

## Scheduling of Civil Cases by Telephone

If you plan to use this method of scheduling, please make sure you are eligible and you have read the requirements.

1. **Eligibility:** Telephone scheduling may only occur if all counsel consent to telephone scheduling. However, no counsel is required to consent to telephone scheduling. Any attorney of record in the case may call. An attorney appearing for another as a courtesy may be allowed under certain circumstances. An attorney must arrange a conference call with other counsel as needed. Only civil cases where all parties are represented by counsel may be scheduled by telephone. Cases where there are any self-represented (pro se) parties will not be scheduled by telephone. Motions *in limine* may not be scheduled by telephone twenty-one (21) days or fewer before trial. If trial is within twenty-one (21) days, any requests to schedule motions *in limine* must be heard by a judge. Example: For a trial scheduled for the 22<sup>nd</sup> of a month, telephone scheduling for a motion *in limine* would not be timely on the 1<sup>st</sup> of the month.

2. **Pleadings:** No written pleading or notice of telephone scheduling is required to be filed in order to participate in telephone scheduling. However, attorneys must comply with the notice requirements of Va. Sup. Ct. R. 4:15(b), including certifications “that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court action.” If counsel is requesting the scheduling of a specific motion or pleading, the motion or pleading must be filed and indexed by the Clerk’s Office. Please note, indexing by the Clerk’s Office is not immediate and so recently filed matters may not be eligible for telephone scheduling as a result. Counsel should be prepared to identify specific pleadings (by heading and/or date and time filed) to be scheduled to facilitate drafting of an Order that accurately reflects what is being scheduled.

3. **Representations:** The attorney placing the call must: identify the party he represents; the identity of all other counsel of record; the identity of any others participating or present for the call; an accurate description of the matter to be scheduled; that there are no unrepresented parties; that service of process has occurred on all defendants; that he has the consent of all counsel and their available dates; and that all counsel agree on the time estimate. If a trial date is sought, the attorney must represent that all outstanding demurrers and pleas in bar have been resolved. If the matter is to be briefed, the briefing schedule that is agreed should be set forth. The final brief should be filed no later than 10 days before the hearing. If disputes arise during a call, the telephone scheduling will not occur and the attorneys will be required to follow the normal procedures to schedule before a judge on a regular scheduling docket. Section 8.01-271.1 applies to any representations made by counsel in the telephone scheduling process.

4. **Telephone number:** (571) 258-3708. This number is only for telephone scheduling and calls will be answered in sequence of the call received.

5. **Time:** Attorneys may call on Tuesday and Thursday between the hours of 2 p.m. and 4 p.m. Calls at other times requesting telephone scheduling are **not** permitted.

6. **Order:** An order reflecting the results of the telephone scheduling and the representations made will be entered and sent without charge to all counsel of record by the Clerk. This is not a substitute for any notice that may be required to be given.