

## Study Resolution

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### Review of Virginia's Court System

Authorized by the Joint Legislative Audit and Review Commission on December 10, 2018

WHEREAS, Virginia's judicial system is established in Article VI of the Virginia Constitution to assure that all disputes are resolved justly, promptly, and economically; and

WHEREAS, the judicial function is discharged through the court system that consists of four levels of courts: Supreme Court, Court of Appeals, circuit courts, and district courts; and

WHEREAS, under the Virginia Constitution the Supreme Court functions as the administrative head of the judicial system, and it performs this function through the Office of the Executive Secretary of the Supreme Court (OES); and

WHEREAS, in FY18 the court system received general fund appropriations of \$475.8 million and had 3,255 general fund positions; and

WHEREAS, the National Center for State Courts conducted a judicial workload assessment in 2017 which concluded that 435 judges were needed in Virginia's circuit and district courts to ensure the efficient, effective, and equitable resolution of cases, and those positions have been authorized and funded; and

WHEREAS, the Chief Justice of the Supreme Court stated in his 2018 State of the Judiciary Address that 54 district courts are well below their staffing needs; and

WHEREAS, the court system does not have a fully functional statewide case management system, and the Auditor of Public Accounts has found that the OES has not followed best practices to manage information technology and ensure its security; and

WHEREAS, the circuit and district courts are responsible for collecting the fines and fees imposed on criminal defendants, and the Auditor of Public Accounts has found that the courts often do not follow collections best practices; and

WHEREAS, there are a growing number of specialty courts in Virginia, including 49 drug treatment dockets and nine mental health dockets; now, therefore be it

RESOLVED by the Joint Legislative Audit and Review Commission (JLARC) that staff be directed to review the operation and performance of the court system. In conducting its study, staff shall assess (i) the operational efficiency of the court system; (ii) the reliability of the judicial workload study; (iii) district court staffing; (iv) whether the OES is organized, staffed, and structured to ensure the efficient and effective operation of the courts; (v) information technology management and the functionality of the systems; (vi) the court system's practices and performance in the collection of fines and fees;

and (vii) the adequacy of the oversight and supervision of the specialty dockets. JLARC shall make recommendations as necessary and review other issues as warranted.

All courts of the Commonwealth shall provide assistance, information, and data to JLARC for this study, upon request. JLARC staff shall have access to all information related to operations and performance in the possession of the courts pursuant to § 30-59 and § 30-69 of the Code of Virginia. No provision of the Code of Virginia shall be interpreted as limiting or restricting the access of JLARC staff to information pursuant to this statutory authority.