by Virginia Code § 8.01-229(E)(1).

(e) *Notices of Appeal.* — If a notice of appeal from the circuit court is filed with only the signature of an attorney or other purported representative who is not then authorized to practice law in the Commonwealth, a later notice of appeal in the same proceeding on behalf

of the same party or parties and relating to the same judgment or order—if properly executed by an attorney qualified to practice law in Virginia, and filed within 90 days after the original—shall relate back to the date of filing of the original notice of appeal.

**Promulgated by Order dated May 31, 2017; effective August 1, 2017.**

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**Rule 1:6. Res Judicata Claim Preclusion.**

(a) *Definition of Cause of Action.* A party whose claim for relief arising from identified conduct, a transaction, or an occurrence, is decided on the merits by a final judgment, shall be forever barred from prosecuting any second or subsequent civil action against the same opposing party or parties on any claim or cause of action that arises from that same conduct, transaction or occurrence, whether or not the legal theory or rights asserted in the second or subsequent action were raised in the prior lawsuit, and regardless of the legal elements or the evidence upon which any claims in the prior proceeding depended, or the particular remedies sought. A claim for relief pursuant to this rule includes those set forth in a complaint, counterclaim, cross-claim or third-party pleading.

(b) *Effective Date.* This rule shall apply to all Virginia judgments entered in civil actions commenced after July 1, 2006.

(c) *Exceptions.* The provisions of this Rule shall not bar a party or a party's insurer from prosecuting separate personal injury and property damage suits arising out of the same conduct, transaction or occurrence, and shall not bar a party who has pursued mechanic's lien remedies pursuant to Virginia Code § 43-1 et seq. from prosecuting a subsequent claim against the same or different defendants for relief not recovered in the prior mechanic's lien proceedings, to the extent heretofore permitted by law.

(d) *Privity.* The law of privity as heretofore articulated in case law in the Commonwealth of Virginia is unaffected by this Rule and remains intact. For purposes of this Rule, party or parties shall include all named parties and those in privity.

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**Rule 1:7. Computation of Time.**

Whenever a party is required or permitted under these Rules, or by direction of the court, to do an act within a prescribed time after service of a paper upon counsel of record, three (3) days shall be added to the prescribed time when the paper is served by mail, or one (1) day shall be added to the prescribed time when the paper is served by facsimile, electronic mail or commercial delivery service. With respect to Parts Five and Five A of the Rules, this Rule applies only to the time for filing a brief in opposition.

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**Rule 1:8. Amendments.**

No amendments shall be made to any pleading after it is filed save by leave of court. Leave to amend shall be liberally granted in furtherance of the ends of justice. Unless otherwise provided by order of the court in a particular case, any written motion for leave to file an amended pleading shall be accompanied by a properly executed proposed amended pleading, in a form suitable for filing. If the motion is granted, the amended pleading accompanying the motion shall be deemed filed in the clerk's office as of the date of the court's order permitting such amendment. If the motion is granted in part, the court may provide for filing an amended pleading as the court may deem reasonable and proper. Where leave to amend is granted other than upon a written motion, whether on demurrer or oral motion or otherwise, the amended pleading shall be filed within 21 days after leave to amend is granted or in such time as the court may prescribe. In granting leave to amend the court may make such provision for notice thereof and opportunity to make response as the court may deem reasonable and proper.

**Last amended by Order dated March 1, 2011; effective May 2, 2011.**

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**Rule 1:9. Discretion of Court.**

All steps and procedures in the clerk's office touching the filing of pleadings and the maturing of suits or actions may be reviewed and corrected by the court.

The time allowed for filing pleadings may be extended by the court in its discretion and such extension may be granted although the time fixed already has expired; but the time fixed for the filing of a motion challenging the venue shall in no case be extended except to the extent permitted by § 8.01-264.

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**Rule 1:10. Verification.**

If a statute requires a pleading to be sworn to, and it is not, or requires a pleading to be accompanied by an affidavit, and it is not, but contains all the allegations required, objection on either ground must be made within seven days after the pleading is filed by a motion to strike; otherwise the objection is waived. At any time before the court passes on the motion or within such time thereafter as the court may prescribe, the pleading may be sworn to or the affidavit filed. In an Electronically Filed Case, verification shall be subject to the provisions of Rule 1:17.

**Last amended by Order dated March 1, 2011; effective May 2, 2011.**

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**Rule 1:11. Striking the Evidence.**

If the court sustains a motion to strike the evidence of either party in a civil case being tried before a jury, or the evidence of the Commonwealth in a criminal case being so tried, then the court shall enter summary judgment or partial summary judgment in conformity with its ruling on the motion to strike.

If the court overrules a motion to strike the evidence and there is a hung jury, the moving party may renew the motion immediately after the discharge of the jury, and, if the court is of opinion that it erred in denying the motion, it shall enter summary judgment or partial summary judgment in conformity with its ruling on the motion to strike.



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**Rule 1:12. Service of Papers after the Initial Process.**

All pleadings, motions and other papers not required to be served otherwise and requests for subpoenas duces tecum shall be served by delivering, dispatching by commercial delivery service, transmitting by facsimile, delivering by electronic mail when Rule 1:17 so provides or when consented to in writing signed by the person to be served, or by mailing, a copy to each counsel of record on or before the day of filing.

Subject to the provisions of Rule 1:17, service pursuant to this Rule shall be effective upon such delivery, dispatch, transmission or mailing, except that papers served by facsimile transmission completed after 5:00 p.m. shall be deemed served on the next day that is not a Saturday, Sunday, or legal holiday. Service by electronic mail under this Rule is not effective if the party making service learns that the attempted service did not reach the person to be served.

At the foot of such pleadings and requests shall be appended either acceptance of service or a certificate of counsel that copies were served as this Rule requires, showing the date of delivery and method of service, dispatching, transmitting, or mailing. When service is made by electronic mail, a certificate of counsel that the document was served by electronic mail shall be served by mail or transmitted by facsimile to each counsel of record on or before the day of service.

**Last amended by Order dated March 1, 2011; effective May 2, 2011.**

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**Rule 1:13. Endorsements.**

Drafts of orders and decrees shall be endorsed by counsel of record, or reasonable notice of the time and place of presenting such drafts together with copies thereof shall be served pursuant to Rule 1:12 upon all counsel of record who have not endorsed them. Compliance with this Rule and with Rule 1:12 may be modified or dispensed with by the court in its discretion. In an Electronically Filed Case, endorsement and specification of any objections to the draft order shall be accomplished as provided in Rule 1:17.

**Last amended by Order dated March 1, 2011; effective May 2, 2011.**

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**Rule 1:14. Preservation of the Record.**

A court may authorize the use of electronic or photographic means for the preservation of the record or parts thereof.

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**Rule 1:15. Local Rules of Court.**

(a) Whenever a local rule is prescribed by a circuit court it shall be spread upon the order book and a copy with the date of entry shall be forthwith posted in the clerk's office, filed with the Executive Secretary of the Supreme Court, and furnished to attorneys regularly practicing before that circuit court; and whenever an attorney becomes counsel of record in any proceedings in a circuit court in which he does not regularly practice, it shall be his responsibility to ascertain the rules of that court and abide thereby. The clerk shall, upon request, promptly furnish a copy of all rules then in force and effect.

(b) Whenever a local rule is prescribed by a circuit court providing for the orderly management of the civil docket by use of the praecipe system, the praecipe shall be substantially in the form appearing in the appendix of forms at the end of this Part One.

(c) Whenever a local rule is prescribed by a circuit court providing for the submission of instructions prior to trial, such local rule shall be substantially in the form appearing in the appendix of forms at the end of this Part One.

(d) The chief judges of the circuit and juvenile and domestic relations district courts shall, on or before December 31 of each year, furnish the Executive Secretary of the Supreme Court current general information relating to the management of the courts within each circuit and district. This information shall be assembled and published electronically by the Executive Secretary.

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**CIRCUIT COURTS OF VIRGINIA**  
**Times for the Commencement of the Regular Terms**

| CIRCUIT | COUNTY OR CITY  | TERM  |
|---------|---|---|
| First   | Chesapeake .....  | Criminal terms: First Tuesday of each month, 2:00 p.m. except when election date is Term Day, then Term Day will be held on Wednesday after the first Tuesday. Civil terms: First Tuesday in each month, 10:00 a.m. except when election date is Term Day, then Term Day will be held on Wednesday after the first Tuesday.   |
| Second  | Virginia Beach .....<br>Accomack .....<br>Northampton .....   | First Monday in each month unless holiday, then following day.<br>First Monday in February, April, June, August, October and December.<br>Second Monday in January, March, May, July, September and November.   |
| Third   | Portsmouth .....  | First Thursday in each month.   |
| Fourth  | Norfolk .....   | Terms begin the first day of the month.   |
| Fifth   | Isle of Wight .....<br>Southampton .....<br>Suffolk .....   | Second Monday in January, March, May, July, September and November.<br>Third Monday in January, March, May, July, September, and November.<br>Fourth Monday in January, March, May, July, September and November.   |
| Sixth   | Hopewell .....<br>Prince George .....<br>Surry .....<br>Sussex .....<br>Greenville .....<br>Brunswick ..... | Second Tuesday in February, April, June, August, October and December.<br>Third Tuesday in January, March, May, July, September and November.<br>Fourth Tuesday in January, March, May, July, September and November.<br>Second Tuesday in January, March, May, July, September and November.<br>First Tuesday in February, April, June, August, October and December.<br>Fourth Tuesday in February, April, June, August, October, and December. |
| Seventh | Newport News .....  | Criminal terms: Second Monday in each month.<br>Civil terms: Second Monday in January, March, May, July, September and November.  |
| Eighth  | Hampton .....   | First Monday in February, April, June, August, October and December. Criminal Term Grand Juries: First Monday of each month at 9:00 a.m.  |

| CIRCUIT              | COUNTY OR CITY  | TERM   |
|----------------------|---|--|
| Ninth                | James City County/Williamsburg ....                                   | Third Wednesday in January, March, May, July, September and November.  |
|                      | York County/ Poquoson .....   | Third Tuesday in January, March, May, July, September and November.  |
|                      | Charles City .....  | First Tuesday in January, March, May, July, and September; Nov. 1  |
|                      | New Kent .....  | Second Monday in January; third Monday in March, May, July, September and November.  |
|                      | Gloucester .....  | First Monday in January, March, May, July, September and November.   |
|                      | Mathews .....   | Third Monday in January, March, May, July, September and November.   |
|                      | Middlesex .....   | Fourth Monday in January, March, May, July, September and November.  |
|                      | King William .....  | First Monday in February, April, June, August, October and December.   |
| King and Queen ..... | Second Monday in February, April, June, August, October and December. |  |
| Tenth                | Halifax .....   | Second Monday in January, March, May, July, September and November.  |
|                      | Mecklenburg .....   | Third Monday in February, April, June, August and October; and the second Monday in December.                                      |
|                      | Lunenburg .....   | First Monday in February, April, June, August, October and December.   |
|                      | Charlotte .....   | Wednesday after the first Monday in February, April, June, August, October and December.   |
|                      | Prince Edward .....   | Tuesday after the third Monday in January, April, June, September and November.  |
|                      | Buckingham .....  | Tuesday after the second Monday in January, April, June, September and November.   |
|                      | Cumberland .....  | Tuesday following the fourth Monday in January, April, June and September.   |
|                      | Appomattox .....  | Tuesday after the first Monday in April, June, October and December.   |
| Eleventh             | Powhatan .....  | Second Tuesday in February, April, June, October and December.   |
|                      | Dinwiddie .....   | Third Tuesday in January, March, May, July, September and November.  |
|                      | Nottoway .....  | First Tuesday in January, March, May, July, September and November.  |
|                      | Ameila .....  | First Tuesday in February, April, June, October and December.  |
|                      | Petersburg .....  | Criminal terms: Third Thursday in each month. Civil terms: Third Thursday in each month.   |
| Twelfth              | Chesterfield .....  | Criminal and Civil terms: Tuesday following third Monday in January, and third Monday in March, May, July, September and November. |
|                      | Colonial Heights .....  | First Tuesday in January, March, July, September and November.   |

| CIRCUIT    | COUNTY OR CITY  | TERM   |
|------------|---|--|
| Thirteenth | Richmond City .....   | Criminal terms: First Monday in each month. Civil terms: Fourth Monday in January, April, July and October. Civil term days: First Monday in March, June and December and third Monday in September.   |
| Fourteenth | Henrico .....   | Criminal terms: Second Monday in January, March, May, July, September and November. Civil cases set second Monday in January, April, July and October at 2:00 p.m. or may be set by telephone. Criminal cases set when appealed or at preliminary hearing.   |
| Fifteenth  | Caroline .....<br>Essex .....<br>Fredericksburg .....<br>Hanover .....<br>King George .....<br>Lancaster .....<br>Northumberland .....<br>Richmond County .....<br>Spotsylvania .....<br>Stafford .....<br>Westmoreland ..... | First Wednesday at 10:00 a.m. in January, April, July and October.<br>Fourth Wednesday in January, April, July and October.<br>Fourth Monday in January, April, July and October.<br>Third Tuesday in January, March, May, July, September and November. Criminal: 9:00 a.m.; Civil: 2:00 p.m.<br>Second Thursday in January, April, July and October at 10 a.m.<br>Fourth Friday in January, April, July and October.<br>Fourth Tuesday in January, April, July and October.<br>Fourth Monday of January, April, July and October. All cases set by agreement with Commonwealth's Attorney at preliminary hearing, on Term Day, or by agreement of counsel and the Court. The latter may be done by a telephone call to the Judge's office @ 804-333-5568.<br>Third Monday at 9:00 a.m. in January, April, July and October.<br>Criminal Term: First Monday in each month. Civil Terms: First Monday in January, April, July and October. Motion Days: First and third Mondays, Pendente Lite Second Friday of each month. If any Monday is a State holiday, Term/Motions will be held the following day.<br>Fourth Thursday in January, April, July and October. |
| Sixteenth  | Charlottesville .....<br>Madison .....<br>Louisa .....<br>Greene .....<br>Orange .....  | Third Monday in April, June, August, October and December; third Tuesday in February (as third Monday is a holiday).<br>First Monday in January, March, May, July, September and November.<br>Second Monday in January, March, May, July, September and November.<br>Second Monday in February, April, June, August, October and December.<br>Fourth Monday in January, March, May, July, September and November.  |

| CIRCUIT               | COUNTY OR CITY   | TERM   |
|-----------------------|--|--|
| Sixteenth<br>(cont'd) | Albemarle .....<br><br>Goochland .....<br>Culpeper .....<br>Fluvanna ..... | Criminal terms: First Monday in February, April, June, August, October and December. Civil terms: Last Thursday of each month except November and December (which is the third Thursday). Grand Juries: First day of Term.<br>Second Tuesday in February, April, June, August, October and December.<br>Third Monday in February, April, June, August, October and December.<br>Fourth Monday in February, April, June, August and October; and third Tuesday in December. |
| Seventeenth           | Arlington .....  | Third Monday (or Tuesday, if holiday falls on Monday) in February, April, June, August, October and December.  |
| Eighteenth            | Alexandria .....   | Second Monday in January, March, May, July, September and November; at 9:00 a.m.; cases may also be set for trial by telephone (703-838-4123).   |
| Nineteenth            | Fairfax .....  | Criminal terms: Tuesday following third Monday in January, March, May, July, September and November. Civil terms: Fourth Monday in January, March, May, July, September and November.  |
| Twentieth             | Fauquier .....<br><br>Loudoun .....<br><br>Rappahannock .....              | Misdemeanor Appeal Days: Second Tuesday of each month. Terms: Fourth Monday in January, March, May, July, September and November.<br>Second Monday in February, April, June, August and December; and Tuesday following second Monday in October.<br>Second Monday in January, March, May, July, September and November.   |
| Twenty-First          | Henry .....<br><br>Martinsville .....<br><br>Patrick .....                 | Tuesday following Third Monday in January; third Monday in March, May, July, September and November at 9 a.m.<br>Criminal terms: Second Monday in February; the first Monday in May; the fourth Monday in July; and the first Monday in November. Civil cases set by Pretrial Scheduling Order.<br>First Monday in March, June, September and December.  |
| Twenty-Second         | Danville .....<br><br>Pittsylvania .....<br><br>Franklin .....             | Grand Juries and Terms: Jan. 3, Feb. 26, April 23, June 25, Aug. 27 and Oct. 29.<br>Third Monday in February, April, June, August, October and December.<br>First Monday in February, April, June, August, October and December. Criminal cases set the week following the preliminary hearing. Civil cases are set 90 days after filing.  |



| CIRCUIT       | COUNTY OR CITY   | TERM  |
|---------------|--|---|
| Twenty-Third  | Roanoke County .....<br><br>Roanoke City .....<br><br>Salem .....  | Criminal terms: First Friday in February, April, June, October and December; and the second Friday in August. Civil terms: First Friday in January, February, April, June, October and December; and second Friday in August.<br>Criminal terms: First Monday in each month. Civil terms: Tuesday after first Monday in each month.<br>Third Friday in February, May, July and September; and the second Friday in December.  |
| Twenty-Fourth | Lynchburg .....<br><br>Amherst .....<br><br>Bedford .....<br><br>Campbell .....<br><br>Nelson .....  | Criminal terms: First Monday in each month. Civil terms: First Monday in each month.<br>Second Tuesday in February, April, June, October and December.<br>First Tuesday in January, March, May, July, September and November.<br>Second Monday in January, March, May, July, September and November.<br>Fourth Tuesday in January, March, May, September and November.  |
| Twenty-Fifth  | Buena Vista .....<br><br>Clifton Forge .....<br><br>Staunton .....<br><br>Waynesboro .....<br><br>Alleghany .....<br><br>Augusta .....<br><br>Bath .....<br><br>Botetourt .....<br><br>Craig .....<br><br>Highland .....<br><br>Rockbridge ..... | Fourth Wednesday in January and July; the first Monday in April; and the fourth Monday in September.<br>* Consolidated with the County of Alleghany as of July 1, 2001.<br>Third Monday in January, April, July and October.<br>Second Monday in January, March, May, September and November.<br>Second Monday in January, April and July, and the first Tuesday after second Monday in October.<br>Fourth Monday in January, April, July and October.<br>Third Monday (or Tuesday, if holiday falls on Monday) in January, June and September; and the first Monday in April.<br>First Monday in March, June, August, October and December.<br>Last Monday in February; and the second Monday in May, September and November.<br>Third Tuesday in March, June, September and December.<br>First Monday in February, May and November; second Monday in July; and Tuesday following Labor Day in September. |
| Twenty-Sixth  | Clarke .....<br><br>Frederick .....<br><br>Page .....<br><br>Shenandoah .....  | Third Monday in January, April, July and October.<br>Thursday after the first Monday in January, April, July and October.<br>Fourth Monday in January, April, July and October.<br>Wednesday after the second Monday in January, April, July and October.   |

| CIRCUIT                  | COUNTY OR CITY   | TERM   |
|--------------------------|--|--|
| Twenty-Sixth<br>(cont'd) | Warren .....<br>Winchester .....<br>Rockingham .....   | First Monday in January, April, July and October.<br>Second Monday in January, April, July and October.<br>Criminal terms: Third Monday in January, April, July and October. Civil terms: First Monday and Wednesday after third Monday each month except Wednesday after third Monday only in January and August.   |
| Twenty-Seventh           | Bland .....<br>Carroll .....<br>Floyd .....<br>Giles .....<br>Grayson .....<br>Montgomery .....<br>Pulaski .....<br>Radford .....<br>Wythe ..... | Criminal terms: Second Monday in March, June, September and December. Civil terms: Immediately following end of criminal term.<br>Third Monday in March, June and September; and the second Monday in December.<br>First day of March, June, September and December.<br>Second Tuesday in January, April, July and October.<br>Fourth Friday in January, April, July and October.<br>Second Tuesday of January, April, July and October.<br>Third Monday in February and November; the fourth Monday in May; and the second Monday in September.<br>Second Friday in March, June, September and December.<br>Third Monday in January, April, July and October. |
| Twenty-Eighth            | Washington .....<br>Smyth .....<br>Bristol .....   | Fourth Tuesday in January, April, July and October.<br>Fourth Tuesday in March, June and September; and second Tuesday in December.<br>Tuesday in February, May, August and November.  |
| Twenty-Ninth             | Buchanan .....<br>Dickenson .....<br>Russell .....<br>Tazewell .....   | Terms begin second Monday in January, April, July and October. Criminal terms: Fourth Monday in January, April, July and October. Civil terms: Second Tuesday in January, April, July and October.<br>Criminal terms: Second Monday in March, June and September; and the first Monday in December. Civil terms: Tuesday, following Grand Jury (Grand Juries: Second Monday in March, June and September; first Monday in December).<br>Second Monday in February, May, August and November.<br>Second Tuesday in January, March, May, July, September and November.   |
| Thirtieth                | Wise .....<br>Scott .....<br>Lee .....   | First Tuesday after the third Monday in January; and the third Monday in April, July and October.<br>First Monday in February, May, August and November.<br>First Monday in March, June and December; and second Monday in September.  |

| CIRCUIT      | COUNTY OR CITY       | TERM  |
|--------------|----------------------|---|
| Thirty-First | Prince William ..... | First Tuesday of every month, the next business day on which the Court is open if the Court is closed on the first Tuesday. |

RULES OF SUPREME COURT OF VIRGINIA  
PART ONE  
RULES APPLICABLE TO ALL PROCEEDINGS

**Rule 1:16. Filing Format and Procedure.**

(a) Except as provided in Rules 1:17, 3:3, 3A:23, 7A:7(c), and 8:8(f) pertaining to Electronically Filed Cases,

(1) All pleadings, motions, briefs, depositions, requests for discovery and responses thereto, and all other documents filed in any clerk's office in any proceeding pursuant to these Rules shall be produced on pages 8 1/2 by 11 inches in size and all typed material shall be double spaced except for quotations.

(2) Subdivision (a)(1) of this Rule shall not apply to tables, charts, plats, photographs, and other material that cannot be reasonably reproduced on paper of that size.

(b) No paper shall be refused for failure to comply with the provisions of this Rule, but the clerk may require that the paper be redone in compliance with this Rule and substituted for the paper initially filed. Counsel shall certify that the substituted paper is identical in content to the paper initially filed.

**Last amended by Order dated March 1, 2011; effective May 2, 2011.**

RULES OF SUPREME COURT OF VIRGINIA  
PART ONE  
RULES APPLICABLE TO ALL PROCEEDINGS

**Rule 1:17. Electronic Filing and Service.**

(a) *Scope of Electronic Filing Rules.* Pursuant to § 8.01-271.01 and Article 4.1 (§§ 17.1-258.2 et seq.) of Chapter 2 of Title 17.1 of the Code of Virginia, this Rule shall be applicable in any court that has established an electronic filing system under the standards and procedures set forth in subdivision (c) of this Rule, and applies in civil cases in circuit court as provided in Rule 3:3, in criminal cases in circuit court as provided in Rule 3A:23, in general district court proceedings as provided in Rule 7A:7(c), and in juvenile and domestic relations district court proceedings as provided in Rule 8:8(f).

(b) *Definitions.*

(1) "**Electronic Document**" means any defined set of textural matter, graphic content or other encoded information in an approved format, that can be read, printed, and stored or retained as electrical, magnetic or optically encoded signals in some medium and that can be transmitted by a data-link.

(2) "**Data-link**" refers to any means of electronic transmission of a document in a coded form such that the document can be received, read, printed, and stored by the recipient.

(3) "**E-Filing Portal**" means the electronic web site maintained by the Supreme Court of Virginia designated as the facility for electronically filing documents, or an alternative which meets the standards set forth in this Rule and is made available by individual circuit courts.

(4) "**Electronic filing**" means the official filing of an electronic document on the court's docket and case files in electronic form by transmission over a data-link.

(5) "**Electronically Filed Case**" means a case in which pleadings, motions, notices and other filings are made electronically in accordance with these rules.

(6) "**Hyperlink**" means an electronic connection or reference to another place in the document, such that when the hyperlink is selected the user is taken to the portion of the document to which the link refers. It is not in itself a part of the document.

(c) *System Operational Standards.* In addition to the obligations and procedures set forth in subdivision (d) of this Rule, electronic filing systems under this Rule shall meet these requirements:

(1) Electronic documents must be stored without loss of content or material alteration of appearance.

(2) Files capable of carrying viruses into court computers must be scanned for viruses prior to being written to disk in the clerk's office.

(3) The electronic filing system must be capable of securing the document upon receipt so that it is protected from alteration.

(4) The electronic filing system must be capable of establishing the identity of a sender of a document by means of a registered user identity and password, or by digitally encrypted electronic signatures, or by any other means reasonably calculated to ensure identification to a high degree of certainty.

(5) Remote electronic access to documents submitted in an electronically filed case and stored electronically shall be limited to judges, court personnel, any persons assisting such persons in the administration of the electronic filing system, and to active members of the Virginia State Bar and their authorized agents, who have complied with the registration requirements to use the electronic filing system.

(6) If the court accepts payment of fees by credit card, debit card, debit account, or electronic funds transfer, registration for the user identity shall include submission of all information required to effect the payment of fees. Electronic submission of this information shall be deemed a signature by the cardholder sender, authorizing the payment of document filing fees. This information shall be kept confidential. There shall be an electronic confirmation from the clerk of any charge to or the debit from the user's account.

(7) No unauthorized person shall be permitted access to other court networks, data or applications unrelated to electronic filing. Administrative access to computer equipment and networks handling electronic filing will be restricted to designated court employees or authorized maintenance personnel.

(8) Electronic filing systems must reasonably protect filed documents against system and security failures and must provide, at a minimum, for daily backup, periodic off-site backup storage if feasible, and prudent disaster recovery mechanisms.

(d) *Electronic Service and Filing Practice and Procedures.*

(1) In an Electronically Filed Case, all pleadings, motions, notices and other material filed with the court shall be in the form of Electronic Documents except where otherwise expressly provided by statute or the Rules of Court, or where the court orders otherwise in an individual case for good cause shown.

(2) Each attorney admitted to practice in the Commonwealth shall be entitled to a registered User ID and password issued by the clerk, or access using any comparable identification system approved by the Supreme Court, for the electronic filing and retrieval of documents.

(3) The clerk shall provide a means, in the courthouse or other designated location, for the parties, counsel and the public to review and copy electronic records from the electronic file during normal business hours.

(4) The format for electronically filed material shall be the Portable Document Format (PDF). Notice will be provided if any other format is approved.

(5) (i) Subject to the provisions of subsections (d)(6) and (7) of this Rule, an electronic document shall be filed by following the procedures of the applicable E-Filing Portal, and shall be deemed filed on the date that it is received in the E-Filing Portal without regard to whether the filing occurred within or outside of standard business hours. If the electronic document is received in the E-Filing Portal on a Saturday, Sunday, legal holiday, or any day or part of a day on which the clerk's office is closed as authorized by an act of the General Assembly, then such document shall be deemed filed on the next day that is not a Saturday, Sunday, legal holiday, or day or part of a day on which the clerk's office is closed.

(ii) Upon electronic filing of a document, an electronic confirmation shall be transmitted to the filing party indicating that the document has been successfully filed through the E-Filing Portal. In addition, the court to which the document is directed shall promptly transmit an electronic acknowledgement of its receipt of the electronically filed document, specifying the identity of the receiving court, the date the document was received by the court, and a court-assigned document reference or docketing number.

(6) A person who files a document electronically shall have the same responsibility as a person filing a document in paper form to ensure that the document is properly filed, complete, and readable. However,

(i) if technical problems at the E-Filing Portal result in a failure to

timely file the electronic document, counsel shall provide to the clerk of the court on the next business day all documentation which exists demonstrating the attempt to file the document through the E-Filing Portal, any delivery failure notice received in response to the attempt, and a copy of the document, and

(ii) in the event that the E-Filing Portal was not available due to technical problems during the last filing hours of a business day, the office of the clerk of the court to which the document is directed shall be deemed to have been closed on that day solely with respect to that attempted filing and the provisions of Virginia Code § 1-210(B) and (C) shall apply to that particular attempted filing for purposes of computing the last day for performing any act in a judicial proceeding or the filing of any legal action.

(7) Clerk's notice of defects in a filing; striking documents; court orders.

(i) *Incorrect or missing fee.* If the clerk of court determines that an electronically filed document is defective because of an incorrect or missing filing fee, and

(A) if the clerk has been provided by the filing party with a credit or payment account through which to obtain payment of fees, the clerk shall immediately process payment of the correct fee through such credit or payment account; or

(B) if processing by the clerk of the proper payment through a credit or payment account authorized by the filing party is not feasible, notice shall be sent by the clerk electronically to the filing party, and all other parties who have appeared in the case.

(ii) *Document filed in the wrong case by counsel.* If the clerk of court determines prior to acceptance that an electronic document has been filed by counsel under the wrong case or docket number, the clerk shall notify the filing party as soon as practicable, by notice through the E-Filing system, by telephone, or by other effective means.

(iii) A copy of all notices transmitted by the clerk under this subpart (d)(7) shall be retained in the permanent electronic case file maintained by the clerk. A copy of any document stricken shall be retained by the clerk with a designation clearly reflecting that it was stricken and the date of such striking, as a record of its content and disposition.

(8) The clerk's office must accommodate the submission of non-electronic documents in an Electronically Filed Case if filing in electronic form cannot, as a practical matter, be achieved. Such documents shall be imaged to facilitate the



creation of a single electronic case file to the extent reasonably possible. An oversized document that is capable of being imaged shall be retained in the form submitted.

(9) When an order is entered, the electronic record will be updated to identify the judge who directed entry of the order and the date it was entered, and a notification shall be sent to counsel of record that the order has been entered, along with a copy of the order or an electronic link providing access to such order. If the entry of an order is done on a paper copy of the order, a digital image of such order shall be made a part of the electronic record, and the endorsed original paper shall be retained for the record.

(10) Hyperlinks between two portions of a filed document or between two or more documents filed in the same case, are permissible, but hyperlinks to other documents, or to external websites, are prohibited. A hyperlink is not itself a part of the official filed document and each hyperlink must contain a text reference to the target of the link.

(e) *Application of, and Compliance with, Other Rules.* In an Electronically Filed Case:

(1) Unless otherwise agreed by all parties, or ordered by the court in an individual case for good cause shown, all documents required to be served – after the initial service of process shall be served by electronic transmission. Such service shall be effective as provided in Rule 1:12 .

(2) Annotation by the clerk as provided in Rule 1:4(h) is not required to be made physically upon the face of the pleading and – if it is made by a separate document – it shall specify the pleading to which such annotation pertains.

(3) An e-mail address of the counsel of record shall be included in the electronic documents filed as required by Rule 1:4(l).

(4) The approved electronic identification accompanying the document when filed shall constitute that person's signature on the document for purposes of Rule 1:5 and Virginia Code § 8.01-271.1.

(5) The provisions of Article 4.1 (§§ 17.1-258.2 et seq.) of Chapter 2 of Title 17.1 of the Code of Virginia shall be applicable where a document is to be notarized, sworn, attested, verified, or otherwise certified, or if any sworn signatures, stamps, seals or other authentications relating to the document are required by any statute or Rule, and an electronic or digitally imaged document with such accompanying entries shall be filed in the clerk's office. Electronic notarization in compliance with the Virginia Notary Act (§§ 47.1-1 et seq.) may also be employed with the filing.

(6) An acceptance of service or a certificate of counsel that electronic copies were served as this Rule requires, showing the date of delivery, shall electronically accompany the served papers and shall satisfy Rule 1:12.

(7) In compliance with Rule 1:13, drafts of orders, decrees and notices shall be served on each counsel of record. Such service may be by electronic transmission and shall make provision for electronic endorsement by multiple parties where applicable. Objections or other notations by the parties shall be entered upon the drafts so circulated, or appended to such drafts by specific cross-reference or other unambiguous association. Endorsed drafts shall be submitted electronically whenever possible, and shall be accompanied by proof of service or acceptance of service when required by the rules of court. If there is no practical means of submitting an electronic or digitally imaged endorsed draft, the manually endorsed document shall be filed in the clerk's office. The clerk shall accommodate the imaging of the document into electronic form and shall retain the original endorsed document.

**Last amended by Order dated November 1, 2012; effective January 1, 2013.**

RULES OF SUPREME COURT OF VIRGINIA  
PART ONE  
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**Rule 1:18. Pretrial Scheduling Order.**

A. In any civil case the parties, by counsel of record, may agree and submit for approval and entry by the court a pretrial scheduling order. If the court determines that the submitted order is not consistent with the efficient and orderly administration of justice, then the court shall notify counsel and provide an opportunity to be heard.

B. In any civil case in which a pretrial scheduling order has not otherwise been entered pursuant to the court's normal scheduling procedure, the court may, upon request of counsel of record for any party, or in its own discretion, enter the pretrial scheduling order contained in Section 3 of the Appendix of Forms at the end of Part I of these Rules (Uniform Pretrial Scheduling Order). The court shall cause copies of the order so entered to forthwith be transmitted to counsel for all parties. If any party objects to or requests modification of that order, the court shall (a) hold a hearing to rule upon the objection or request or (b) with the consent of all parties and the approval of the court, enter an amended pretrial scheduling order.

C. With the exception of domestic relations and eminent domain cases, a court may not enter a scheduling order which deviates from the terms of the Uniform Pretrial Scheduling Order unless either (1) counsel of record for all parties agree to different provisions, or (2) the court, after providing an opportunity for counsel of record to be heard, makes a finding that the scheduling order contained in the Appendix is not consistent with the efficient and orderly administration of justice under the specific circumstances of that case.

**Last amended by Order dated May 31, 2017; effective August 1, 2017.**

RULES OF SUPREME COURT OF VIRGINIA  
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**Rule 1:19. Pretrial Conferences.**

In addition to the pretrial scheduling conferences provided for by Rule 4:13, each trial court may, upon request of counsel of record, or in its own discretion, schedule a final pretrial conference within an appropriate time before the commencement of trial. At the final pretrial conference, the court and counsel of record may consider any of the following:

- (a) settlement;
- (b) a determination of the issues remaining for trial and whether any amendments to the pleadings are necessary;
- (c) the possibility of obtaining stipulations of fact, including, but not limited to, the admissibility of documents;
- (d) a limitation of the number of expert and/or lay witnesses;
- (e) any pending motions including motions *in limine*;
- (f) issues relating to proposed jury instructions; and
- (g) such other matters as may aid in the disposition of the action.

RULES OF SUPREME COURT OF VIRGINIA  
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RULES APPLICABLE TO ALL PROCEEDINGS

**Rule 1:20. Scheduling Civil Cases for Trial.**

The circuit courts of the Commonwealth shall adopt one or a combination of the following procedures for scheduling civil cases for trial.

(a) Counsel of record may agree to a trial date and may secure approval of the court by telephone call or other electronic communication to the designated court official.

(b) Counsel of record may agree to a trial date as a part of a written plan prepared and submitted to the court for approval pursuant to Rule 1:18.

(c) The court may, at the request of counsel of record, or may in its own discretion, direct counsel of record to appear, in person or by telephone, for a conference to set a trial date and consider other matters set forth in Rule 1:19 or Rule 4:13.

(d) The court may set civil cases for trial at a docket call held on a day as provided by § 17.1-517.

(e) Following the submission of a praecipe, the court may set civil cases for trial at a docket call held on a day as provided by § 17.1-517.

The Executive Secretary shall make accessible these procedures on the Internet. The clerk of each district and circuit court shall make their respective procedures available in the office of the clerk of that court.

RULES OF SUPREME COURT OF VIRGINIA  
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**Rule 1:21. Preliminary Voir Dire Information.**

At the outset of jury selection in any civil or criminal case, the court shall deliver preliminary instructions that: (1) explain the purpose of the voir dire examination, (2) explain the difference between peremptory challenges and removals for cause, (3) summarize the nature of the case, (4) estimate how long the trial may last, and (5) indicate whether it is anticipated that the jury will be sequestered.

RULES OF SUPREME COURT OF VIRGINIA  
PART ONE  
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**Rule 1:22. Exercise of Challenges to Prospective Jurors.**

Counsel shall be afforded the opportunity to challenge jurors for cause out of the presence of the panel.

RULES OF SUPREME COURT OF VIRGINIA  
PART ONE  
RULES APPLICABLE TO ALL PROCEEDINGS

**Rule 1:23. Note Taking by Jurors.**

A. The court, in the exercise of its discretion, may permit jurors to take notes during the trial.

B. If notes are taken by any of the jurors, at the conclusion of each day of a trial, the court shall collect juror notes and provide for their security until the trial resumes. Upon conclusion of the trial, the court shall collect and destroy all juror notes.



RULES OF SUPREME COURT OF VIRGINIA  
PART ONE  
RULES APPLICABLE TO ALL PROCEEDINGS

**Rule 1:24. Requirements for Court Payment Agreements for the Collection of Fines and Costs.**

The purposes of the statutory court collection process are (i) to facilitate the payment of fines, court costs, penalties, restitution and other financial responsibilities assessed against defendants convicted of a criminal offense or traffic infraction, (ii) to collect the monies due to the Commonwealth and localities as a result of these convictions, and (iii) to assure payment of court-ordered restitution to victims of crime. To achieve these purposes and the additional purpose of enabling defendants to restore their driver's licenses pursuant to § 46.2-395, this Rule is intended to ensure that all courts approve deferred and installment payment agreements consistent with §§ 19.2-354, 19.2-354.1, and the provisions of this Rule and to further the legal values of predictability, fairness, and similarity in the collection of fines, court costs, penalties, and restitution throughout the courts of the Commonwealth.

(a) *Definitions.* —

- (1) “Fines and costs” shall mean all the fines, court costs, forfeitures, and penalties assessed in all cases by a single court against a defendant for the commission of crimes or traffic infractions. “Fines and costs” shall also include restitution unless the court orders a separate payment schedule for restitution.
- (2) An “installment payment agreement” is an agreement in which the defendant agrees to make monthly or other periodic payments until the fines and costs are paid in full.
- (3) A “deferred payment agreement” is an agreement in which the defendant agrees to pay the full amount of the fines and costs at the end of the agreement's stated term and no installment payments are required.
- (4) A “modified deferred payment agreement” is a deferred payment agreement in which the defendant also agrees to use best efforts to make monthly or other periodic payments.

(b) *Access to payment alternatives.* — Any defendant who is unable to pay in full fines and costs for a particular offense within 30 days of conviction, or other disposition authorized by law, must be offered by the convicting court the opportunity to enter into a deferred payment agreement, a modified deferred payment agreement or an installment payment agreement to pay those fines and costs. The court shall not deny a defendant the opportunity to enter into a deferred, modified deferred, or installment payment agreement solely because (i) the defendant previously defaulted under the terms of a payment agreement, (ii) the fines and costs have been referred for collection pursuant to § 19.2-349, (iii) a defendant has not established a

payment history, (iv) of the category of offense for which the defendant was convicted or found not innocent, (v) the defendant is eligible for a restricted license under subsection E of § 46.2-395, or (vi) of the total amount of all fines and costs.

(c) *Notice of payment alternatives.* — The court shall give the defendant written notice of deferred, modified deferred, and installment payment agreements and, if a community service program has been established, the availability of earning credit toward discharge of fines and costs through the performance of community service work.

(d) *Conditions of a payment agreement.* — All the fines and costs that a defendant owes for all cases in any single court may be incorporated into one payment agreement, unless otherwise ordered by the court in specific cases. A payment agreement shall include only those outstanding fines and costs for which the limitations period set forth in § 19.2-341 has not run.

In determining the length of time to pay under a deferred, modified deferred, or installment payment agreement and the amount of the payments, a court shall take into account the defendant's financial resources and obligations, including any fines and costs the defendant owes in other courts. In assessing the defendant's ability to pay, the court shall use a written financial statement, on a form developed by the Executive Secretary of the Supreme Court, setting forth the defendant's financial resources and obligations or conduct an oral examination of the defendant to determine his financial resources and obligations. The court may require the defendant to present a compliance summary prepared by the Department of Motor Vehicles of the other courts in which the defendant also owes fines and costs.

The length of a payment agreement and the amount of the payments shall not be based solely on the amount of fines and costs and shall be reasonable in light of the defendant's financial resources and obligations.

If a down payment is required to enter into a payment agreement, it shall be a minimal amount to demonstrate the defendant's commitment to paying the fines and costs. In the case of an installment payment agreement, if the fines and costs owed are \$500 or less, the required down payment may not exceed 10 percent of such amount owed or, if the fines and costs owed are more than \$500, the required down payment may not exceed 5 percent of such amount owed or \$50, whichever is greater. A defendant may choose to make a larger down payment.

Where available, the court may provide community service work as an option to defray fines and costs, especially when the defendant is indigent or otherwise unable to make meaningful payments. Any portion of the community service completed should be credited to the defendant's obligations. Community service shall not be credited against any amount owed as restitution, the interest which has accrued on restitution, and any collection fee required.

At any time during the duration of a payment agreement, the defendant may request a modification of the agreement in writing, on a form provided by the Executive Secretary of the Supreme Court, and the court may grant such modification based on a good faith showing of need.

(e) *Timeliness of payments.* — Any payment which is received within 10 days of the date due shall be considered timely made.

(f) *Combined payment agreements.* — The court may offer a payment agreement combining an appropriate initial period during which no payment of fines and costs is required, followed by a period of installment payments. Such a combined payment plan may be appropriate when the defendant is incarcerated, but should not be limited only to these circumstances.

(g) *Re-entry into a payment agreement after default.* — A court shall consider a request by a defendant who has defaulted on a payment agreement to enter into a subsequent payment agreement. In determining whether to approve the request for a subsequent payment agreement, the court shall consider any change in the defendant's circumstances.

When a defendant enters into a subsequent payment agreement, a court shall not require a defendant to establish a payment history on the subsequent payment agreement before restoring the defendant's driver's license. A court shall require a down payment to enter into a subsequent payment agreement, provided that (i) if the fines and costs owed are \$500 or less, the required down payment shall not exceed 10 percent of such amount or (ii) if the fines and costs owed are more than \$500, the required down payment shall not exceed 5 percent of such amount or \$50, whichever is greater.

**Promulgated by Order dated November 1, 2016; effective February 1, 2017.**

**Last amended by Order dated April 27, 2017; effective July 1, 2017.**

RULES OF SUPREME COURT OF VIRGINIA  
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**Rule 1:25. Specialty Dockets.**

(a) *Definition of and Criteria for Specialty Dockets.* —

- (1) When used in this Rule, the term “specialty dockets” refers to specialized court dockets within the existing structure of Virginia's circuit and district court system offering judicial monitoring of intensive treatment, supervision, and remediation integral to case disposition.
- (2) Types of court proceedings appropriate for grouping in a “specialty docket” are those which (i) require more than simply the adjudication of discrete legal issues, (ii) present a common dynamic underlying the legally cognizable behavior, (iii) require the coordination of services and treatment to address that underlying dynamic, and (iv) focus primarily on the remediation of the defendant in these dockets. The treatment, the services, and the disposition options are those which are otherwise available under law.
- (3) Dockets which group cases together based simply on the area of the law at issue, e.g., a docket of unlawful detainer cases or child support cases, are not considered “specialty dockets.”

(b) *Types of Specialty Dockets.* — The Supreme Court of Virginia currently recognizes only the following three types of specialty dockets: (i) drug treatment court dockets as provided for in the Drug Treatment Court Act, § 18.2-254.1, (ii) veterans dockets, and (iii) behavioral/mental health dockets. Drug treatment court dockets offer judicial monitoring of intensive treatment and strict supervision in drug and drug-related cases. The dispositions in the family drug treatment court dockets established in juvenile and domestic relations district courts may include family and household members as defined in Virginia Code § 16.1-228. Veterans dockets offer eligible defendants who are veterans of the armed services with substance dependency or mental illness a specialized criminal specialty docket that is coordinated with specialized services for veterans.

Behavioral/mental health dockets offer defendants with diagnosed behavioral or mental health disorders judicially supervised, community-based treatment plans, which a team of court staff and mental health professionals design and implement.

- (c) *Authorization Process.* — A circuit or district court which intends to establish one or more types of these recognized specialty dockets must petition the Supreme Court of Virginia for authorization before beginning operation of a specialty docket or, in the instance of an existing specialty docket, continuing its operation. A petitioning court must demonstrate sufficient local support for the establishment of this specialty docket, as well as adequate planning for its establishment and continuation.
- (d) *Expansion of Types of Specialty Dockets.* — A circuit or district court seeking to establish a type of specialty docket not yet recognized under this rule must first demonstrate to the Supreme Court that a new specialty docket of the proposed type meets the criteria set forth in subsection (a) of this Rule. If this additional type of specialty docket receives recognition from the Supreme Court of Virginia, any local specialty docket of this type must then be authorized as established in subsection (c) of this Rule.
- (e) *Oversight Structure.* — By order, the Chief Justice of the Supreme Court may establish a Specialty Docket Advisory Committee and appoint its members. The Chief Justice may also establish separate committees for each of the approved types of specialty dockets. The members of the Veterans Docket Advisory Committee, the Behavioral/Mental Health Docket Advisory Committee, and the committee for any other type of specialty docket recognized in the future by the Supreme Court shall be chosen by the Chief Justice. The State Drug Treatment Court Advisory Committee established pursuant to Virginia Code § 18.2-254.1 shall constitute the Drug Treatment Court Docket Advisory Committee.
- (f) *Operating Standards.* — The Specialty Docket Advisory Committee, in consultation with the committees created pursuant to subsection (e), shall establish the training and operating standards for local specialty dockets.
- (g) *Financing Specialty Dockets.* — Any funds necessary for the operation of a specialty docket shall be the responsibility of the locality and the local court, but may be provided via state appropriations and federal grants.
- (h) *Evaluation.* — Any local court establishing a specialty docket shall provide to the

Specialty Docket Advisory Committee the information necessary for the continuing evaluation of the effectiveness and efficiency of all local specialty dockets.

**Promulgated by Order date November 14, 2016; effective January 16, 2017.**

RULES OF SUPREME COURT OF VIRGINIA  
PART ONE  
RULES APPLICABLE TO ALL PROCEEDINGS  
APPENDIX

**1. Praeceptum (Rule 1:15(b)).**

VIRGINIA: IN THE CIRCUIT COURT OF THE

.....,

Plaintiff

AT LAW NO. ... ..

v.

or

.....,

IN CHANCERY NO.....

Defendant

PRAECIPE

I certify that the above styled cause is matured for trial on its merits and request the Clerk to place it on the docket to be called on .....  
date of next docket call

to be set for trial *with* ( ) or *without* ( ) a jury.

Dated this .....day of ....., 20....

.....

Counsel for .....

CERTIFICATE OF SERVICE

I certify that on the ..... day of ....., 20...., I mailed or delivered a true copy of the foregoing praecipe to all counsel of record herein pursuant to the provisions of Rule 1:12 of the Rules of the Supreme Court of Virginia, and served a true copy upon parties not represented by counsel, if any.

.....

Counsel for .....

RULES OF SUPREME COURT OF VIRGINIA  
PART ONE  
RULES APPLICABLE TO ALL PROCEEDINGS  
APPENDIX

**2. Instructions (Rule 1:15(c)).**

Counsel for all parties, unless compliance is waived by the court, shall, two days before a civil jury trial date, submit to the court a copy of all instructions such counsel proposes to request – in electronic or paper form as directed by the court – and noting thereon the authority or authorities relied upon for such instructions. Counsel may be required to exchange copies of proposed instructions. This rule shall not preclude the offering of additional instructions at the trial.

**Last amended by Order dated March 1, 2011; effective May 2, 2011.**



RULES OF SUPREME COURT OF VIRGINIA  
PART ONE  
RULES APPLICABLE TO ALL PROCEEDINGS  
APPENDIX

**Rule 3. Uniform Pretrial Scheduling Order (Rule 1:18B).**

I. Trial

The trial date is ..... (with a jury) (without a jury).

The estimated length of trial is .....

II. Discovery

The parties shall complete discovery, including depositions, by 30 days before trial; however, depositions taken in lieu of live testimony at trial will be permitted until 15 days before trial. "Complete" means that all interrogatories, requests for production, requests for admissions and other discovery must be served sufficiently in advance of trial to allow a timely response at least 30 days before trial. Depositions may be taken after the specified time period by agreement of counsel of record or for good cause shown, provided however, that the taking of a deposition after the deadline established herein shall not provide a basis for continuance of the trial date or the scheduling of motions inconsistent with the normal procedures of the court. The parties have a duty to seasonably supplement and amend discovery responses pursuant to Rule 4:1(e) of the Rules of Supreme Court of Virginia. Seasonably means as soon as practical. No provision of this Order supersedes the Rules of Supreme Court of Virginia governing discovery. Any discovery motion filed shall contain a certification that counsel has made a good faith effort to resolve the matters set forth in the motion with opposing counsel.

III. Designation of Experts

If requested in discovery, plaintiff's, counter-claimant's, third party plaintiff's, and cross-claimant's experts shall be identified on or before 90 days before trial. If requested in discovery, defendant's and all other opposing experts shall be identified on or before 60 days before trial. If requested in discovery, experts or opinions responsive to new matters raised in the opposing parties, identification of experts shall be designated no later than 45 days before trial. If requested, all information discoverable under Rule 4:1(b)(4)(A)(i) of the Rules of Supreme Court of Virginia shall be provided or the expert will not ordinarily be permitted to express any nondisclosed opinions at trial. The foregoing deadlines shall not relieve a party of the obligation to respond to discovery requests within the time periods set forth in the Rules of Supreme Court of Virginia, including, in particular, the duty to supplement or amend prior responses pursuant to Rule 4:1(e).

IV. Dispositive Motions

All dispositive motions shall be presented to the court for hearing as far in advance of the trial date as practical. All counsel of record are encouraged to bring on for hearing all demurrers, special pleas, motions for summary judgment or other dispositive motions not more than 60 days after being filed.

#### V. Exhibit and Witness List

Counsel of record shall exchange 15 days before trial a list specifically identifying each exhibit to be introduced at trial, copies of any exhibits not previously supplied in discovery, and a list of witnesses proposed to be introduced at trial. The lists of exhibits and witnesses shall be filed with the Clerk of the Court simultaneously therewith but the exhibits shall not then be filed. Any exhibit or witness not so identified and filed will not be received in evidence, except in rebuttal or for impeachment or unless the admission of such exhibit or testimony of the witness would cause no surprise or prejudice to the opposing party and the failure to list the exhibit or witness was through inadvertence. Any objections to exhibits or witnesses shall state the legal reasons therefor except on relevancy grounds, and shall be filed with the Clerk of the Court and a copy delivered to opposing counsel at least five days before trial or the objections will be deemed waived absent leave of court for good cause shown.

#### VI. Pretrial Conferences

Pursuant to Rule 4:13 of the Rules of Supreme Court of Virginia, when requested by any party or upon its own motion, the court may order a pretrial conference wherein motions in limine, settlement discussions or other pretrial motions which may aid in the disposition of this action can be heard.

#### VII. Motions in Limine

Absent leave of court, any motion in limine which requires argument exceeding five minutes shall be duly noticed and heard before the day of trial.

#### VIII. Witness Subpoenas

Early filing of a request for witness subpoenas is encouraged so that such subpoenas may be served at least 10 days before trial.

#### IX. Continuances

Continuances will only be granted by the court for good cause shown.

#### X. Jury Instructions

Counsel of record, unless compliance is waived by the court, shall, two business days before a civil jury trial date, exchange proposed jury instructions. At the commencement of trial, counsel of record shall tender the court the originals of all agreed upon

instructions and copies of all contested instructions with appropriate citations. This requirement shall not preclude the offering of additional instructions at the trial.

#### XI. Deposition Transcripts to be Used at Trial

Counsel of record shall confer and attempt to identify and resolve all issues regarding the use of depositions at trial. It is the obligation of the proponent of any deposition of any non-party witness who will not appear at trial to advise opposing counsel of record of counsel's intent to use all or a portion of the deposition at trial at the earliest reasonable opportunity. Other than trial depositions taken after completion of discovery under Paragraph II, designations of portions of non-party depositions, other than for rebuttal or impeachment, shall be exchanged no later than 15 days before trial, except for good cause shown or by agreement of counsel. It becomes the obligation of the opponent of any such deposition to bring any objection or other unresolved issues to the court for hearing before the day of trial, and to counter-designate any additional portions of designated depositions at least 5 days before such hearing.

#### XII. Waiver or Modification of Terms of Order

Upon motion, the time limits and prohibitions contained in this order may be waived or modified by leave of court for good cause shown.

**Last amended by Order dated Friday, February 26, 2010; effective May 3, 2010.**

RULES OF SUPREME COURT OF VIRGINIA  
PART ONE  
RULES APPLICABLE TO ALL PROCEEDINGS  
APPENDIX

**3-A. Alternate Uniform Pretrial Scheduling Order For Use in Eminent Domain Proceedings (Rule 1:18B).**

I. Trial

The trial date is scheduled for \_\_\_\_\_, commencing at \_\_\_\_\_ a.m., before \_\_\_\_\_ a freeholder jury, \_\_\_\_\_ panel of commissioners or \_\_\_\_\_ bench trial (select applicable option). The estimated length of trial is \_\_\_\_\_ days. If the case is set before a panel of commissioners, each party shall submit nominations of at least six (6) qualified persons on or before \_\_\_\_\_ so that at least nine (9) commissioners and two (2) alternates can be summoned for trial. Counsel for petitioner shall prepare and submit a sketch order for the court's use in appointing and summoning commissioners for trial.

II. Discovery

The parties shall complete discovery, including depositions, by 30 days before trial; however, depositions taken in lieu of live testimony at trial will be permitted until 15 days before trial. "Complete" means that all interrogatories, requests for production, requests for admissions and other discovery must be served sufficiently in advance of trial to allow a timely response at least 30 days before trial. Depositions may be taken after the specified time period by agreement of counsel of record or for good cause shown, provided however, that the taking of a deposition after the deadline established herein shall not provide a basis for continuance of the trial date or the scheduling of motions inconsistent with the normal procedures of the court. The parties have a duty to seasonably supplement and amend discovery responses pursuant to Rule 4:1(e) of the Rules of Supreme Court of Virginia. Seasonably means as soon as practical. No provision of this Order supersedes the Rules of Supreme Court of Virginia governing discovery. Any discovery motion filed shall contain a certification that counsel has made a good faith effort to resolve the matters set forth in the motion with opposing counsel.

III. Designation of Experts

If requested in discovery, petitioner's experts shall be identified on or before 120 days before trial. If requested in discovery, defendant's and all other opposing experts shall be identified on or before 90 days before trial. If requested in discovery, experts or opinions responsive to new matters raised in the opposing parties' identification of experts shall be designated no later than 60 days before trial. If requested, all information discoverable under Rule 4:1(b)(4)(A)(i) of the Rules of Supreme Court of Virginia shall be provided. An expert will not ordinarily be permitted to express any nondisclosed opinions at trial. The foregoing deadlines shall not relieve a party of the obligation to respond to discovery requests within the time periods set forth in the Rules of Supreme Court of Virginia, including, in particular, the duty to supplement or amend prior responses pursuant to Rule 4:1(e).

#### IV. Dispositive Motions

All dispositive motions shall be presented to the court for hearing as far in advance of the trial date as practical. All counsel of record are encouraged to bring on for hearing all demurrers, special pleas, motions for summary judgment or other dispositive motions not more than 60 days after being filed.

#### V. Exhibit and Witness List

Counsel of record shall exchange 15 days before trial a list specifically identifying each exhibit to be introduced at trial, copies of any exhibits not previously supplied in discovery, and a list of witnesses proposed to be introduced at trial. The lists of exhibits and witnesses shall be filed with the Clerk of the Court simultaneously therewith but the exhibits shall not then be filed. Any exhibit or witness not so identified and filed will not be received in evidence, except in rebuttal or for impeachment or unless the admission of such exhibit or testimony of the witness would cause no surprise or prejudice to the opposing party and the failure to list the exhibit or witness was through inadvertence. Any objections to exhibits or witnesses shall state the legal reasons therefor except on relevancy grounds, and shall be filed with the Clerk of the Court and a copy delivered to opposing counsel at least five days before trial or the objections will be deemed waived absent leave of court for good cause shown.

#### VI. Pretrial Conferences

Pursuant to Rule 4:13 of the Rules of Supreme Court of Virginia, when requested by any party or upon its own motion, the court may order a pretrial conference wherein motions in limine, settlement discussions or other pretrial motions which may aid in the disposition of this action can be heard.

#### VII. Motions in Limine

Absent leave of court, any motion in limine which requires argument exceeding five minutes shall be duly noticed and heard before the day of trial.

#### VIII. Witness Subpoenas

Early filing of a request for witness subpoenas is encouraged so that such subpoenas may be served at least 10 days before trial.

#### IX. Continuances

Continuances will only be granted by the court for good cause shown.

#### X. Instructions

Counsel of record shall, two business days before trial, exchange proposed instructions. Any instructions from VMJI may be identified by instruction number. Counsel for petitioner shall prepare and have available at the commencement of trial the originals of all agreed upon instructions. Each party may also submit originals and copies of all contested instructions with appropriate citations. This requirement shall not preclude the offering of additional instructions at the trial.

#### XI. Deposition Transcripts to be Used at Trial

Counsel of record shall confer and attempt to identify and resolve all issues regarding the use of depositions at trial. It is the obligation of the proponent of any deposition of any non-party witness who will not appear at trial to advise opposing counsel of record of counsel's intent to use all or a portion of the deposition at trial at the earliest reasonable opportunity. Other than trial depositions taken after completion of discovery under Paragraph II, designations of portions of non-party depositions, other than for rebuttal or impeachment, shall be exchanged no later than 15 days before trial, except for good cause shown or by agreement of counsel. It becomes the obligation of the opponent of any such deposition to bring any objection or other unresolved issues to the court for hearing before the day of trial, and to counter-designate any additional portions of designated depositions at least 5 days before such hearing.

#### XII. Transportation Arrangements

Counsel for petitioner shall be responsible for contacting the Sheriff's Department in advance of trial to assure that arrangements are in place to transport the commissioners/jury to and from the subject property.

#### XIII. Waiver or Modification of Terms of Order

Upon motion, the time limits and prohibitions contained in this order may be waived or modified by leave of court for good cause shown.

**Adopted by Order dated May 31, 2017; effective August 1, 2017.**

**Regulations Governing Applications for Admission to Virginia Bar Pursuant to Rule of the Supreme Court of Virginia 1A:1, Effective October 31, 2014.**

**INTRODUCTION**

Each person who has met the educational requirements and has proved that he or she satisfies the character and fitness requirements as established by the law of Virginia may seek admission to the Virginia Bar by taking the Virginia Bar Examination. A primary purpose of the Virginia Bar Examination is to determine whether an applicant is able to demonstrate his or her current minimum competency to engage in the general practice of law in Virginia.

In addition to admission to the Bar by examination, the Supreme Court of Virginia, in its discretion under Code § 54.1-3931, has determined that a person who has been admitted to practice law before the court of last resort of a state or territory of the United States or of the District of Columbia for a minimum of five years, who has been admitted to the bar of a Reciprocal Jurisdiction, hereinafter defined, and who has been engaged in the lawful practice of law on a full-time basis for at least three of the immediately preceding five years, may seek to demonstrate that he or she has made such progress in the practice of law that it would be unreasonable to require the person to take an examination to demonstrate current minimum competency. In other words, an applicant's experience in the practice of law may, at the discretion of the Court, be accepted as adequate evidence of current minimum competency in lieu of the bar examination.

The Supreme Court of Virginia has assigned to the Virginia Board of Bar Examiners (the "Board") the responsibility to assess the information furnished by an applicant for admission without examination and to determine, from the information so furnished, whether the applicant's experience in the practice of law is sufficient to demonstrate his or her current competence, good character, and fitness to practice law in Virginia.

In order to guide the Board in its determinations, the Court has adopted the following criteria to be applied by the Board in assessing applications for admission to the bar of Virginia without examination:

**THRESHOLD REQUIREMENTS**

**1. Reciprocity.** The Board shall consider an application for admission without examination only from a person who has been admitted to practice before the court of last resort of a jurisdiction

(i.e., a state or territory of the United States, or the District of Columbia) that permits lawyers licensed in Virginia to be admitted to practice without examination in such jurisdiction (a "Reciprocal Jurisdiction"). The purpose of the reciprocity requirement is to encourage other jurisdictions to grant the same privilege to Virginia lawyers.

**2. Minimum Period of Bar Admission.** Before being eligible to apply for admission without examination, the applicant must have been admitted to practice law before the court of last resort of a state or territory of the United States, or of the District of Columbia, for at least five (5) years.

**3. Requirement of Minimum Current Practice.** An applicant may apply for admission without examination only if the applicant has been engaged in the full-time practice of law for at least three (3) of the last five (5) years immediately preceding his or her application for admission to the Virginia Bar. The applicant must have been engaged in this practice in a jurisdiction other than Virginia. Only practice occurring subsequent to the applicant's having been issued a license to engage in the general practice of law in such other jurisdiction shall qualify. Practice from an office located in Virginia or in a foreign country shall not be accepted as qualifying practice. Persons holding a Virginia Corporate Counsel Certificate under Part I of Rule 1A:5 may receive credit as provided in such Rule.

**4. Practice of law.** For purposes of admission without examination, "practice of law" ordinarily shall mean (i) private practice as a sole practitioner or for a law firm, legal services office, legal clinic, or similar entity; (ii) practice as an attorney for a corporation, limited liability company, partnership, trust, individual or other entity, provided such practice involved the primary duties of furnishing legal counsel, drafting legal documents and pleadings, interpreting and giving advice regarding the law, and preparing, trying or presenting cases before courts or administrative agencies; (iii) practice as an attorney for the federal or a state or local government with the same primary duties as described above regarding attorneys for a corporation; (iv) employment as a judge for the federal or a state government; (v) service as a judicial law clerk for a state or federal court; or (vi) service on active duty in a branch of the armed forces of the United States as a judge advocate or law specialist, as those terms are defined in the Uniform Code of Military Justice, 10 U.S.C.

§ 801, as amended, provided that such position requires a valid license to practice law and involves the same primary duties as described above regarding attorneys for a corporation. With the exception of the positions described in (iv) and (v) above, qualifying law practice must have involved an



attorney-client relationship and, with the exception of the positions described in (v) and (vi) above, must have occurred subsequent to having been issued a license to engage in the general practice of law in the jurisdiction where the law practice was conducted.

**5. Legal Education.** The applicant must have received a J.D. degree from a law school that was approved by the American Bar Association at the time of such applicant's graduation.

**6. Bar Examination History.** The applicant must have failed no more than two bar examinations of any of the states or territories of the United States (including Virginia), or the District of Columbia, and must have failed no bar examination within the five years immediately preceding the application for admission to the Virginia Bar.

**7. Instruction in Virginia Law.** The applicant must have completed twelve (12) hours of instruction approved by the Virginia Continuing Legal Education Board on Virginia substantive and/or procedural law within six (6) months immediately prior to filing an application and must have read and be familiar with the Virginia Rules of Professional Conduct.

#### **ASSESSMENT OF FITNESS AND PROGRESS**

If an applicant provides satisfactory evidence that he or she meets all of the above threshold requirements, the Board shall thereafter determine from the evidence provided by the applicant and the results of any investigation conducted by the Board or its designee whether such applicant (i) is a person of honest demeanor and good moral character and possesses the requisite fitness to perform the obligations and responsibilities of a practicing attorney, and (ii) has made such progress in the practice of law that it would be unreasonable to require the applicant to take an examination to demonstrate current minimum competency. The applicant has the burden to prove by clear and convincing evidence that he or she is a person of honest demeanor and good moral character and possesses the requisite fitness to perform the obligations and responsibilities of a practicing attorney and thus is a proper person to practice law in Virginia. If an applicant fails to answer any question on the Character and Fitness Questionnaire or which is otherwise propounded by the Board, or to supply any requested documentary material, the Board may find that the applicant has not met the burden of proving his or her good moral character.

The primary purposes of character and fitness screening before admission to the Virginia Bar are to assure the protection of the public and safeguard the system of justice. An attorney should be

one whose record of conduct justifies the trust of clients, adversaries, courts, and others with respect to the professional duties owed to them. A record manifesting a significant deficiency in the honesty, trustworthiness, diligence, or reliability of an applicant may constitute a basis for denial of admission. The revelation or discovery of any of the following may be treated as cause for further inquiry before the Board decides whether the applicant possesses the character and fitness to practice law:

- A. commission or conviction of a crime;
- B. violation of the honor code of the applicant's college or university, law school, or other academic misconduct;
- C. making of false statements or omissions, including failing to provide complete and accurate information concerning the applicant's past;
- D. misconduct in employment;
- E. other than an honorable discharge from any branch of the armed services;
- F. acts involving dishonesty, fraud, deceit or misrepresentation;
- G. abuse of legal process;
- H. neglect of financial responsibilities;
- I. neglect of professional obligations;
- J. violation of an order of a court;
- K. denial of admission to the bar in another jurisdiction on character and fitness grounds;
- L. disciplinary action by a lawyer disciplinary agency or other professional disciplinary agency of any jurisdiction, including pending, unresolved disciplinary complaints against the applicant;
- M. commission of an act constituting the unauthorized practice of law, or unresolved complaints involving allegations of the unauthorized practice of law;
- N. any other conduct which reflects adversely upon the character or fitness of an applicant.

The Board shall determine whether the present character and fitness of an applicant qualifies the applicant for admission to the practice of law. In making this determination, the following factors will be considered in assigning weight and significance to the applicant's prior conduct:

- i. age of the applicant at the time of the conduct;
- ii. recency of the conduct;
- iii. reliability of the information concerning the conduct;
- iv. seriousness of the conduct;
- v. factors underlying the conduct;
- vi. cumulative effect of the conduct or information;
- vii. evidence of rehabilitation;
- viii. positive social contributions of the applicant since the conduct;
- ix. candor of the applicant in the admissions process; and
- x. materiality of any omissions or misrepresentations.

The Board's obligation to the public requires the Board to address recent mental health and chemical or psychological dependency matters, which may affect, or if untreated could affect, an applicant's ability to perform any of the obligations and responsibilities of a practicing lawyer in a competent and professional manner. Accordingly, the Board will inquire concerning

- i. mental or emotional instability, and
- ii. existing and untreated drug or alcohol dependency.

The mere fact of treatment for mental health problems or chemical or psychological dependency is not, in itself, a basis on which an applicant is ordinarily denied admission in Virginia, and the Board of Bar Examiners regularly recommends the issuance of certificates to individuals who have demonstrated personal responsibility and maturity in dealing with mental health and chemical or psychological dependency issues. The Board encourages applicants who may benefit from treatment or counseling to seek it. A license or certificate may be denied or deferred when an applicant's ability to function is impaired in a manner relevant to the practice of law at the time the admission decision is made, or when an applicant demonstrates a lack of candor by his or her responses.

In addition, an application will not be approved unless the applicant is a member in good standing of the bar of the Reciprocal Jurisdiction at the time the Board receives the character report and conducts its review of that report. If the applicant's license has ever been suspended or revoked in any jurisdiction, it must be fully reinstated and in good standing (no pending disciplinary charges).

In evaluating whether an applicant has demonstrated satisfactory progress in the practice of law for admission to the practice of law in Virginia without examination, the Board considers

whether the following requirements are evident from the information supplied by the applicant and from the investigative report:

1. Knowledge of the fundamental principles of law and the ability to recall that knowledge, to reason, to analyze, and to apply one's knowledge to relevant facts;
2. The ability to communicate clearly, candidly and civilly with clients, attorneys, courts, and others;
3. The ability to exercise good judgment in conducting one's professional business;
4. The ability to conduct oneself with a high degree of honesty, integrity, and trustworthiness in all professional relationships and with respect to all legal obligations;
5. The ability to conduct oneself with respect for and in accordance with the law and the Rules of Professional Conduct;
6. The ability to avoid acts that exhibit disregard for the health, safety and welfare of others;
7. The ability to conduct oneself diligently and reliably in fulfilling all obligations to clients, attorneys, courts, and others;
8. The ability to use honesty and good judgment in financial dealings on behalf of oneself, clients, and others;
9. The ability to comply with deadlines and time constraints; and
10. The ability to conduct oneself professionally and in a manner that engenders respect for the law and the profession.

RULES OF SUPREME COURT OF VIRGINIA  
PART ONE A  
FOREIGN ATTORNEYS

**Rule 1A:1. Admission to Practice in This Commonwealth Without Examination**

- (a) Reciprocity - Any person who has been admitted to practice law before the court of last resort of any state or territory of the United States or of the District of Columbia may file an application to be admitted to practice law in this Commonwealth without examination, if counsel licensed to practice law in this Commonwealth may be admitted in that jurisdiction without examination.
- (b) Application - An applicant for admission to practice law without examination in this Commonwealth shall:
- (1) File with the Secretary of the Virginia Board of Bar Examiners (the Board) an application under oath on a form furnished by the Board;
  - (2) Furnish a certificate, signed by the presiding judge of the court of last resort or other proper official for every jurisdiction in which the applicant is or has been licensed to practice law, stating:
    - (i) that the applicant is in good standing, and if not the reasons why;
    - (ii) the length of time the applicant has been or was licensed in that jurisdiction; and
    - (iii) any restriction or condition placed on the applicant's license to practice law in that jurisdiction.
  - (3) Certify in writing under oath that the applicant has completed 12 hours of instruction approved by the Virginia Continuing Legal Education Board on Virginia substantive and/or procedural law within the preceding six-month period;
  - (4) Certify in writing under oath that the applicant has read and is familiar with the Virginia Rules of Professional Conduct;
  - (5) Complete the Applicant's Character and Fitness Questionnaire and furnish a report of the National Conference of Bar Examiners, or such other report as the Board may require, concerning the applicant's past practice and record, and pay the fee for such report; and
  - (6) Pay such filing fee as may be fixed from time to time by the Board.

(c) Board Review - Upon receipt of a completed application, the Board will determine in accordance with the regulations issued by the Supreme Court whether the applicant has established by satisfactory evidence that he or she:

- (1) Is a proper person to practice law; and
- (2) Pursuant to Code § 54.1-3931, has been admitted to practice law before the court of last resort of any state or territory of the United States or of the District of Columbia for at least five years; and
- (3) Has practiced law for at least three of the immediately preceding five years and has made such progress in the practice of law that it would be unreasonable to require the applicant to take an examination.

The Board may require the applicant to appear personally before the Board, the Character and Fitness Committee (the Committee) of the Board, or a member of either the Board or the Committee, and furnish any such additional information as may be required. If the applicant's license to practice law in any other jurisdiction is subject to any restriction or condition, the Board shall determine whether the nature of such restriction or condition is inconsistent with the general practice of law and, if so, shall deny the application. If the Board determines that the applicant is qualified to be admitted to the practice of law in this Commonwealth without examination, the Board shall approve the application and shall notify the applicant of its decision.

(d) Admission - Upon notification by the Board that the applicant's application has been approved, the applicant may be issued a certificate, pursuant to Code § 54.1-3931, to practice law in this Commonwealth if:

- (1) A member of the Virginia State Bar who is qualified to practice before the Supreme Court moves the applicant's admission to practice law in this Commonwealth in open court;
- (2) The motion is granted; and
- (3) The applicant takes and subscribes to the oaths required of attorneys at law.

(e) Active Membership - Upon payment of applicable dues, and completion of other membership obligations set forth in Part 6, Section IV of the Rules of the Supreme Court of Virginia, the applicant shall become an active member of the Virginia State Bar. An attorney admitted pursuant to the Rule shall be deemed subject to the same membership obligations as other active members of the Virginia State Bar, and all legal services provided in Virginia by an attorney admitted pursuant to this Rule shall be deemed the practice of law and shall subject the attorney to all rules governing the practice of law in Virginia, including the Virginia Rules of Professional Conduct. The rules set forth in Part 6, Section IV, governing how members may change their status

to associate, judicial, disabled, retired or emeritus shall apply to attorneys admitted pursuant to this Rule.

- (f) An attorney admitted to practice law in this Commonwealth without examination under prior versions of this Rule is no longer subject to the requirement that he or she intends to practice law full time as a member of the Virginia State Bar.

**Last amended by Order dated October 31, 2014; effective immediately.**

RULES OF SUPREME COURT OF VIRGINIA  
PART ONE A  
FOREIGN ATTORNEYS

**Rule 1A:2. Foreign Patent and Trademark Attorneys - When Admitted to Practice in the Courts of This State Limited to Patent and Trademark Law Without Examination.**

No lawyer admitted to practice limited to patent and trademark law as defined in § 54.1-3901(A) prior to July 1, 2000, pursuant to this Rule 1A:2 prior to July 1, 2000, shall hold himself or herself out as authorized to practice law generally in this Commonwealth.