



## ASSOCIATION OF CLERKS OF THE DISTRICT COURTS OF VIRGINIA

June 22, 2020

Dear Legislator:

As you are keenly aware, since the 2020 General Assembly session adjourned, the world has endured unprecedented hardship. First, the pandemic; now, society seems divided and racial tensions are heightened. Both of these issues have implications on Virginia's judicial branch.

Juvenile and domestic relations district courts have been *open daily* to receive a deluge of emergency filings: family abuse protective orders, emergency child custody and visitation disputes, emergency motions regarding child support, and child abuse and neglect petitions. General district courts have also been *open daily* to assist parties with non-family abuse protective orders, conduct bond hearings, and answer questions related to evictions and garnishments. Courts have not been "closed," even though this poor word choice has been used by many.

Hundreds of thousands of cases were continued generally during the Judicial Emergency. Each case had to be rescheduled and parties were required to be lawfully notified of the new hearing date. The work of the district courts, which did not pause during the Judicial Emergency, has doubled, tripled, and quadrupled as the spread of COVID-19 required additional case adjournments. As a result, future dockets are rising, which is concerning, as we maintain social distancing guidelines. All unlawful detainer actions and writs of eviction were suspended for several months. Once the restriction is lifted, unlawful detainer filings and writs of eviction will dramatically increase the workload of the general district courts. In addition, civil contested cases will also significantly increase.

COVID-19 required a Judicial Emergency in Virginia unlike anything we have faced before. District court operations were severely impacted with the first declaration, and as multiple iterations of Orders have been issued every 21 days, we have been thrust into the position to "fly the plane as we build it."

As court administrators, we must incorporate the Chief Justice's Orders, our individual judge's Orders, and the public's needs, while trying to mitigate as much risk as we can for our employees. The absence of 276 much-needed positions is felt tenfold and those additional positions are needed now more than ever. The new positions you authorized this session (90 FTE in FY21, and an additional 30 FTE in FY22), were put on hold. Staff raises are on hold as well. We desperately need these positions and we need these raises. Despite the many burdens we are currently facing, in two weeks we are expected to implement new legislative changes on top of everything previously mentioned.

This week, Target Corporation announced that the new minimum wage for hourly employees will be increased to \$15.00 per hour in July. While keeping the public supplied with toilet paper and other essential items is very important, the provision of “justice” is paramount to our society. Yet, the very persons who are tasked with providing justice to Virginians earn less than a Target employee. The starting hourly wage for a grade 7 deputy clerk in Virginia’s district court system is \$14.74. We hire wage employees to assist the district courts for \$10.00 - \$12.00 per hour. This is unacceptable.

District court employees do not solely perform “case processing transactions.” We are the hub of activity in any courthouse: we make sure the Court performs well; we administer justice timely and appropriately; we provide access to justice; we train new lawyers and new judges; we answer the public’s questions, listen to their concerns, and offer solutions; we serve as the emergency room for society; and, we perform our duties at a high level at the expense of our families and our health when we are subjected to secondary trauma listening to harrowing testimony in all of our cases. We are an essential group of quasi-first responders when citizens have emergencies that only *courts* can handle. We need to be appropriately staffed, funded and compensated.

We continue to put our staff at risk conducting everyday business, and now we must add the pandemic, the social upheaval regarding law enforcement, and the resulting protests to our list of concerns for our employees. These concerns are valid as evidenced by the tragic mass shooting in Virginia Beach, which directly impacted the employees of the District Courts there; the overwhelming amount of recent protesting in the City of Fredericksburg blocking the entry and exit of their District Court employees; and, the most recent closure of the Arlington Juvenile and Domestic Relations District Court after four of the seven clerk’s office employees were found to be positive for the COVID-19 virus. These are not isolated incidents; district court employees face public unrest continually.

As you prepare to go into a special session this fall, please keep Virginia’s district court employees in mind. Civil filing fees were increased this session to offset general funding for our positions; those fees will still be levied on the public effective July 1<sup>st</sup>, yet the positions remain paused. We are working tirelessly on behalf of your constituents, and as your constituents, we would like for you to work on our behalf as well.

With kind regards,

The Association of Clerks of the District Courts of Virginia