

VIRGINIA: IN THE CIRCUIT COURTS OF GLOUCESTER, MATHEWS & MIDDLESEX COUNTIES

In re: LOCAL RULE GOVERNING SETTING CIVIL CASES FOR TRIAL

ORDER

Pursuant to Rule 1:15(a) and Rule 1:20 of the Rules of the Supreme Court of Virginia, the Court prescribes the following local rule governing the setting of civil cases for trial in the Circuit Courts of Gloucester, Mathews, and Middlesex Counties:

1. Terms of Court

A. Gloucester. Term Day is the first Monday in January, March, May, July, September, and November. If the Monday is a holiday, Term Day will be held on the following day.

B. Mathews. Term Day is the third Monday in January, March, May, July, September, and November. If the Monday is a holiday, Term Day will be held on the following day.

C. Middlesex. Term Day is the fourth Monday in January, March, May, July, September, and November. If the Monday is a holiday, Term Day will be held on the following day.

2. Docket Call

A. Date and Time. Docket Call is held on Term Day at 10:00 a.m.

B. Setting cases. With limited exception, all civil cases shall be set prior to and outside of Docket Call using the procedures outlined below.

3. Setting cases – *Praeclipe*

A. *Praeclipe* required. Except for those cases listed in Paragraphs 4 and 5 below, a *Praeclipe* must be filed prior to setting the case for trial.

B. *Timing of Praeclipe.* When Term Day falls on a Monday, the *Praeclipe* must be filed at least ten (10) days prior to Term Day. When Term Day falls on a Tuesday, the *Praeclipe* must be filed at least eleven (11) days prior to Term Day.

C. Available Dates. No later than the Wednesday prior to Term Day, counsel shall fax their available dates to the judge's chambers at (804) 693-1755, and indicate the expected length of trial and whether a jury is demanded. Should any counsel fail to submit their available dates as required, such counsel and their party will be deemed to have waived any objection to the chosen trial date.

In the alternative and by preference of the Court, the party filing the *Praecipe* may obtain all participants' mutually agreeable available dates, and fax to the judge's chambers a list of dates that are agreeable to all participants, along with the expected length of trial and whether there is a jury demand.

D. Order Setting Trial. Once the trial date is determined, the Court will enter and Order Setting Trial which will (i) establish the trial date, the length of trial, and whether the trial is with a jury; (ii) direct the preparation of a Uniform Pretrial Scheduling Order pursuant to Rule 1:18; and (iii) refer, where appropriate, the matter to a Settlement Conference using the Judicial Settlement Conference Program pursuant to Rule 1:19.

E. Failure to comply. Should the parties fail to comply with the procedures outlined above or the Order Setting Trial, the Court will remove the scheduled trial date, and a new *Praecipe* will be required.

4. Setting cases - Appeal

A. Notice of Appeal. Except for those cases listed in Paragraphs 4(D) and 4(E) below, when a case is appealed from the district court, the district court clerk will indicate on the Notice of Appeal the date the case "is scheduled to be called for setting of trial date," which date shall be a Term Day.

B. Available Dates. No later than the Wednesday prior to the Term Day indicated in the Notice of Appeal, counsel shall fax their available dates to the judge's chambers at (804) 693-1755, and indicate the expected length of trial and whether a jury is demanded. Should any counsel fail to submit their available dates as required, such counsel and their party will be deemed to have waived any objection to the chosen trial date.

In the alternative and by preference of the Court, the party filing the Notice, or any counsel involved in the appeal, may obtain all participants' mutually agreeable available dates, and fax to the judge's chambers a list of dates that are agreeable to all participants, along with the expected length of trial and whether there is a jury demand.

C. Order Setting Trial. Once the trial date is determined, the Court will enter and Order Setting Trial which will (i) establish the trial date, the length of trial, and whether the trial is with a jury; (ii) direct, where appropriate, the preparation of a Uniform Pretrial Scheduling Order pursuant to Rule 1:18; and (iii) refer, where appropriate, the matter to a Settlement Conference using the Judicial Settlement Conference Program pursuant to Rule 1:19.

D. Protective Orders. When a protective order is appealed from the district court, the district court clerk will set the trial date on an approved date by indicating on the Notice of Appeal the date the case "is scheduled to be called for trial."

E. Termination of Parental Rights. When a case involving termination of parental rights is appealed from the district court, the district court clerk will indicate on the Notice of Appeal the date the case "is scheduled to be called for setting of trial date." Promptly after the Notice of Appeal is filed, counsel involved in the appeal should confer with each other and contact the Judge's chambers at (804) 693-1358 to schedule the matter for trial.

5. Setting cases – Divorce, Affirmation or Annulment

A. Praecipe not required. A *Praecipe* is not required in cases involving divorce, affirmation, or annulment.

B. 9th Circuit Domestic Relations Procedures. Forms and procedures regarding divorce and other domestic relations cases may be found at:
http://www.yorkcounty.gov/Portals/0/circuit_court/Ninth%20Circuit%20Domestic%20Relations/Domestic%20Relations%20Trial%20Form.pdf

C. Pre-hearing Conference. After any *pendente lite* issues have been resolved, the parties shall schedule a pre-hearing conference with the Court.

D. Setting Trial. At the conclusion of the pre-hearing conference, the matter will be set for trial, as necessary. If a trial date is established, the Court will (i) direct, where appropriate, the preparation of a Uniform Pretrial Scheduling Order pursuant to Rule 1:18; and (ii) refer, where appropriate, the matter to a Settlement Conference using the Judicial Settlement Conference Program pursuant to Rule 1:19.

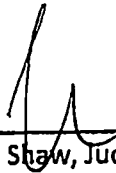
6. *Pro se* parties

Counsel should make every reasonable effort to contact any *pro se* parties to set cases in advance of Docket Call using the procedures outlined herein. In the event counsel is unable to contact the *pro se* party, the case shall be set at Docket Call. To avoid appearing at Docket Call, counsel may, no later than the Wednesday prior to Docket Call, fax their available dates to the judge's chambers at (804) 693-1755, advise the expected length of trial, and advise whether a jury is demanded.

7. Deviation

The Court, in its discretion, may deviate from these procedures, as circumstances warrant.

Entered this 1st day of September, 2015.



Jeffrey W. Shaw, Judge