



Association of Clerks
of the District Courts of Virginia

**2023 SPRING CONFERENCE
& ANNUAL MEETING**

TUESDAY, APRIL 4, 2023

**WELCOME
TO ROANOKE**



Housekeeping

2023 spring
conference
& annual meeting

- Restrooms
- Emergency exits
- Slideshow Presentations

vadistrictclerks.com

Past Conference section





WELCOME

ASSOCIATION PRESIDENT

KIMBERLY MCKITTRICK

Association of Clerks
of the District Courts of Virginia

Karl Hade, whose title is Executive Secretary, has been Virginia's top administrative court official since July 2005 and is known for his steady and effective leadership. He has been with the Office of the Executive Secretary (OES) since 1982. Prior to his appointment as Executive Secretary, he served in a number of capacities within the Department of Judicial Information Technology in the Office of the Executive Secretary. His most recent position with that department was that of Director, where he was responsible for the management of the day-to-day operations of the entire department, which supports a wide range of information technology services for all courts and magistrate offices throughout the Commonwealth of Virginia.

Hade is a member of the Virginia Forensic Science Board, Virginia Indigent Defense Commission and serves as Secretary for the Committee on District Courts, Judicial Council of Virginia and the Judicial Conferences of Virginia. He has received the Supreme Court of Virginia Distinguished Service Award as well as the OES Career Service Award.

Karl Hade

Executive Secretary

Supreme Court of Virginia





LEADERSHIP PRESENTATION

VICTOR CARDWELL & THOMAS WINN III

WOODS ROGERS VANDEVENTER BLACK

Association of Clerks
of the District Courts of Virginia



Victor O. Cardwell

Woods Rogers

Vandevanter Black

Victor Cardwell is Co-Chair of Woods Rogers Vandevanter Black’s Labor & Employment Law Section. He is also Chairman of the firm’s Board of Directors. He practices labor and employment law throughout the U.S., focusing on diversity, the Fair Labor Standards Act, and labor/management relations—including union organizing campaigns and union-avoidance techniques—and workplace violence. Victor has significant experience before state and federal courts and administrative agencies, including the National Labor Relations Board. He offers counsel to executive and human resources managers on a wide range of employer concerns—from harassment, sexual orientation/transgender, retaliation, and discrimination, to workforce reductions, handbooks and agreements, unfair competition, wage/hour compliance, health and disability, discipline/discharge, and employee leave.

Victor is the Immediate Past President of the Virginia Bar Association and serves on the Virginia State Bar’s Board of Governors for its Diversity Conference. He was named to the Roanoke Law Foundation Fellows Program in 2018. Virginia Lawyers Weekly has recognized Victor as a “Leaders in the Law.” He is regularly listed in industry rankings including Virginia Super

Lawyers and Best Lawyers in America for Employment Law – Management and Labor Law – Management, including being named Roanoke Lawyer of the Year. He is recognized by Martindale-Hubbell in Litigation and Labor and Employment and by Chambers USA as a leading attorney in the Labor and Employment practice. In 2019, Victor received the Martin Luther King “Drum Major for Justice” award issued by the local Roanoke chapter of the Southern Christian Leadership Conference.

Prior to joining Woods Rogers in 1991, Victor served as Deputy Associate Chief Counsel with the U. S. Department of Labor Benefits Review Board. He has served as a member of the House of Delegates of the American Bar Association, representing Virginia, and was appointed to the Human Rights Council of the Commonwealth of Virginia.





Thomas M. Winn III

Woods Rogers

Vandeventer Black

Tom Winn is Co-Chair of the Woods Rogers Vandeventer Black Labor & Employment group. Tom's nationwide practice focuses on traditional labor/management issues, HR counseling, and employment litigation. Tom devotes much of his attention to labor/management relations and NLRB matters. Peers have commented that "he is one of the most recognized traditional labor lawyers in Virginia." He represents employers across the country in collective bargaining, grievances/arbitrations, NLRB litigation, union organizing and decertification campaigns, strike management, and other issues under collective bargaining agreements. Tom has extensive experience representing government contractors regarding collective bargaining, labor arbitrations, Service Contract Act compliance, and related issues. He regularly serves as chief spokesman in union negotiations and has handled more than 100 labor arbitration cases.

Outside traditional labor matters, Tom's practice embraces the full range of Labor and Employment issues ranging from discipline/discharge, workforce reductions, handbooks and agreements, discrimination, harassment, and retaliation,

wage/hour compliance, health and disability, employee leave and benefits, and unfair competition. He represents employers before state and federal courts and administrative agencies, including the NLRB, EEOC, DOL, and OFCCP. Tom, along with Patrice Holland, prevailed against the EEOC in a jury trial of a Title VII sexual harassment claim, obtaining a defense verdict on all counts.

Best Lawyers in America® named Tom as the 2022 Roanoke Lawyer of the Year for Litigation – Labor & Employment and previously has named him Roanoke Lawyer of the Year for Labor Law-Management and Employment Law-Management. Tom is a Fellow in the Roanoke Law Foundation and a past member of the Virginia Bar Association's Board of Governors. He currently serves on the Governance Committee for the VBA's Board of Governors and the Roanoke City Manager's Economic Advisory Panel.



Discrimination & Harassment

in the Workplace

Presented by: **Victor Cardwell | Tom Winn**

Clerks of the District Court of Virginia Spring Conference

April 4, 2023

WOODS ROGERS
VANDEVENTER BLACK

What Is Unlawful Discrimination?

Disparate Treatment
Intentional

Disparate Impact
Unintentional

Harassment
Intentional or
Unintentional

Retaliation
Intentional

Federal Protections

Statutes

- Title VII
- Title IX
- ADA
- ADEA
- EPA
- GINA
- USERRA
- FLSA
- FMLA
- OSHA
- NLRA



EEOC



DOL



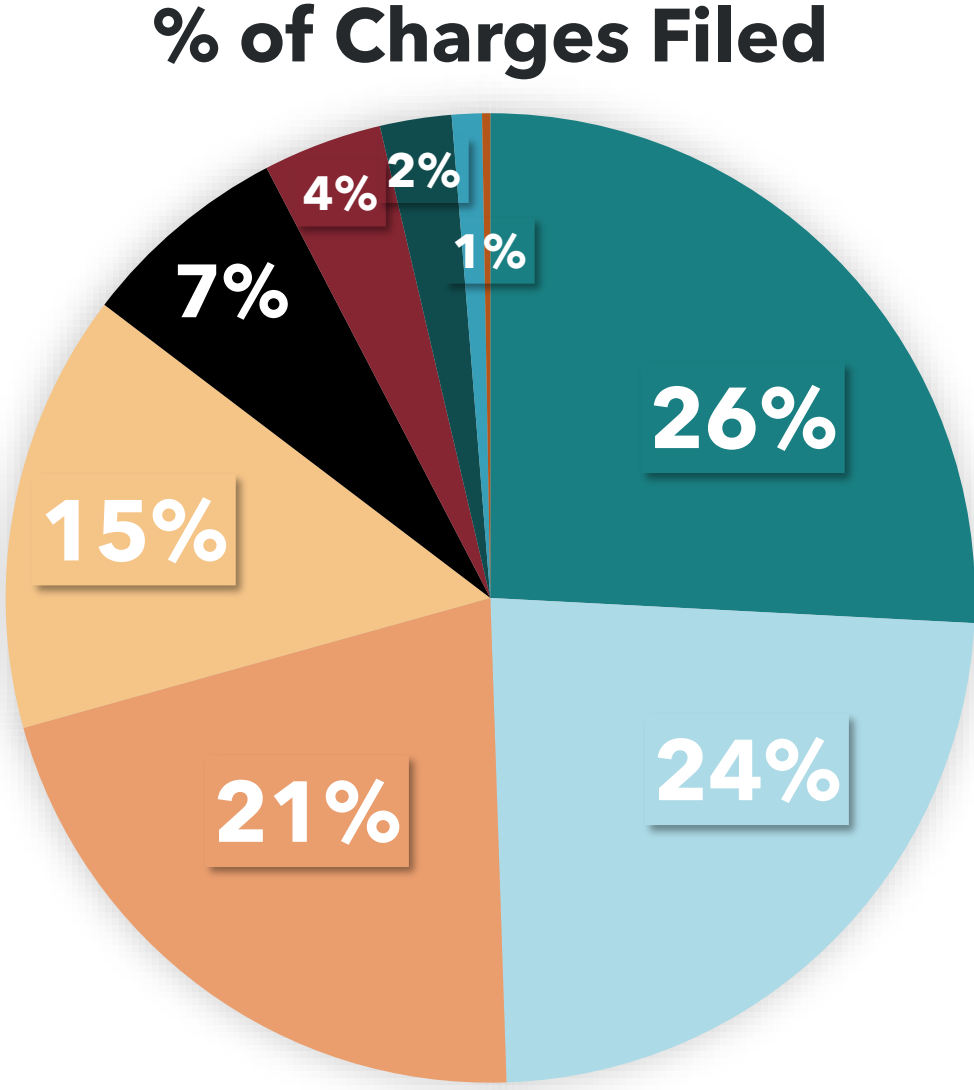
NLRB

Protected Classifications

- Race
- Color
- Religion
- National Origin
- Sex (including orientation & gender identity)
- Pregnancy
- Age
- Disability
- Genetics
- Military Status

2021 EEOC Non-Retaliation Charges

| Charge | # Filed |
|---------------------|---------|
| Disability | 22,843 |
| Race | 20,908 |
| Sex | 18,762 |
| Age | 12,965 |
| National Origin | 6,213 |
| Color | 3,516 |
| Religion | 2,111 |
| Equal Pay Act | 885 |
| Genetic Information | 242 |



VA Protected Classes

- ▶ Age
 - ▶ Disability
 - ▶ Genetic information
 - ▶ Race & Color
(including hair and traits associated with race)
 - ▶ Marital status
 - ▶ National origin
 - ▶ Religion
 - ▶ Sex (including pregnancy, childbirth, and related medical conditions, including lactation)
 - ▶ Sexual orientation & gender identity
- 

What is Harassment?

Unlawful Harassment

Form of discrimination

- Subjects individual to inferior terms, conditions, or privileges of employment
- Includes harassment on the basis of protected characteristics



Common Misconceptions

Must be sexual

**Harasser's conduct
must be intentional**

**Victim must be of
another sex, race,
religion, etc.**

**Harasser must
be an EE
(ex. could also be
client, vendor, etc.)**

Types of Harassment

Quid Pro Quo

- Submission is basis for employment decisions
- Can be either
 - Promise of benefit
 - Threat of negative treatment
- Sexual harassment only

Hostile Work Environment

- Unwelcome and offensive
- Severe or pervasive
- Enduring it is a condition of continued employment
- Any type of harassment based on a protected characteristic

Hostile Environments

- Unwelcome and offensive
 - Severe or pervasive
 - Condition of employment
- What can create a hostile environment?
 - Jokes, cartoons, comments
 - Looks: staring, glaring, or leering
 - Shunning/ostracizing
 - Touching

Harassment Can Happen...

Whenever and wherever EEs fulfilling work responsibilities:

- ER-sponsored events
- Conferences
- Office parties
- Off-site or during non-work hours
- Online/social media
- Zoom



Online Communications & Social Media

- Use discretion
- Think twice before hitting send/post
 - Permanent record (Deleted does not = gone!)
 - Loss of control
- Social media never sleeps
- Private messages sent on Zoom/Teams/Meet not private
- Everyone is watching



Sex Stereotyping as Harassment

1.

Harassment/discrimination because a person does not conform to gender stereotypes

2.

Harassment/discrimination because someone is performing a job that is usually or was previously performed mostly by persons of a different sex

Gossip As Harassment

- Erosion of trust and morale
- Lost productivity, wasted time
- Increased anxiety as rumors circulate
- Divisiveness as people take sides
- Hurt feelings and reputations
- Good EEs leave because of unhealthy environment
- Frequent gossip can create a legally hostile work environment

EEOC: Gossip as Sexual Harassment

Sealy Management Co.

4-12-2021

Assistant Manager subjected to hostile environment

- Supervisor, co-worker spread false, sexually explicit rumors that Asst. Mgr. promoted because she slept with co. president
- Asst. Mgr. complained to management
- Suspended after making complaint, then placed on unpaid leave

“The false and malicious rumor spread by Sealy’s employees created a hostile work environment that the victim endured for over a year.”

How Does Harassment Affect Us?

The Individual

- Self-blame, loss of confidence
- Loss of sleep
- Loss of appetite
- Anxiety, panic attacks
- Humiliation
- Misplaced anger
- Inability to concentrate

The Organization

- Reduced productivity
- Increased absenteeism/disengagement
- Turnover
- Negative reputation
- Grievances
- Lawsuits, agency involvement

**As a Supervisor:
Be Above the Line**

Respondent Superior

As a supervisor, your actions are the organization's actions

- You are the
 - Eyes
 - Ears
 - Mouth

Handling Harassment

LEAD BY EXAMPLE

- ▶ EEs follow you
- ▶ “Set the tone” for workplace
- ▶ Beware of horseplay / joking
- ▶ Much harassment unintentional

PREVENTIVE PROGRAM

- ▶ Explicit policy
- ▶ Training
- ▶ Complaint procedure
- ▶ Investigation
- ▶ Prompt & effective action
- ▶ Know the law

REPORT CONCERNS

- ▶ To any supervisor, manager, or HR
- ▶ All concerns should eventually go to HR

Individual Liability

- State law claims
- A&B
- Negligence theories
- Intentional infliction

Take Complaints Seriously

- Do not assume a complaint is “trivial”
- Do not assume “time heals all wounds”
- Do not delay in responding or reporting
- No such thing as an informal complaint

Don't Wait for a Complaint

- Intervene proactively
- Anticipate problems and head them off
- Do not put your head in the sand
- Problems don't go away just because you ignore them

Treat Similar Situations Similarly

Can be perceived as discrimination:

- Uneven focus
- Uneven discipline
- Targeting
- Exclusion

Avoiding Claims

Consult with HR!

- Take care when making disciplinary decisions
- Document everything
- Especially regarding EE who engaged in protected activity

Records to Keep

- Regularly kept records
 - Time cards, production tallies, archival data
- Written complaints from others
 - Members, co-workers, supervisors, etc.
- Examples of unsatisfactory work
- Written summaries of disciplinary meetings

Documenting Discipline

For Each Offense

- ▶ Description of issue / failure
- ▶ ER expectations
- ▶ The decision made
- ▶ The reasoning involved
- ▶ Suggestions for improvement
- ▶ Measurements for evaluations
- ▶ EE comments

When to Document

- ▶ Each time an issue occurs or an employment decision is made
- ▶ When discussing issues (contemporaneously!)
- ▶ When following up

Steps to take Now

1. Assess your workplace culture for possible incivility (issue spotting)
2. Update or create an effective anti-harassment policy
3. Develop and schedule regular training
4. Implement complaint and investigation procedures
5. Ensure EEs of all levels are held accountable

Questions & Discussion

Scenario: The Date

- ▶ Rick & Emily work together.
- ▶ Neither supervises the other.
- ▶ Rick asked Emily on a date and Emily agrees.
- ▶ After the date, Emily decides she'd rather be friends.
- ▶ Rick keeps asking Emily for more dates and she keeps refusing.

Question 1

Was it sexual harassment when Rick asked Emily on the first date?

Question 2

Does the answer change if one supervises the other?

Question 3

Can Emily complain of sexual harassment if Rick keeps asking her out?

Question 4

What about sending gifts?



Q&A



Victor Cardwell

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540.983.7702

**WOODS ROGERS
VANDEVENTER BLACK**

This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a lawyer/client relationship. The information provided may not be applicable in all situations and readers should speak with an attorney about their specific concerns. This material may be considered attorney advertising in some jurisdictions.

**WOODS ROGERS
VANDEVENTER BLACK**

Morning Break 15 minutes



Return at 10:45
Breakout Sessions (2)

Law Enforcement Trends
that will impact District Courts

Dana Schrad

Roanoke Ballroom C,D

- OR -

Improve your IT skills
using *Microsoft TEAMS*

Mike Riggs

& Laura Hatch

Crystal Ballroom A-C

Association of Clerks
of the District Courts of Virginia



LAW ENFORCEMENT TRENDS

THAT WILL IMPACT
DISTRICT COURTS

DANA SCHRAD

VACP & VACLEA EXECUTIVE DIRECTOR

Association of Clerks
of the District Courts of Virginia

Dana Schrad - Executive Director of the Virginia Association of Chiefs of Police since January 1996, where she oversees the development of training programs for police executives and advocates on policing and criminal justice issues on behalf of the association. She also is the Executive Director for the Virginia Association of Campus Law Enforcement Administrators and the Executive Director for the Virginia Public Safety Foundation. In 2022, Dana was appointed Chair of the Virginia Board of Juvenile Justice and serves on the Roadway Safety Committee for the International Association of Chiefs of Police. She has served on numerous Virginia administrative and legislative special study workgroups and committees.

Dana is a 1980 graduate of the University of Nebraska School of Journalism and a 1988 graduate of the T. C. Williams School of Law at the University of Richmond. She has taken doctoral courses at Virginia Commonwealth University and has taught Constitutional Law and Current Criminal Justice Issues for the Bluefield College criminal justice undergraduate program. Dana was Staff Attorney for the Virginia State Crime Commission from 1989 until 1996, where she was in charge of a variety of criminal justice and law enforcement studies and ran a Drug Trafficking Study task force for two years. She directed a study of drug courts and worked as part of a team to help localities develop drug court programs. Dana has been a school-community team trainer and has worked with a variety of youth risk prevention programs. Prior to entering law school, she worked at a CBS television affiliate for ten years, where she was a police beat reporter, Executive Producer and Assignment Editor.

Dana Schrad

*Executive Director
of the Virginia Association
of Chiefs of Police*



Lunch, Business Meeting and Awards Ceremony *Roanoke Ballroom A,B* Noon-1:30



Association of Clerks
of the District Courts of Virginia

Return at 12:45

Business Meeting

Swearing in of Officers

Roanoke A,B

Awards Ceremony

Immediate Past President,

Rick Kahl

Roanoke A,B

Next up at 1:30

Encouragement

from the Bench

Judge Williams & Judge Woolard

Roanoke Ballroom C,D

The swearing in of Association officers

EXECUTIVE COUNCIL



PRESIDENT:

LAURA HATCH – *FREDERICKSBURG GDC*

PRESIDENT-ELECT:

KELLY WIGGINS - *NEW KENT JDR*

VICE PRESIDENT:

LAUREN JONES- *WARREN GDC*

SECRETARY-TREASURER:

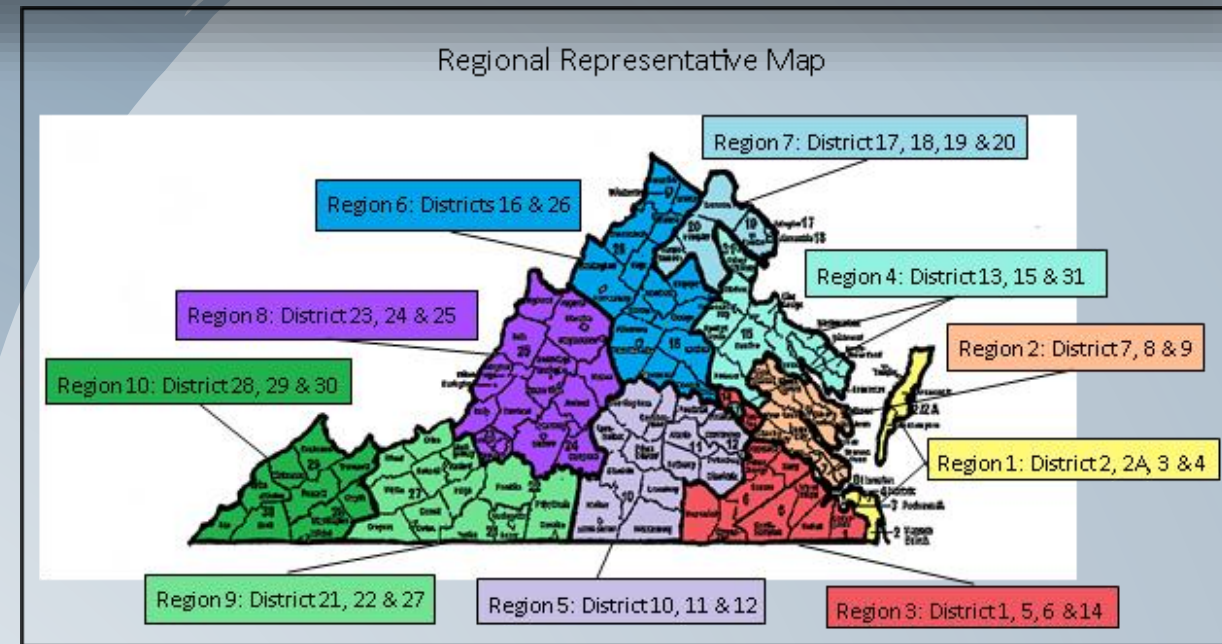
AMY BURNHAM - *VIRGINIA BEACH JDR*

PAST PRESIDENT:

KIMBERLY MCKITTRICK – *MONTGOMERY GDC*



- REGION 1: COURTNEY NICOLAS - PORTSMOUTH JDR**
- REGION 2: JILL HALL - KING WILLIAM/KING&QUEEN GDC**
- REGION 3: SHANNON MEADOWCROFT - HENRICO JDR**
- REGION 4: JULIE DOBSON - FREDERICKSBURG JDR**
- REGION 5: LINDA MOORE - CHESTERFIELD GDC**
- REGION 6: SHANNA HENRY - WARREN JDR**
- REGION 7: DARCI DUNN - FAIRFAX GDC**
- REGION 8: GINGER WEBB - BUENA VISTA CMB**
- REGION 9: NIKKI KING - FLOYD CMB**
- REGION 10: J. KAREN ALLISON - TAZEWELL JDR**



Regional Representatives

Congratulations!



Certificates of Excellence

Alecia Lowe - *Chesapeake Juvenile & Domestic Relations District Court*

Jacy A. Wynne - *Washington Juvenile & Domestic Relations Court*

Shelane Thompson - *Harrisonburg/Rockingham General District Court*

Jessica Hall - *Botetourt Juvenile & Domestic Relations District Court*

Jessie Thomasson - *Botetourt Juvenile & Domestic Relations District Court*

Alyssa Smith - *Spotsylvania Juvenile & Domestic Relations District Court*

Mariah Jeffries - *Spotsylvania Juvenile & Domestic Relations District Court*

Jenn Dziok - *Spotsylvania General District Court*

Jenna Cancio - *Fauquier General District Court*

Tina Miller - *Fairfax County General District Court*

Robin Gardner - *Virginia Beach General District Court*

Mary Tressa - *Fredericksburg General District Court*

Nataly Campbell - *Fredericksburg General District Court*

Dana Page - *Danville Juvenile & Domestic Relations District Court*

Peggy Carroll - *Roanoke County General District Court*

Jennifer Hall - *Prince William Juvenile & Domestic Relations District Court*

Shanna Henry - *Warren Juvenile & Domestic Relations District Court*

Cecelia Garner - *Richmond City General District Court*

Kristie G. Daily - *Caroline Juvenile & Domestic Relations District Court*





Plaques and Resolutions

- Deputy Clerk of the Year
- Supervising Deputy Clerk of the Year
- Clerk of the Year
- Exceptional Leadership
- Resolutions for faithful and personal contributions to the Clerks Association.

***Congratulations to all
Award Recipients!***





Return at 1:30

**Encouragement
from the Bench**

Judge Williams & Judge Woolard
Roanoke Ballroom C,D

Association of Clerks
of the District Courts of Virginia





ENCOURAGEMENT FROM THE BENCH

JUDGE GINO WILLIAMS
& JUDGE GENE WOOLARD (*RET.*)

Association of Clerks
of the District Courts of Virginia

The Honorable Gino W. Williams is the Chief Judge of the 27th Judicial District. He earned a B.A in History from Virginia Tech in 1982 and a J.D. from the Marshall-Wythe School of Law, the College of William and Mary in 1986. He served as the Mayor of Floyd, Virginia from 1982 to 1991 and as the Commonwealth's Attorney for Floyd from 1993 to 2003. He was appointed to the bench in 2003. Judge Williams currently serves of the Virginia Commission on VASAP, as President of the Association of District Court Judges of Virginia, Inc., as a member of Vice-Chair of the Self-Represented Litigants sub-committee of the Commission on Access to Justice, and will begin a term as a member of the Judicial Inquiry and Review Commission on July 1, 2023. Judge Williams' wife, Vickie, is a ready specialist with Floyd County Public Schools. They have two children.

The Honorable Gene A. Woolard, General District Court of Virginia

Judge Woolard was appointed to the Virginia Beach General District Court in 2004 and he retired in 2020. He served as Chief Judge from 2008 until 2018. He is on the recall list of retired District Court Judges, resides in Henrico County and sits in multiple district courts. He graduated from Granby High School in Norfolk, Virginia, Old Dominion University (B.A. 1968) and Washington and Lee University School of Law (J.D. 1971). He attended the National District Attorneys College, the Nationwide Insurance Trial School and the National Judicial College. He served as Deputy Commonwealth's Attorney for the City of Norfolk, a criminal defense attorney, a plaintiff attorney and a defense attorney for Nationwide Insurance, in addition to the general practice of law. After leaving the private practice of law, he served as Deputy Commissioner of the Virginia Workers' Compensation Commission from 1998 until 2004. He has lectured at or been on panels of the VTLA, VADA, VACDL, Virginia CLE and the Judicial Conference. He is a past president of the Virginia Association of District Court Judges and present chairman of the District Court Benchbook Committee. While in law school, he was a sworn Virginia Beach Police Officer during the summer of 1970.

Judge Gino Williams & Judge Gene Woolard (Ret.)

Association of District Court
Judges of Virginia





BACK TO THE BASICS

RHONDA GARDNER

*JDR COURT SERVICES MANAGER
DEPARTMENT OF JUDICIAL SERVICES
OFFICE OF THE EXECUTIVE SECRETARY*

Association of Clerks
of the District Courts of Virginia

***Rhonda B. Gardner** served the Bedford Juvenile and Domestic Relations District Court as Clerk of Court from 1996 until 2004. During this time, she was a member of the Court Improvement Program's Advisory Board, served on the Clerk's Advisory Committee for the Committee on District Courts, and served as President of the District Court Clerks' Association. From 2007 through 2009, she served on the board of the Mid-Atlantic Association of Court Management. Her work with other court associations and organizations includes serving as faculty for the National Center for State Courts in teaching case flow management of dependency cases, strategic planning for courts, and other core court competencies, and as faculty for the Judicial Management Institute in case flow management for juvenile and domestic courts.*

She left the Clerk's office in 2004 to join the Department of Judicial Information Technology of the Supreme Court of Virginia as District Court Analyst. In October 2005, she accepted a court management analyst position in the Judicial Services Department and currently manages the JDR Team in Judicial Services. Rhonda is a graduate of Hollins College in Roanoke, and received her Masters in Criminal Justice, with a specialization in Judicial Administration from Michigan State University in 2011.

Rhonda Gardner

*JDR Court Services Manager
Department of Judicial Services
Office of the Executive
Secretary*





BACK TO BASICS
FOR DISTRICT COURTS

**What does
the
Judicial
Branch
workforce
look like
today?**

Judges

Clerks

Supervisors

Deputy Clerks

Total of **175** Combined
District Court Office
Positions

63 have
< 3 years
experience

Total of **257** District
Judge Positions

114 have
< 5 years
experience

Total of **936** General
District Court
Positions

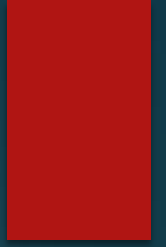
Total of **561**
Court Office Positions

**222 District
Positions are
currently
VACANT**

437 have

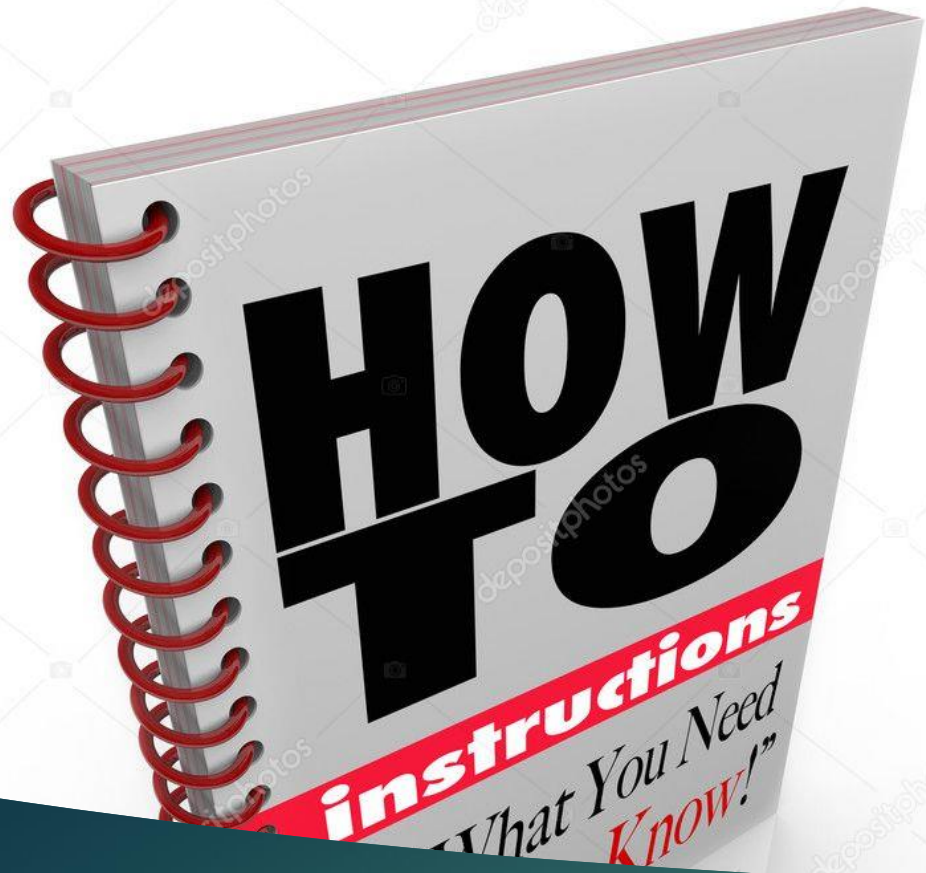
experience

Mission, Vision and Values





Recruitment, Onboarding and Employee Retention



Training



Caseflow and Docket Management

The background features a teal-toned clock face with large, dark teal numbers from 3 to 10. A fountain pen nib is positioned at the top, serving as the hour hand, pointing towards the 12 o'clock position. The minute hand is a dark teal line pointing towards the 5 o'clock position. A red vertical bar is located at the top right, and a purple triangle is at the bottom left. The text "Time Management" is centered in white.

Time Management



Association of Clerks
of the District Courts of Virginia

Return at 2:25

*Workshop Sessions (3)
(FTE=Full Time Employees)*

Workshop Group 1 (small)

2 to 6 FTE Courts

(This room)-Roanoke Ballroom C,D

Workshop Group 2 (medium)

7 to 14 FTE Courts

Roanoke Ballroom E-H

Workshop Group 3 (Large)

15+ FTE Courts

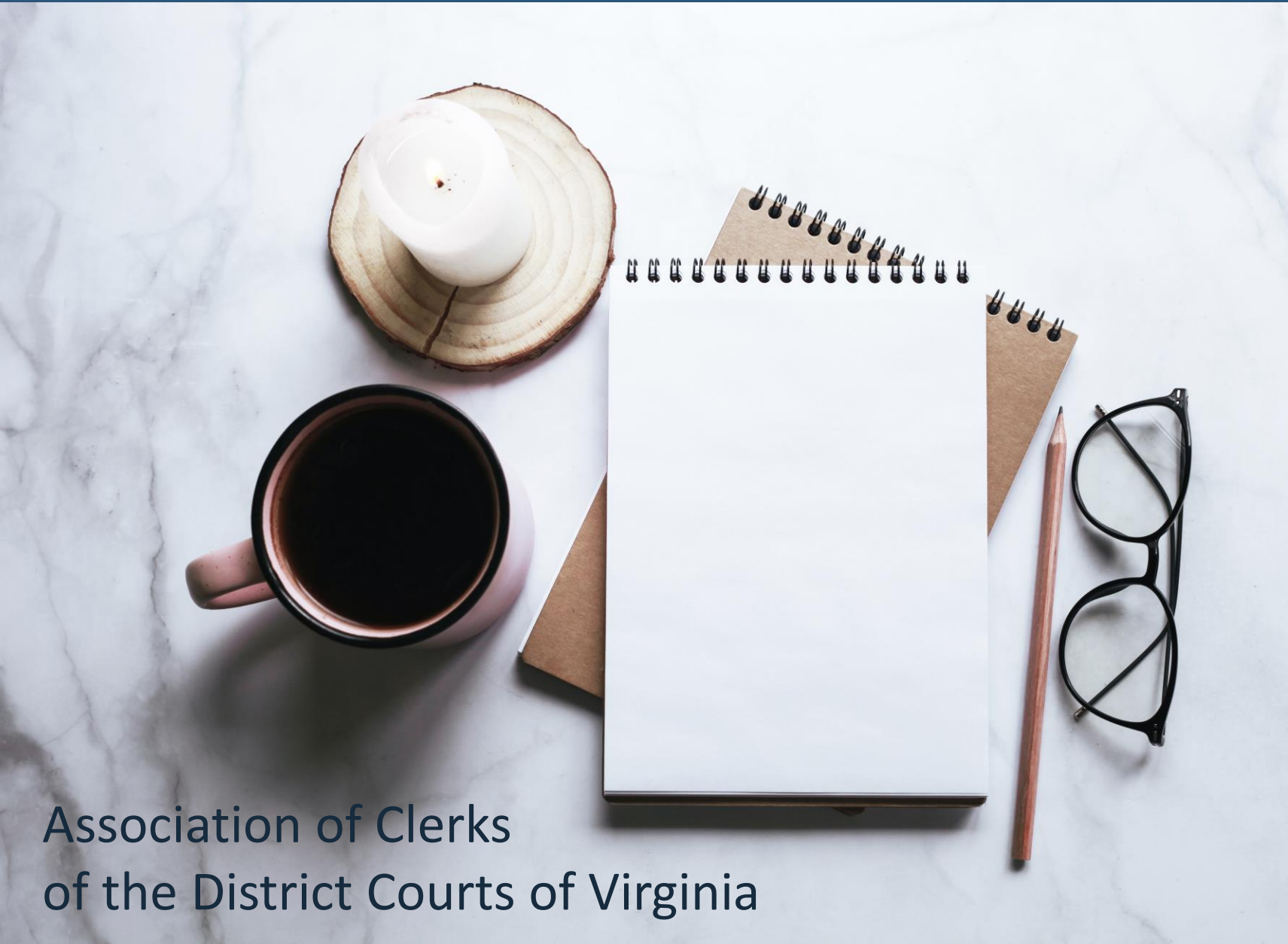
Crystal Ballroom A-C



WORKSHOPS

AS A GROUP, PREPARE SOLUTIONS TO
THE QUESTIONS AT YOUR TABLES

Association of Clerks
of the District Courts of Virginia



Association of Clerks
of the District Courts of Virginia

Return at 3:05

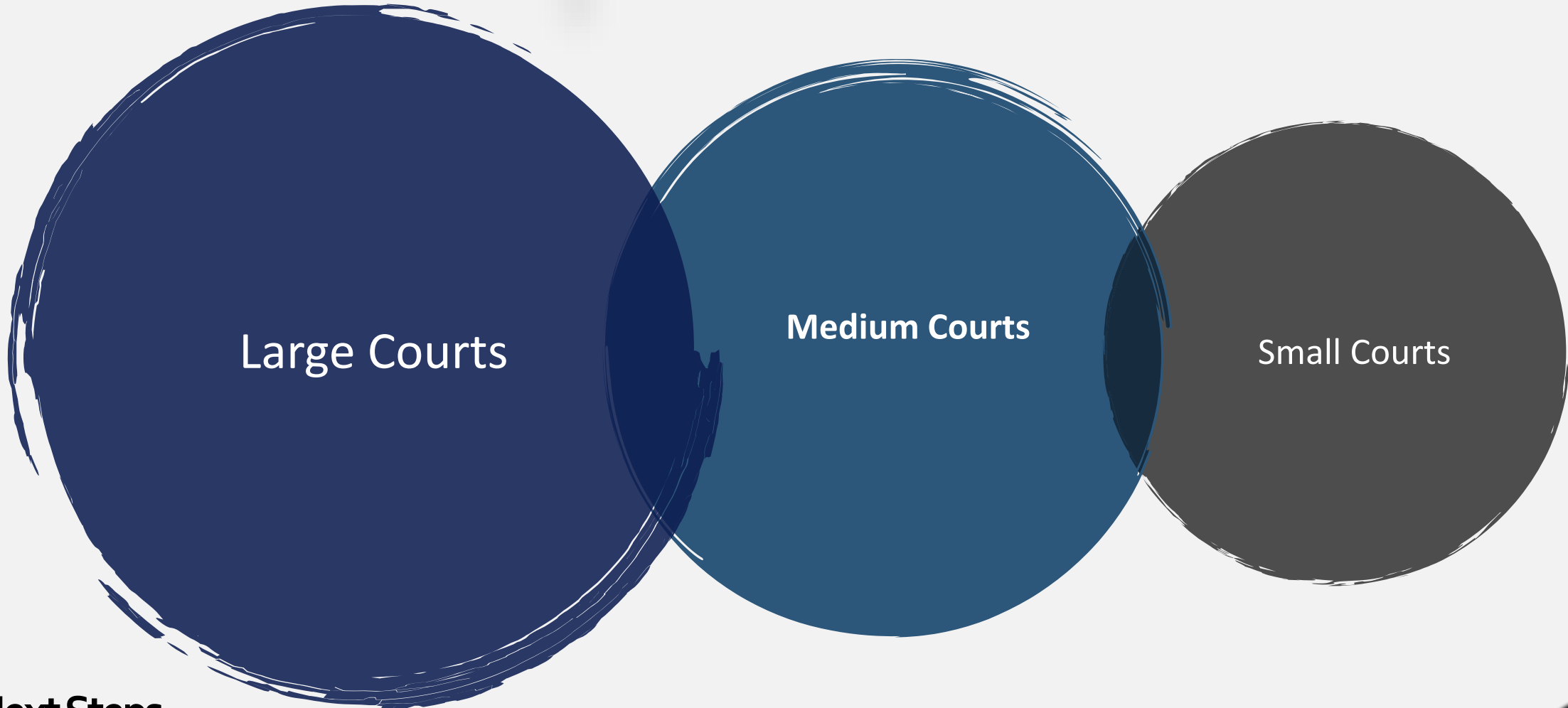
*Reconvene to report
findings from
Workshops*

Roanoke Ballroom C,D

***Next up..3:30 raffle
Must be present to win!***

Report your findings

Please report your top three solutions to your challenge questions.
Did your group note any significant takeaways?



Next Steps

Stay in contact with your sister courts and continue to network!





Association of Clerks
of the District Courts of Virginia

RAFFLE

CONGRATULATIONS TO THE
WINNERS AND THANK YOU FOR
SUPPORTING THE CLERKS
ASSOCIATION!

Safe travels!