



## Clerk of the Circuit Court

The Clerk of the Circuit Court is a constitutional officer; and the duties of the Clerk are mandated by the Code of Virginia. The Clerk's Office provides multiple statutory and local services for residents, business professionals, legal professionals, judges, public safety officials, a variety of state and local government agencies, and the towns in Loudoun County. The Clerk's Office ensures the efficiency and effectiveness of local government in the conduct of governmental, judicial, commercial, and quasi-legal affairs for the residents of Loudoun County through the following services: collection and accounting of the appropriate taxes and fees; processing legal and court documents; retaining and implementing proper and safe permanent court records, land records, judgment records, and legal documents; providing proper public inspection of – and access to – permanent court records; and providing efficient and reliable administration of court cases and various Clerk's Office services. The Code of Virginia mandates more than 800 duties for the Clerk of the Circuit Court. The Clerk's Office is located in the Courts Complex in downtown Leesburg, Virginia. Multiple services are offered via remote/virtual programs that do not require clients to visit the Courts Complex.

### Department Program

#### Clerk of the Circuit Court

Provides services including issuing marriage licenses, recording deeds and land documents, coordinating juror services for jury trials, probate of wills and estates, assisting judges with courtroom proceedings, managing court cases and legal documents, preserving historic court papers, and many other services.

#### Activities

- Criminal Case Management
- Civil Case Management
- Deed Recordation and Land Records Processing
- Probate of Wills and Estates
- Judicial Services
- Jury Management
- Historic Records and Deed Research
- Internal Operations
- Business Services

### Financial Information

#### FY 2024 Adopted Information

	Expenditures	Revenue	LTF	FTE
Clerk of the Circuit Court	\$5,990,448	\$17,921,713	\$(11,931,265)	52.00
<b>Total</b>	<b>\$5,990,448</b>	<b>\$17,921,713</b>	<b>\$(11,931,265)</b>	<b>52.00</b>



## Clerk of the Circuit Court

### Criminal Case Management

**What We Do:** The Criminal Case Management Division provides professional case management services to the Circuit Court judges, the Office of the Commonwealth's Attorney, the Loudoun County Sheriff's Office (LCSO), probation and parole officials, mental health professionals, public defenders, attorneys, Virginia State Police, the Division of Forensic Science, multiple municipal law enforcement agencies, multiple federal law enforcement agencies, and Loudoun residents. This Division manages all criminal court case files and all legal pleadings filed in criminal cases. Court orders and other legal papers are transmitted to appropriate public safety, mental health, and law enforcement agencies. Virginia law requires public access to court cases and information, and this Division is responsible for providing such access. This Division manages the payment program and payment contracts for criminal defendants who owe court fines and costs because of a criminal conviction, as well as performs basic accounting work related to tracking payment of costs and fines. Search warrant affidavits and return of search warrants are filed with this Division for retention and record keeping. This Division provides the ability to accept and process search warrants virtually. This Division assembles all legal pleadings, orders, exhibits, and evidence when a criminal case is appealed to an appellate court in addition to preparing an official inventory of all records for the appellate court. This Division also maintains all evidence admitted in a criminal matter and arranges for the storage and destruction of such items.

**Mandate Information:** The services provided by the Criminal Case Management Division are mandated by the Code of Virginia, including Virginia Code §§ 16.1-133, 19.2-310, 19.2-336, 19.2-354.1, 19.2-310.2:1, 46.2-383, and 17.1-208.

**Who Does It:** Sworn deputy clerks administer Criminal Case Management services. Some Virginia State Compensation Board funding (as allocated by the Virginia General Assembly) for personnel expenditures is provided, as demonstrated in the financial section of this report.

**Why We Do It:** The efficiency and productivity of the Criminal Case Management Division complements the mission and objectives of other state government agencies, local government agencies, other constitutional offices, public safety agencies, and law enforcement agencies. Records, information, and communications from this Division are disseminated to the Virginia State Police; probation and parole agencies; the Loudoun County Adult Detention Center; the Department of Community Corrections; the Public Defender; LCSO; the Commonwealth's Attorney; the Department of Mental Health, Substance Abuse, and Developmental Services; and numerous other agencies that use criminal case status information to execute their respective duties. The functions of this Division provide critical judicial support for criminal court cases, including digitizing criminal court records to improve the management of court case information.

**How We Do It Now – Current Service Level:** In FY 2020 with current resources, current service level reflected preparing and disseminating approximately 4,500 criminal orders and notices annually, which is an average of approximately 900 orders and notices processed per deputy clerk (5.00 FTE). Current service level is sufficient to address and accommodate the needs of the Criminal Case Management Division's clients.

**How We Plan to Do It in the Future – Recommended Service Level:** As criminal caseload activity in the Commonwealth Attorney's Office increases, new resources will be necessary to maintain pace with any criminal case workload increase. Legislation that places new responsibilities on the Clerk of the Circuit Court will inevitably require more resources if the Commonwealth neglects to provide proper funding for these additional duties. The expansion of the Metro to Ashburn may also contribute to additional resources being required to manage any increase in the criminal caseload.



## Clerk of the Circuit Court

	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Estimated	FY 2025 Projected
<b>Prepare, process, issue, and transmit criminal conviction/sentencing orders; dismissal orders; and legal notice of fines, costs, and restitution payments to counsel, litigants, public safety agencies, and other appropriate local and state agencies.</b>					
Number of criminal orders and notices prepared and disseminated	3,930	4,212	4,003	4,644	4,876
Average number of orders and notices per deputy clerk	786	842	1,001	929	975
Number of search warrants filed and processed	2,254	3,095	3,675	4,594	4,824
Number of criminal and civil pleadings received, indexed, scanned, and disseminated	89,808	89,640	119,244	125,206	131,466
Total volume of evidence processed, maintained, and destroyed	550	581	981	1,030	1,082



## Clerk of the Circuit Court

### Civil Case Management

**What We Do:** The Civil Case Management Division provides professional case management services when a lawsuit is filed in the Circuit Court and prepares the necessary legal notices to the individuals or parties being sued. Civil lawsuits include, but are not limited to, damages for money, monetary judgment, contract disputes, land issues, zoning appeals, divorces, adoptions, name changes, out-of-state subpoenas, injunctions, seizure of real property, expungement of criminal charges, appointment of out-of-state ministers, condemnation of land or real property, appointment of guardians, and enforcement of judgments. This Division prepares court files and processes all applications for concealed handgun permits and issues gun permits. It also supports a number of processes related to (as examples) confessing judgments, issuing subpoenas, administering the qualification for ministers to officiate the rites of matrimony, collecting civil celebrant bond payments, collecting and processing other civil bonds, and managing garnishment of wages cases. This Division is responsible for the collection, retention, management, storage, and destruction of all civil exhibits admitted by the Circuit Court in civil court cases.

**Mandate Information:** The services provided by the Civil Case Management Division are mandated by the Code of Virginia, including Virginia Code §§ 8.01-506, 8.01-466, 8.01-511, 8.01-308, and 32.1-268.

**Who Does It:** Sworn deputy clerks perform the duties in the Civil Case Management Division. Some Virginia State Compensation Board funding (as allocated by the Virginia General Assembly) for personnel expenditures is provided, as demonstrated in the financial section of this report.

**Why We Do It:** These services and programs afford citizens due process, as this Division manages the civil court files and all civil court pleadings and orders lodged in a civil case. This Division digitizes the civil court records to improve the management of court case information. The services offered by this Division have a direct impact on citizens seeking the appointment of a minister or celebrant to officiate a wedding, or citizens seeking a gun license permitted by Virginia law. Processing these cases in a timely fashion reduces delays that could interfere with commerce, business, finance, and the general welfare of citizens. Electronic filing for civil cases is available for members of the Virginia State Bar and certain government agencies, as authorized and restricted under Virginia law.

**How We Do It Now – Current Service Level:** In FY 2020, the service level provided with current resources reflected approximately 4,000 concealed handgun permits issued, 720 divorce cases concluded and processed, 700 garnishment cases and collections administered, and more than 7,500 civil court orders processed across a staff of ten deputy clerks. The volume of self-represented litigants is increasing as many residents attempt to represent themselves in civil court cases. Deputy clerks must spend more time assisting these clients since they do not have experience with civil matters as attorneys do.

**How We Plan to Do It in the Future – Recommended Service Level:** As the volume of self-represented litigants increases, the Clerk's Office will require additional resources to address this demand. Legislation that places new responsibilities on the Clerk of the Circuit Court will inevitably require more resources if the Commonwealth neglects to provide proper funding for these additional duties.



## Clerk of the Circuit Court

	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Estimated	FY 2025 Projected
<b>Issue concealed handgun permits within 45 days per the Code of Virginia.</b>					
Number of concealed handgun permits issued within 45 days	5,679	3,537	3,918	4,423	4,559
<b>Review complaints for divorce; receive and retain court filings in divorce cases; assist judges with divorce proceedings; and issue legal notices and copies of court orders to counsel, litigants, child enforcement agencies, and other appropriate County and state agencies.</b>					
Number of divorce cases concluded and processed	714	719	663	805	845
<b>Review the filing of garnishment petitions, establish hearing dates, process and issue legal garnishment notices, collect garnishment payments from employees, and disburse garnishment collections to appropriate parties.</b>					
Number of garnishment cases/collections administered	146	482	759	180	189
<b>Process, index, scan, and disseminate civil court orders.</b>					
Number of civil court orders processed	7,992	7,515	8,647	8,392	8,812
<b>Assist customers at the civil transaction counter and perform intake of filings, payment for filings, and reconciliation of the cashier station.</b>					
Number of visitors to the civil transaction counter	5,888	15,092	16,865	18,552	19,480
Number of criminal and civil pleadings received, indexed, scanned, and disseminated	89,808	89,640	119,244	125,206	131,466
Number of marriage celebrant orders created, processed, indexed, scanned, and disseminated	178	196	138	145	152



## Clerk of the Circuit Court

### Deed Recordation and Land Records Processing

**What We Do:** The Deed Recordation and Land Records Processing Division plays a vital role in the local economy. All deeds that impact the legal ownership/conveyance of real property and other legal land records are recorded with the Clerk of the Circuit Court. This Division is responsible for the proper assessment of taxes required by Virginia law, as well as the collection of relevant state and County taxes and fees associated with the recording of various legal transactions including, but not limited to, deeds of conveyance, deeds of partition, deeds of trust (i.e., legal documents that provide evidence of a mortgage), subdivision plats, liens deeds of subordination, certificates of satisfaction (which provide evidence of release of mortgage obligations), attachments, easements, and other legal documents that impact the ownership, sale, conveyance, access to, and use of real property. This Division indexes the information that is required to allow public research of land records. These records are essential and necessary to conduct legal title research when buying or selling houses and/or land in the County. Court judgments, Internal Revenue Service (IRS) liens, and other liens are docketed and retained by this Division. Appropriate public access to these records is required. The Clerk enhances public access with the use of digital technologies such as a subscription-based service to access digital land records remotely. Electronic recording of deeds and land records was initiated in 2013 to streamline operations, offer a more convenient method of recording legal documents, and reduce traffic on Loudoun roadways. Proper auditing of the state and local tax collections is imperative and essential to ensure integrity of revenue collections.

**Mandate Information:** The services provided by the Deed Recordation and Land Records Processing Division are mandated by the Code of Virginia, including Virginia Code §§ 25.1-247, 17.1-208, 17.1-238, 8.01-446, and 58.1-801.

**Who Does It:** Sworn deputy clerks perform the duties in this Division. Some Virginia State Compensation Board funding (as allocated by the Virginia General Assembly) for personnel expenditures is provided, as demonstrated in the financial section of this report.

**Why We Do It:** The Deed Recordation and Land Records Processing Division provides online, secure, and remote access for professionals to conduct land and deed research in addition to electronic recording of deeds, both of which are vital and financially valuable resources for professionals in the real estate business, as well as for individuals who buy or sell houses or land. The technologies implemented by the Clerk of the Circuit Court provide a more effective and efficient service to clients, with individuals able to do business with the Clerk remotely 24 hours per day, seven days per week using the online subscription service technologies and resources. The clients who use the remote, online programs pay fees to access these services. The Clerk's Office provides secure remote access to deeds and land records documents using secure remote access (SRA) technologies. By providing SRA to federal, state, and County agencies, individuals can research legal documents from remote locations, which produces considerable efficiency and cost savings in federal, state, and local government. Title examiners and other professionals who conduct research on land and legal data can more efficiently research public information from their offices and other remote locations. This service offers significant cost benefits and increased productivity for government agencies and private companies to view, research, and print land records documents without the need to travel to the Clerk's Office. Electronic recording of deeds allows professionals to perform title research, real estate closings, and the legal process of transferring ownership of real property, all without requiring a physical appearance in the Clerk's Office. This state-of-the-art technology provides customers with the ability to work remotely at any time, reduces mailing costs, eliminates the need to wait in line at the Clerk's Office to record transactions, reduces traffic on roads in Loudoun County, and reduces parking challenges in downtown Leesburg. Electronic recordings also offer numerous efficiencies to the Clerk's Office internally through the use of technology resources to leverage workflow and processing time.

**How We Do It Now – Current Service Level:** In FY 2020, approximately 56,400 deeds and deeds of trust were recorded annually, which is an average of approximately 11,300 deeds and deeds of trust recorded per deputy clerk (5.00 FTE). Currently, 90 percent of all deeds and land records are transmitted to the Clerk's Office in digital format. Current service level also reflects approximately 5,500 judgements recorded.



## Clerk of the Circuit Court

**How We Plan to Do It in the Future – Recommended Service Level:** Recordation is currently on a downward trend as the real estate market activity has leveled off and interest rate hikes have discouraged refinancing of mortgages. Current recordation projections indicate that this will continue through FY 2024. The current allocation of personnel resources is sufficient to sustain current workload activity through FY 2024.

	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Estimated	FY 2025 Projected
<b>Review the filing of all deed recordings to ensure compliance with the law, collect the appropriate amount of state and County taxes for the transactions, and properly record the deeds among the land records for public inspection.</b>					
Number of deed and deed of trust recordings	136,592	77,722	40,207	47,211	50,000
Average number of deed recordings per deputy clerk	27,318	12,954	6,701	9,442	10,000
Number of judgements recorded	5,626	5,480	4,969	5,443	5,715
<b>Maintain and administer a subscription-based, remote access site for land records research.</b>					
Number of remote access subscriptions maintained and administered	453	626	716	734	752



## Clerk of the Circuit Court

### Probate of Wills and Estates

**What We Do:** The Clerk of the Circuit Court acts as the probate judge in Virginia, as manifested in the Code of Virginia, and adjudicates the last will and testament when presented for probate. This Division adjudicates the probate of wills and estates. The Probate Division ensures that there is proper legal authentication of the will, conducts probate hearings with witnesses, conducts a legal review of all legal documents related to the will, and appoints a legal representative to administer the affairs of the decedent's estate. The Probate Division prepares all necessary legal documents and orders pertinent to the probate of the will and estate. This Division also transmits critical estate information to the commissioner of accounts, which is a court-appointed local attorney responsible for enforcing the filing of certain financial reports on the estate consistent with Virginia law. This Division determines whether a surety bond or cash bond is required and assesses the value of the bond to be filed with the Clerk. This Division processes the appointment of guardians for minors and incapacitated adults and indexes and scans all legal documents in the digital probate records system.

**Mandate Information:** The services provided by the Probate Division are mandated by the Code of Virginia, including Virginia Code §§ 64.2-1221, 64.2-443, 64.2-444, 64.2-502, 64.2-503, 64.2-554, and 58.1-1718.

**Who Does It:** Sworn deputy clerks perform the duties in this Division. Some Virginia State Compensation Board funding (as allocated by the Virginia General Assembly) for personnel expenditures is provided, as demonstrated in the financial section of this report.

**Why We Do It:** The immediate review of legal documents is necessary to determine legal jurisdiction and evaluate the authenticity of probate legal documents. Quick action on the part of the Probate Division is essential to ensure the proper handling of a decedent's estate. The Probate website provides beneficial information to guide clients before a probate appointment or hearing. Legal forms and information are available to assist with preparation with probate clerks. Individuals can review and complete online forms and submit the completed forms to the Probate staff in advance of a hearing. This enhanced service often reduces the number of meetings or probate hearings required to complete the probate process. Providing prompt probate services promotes an effective means of managing the financial affairs of an estate.

**How We Do It Now – Current Service Level:** In FY 2020, the service level reflected approximately 700 wills probated and 4,700 documents indexed annually, which is an average of more than 1,700 wills probated and documents indexed per deputy clerk (3.00 FTE). Currently, there are four FTE in the Probate Division for the adjudication of the probate of wills and estates.

**How We Plan to Do It in the Future – Recommended Service Level:** The population growth and expansion of senior living communities has a direct correlation to the probate activity in Loudoun County. Consultations with the Probate Division and probate hearings are increasing. With this continuing trend of workload activity in the Division, a new resource will be essential to ensure that the Division can sustain increased demand for probate services.

	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Estimated	FY 2025 Projected
<b>Probate all wills and estates as required annually by the Code of Virginia.</b>					
Number of wills probated	703	762	765	869	912
Number of probate documents indexed/scanned	4,460	4,825	5,175	6,113	6,419
Average number of wills probated and documents indexed per deputy clerk	1,550	1,862	2,095	2,327	2,444
<b>Administer oath and qualification of guardians.</b>					
Number of guardian-of-a-minor appointments	26	16	19	20	21
Number of guardian-of-an-incapacitated-adult appointments	84	53	72	76	80





## Clerk of the Circuit Court

### Judicial Services

**What We Do:** The Judicial Services Division provides direct judicial support and services to the five resident Circuit Court judges as well as the numerous visiting retired judges who are assigned to hear cases in the Loudoun County Circuit Court. This Division provides legal assistance to the judges during court proceedings by keeping legal papers organized for each case being heard by the Court, managing the exhibits and evidence in court cases, administering oaths to witnesses who testify in cases, and tracking the case status for the judges during the proceedings. This Division is responsible for preparing a variety of court orders for the judges in criminal court cases including, but not limited to, conviction, sentencing, transport of inmates, assessment of fines and costs, mental health evaluation, and probation and parole. This Division prepares "Rules to Show Cause" orders, which direct individuals to act and/or make an appearance before the Court; and prepares capias warrants, which require an individual to appear before the judge in a criminal case. Each month, staff prepares the criminal indictments that are presented to the Grand Jury. The Judicial Services staff enters the case disposition and outcome in the case management system.

**Mandate Information:** The services provided in criminal court cases by the Judicial Services Division are mandated by the Code of Virginia, including Virginia Code §§ 19.2-164, 19.2-166, 16.1-69.40, 19.2-165, 19.2-336, 46.2-383, Rule 5:10, and Rule 1:3. The services provided to the judges in civil court proceedings are not mandated by the Code of Virginia.

**Who Does It:** Sworn deputy clerks perform the duties in this Division. Some Virginia State Compensation Board funding (as allocated by the Virginia General Assembly) for personnel expenditures is provided, as demonstrated in the financial section of this report.

**Why We Do It:** The assistance provided to the judges for criminal cases is mandated and provides value to the efficiency of criminal court proceedings and completion of the paperwork in criminal cases. In some jurisdictions, the attorneys prepare the criminal court orders for the judges and submit those orders to the Court. Having deputy clerks, as opposed to attorneys, prepare the criminal court orders can be more efficient, as the deputy clerks can easily consult the judges if there are questions about the court orders. Additionally, if the attorneys do not agree on the content of the orders, there can be delays in completing the orders. While providing assistance to the judges in civil proceedings is not mandated, these services contribute to the efficient adjudication of civil cases and the organization of case papers filed with the Court, as well as provide for central distribution of critical case information. As civil caseload continues to grow in the Circuit Court, resulting in more civil case hearings, providing a high level of professional judicial support in civil case proceedings will permit the Circuit Court judges to accommodate more civil cases on the docket.

**How We Do It Now – Current Service Level:** In FY 2020, the service level involved preparing approximately 4,500 criminal court orders annually, which is an average of approximately 900 criminal court orders prepared per deputy clerk (5.00 FTE). Current service level also includes supporting approximately 4,100 criminal court hearings, 5,750 civil court hearings, and 500 juvenile appeal and adoption court hearings. Current service level is sufficient to achieve Judicial Services objectives and to accommodate the needs of the judges.

**How We Plan to Do It in the Future – Recommended Service Level:** The number of visiting judges and length of time spent in court will be monitored to assess whether additional support needs are justified. If the civil caseload continues to increase, resulting in the appropriation of a new Circuit Court judge by the Virginia General Assembly, a new deputy clerk position will be appropriated by the General Assembly to assist the judge.

**Clerk of the Circuit Court**

	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Estimated	FY 2025 Projected
<b>Support and assist the judges of the 20th Judicial Circuit in criminal and civil court hearings.</b>					
Number of criminal orders and notices prepared and disseminated	3,930	4,212	4,003	4,644	4,876
Average number of criminal orders and notices per deputy clerk	786	842	1,001	929	975
Number of criminal court hearings	4,139	4,112	4,307	4,522	4,748
Average number of criminal court hearings per courtroom clerk	828	822	861	904	950
Number of civil court hearings	5,543	5,950	4,154	4,362	4,580
Average number of civil court hearings per courtroom clerk	1,109	1,190	831	872	916
Number of juvenile appeal and adoption court hearings	483	635	420	441	463
Number of capias warrants and "Rule to Show Cause" orders prepared and issued	363	290	353	371	389



## Clerk of the Circuit Court

### Jury Management

**What We Do:** The Clerk of the Circuit Court manages jury operations and is responsible for issuing juror questionnaires to assess the eligibility of citizens to serve jury duty consistent with Virginia law. The questionnaire responses are organized for jury commissioners who, pursuant to Virginia Code, validate which citizens are eligible. Upon certification of eligibility, the Jury Management Division will enter critical juror information in a juror database that is then used for randomly selecting juror prospects for the calendar year. Each month, the Jury Management team uses a computer program to randomly select citizens and issue jury summonses for jury duty. This Division also assists prospective jurors with rescheduling jury duty or processing requests to be excused from jury duty, maintains the juror database, and manages all aspects of juror services. A juror orientation is provided to all jurors; and staff assists the jurors during their term of service to the Court. The Jury Management Division makes arrangements to provide meals for jurors as well as hotel accommodations if the jury is sequestered. This Division assembles jurors for all jury trials, including civil and criminal cases and the monthly Grand Jury. The Jury Management deputy clerks work closely with the judges to manage a jury trial in accordance with the judge's mandate. The Jury Management Division reviews jury trial and juror information to ensure that jurors are properly compensated by the County for jury service using the statutory jury fees. This Division coordinates relevant security protocols with the LCSO Court Security Unit for the benefit of the jurors and to avoid any juror contact with the litigants and observers of the jury trial.

**Mandate Information:** The services provided by the Jury Management Division are mandated by the Code of Virginia, including Virginia Code §§ 25.1-229, 8.01-345, 17.1-618, and 17.1-622.

**Who Does It:** Sworn deputy clerks perform the duties in this Division. Some Virginia State Compensation Board funding (as allocated by the Virginia General Assembly) for personnel expenditures is provided, as demonstrated in the financial section of this report.

**Why We Do It:** The work of the Jury Management Division ensures judicial efficiency for jury trials, affords due process to criminal defendants and to litigants (upholding their constitutional rights), and ensures judicial integrity in the jury trial process. Jury Management deputy clerks provide personal assistance to jurors in preparation for the jury trial, during the trial, and following the trial to seek juror input on the experience. The Jury Management Division works closely with jurors to reschedule their dates of service if the date on the summons conflicts with work, vacation, school, or other circumstances. The Court's one-day, one-trial approach is less intrusive on citizens' time commitments, because jurors in Loudoun County typically serve only one day because of this approach.

**How We Do It Now – Current Service Level:** Current service level involves staffing approximately 90 jury trials annually. In FY 2020, the Board of Supervisors (Board) approved one Jury Management team lead to assist with a growing workload brought forward with the addition of a new judge and County growth. To ensure that a sufficient pool of jurors is provided for criminal and civil jury trials, the Jury Management team issues 55,000 jury questionnaires to prospective jurors by mail; and approximately 28,500 jury questionnaires are submitted online through the web-based secure juror portal. Returned jury questionnaires are evaluated and processed for determination of qualified and disqualified jurors and subsequent certification of qualified jurors. Current service level is sufficient to accommodate the needs of the judges, the jurors, and the attorneys.

**How We Plan to Do It in the Future – Recommended Service Level:** Ongoing analysis of jury trial workload data will be conducted to assess whether additional resources may be necessary in FY 2025.

**Clerk of the Circuit Court**

	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Estimated	FY 2025 Projected
<b>Provide jury management services to support criminal and civil jury trials; and ensure that a sufficient pool of jurors is provided for criminal and civil jury trials, as required by the Code of Virginia.</b>					
Number of jury trials held (civil and criminal)	9	31	53	71	75
Number of jury trials set (civil and criminal)	202	229	344	365	383
Total number of summonses issued	10,244	15,945	10,257	13,070	13,724
Number of postponements requested	2,164	3,346	1,540	1,263	1,326
Number of excusals requested	225	809	863	1,050	1,103
Number of jury questionnaires issued <sup>1</sup>	55,000	55,000	55,000	55,000	65,000
Number of jury questionnaires evaluated and processed for determination of qualified and disqualified jurors	29,189	28,659	28,590	30,020	31,520
Number of jurors reporting for all jury trials	555	1,284	2,035	2,137	2,244
Number of jurors serving on jury	126	357	616	647	679

<sup>1</sup> The number of questionnaires that the Clerk's Office issues to prospective jurors by mail.



## Clerk of the Circuit Court

### Historic Records and Deed Research

**What We Do:** The Clerk's Office possesses a valuable collection of historic court records dating back to 1757. These records must be properly preserved and protected; and the Historic Records and Deed Research Division manages all preservation and conservation programs. This Division prepares grant applications for preservation grants to finance the preservation and conservation of papers, books, and records. The records are available for public inspection by professionals who conduct land records research, by historians who research Virginia history, by genealogists who conduct genealogical research, and by residents when researching older records pertaining to real property. Attorneys and title companies research older deeds and land records when conducting title searches or when preparing land cases for trial. This Division orchestrates and coordinates history education programs, often working in partnership with local history groups, such as Thomas Balch Library, the Oatlands Foundation, the Westmore Davis Morven Park Foundation, the Loudoun Freedom Center, and other historical societies and groups. This Division conducts regular audits and inventories of books and records to identify records that require preservation efforts; and then designs and implements a preservation action plan for those records. As part of the preservation programs, this Division digitizes documents to promote online research of historic records, which reduces the handling of physical documents and enhances the public access experience. This Division manages the offsite records center where older court files for inactive court cases are maintained and digitized; and is also responsible for ensuring proper retention under Virginia law or federal law in the retention of election records.

**Mandate Information:** The Clerk of the Circuit Court is required to properly maintain and preserve all court records in accordance with the Code of Virginia. Some examples of mandates are Virginia Code §§ 15.2-944, 42.1-87, 24.2-669, and 42.1-86.1. A specialized historic records program is discretionary; however, in order to fulfill the mandate to properly maintain and preserve the historic records, staff is needed to manage the preservation of these valuable records.

**Who Does It:** Sworn deputy clerks perform the duties in this Division. Some Virginia State Compensation Board funding (as allocated by the Virginia General Assembly) for personnel expenditures is provided, as demonstrated in the financial section of this report.

**Why We Do It:** Loudoun County has a unique collection of court records dating back to 1757. Most Clerks' Offices lost their records during the Civil War as court records were burned, stolen, or lost. Out of 120 Circuit Court Clerks' Offices in the Commonwealth of Virginia, only five have all their jurisdiction's respective court records; and Loudoun County is one of those five jurisdictions. Managing these valuable treasures requires special care, significant experience and training, proper management, and aggressive preservation. This Division's specialized historic records program adds considerable value to the heritage, culture, and economy in Loudoun County.

**How We Do It Now – Current Service Level:** In FY 2020, current service level was the preservation of approximately 31,700 historic records annually, as well as 40,000 copies of deeds provided to patrons. In FY 2019, the Board approved one historic records clerk to support the growing historic records program. Currently, three FTE are assigned to the Historic Records and Deed Research Division. These three deputy clerks will continue to provide educational outreach programs, both virtual and in-person. These programs add significant educational and cultural value for the citizens of Loudoun County.

**How We Plan to Do It in the Future – Recommended Service Level:** With the forecasted level of services, current service level should be sufficient for the future. In 2023, a new partnership emerged: the Clerk of the Circuit Court is now working with Morven Park on a 246 Years Project that will share valuable information and records related to people who were enslaved at Morven Park. The Clerk's Office is also committed to supporting the 250th Commission, which is working on historically significant projects and events associated with the 250th anniversary of our nation's independence and formation.

**Clerk of the Circuit Court**

	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Estimated	FY 2025 Projected
<b>Support preservation and public access to the historic court records of Loudoun County through the use of the latest conservation, storage, and electronic technology, preserving 35,000 documents annually.</b>					
Number of scanned images of historic court records	1,363	11,803	2,353	2,471	2,594
Number of visitors to historic records public outreach and education programs	200	0	416	740	851
Number of copies of deeds provided to patrons	22,708	24,928	27,684	24,129	25,335
Number of clients assisted by email, telephone, and in-person	16,009	12,900	12,731	13,368	14,036
Number of books preserved or conserved	6	9	34	11	15
Number of images scanned of preserved/conserved records	14,336	80,999	21,277	9,081	10,443



## Clerk of the Circuit Court

### Internal Operations

**What We Do:** The Internal Operations Division manages the office operations, budget and finance, purchasing, human resources, information technology (IT), and other management services for the Clerk of the Circuit Court. This Division administers oaths of office to elected officials, state and County appointees to boards and commissions, Sheriff's deputies, deputy Commonwealth's Attorneys, and law enforcement officers. The Internal Operations team manages the investment of court funds and manages the accounting of all taxes and fees collected by the Clerk. Internal Operations responsibilities include internal financial audits, victim restitution payments, procurement, payments for services received, oversight of County policy related to travel for staff training, oversight of office supply acquisition and distribution, and other finance services. This Division processes the regular deposit of state and local taxes and fees and transmission of those revenues to the appropriate Virginia and Loudoun County agencies. This Division prepares, reviews, and certifies numerous Virginia and County financial and accounting reports required by Virginia law and/or County protocols, as well as prepares the County and state budgets for the Clerk's Office and maintains relevant workload and caseload data to demonstrate trends in Clerk's Office activity. The Internal Operations Division reviews and manages all Freedom of Information Act (FOIA) requests and FOIA responses. This Division provides computer systems support, provides maintenance of technology systems, conducts inventory of IT equipment and peripheral devices, and conducts regular assessments of current systems to ensure viability and sustainability. This Division also provides help desk support to staff in the Courts Complex and manages technology programs in the Clerk's Office as well as in the courtrooms.

**Mandate Information:** All services are mandated by the Code of Virginia, but there is some discretion in terms of the level of IT management. Some of the mandates can be found in Virginia Code §§ 15.2-1636.18, 17.1-283, and 58.1-3177.

**Who Does It:** Sworn deputy clerks perform the services in this Division. Some Virginia State Compensation Board funding for personnel expenditures is provided, as demonstrated in the financial section of this report.

**Why We Do It:** The financial management components of the Internal Operations Division's activities are required by Virginia law. Proper management of finances, budget, personnel, IT, and other programs ensures the effective and efficient delivery of services. Having the Internal Operations Division in the Courts Complex brings considerable value to the Clerk's Office and other court agencies. The Clerk allows IT staff to also support the needs of Circuit Court judges, the Court Security activity of LCSO, the General District Court, and the Juvenile and Domestic Relations Court. Also, the accounting staff ensures the efficient processing and disbursement of court-held funds including bonds, restitution, garnishments, condemnation, and escrow funds.

**How We Do It Now – Current Service Level:** Current service level indicates the proper level of staffing to provide appropriate support for the Division components that provide direct client services. There were no staffing changes over the past four fiscal years in any of the activities that support the Internal Operations Division of the Clerk's Office. These activities were able to maintain all operational services that are provided to both internal and external customers. IT staff supported many technological changes and advancements from FY 2020 through FY 2024 as the Clerk's Office began to offer virtual services to its clients and online payments for certain transactions. Accounting functions underwent an annual audit each year with no findings of internal control or management issues.

**How We Plan to Do It in the Future – Recommended Service Level:** As technology usage continues to grow, the responsibilities and demands for proper technological support and management will increase. It is conceivable that with new technology programs, systems, and resources, a new FTE will be essential. The help desk support provided for the benefit of the General District Court by the Clerk of the Circuit Court should decline or be eliminated once the General District Court moves into the new courthouse in FY 2024, at which point the Department of Information Technology will be responsible for supporting the technology needs of the General District Court.

**Clerk of the Circuit Court**

	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Estimated	FY 2025 Projected
<b>Manage, disburse, and reconcile liability accounts of the Clerk of the Circuit Court to include bonds, garnishments, restitution, condemnations, escrow, and refunds.</b>					
Number of checks issued in accordance with court orders	1,765	1,613	1,655	1,688	1,721
<b>Provide IT help desk support to the Clerk of the Circuit Court, other agencies of the Courts Complex, and the Department of Judicial Information Technology (DJIT) at the Office of the Executive Secretary for the Commonwealth of Virginia.</b>					
Number of help desk support requests for the Clerk of the Circuit Court	286	207	172	180	189
Number of help desk support requests for other agencies of the Courts Complex	88	97	77	81	85
Number of help desk support requests for DJIT	6	2	4	8	8
Number of new computer equipment replacements	17	6	6	32	15





## Clerk of the Circuit Court

### Business Services

**What We Do:** With population growth in the County, more residents are applying for marriage licenses. Virginia law requires couples to secure a marriage license from the Clerk of the Circuit Court to be legally and officially married. The Business Services Division provides an onsite marriage license application system in the Clerk's Office and an online application registration process via the Office's website. Once the marriage license application has been completed and properly submitted, clients can complete the license requirements with an in-person meeting with deputy clerks, or via an online virtual appointment with both parties simultaneously. Marriage license services require diligence and proper oversight to ensure that individuals can be legally married in Virginia and to provide legal paperwork that verifies a lawful marriage. A monthly report is submitted to the Commonwealth of Virginia Department of Health's Office of Vital Records in compliance with the Code of Virginia. The purpose of sending these records is to empower the Department of Health's Office of Vital Records to maintain a statewide database of these vital records. In addition, the Business Services Division prepares an annual report to the Commonwealth's Attorney, as required by Virginia law, for all marriage licenses issued that were not properly filed after a legal marriage.

The Secretary of the Commonwealth authorizes the appointment of Virginia residents to serve as legal notary publics in the Commonwealth of Virginia. A duly-appointed notary public has the statutory duty to properly authenticate that an individual who is executing a legal document is the individual acknowledging said document. A notary public provides a valuable legal service in the community. The Clerk of the Circuit Court is responsible for administering the oath of office to all appointed notary publics who receive their commission in Loudoun County. This includes the collection of relevant commission fees, the administration of the oath of office, and the referral to legal information regarding the duties of a notary public in Virginia. The notary oath is also offered as an online virtual appointment. The Business Services Division submits a monthly notary commission report to the Secretary of the Commonwealth. The notary commission report provides significant details for certifying and authenticating the legal commissioning of notary publics by the Clerk's Office; includes a listing of all notary commissions that are not claimed within 60 days; and provides the names of each notary qualified, their registration number, the date of commission, and the date of qualification. Notaries whose commissions have expired – and persons who have not yet received a commission – do not have authority to act as a notary.

**Mandate Information:** The issuance of a marriage license upon the filing of a legal marriage license application is mandated. Other mandates related to the Business Services Division include Virginia Code §§ 20-14, 47.1-8, 47.1-9, and 17.1-240.

**Who Does It:** Sworn deputy clerks perform the duties in this Division. Some Virginia State Compensation Board funding (as allocated by the Virginia General Assembly) for personnel expenditures is provided, as demonstrated in the financial section of this report.

**Why We Do It:** These services are required by Virginia law; and these services permit individuals to pursue their constitutional right to marriage and to obtain the services of a lawfully-appointed notary public for business transactions. Offering online services to these clients provides a more efficient and enhanced service level that also reduces traffic congestion by avoiding personal appearances in the Clerk's Office.

**How We Do It Now – Current Service Level:** In FY 2020, the service level provided with current resources reflected the issuance of approximately 2,200 marriage licenses and 1,300 notary commissions and oaths each year. These services are provided in-person or virtually by appointment. Virtual service has quickly become very popular as it saves the customers a lot of time by not having to travel to the courthouse in order to get their marriage license or take their notary oath. In FY 2020, there were statutory changes that changed the procedure for filing a fictitious business name – it is now done with the State Corporation Commission and is no longer done at the Clerk's Office. Prior to this, the Business Services Division processed approximately 1,100 fictitious business names annually.

**How We Plan to Do It in the Future – Recommended Service Level:** It is projected that the service level will increase because of workload trends and population increases resulting in growth in the workload associated with the delivery of

**Clerk of the Circuit Court**

marriage licenses and notary commissions services. To continue providing the same service level and meet the demands for these services, an additional FTE will be needed unless the workload declines or remains at current levels.

	FY 2021 Actual	FY 2022 Actual	FY 2023 Actual	FY 2024 Estimated	FY 2025 Projected
<b>Review and issue marriage licenses and notary commissions and oaths.</b>					
Number of marriage licenses issued	2,116	2,509	2,409	2,529	2,656
Number of notary commissions and oaths issued	1,609	1,450	1,382	1,407	1,477



## Commonwealth's Attorney

The Commonwealth's Attorney is a locally-elected constitutional officer whose duties are mandated by the Code of Virginia. The principal functions of the Office of the Commonwealth's Attorney include aiding investigations and prosecuting felony, misdemeanor, traffic, juvenile, and statutorily-specified civil matters, which are presented by law enforcement officers and government officials from local, state, and federal law enforcement agencies and certain County departments. The Office of the Commonwealth's Attorney also oversees the Loudoun County Victim and Witness Assistance Program, which serves as an interface between the judicial system and crime victims and witnesses to help ensure victim and witness cooperation in prosecution, increase witness safety, and reduce the level of trauma often associated with criminal cases. Prosecutors are available 24 hours per day to handle law enforcement emergencies and consultations and other situations that require immediate attention.

### Department Programs

#### Office of the Commonwealth's Attorney

Represents the interests of the Commonwealth of Virginia in a statutorily-defined scope of duties. There are more than 300 statutory mandates, duties, and responsibilities of the Commonwealth's Attorney as prescribed in the Code of Virginia.

#### Activities

- Legal Representation of the Commonwealth

#### Victim and Witness Assistance Program

Assists victims and witnesses of crime as they navigate the court system; seeks to enhance witness safety and attempts to reduce the level of trauma often associated with criminal cases; advises victims of rights as outlined in the Code of Virginia; engages with the community to provide information and services to prevent and reduce victimization; and enhances the safety of the community through preventative and protective presentations.

- Victim and Witness Assistance Program

### Financial Information

#### FY 2024 Adopted Information<sup>1</sup>

	Expenditures	Revenue	LTF	FTE
Office of the Commonwealth's Attorney	\$7,093,089	\$1,120,050	\$5,973,039	48.00
Victim and Witness Assistance Program	1,513,606	45,000	1,468,606	11.00
<b>Total</b>	<b>\$8,606,695</b>	<b>\$1,165,050</b>	<b>\$7,441,645</b>	<b>59.00</b>

<sup>1</sup> Sums may not equal due to rounding.



## Commonwealth's Attorney: Office of the Commonwealth's Attorney

### Legal Representation of the Commonwealth

**What We Do:** This activity provides legal representation for the Commonwealth and prosecutes various cases presented by law enforcement agencies, including felony, misdemeanor, traffic, and juvenile criminal.

An "on-duty" prosecutor is available to respond to legal inquiries from law enforcement officers and magistrates during regular business hours; and an "on-call" prosecutor is available 24 hours per day to handle any law enforcement emergencies or other situations requiring immediate attention. Attorneys are also available to work with law enforcement agencies and provide legal advice as required to facilitate investigations in specific complex cases. Attorneys can be cross-designated as Special Assistant United States Attorneys to prosecute cases in the federal courts when necessary. Likewise, Assistant United States Attorneys can be appointed as volunteer Assistant Commonwealth's Attorneys for Loudoun County when needed to coordinate joint prosecution efforts at the state level. The use of a multijurisdictional grand jury is another tool often used cooperatively with neighboring jurisdictions.

The Office of the Commonwealth's Attorney also coordinates with the Attorney General's Office for specialized prosecutions from their Computer Crimes Section. This activity focuses particular attention on addressing gang activity and works with the regional investigative units on these cases. Attorneys and staff regularly assist with community outreach efforts.

**Mandate Information:** The Commonwealth's Attorney is a locally-elected constitutional officer whose duties are mandated by the Code of Virginia § 15.2-1627. There are more than 300 statutory duties and responsibilities of the Commonwealth's Attorney as prescribed in the Code of Virginia. The Commonwealth's Attorney is not mandated to prosecute misdemeanor cases. However, it is the Office's policy that if the defendant has an attorney, the Office prosecutes the case regardless of whether it is a misdemeanor or a felony.

**Who Does It:** County staff provides these services. Personnel costs are partially offset by State Compensation Board funding. Three full-time prosecutors are specifically assigned to concentrate on domestic violence cases.

**Why We Do It:** The duties of the Commonwealth's Attorney are mandated by the Code of Virginia. Absent those duties, the community would have no representation in the court system. This is a critical responsibility as it helps maintain law and order, protect public safety, and ensure that justice is served.

**How We Do It Now – Current Service Level:** In FY 2020, the service level provided with current resources was an average caseload of 25 open felony cases per attorney. Current service level involves a workload of approximately 470 felony pleas and 65 attorney jury trial days. In addition, current service level reflects an average caseload of 80 domestic violence cases per case manager.

**How We Plan to Do It in the Future – Recommended Service Level:** It is anticipated that the Office of the Commonwealth's Attorney will continue to prosecute cases based on demand.



## Commonwealth's Attorney: Victim and Witness Assistance Program

### Victim and Witness Assistance Program

**What We Do:** The Victim and Witness Assistance Program provides an interface between the judicial system and victims and witnesses of crime. The program also plays an active role in educating the public on issues related to domestic and sexual violence, in addition to serving as liaison to the County's Domestic Abuse Response Team, the Child Protective Committee, and the Child Advocacy Center. The Victim and Witness Assistance Program provides crisis intervention by advising victims of their rights and notifying them of the services provided by the program and the state. The services within this program include an explanation of the court process to victims and witnesses, liaison within the criminal justice system, courtroom accompaniment, witness preparation, claims filing through the Criminal Injuries Compensation Fund, supportive services referrals, victim impact statement preparation, restitution assistance, and safety planning.

**Who Does It:** County attorneys and case managers provide this activity. One position is partially offset by grant funding provided by the Virginia Domestic Violence Victim Fund.

**Why We Do It:** The Victim and Witness Assistance Program serves as an interface between the judicial system and crime victims and witnesses to help ensure victim and witness cooperation in prosecution, increase witness safety, and reduce the level of trauma often associated with criminal cases. Absent this activity, victims and witnesses to crimes would have no guidance or direction as to their rights throughout the criminal court process and would be left without specific direction to County and community services.

**How We Do It Now – Current Service Level:** In FY 2020, the service level provided with current resources was providing service to approximately 100 victims and/or witnesses on an annual basis. Services could include filing of claims to the Criminal Injuries Compensation Fund and issuance of victim impacts statements. Staff refers approximately 800 individuals to the Loudoun Abused Women's Shelter and other programs annually.

**How We Plan to Do It in the Future – Recommended Service Level:** It is anticipated that the Office of the Commonwealth's Attorney will continue to prosecute cases based on demand.

