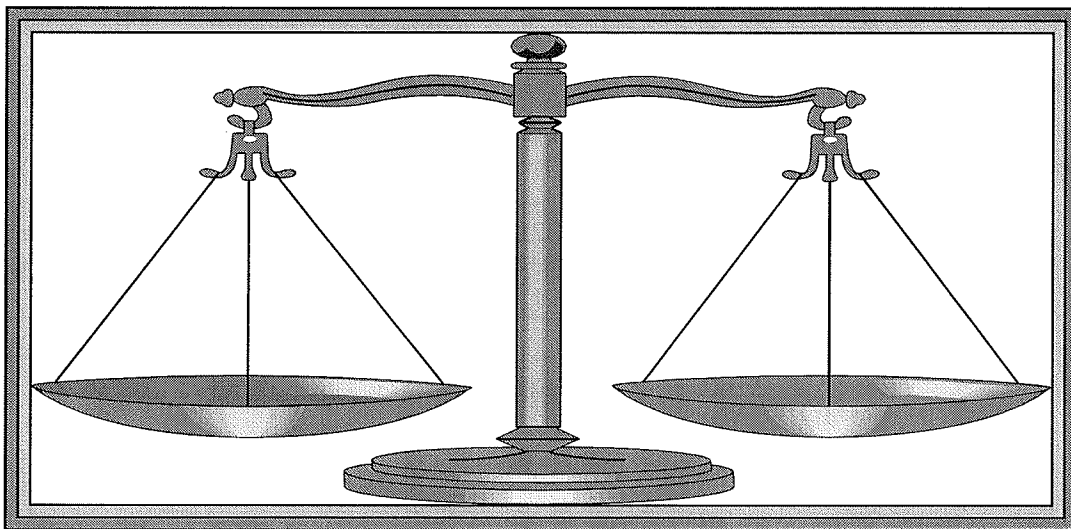


***UNITED STATES DISTRICT COURT***  
***For the Eastern District of Virginia***  
***Alexandria Division***

***Reference***  
***Handbook***



April 25, 2008

# UNITED STATES DISTRICT COURT

## For the Eastern District of Virginia

### Alexandria Division Reference Handbook

#### Overview

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##### Introduction

Welcome to the United States District Court for the Eastern District of Virginia. The Eastern District of Virginia consists of four divisions: Alexandria, Norfolk, Richmond, and Newport News. Discussed below are guidelines for practice in the Alexandria Division.

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This handbook contains the following topics:

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## General Information – Directory, Hours of Operation & Address

### Directory for the Alexandria Division Clerk’s Office

The following table is a directory for the Clerk’s Office in the Alexandria Division of the Eastern District of Virginia:

<b>Clerk’s Office</b>	<b>Telephone Number</b>
Fernando Galindo, Clerk of Court	(703) 299-2178
Laura Drewa, Chief Deputy	(703) 299-2183
Administrative	(703) 299-2107
Attorney Admission	(703) 299-2101
Civil	(703) 299-2101
Criminal	(703) 299-2102
Court Reporter Supervisor	(703) 299-2179
Financial	(703) 299-2105
Jury & Naturalization	(703) 299-2104
Motions	(703) 299-2103

### Directory for Alexandria Division Judges

The following table is a directory for the Judges in the Alexandria Division of the Eastern District of Virginia:

<b>Judge</b>	<b>Telephone Number</b>
Judge Leonie M. Brinkema	(703) 299-2116 FAX (703) 299-2238
Judge Gerald Bruce Lee	(703) 299-2117 FAX (703) 299-3339
Judge Liam O’Grady	(703) 299-2121 FAX (703) 299 - 3379
Senior Judge James C. Cacheris	(703) 299-2110 FAX (703) 299-2249
Senior Judge Claude M. Hilton	(703) 299-2112 FAX (703) 299-2233
Senior Judge T. S. Ellis, III	(703) 299-2114 FAX Unlisted

*Continued on next page*

# General Information – Directory, Hours of Operation & Address, Continued

## Directory for Alexandria Division Judges (continued)

Judge	Telephone Number
Magistrate Judge Barry R. Poretz	(703) 299-2119 FAX (703) 299-2219
Magistrate Judge T. Rawles Jones, Jr.	(703) 299-2122 FAX (703) 299-2223
Magistrate Judge Theresa Carroll Buchanan	(703) 299-2120 FAX (703) 299-2211
Magistrate Judge John F. Anderson	(703) 299-2118 FAX (703) 299-2215

## Directory for Official Court Reporters

The following table is a directory for the Official Court Reporters in the Alexandria Division of the Eastern District of Virginia:

Court Reporter	Telephone Number	Judge
Anneliese Thomson	(703) 299-8595	Brinkema
Renecia Wilson	(703) 549-5322	Lee
Norman Linnell	(703) 549-4626	O’Grady
Rhonda Montgomery	(703) 299-4599	Cacheris
Tracey Westfall	(703) 549-2080	Hilton
Michael Rodriquez	(703) 549-9887	Ellis

## Directory for Additional numbers

The following table is a directory for additional sections of the Court:

	Telephone Number
Library	(703) 299-3300
Court Security	(703) 837-5540

*Continued on next page*

## General Information – Directory, Hours of Operation & Address, Continued

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### Directory for Additional numbers (continued)

	<b>Telephone Number</b>
Pacer	(703) 299-2158 (800) 852-5186
U.S. Probation <ul style="list-style-type: none"><li>• Pretrial Unit</li><li>• Presentence Investigation and Supervision Units</li></ul>	(703) 299-2250 (703) 299-2300
U.S. Marshal	(703) 837-5500
Federal Public Defender	(703) 600-0800

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**Courthouse address** The address of the courthouse is 401 Courthouse Square, Alexandria, VA 22314-5798.

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**Clerk's Office hours of operation** The Clerk's Office hours of operation are 8:30 a.m. to 5:00 p.m., Monday through Friday. The courthouse, however, is open from 8:00 a.m. to 5:00 p.m.

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**EDVA website** The EDVA Internet website address is [www.vaed.uscourts.gov](http://www.vaed.uscourts.gov).

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**PACER website** The PACER Internet website address is [www.pacer.psc.uscourts.gov](http://www.pacer.psc.uscourts.gov).

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## General Information - Alexandria Weather Closure Policy

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### Alexandria Weather Closure Policy

The Alexandria Weather Closure Policy is as follows:

- The Alexandria Division, U.S. District Court, Eastern District of Virginia, adheres to the decision of the Office of Personnel Management (OPM) when OPM decides that weather conditions necessitate the closure of the federal government in the Washington, D.C. metro area.
  - The Alexandria Division does *not* adhere to any other weather-related office opening or personnel practice set by OPM. If OPM decides to take an action short of closure (e.g., a two-hour delayed opening), the court will open as usual at 8:30 a.m.
- 

### Public Announce- ments for Weather Emergencies

When there is a weather emergency and the Court is closed, every attempt will be made to place announcements on the following television stations:

- NBC-4, and
  - CBS-9.
- 

### Clerk's Office Contact Numbers

During a weather emergency, call the Clerk's Office Administrative Staff at (703) 299-2107 for voice messages about weather closure emergencies:

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## General Information - Directions to the Courthouse

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**From I-95**

Use the following directions when traveling from I-95 North/495 Beltway – East towards Baltimore:

Step	Action
1	Use Exit 176B (Telegraph Road- 241 North).
2	Make an immediate right from ramp on to Pershing Street.
3	Turn right on Stovall Street at the traffic light.
4	Go one block to traffic light and turn left onto Eisenhower Avenue (you will be driving east).
5	Continue past the Metro Station to Mill Road (There is a four-way stop at Mill Road and Eisenhower Avenue).
6	Turn left on Mill Road.
7	Turn right onto Jamieson Avenue at the light. The Courthouse will be on your right. <i>Note: Courthouse Square cannot be accessed directly by vehicular traffic due to security precautions.</i>

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**From Fairfax and points west**

To travel from Fairfax and points west, take the Beltway (495) East towards Alexandria and use the same directions as in the block above, “From I-95,” starting at Exit 176B.

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**From Old Town Alexandria**

Use the following directions when traveling from Old Town Alexandria:

Step	Action
1	Go west on Duke Street (Route 236).
2	Turn left on Dulany Street.
3	Turn right onto Jamieson (at the stop sign).
4	Proceed to Courthouse Square. <i>Note: Courthouse Square cannot be accessed directly by vehicular traffic due to security precautions.</i>

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*Continued on next page*

## General Information - Directions to the Courthouse, Continued

**From Route  
236 West (Duke  
Street)**

Use the following directions when traveling from Route 236 West (Duke Street):

Step	Action
1	Drive east toward Old Town Alexandria.
2	Turn right on Dulany Street (approximately one block past Callahan Drive).
3	Turn right onto Jamieson Avenue at the stop sign.
4	Proceed to Courthouse Square. <i>Note: Courthouse Square cannot be accessed directly by vehicular traffic due to security precautions.</i>

**From Metro  
Rail Points  
West**

Use the following directions when taking the Metro Rail from points west:

Step	Action
1	Take the Yellow Line to Eisenhower Avenue station.
2	Take a right when exiting the Eisenhower Avenue station and travel east for one block.
3	Turn left onto Mill Road.
4	Proceed another block.
5	Turn right onto Jamieson Avenue.
6	Continue walking on Jamieson Avenue.
7	Turn right onto Courthouse Square.

**From Metro  
Rail Points East**

Use the following directions when taking the Metro Rail from points east:

Step	Action
1	Take the Blue or Yellow Line to the King Street station.
2	Turn right on Diagonal Road to Duke Street when exiting the station.
3	Cross Duke Street to Dulany Street. <i>Note: Use the tunnel that goes under Duke Street if open.</i>
4	Follow Dulany to Jamieson Avenue.
5	Continue on Jamieson Avenue to the front of the courthouse.

## General Information – Public Parking Information

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**Parking options** The following are the public parking options available:

Timeframe	Options
Two hours or less	<ul style="list-style-type: none"> <li>• Use any of the options listed below under “More than two hours.”</li> <li>• Park on the street, but consider that public parking on the street is very limited.</li> </ul> <p><i>Note: Beware of the aggressive City of Alexandria parking enforcement, with \$35 tickets for those who overstay their two-hour welcome.</i></p>
More than two hours	<ul style="list-style-type: none"> <li>• Park in the Patent Trademark Office lot (West Parking Garage) located on Elizabeth Lane.</li> <li>• Park in the Colonial Parking garage/lot at 225 Reinekers Lane near the King Street Metro (\$9.00/day); or</li> <li>• Park in the InterPark garage at 1940 Duke Street (Monthly and daily parking available; garage entrance is located on Jamieson Avenue – (703) 838-0284).</li> </ul>

**Note:** If you do not wish to use any of the parking options listed above, you can do the following:

- Use Metro Rail and walk over to the courthouse from the King Street or Eisenhower Avenue stop;
  - Take the AT7 Alexandria DASH bus, which comes down Eisenhower Avenue from Landmark Mall and terminates at the King Street Metro;
  - Take a taxi; or
  - Have someone drop you off and pick you up.
-

## General Information – Restaurants & Hotels

**Restaurants  
within walking  
distance**

The following are some of the restaurants within walking distance of the courthouse:

<b>Restaurant</b>	<b>Type</b>	<b>Location</b>
Bread & Chocolate	Bakery/Deli	Eisenhower Avenue across from the Hoffman Theaters Building.
Courthouse Deli	Deli	Located in the courthouse on the second floor.
Carlisle Deli	Deli	Jamieson Avenue in the Carlisle Building.
Holiday Inn – Alexandria – Telegraph Rd	American	Eisenhower Avenue near the Eisenhower Metro Station across the street from Hoffman Building I.
San Antonio Grill	Tex-Mex	Eisenhower Avenue in Hoffman Theaters Building
Joe Theisman's	American	Across Duke Street from Dulany on Diagonal Road.
LaPorta	Italian	Duke Street – one block east from Dulany Street.
Old Town Café	Deli	Located in the office building at the intersection of Elizabeth Lane and Eisenhower Avenue.
Ruby Tuesdays	American	Eisenhower Avenue in Hoffman Theaters Building
Subway	Deli	Duke Street – two blocks east of Dulaney.
Table Talk	American	Duke Street – three blocks east from Dulany Street at the intersection of Duke and Holland Lane.
Trademark Grill	American	Weston Hotel across from the courthouse on Courthouse Square.

*Continued on next page*

## General Information – Restaurants & Hotels, Continued

**Restaurants –  
within 10  
minute drive**

The following are some of the restaurants within easy driving distance of the courthouse:

<b>Restaurant</b>	<b>Type</b>	<b>Location</b>
Baja Fresh	Mexican	Duke Street at Alexandria Commons located approximately 1.5 miles west of the courthouse.
Generous Georges'	Pizza/Pasta	Duke Street West before Alexandria Commons.
Lone Star	Steakhouse	Duke Street at Alexandria Commons located approximately 1.5 miles west of the courthouse.
Panera	Bakery/Deli	Duke Street at Alexandria Commons located approximately 1.5 miles west of the courthouse.
Oriental Star	Chinese	Duke Street at Alexandria Commons located approximately 1.5 miles west of the courthouse.
McDonald's		Duke Street a couple of blocks west from Alexandria Commons.
Wendy's		Duke Street across from Alexandria Commons.

**Hotels**

The following are hotels near the courthouse:

<b>Hotel</b>	<b>Location</b>
The Westin Alexandria	400 Courthouse Square (703) 253-8600
Embassy Suites Hotel Alexandria-Old Town	1900 Diagonal Road (703) 684-5900
Hilton Alexandria-Old Town	1767 King Street (703) 837-0440
Holiday Inn Alexandria-Telegraph Road	2460 Eisenhower Avenue (703) 960-3400
Courtyard Alexandria	2700 Eisenhower Avenue (703) 329-6853
Residence Inn by Marriott Alexandria Old Town	1456 Duke Street (703) 548-5474

## General Information – Clerk’s Office Fees

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### Fee payment methods

All fees may be paid by the following methods:

- Cash, in the exact amount (no change given),
- Check,
- Money order, or
- All major credit cards.

Checks and money orders should be made payable to “Clerk, US District Court.”

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### Attorney Admission Fees

The following chart shows attorney admissions fees:

<b>Admission Fees</b>	<b>Fee Amount</b>
Admission to the bar of the court.	\$150.00
Duplicate Certificate of Admission	\$15.00
Certificate of Good Standing	\$15.00
Pro Hac Vice Admission	\$50.00

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### Filing Fees

The following chart shows filing fees:

<b>Filing Fees</b>	<b>Fee Amount</b>
Civil Lawsuit	\$350.00
Notice of Removal	\$350.00
Habeas Corpus	\$5.00
Appeal from Magistrate Judge Ruling	\$32.00
Miscellaneous Lawsuit (Includes any papers in a case that is not our own – Foreign Depositions, Foreign Judgments, Power of Attorney, Letters Rogatory, Petition to Perpetuate Testimony, Paper by Trustee	\$39.00

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*Continued on next page*

## General Information – Clerk’s Office Fees, Continued

**Appeal Fees** The following chart shows appeal filing fees:

<b>Appeal Fees</b>	<b>Fee Amount</b>
Notice of Appeal	\$5.00
4 <sup>th</sup> Circuit Docketing Fee	\$450.00

**Witness Fees** The following chart shows witness fees:

<b>Witness Fees</b>	<b>Fee Amount</b>
Appearance	\$40.00
Mileage/per mile Automobile	0.505

**Other Fees** The following chart shows fees not mentioned above:

<b>Other Fees</b>	<b>Fee Amount</b>
Certificate of Search	\$26.00
Foreign Judgment Registration	\$39.00
Certificate of Judgment	\$9.00
Abstract of Judgment	\$9.00
Certification	\$9.00
Copy Work, Including Opinions per page	\$0.50
Triple Seal	\$18.00
Comparing Paper with Original for Certification per page	\$2.00
Returned Check	\$45.00
Retrieval of Record from Federal Records Center	\$45.00

# General Information – Admission to the Eastern District of Virginia

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**Introduction** The following information covers local practices, found in Local Rule 83.1, concerning admission to the bar of the Eastern District of Virginia and concerning foreign attorneys.

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**Admission eligibility** To be eligible for admission to the bar of the Court for the Eastern District of Virginia, you must be:

- A member of the bar, in good standing, in the Supreme Court of Virginia and
- A member of the Virginia State Bar. (Note: Member’s state bar number must be placed on pleadings.)

---

**Admission requirements** To be admitted to the bar of the Court for the Eastern District of Virginia, you must:

- Fill out the admission form completely.
- Have two attorneys, who are members of the bar of this Court, sign the admission form.
- Pay \$150.00 fee.
- Pay an additional \$15.00 fee if requesting a “Certificate of Good Standing” as well as admission. (See page 17.)
- Have a member of the bar of the Court move your admission in open court, any day that court is in session.

---

**Obtaining an admission form** You can obtain an admission form from either of the following two places:

- Internet site at [www.vaed.uscourts.gov](http://www.vaed.uscourts.gov) or
- The Clerk’s Office.

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*Continued on next page*

# General Information – Admission to the Eastern District of Virginia, Continued

**Admission process**

Take the following steps to process your admission:

Step	Action
1	Obtain an admission form from the Internet site or the Clerk’s Office. (See page 15.)
2	Fill out the form and have it notarized and signed by two attorneys who are admitted to the bar of this Court.
3	<p>Bring to the Clerk’s Office the completed admission form, \$150.00 fee, and your sponsor (an attorney admitted in this district to move your admission in open court) any day that court is in session.</p> <p><i>Note: Court is in session every Friday for motions. The criminal motions docket starts at 9:00 a.m., and the civil motions docket starts at 10:00 a.m. If you would like to be moved in on another day, just call the Clerk’s Office at (703) 299-2101 for a viable alternative date.</i></p>
4	<p>Go to the courtroom and give the admission form to the courtroom deputy.</p> <p><i>Note: You will be admitted when uncontested motions are called. The courtroom deputy will return the admission form to you.</i></p>
5	<p>Go to the Clerk’s Office, once you have been admitted, to give the admission form to the clerk, and collect your certificate of admission.</p> <p><i>Note: Congratulations! You are now a member of the bar of the court for the Eastern District of Virginia.</i></p>

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## General Information – Admission to the Eastern District of Virginia, Continued

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### Receiving a Certificate of Good Standing

You must already be a member in good standing of the bar of the Eastern District of Virginia to receive a “Certificate of Good Standing.” Request the clerk to issue a certificate of good standing in writing.

Provide the clerk with the following:

- Full name,
  - Date of admission to the EDVA, if known,
  - Virginia bar number, and
  - Payment of \$15.00 fee.
- 

### Pro hac vice admission requirements

To be admitted pro hac vice, you must:

- Fill out the pro hac vice admission form completely.
  - Pay \$50.00 fee.
  - Show government identification to the clerk, if you are government attorney, before the clerk can waive the filing fee.
  - Have local counsel appear in court each and every time you, as an admitted pro hac vice attorney, appear in court.
  - Have local counsel sign all pleadings.
- 

### Withdrawing appearance

After an attorney has made an appearance in a case or an attorney has been appointed by the Court, appearance cannot be withdrawn without leave of Court.

The exceptions are:

- Substitution of attorneys in the same law firm or substitution of attorneys within the Federal Public Defender’s Office (Counsel files a *Notice of Substitution of Counsel*).
- Defendant has a court appointed attorney or a federal public defender, and then retains counsel (Retained counsel files a *Notice of Appearance*).

*Note:* Court appointed attorneys **MUST** have leave of court to withdraw from a case and may not automatically substitute counsel from within their firm.

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## General Information – Motions Practice

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**Days and times for motions hearings**

Motions hearings are held at the following days and times:

- Criminal motions are held on Fridays at 9:00 a.m.
  - Civil motions are held on Fridays at 10:00 a.m.
- 

**How motions hearings are set**

The following table shows how civil and criminal motions hearings are set:

Case Type	Process for Setting a Hearing
Civil	<p>To set a civil motion for a hearing, you need to do the following:</p> <ul style="list-style-type: none"> <li>• File a “Notice of Hearing” with your motion, setting the motion for a Friday at 10:00 a.m.</li> <li>• File the motion and notice of hearing according to the following deadlines:               <ul style="list-style-type: none"> <li>➤ Non-dispositive motions must be filed by 5:00 p.m. Friday for the following Friday’s hearings.</li> <li>➤ Dispositive motions must be filed and noticed for a Friday after the 11-day response deadline expires.</li> </ul> </li> </ul>
Criminal	<ul style="list-style-type: none"> <li>• In felony criminal cases, the hearing date for motions is set at the arraignment. If it is necessary to have a motion heard prior to or after the set hearing date, file the motion and a notice of hearing setting the oral argument for a Friday at 9:00 a.m.</li> <li>• In criminal cases that are scheduled before a US Magistrate Judge, the motions are heard on the trial date. If it becomes necessary to have a motion heard prior to or after the trial date, call the duty magistrate judge or the magistrate judge that heard the case for a hearing date.</li> </ul>

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**Waiver of oral argument**

Oral argument may be waived, but the waiver must be in writing and upon agreement of the parties.

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**Agreed motions procedure**

Motions that are agreed to do not need to be noticed for a hearing. Simply submit an agreed order to the Clerk’s Office for submission to the judge.

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*Continued on next page*

## General Information – Motions Practice, Continued

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### **Pleadings related to motions**

Use the following practices when filing pleadings relating to motions in cases filed before March 26, 2007:

- File an original and one copy of
  - Responses to Motions,
  - Oppositions to Motions,
  - Responses to Oppositions to Motions, and
  - Replies to Responses to Oppositions to Motions.
- File these documents no later than the Wednesday prior to the Friday hearing.

*Note:* Visit the EDVA website at [www.vaed.uscourts.gov](http://www.vaed.uscourts.gov) to view courtesy copy information for cases filed after March 26, 2007.

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## General Information – Jury Information

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**Proposed Jury Instructions & Proposed Voir Dire**

- Proposed jury instructions (original and one) and proposed voir dire (original and one) are due five days prior to trial for cases filed before March 26, 2007.
  - Proposed jury instructions and proposed voir dire are to be electronically filed by counsel for cases filed after March 26, 2007.
- 

**Juror information**

Juror information is released to the attorneys of record (who must show photo id). Employees of the attorneys of record must present a letter to the clerk (on firm letterhead) authorizing receipt of the juror information. Employees must also present a photo id before receiving juror information. The following chart shows when juror information is available to you:

<b>Type of Information:</b>	<b>When Available to You:</b>
<ul style="list-style-type: none"> <li>• Juror List (names only)</li> <li>• Juror Bio List</li> </ul>	Three business days before trial.
<ul style="list-style-type: none"> <li>• Capital Case Jury Lists (names only)</li> <li>• Capital Case Bio List</li> </ul>	Five business days before trial.

*Note:* Prior to coming to the Court, you may want to call the Clerk’s Office at (703) 299-2104 to determine the availability of the juror information.

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## General Information – Special Accommodations for Trial

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### **Evidence presentation systems**

The Eastern District of Virginia Alexandria Division has evidence presentation systems available for use in trials. These systems enable attorneys to present a piece of evidence simultaneously to everyone in the courtroom through a network of video monitors.

The systems allow attorneys to:

- Show documents, videos, and images stored electronically on laptops.
- Magnify portions of a document or a small piece of physical evidence.
- Present animations and graphics directly from their laptops.

Alexandria has one mobile evidence system and five permanent systems installed in Courtrooms 601, 700, 801, 900, and 1000.

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### **Approval needed**

To use one of the evidence systems, you will need to do the following:

- Receive approval from the presiding judge at least one week before you intend to use the system. Contact the judge's courtroom deputy and/or secretary to obtain this approval.
  - Contact the Court Technology Administrator at (703) 299-2148 to make arrangements. The systems are available on a first-come, first-served basis. The systems are run by the attorneys, not court staff, so orientation prior to use is strongly encouraged.
- 

### **Other special equipment available**

The following chart lists other special equipment available to you for use for trials:

- TV/VCR,
- Easel, or
- X-Ray Viewing Machines

Call Clerk's Office staff at (703) 299-2101 for a civil trial and at (703) 299-2102 for a criminal trial to arrange to use this equipment.

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*Continued on next page*

## General Information – Special Accommodations for Trial, Continued

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### Physical exhibits and laptop computers

You need approval from the trial judge to bring laptop computers or any physical exhibits to court, such as large pieces of equipment or machinery.

The following chart describes steps to take to bring laptops or physical exhibits to court:

Step	Action
1	Seek approval from trial judge to bring or laptop computers or physical exhibits to court.
2	Notify the Clerk's Office that approval has been granted.
3	Contact the Court Security Officers (CSOs) to arrange access to the courthouse and courtroom.

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## General Information – Ordering Transcripts

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**Ordering a transcript of a hearing held before a District Judge**

All transcript orders must be placed directly with each court reporter for every hearing date you wish to order. Transcript orders are **not** placed with the Clerk’s Office or judges’ chambers.

The following chart shows the official court reporters for the judges in the Alexandria Division:

<b>Judge</b>	<b>Court Reporter</b>
Judge Leonie M. Brinkema	Anneliese Thomson – 5 <sup>th</sup> Floor (703) 299-8595
Judge Gerald Bruce Lee	Renecia A. Wilson – 5 <sup>th</sup> Floor (703) 549-5322
Judge Liam O’Grady	Norman B. Linnell – 8 <sup>th</sup> Floor (703) 549-4626
Senior Judge James C. Cacheris	Rhonda Montgomery – 10 <sup>th</sup> Floor (703) 299-4599
Senior Judge Claude M. Hilton	Tracy Westfall – 8 <sup>th</sup> Floor (703) 549-2080
Judge T. S. Ellis, III	Michael A. Rodriquez – 7 <sup>th</sup> Floor (703) 549-9887

---

**Daily/hourly transcripts**

Requests for daily/hourly transcripts should be made, at least one week prior to the trial date, to the presiding judge’s official court reporter.

---

**Payment for transcript of a District Judge Hearing**

The official court reporter(s) may or may not require a deposit before producing the requested transcript.

When you are ready to place an order, you should call the official court reporter(s) to:

- Get a page estimate,
  - Make financial arrangements, and
  - Determine delivery or pick-up procedures.
- 

*Continued on next page*

## General Information – Ordering Transcripts, Continued

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**Ordering a transcript of a hearing held before a Magistrate Judge**

Hearings held before a U.S. Magistrate Judge are recorded (by a courtroom deputy) using digital audio sound recording equipment called *For The Record Gold (FTR)*.

Contact an official court reporter listed on the previous page to order a transcript. If you are not having a transcript prepared but would like to purchase a cd-rom recording of the hearing, please contact the Clerk's Office at (703) 299-2102.

---

**Ordering transcripts under the Criminal Justice Act**

To order a transcript under the Criminal Justice Act, submit the completed CJA 24 form to the Clerk's Office for processing.

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## General Information – Jurisdictional Counties and Cities

**Counties &  
Cities in the  
Eastern District**

The following chart contains counties and cities in the Eastern District of Virginia by divisional office:

<b>Division</b>	<b>Counties</b>	<b>Cities</b>
Alexandria	Arlington Fairfax Fauquier Loudoun Prince William Stafford	Alexandria Falls Church Fairfax Manassas Manassas Park Town of Vienna
Newport News	Gloucester York	Hampton James Newport News Williamsburg
Norfolk	Accomac Isle of Wight Northampton Southampton	Cape Charles Chesapeake Franklin Norfolk Poquoson Portsmouth Suffolk Virginia Beach

*Continued on next page*

**General Information – Jurisdictional Counties and Cities,**  
Continued

**Counties & Cities in the Eastern District (continued)**

<b>Division</b>	<b>Counties</b>	<b>Cities</b>
Richmond	Amelia Brunswick Caroline Charles City Chesterfield Dinwiddie Essex Goochland Greensville Hanover Henrico King and Queen King George King William Lancaster Lunenburg Mecklenburg Middlesex New Kent Northumberland Nottoway Powhatan Prince Edward Prince George Richmond Spotsylvania Surry Sussex Westmoreland	Colonial Heights Emporia Fredericksburg Hopewell Petersburg Richmond

*Continued on next page*

## General Information – Jurisdictional Counties and Cities, Continued

### Counties & Cities in the Western District

The following chart contains counties and cities in the Western District of Virginia by divisional office:

<b>Division</b>	<b>Counties</b>	<b>Cities</b>
Abingdon	Buchanan Russell Smyth Tazewell Washington	Bristol
Big Stone Gap	Dickenson Lee Scott Wise	Norton
Charlottesville	Albemarle Culpeper Fluvanna Greene Louisa Madison Nelson Orange Rappahannock	Charlottesville
Danville	Charlotte Halifax Henry Patrick Pittsylvania	Danville Martinsville South Boston
Harrisonburg	Augusta Bath Clarke Frederick Highland Page Rockingham Shenandoah Warren	Harrisonburg Staunton Waynesboro Winchester

*Continued on next page*

**General Information – Jurisdictional Counties and Cities,**  
Continued

**Counties & Cities in the Western District (continued)**

<b>Division</b>	<b>Counties</b>	<b>Cities</b>
Lynchburg	Amherst Appomattox Bedford Buckingham Campbell Cumberland Rockbridge	Bedford Buena Vista Lexington Lynchburg
Roanoke	Alleghany Bland Botetourt Carroll Craig Floyd Giles Grayson Montgomery Pulaski Roanoke Wythe	Clifton Forge Covington Franklin Galax Radford Roanoke Salem

## General Information – Web Pacer

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**Web PACER Service**

Web PACER is an Internet service that allows you to use your computer to retrieve electronic case summaries and docket sheet information.

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**Searching**

You can search for a case by participant name, case number, or filing date. Once you find the case you want, you can have the docket sheet information transmitted to you and print it from your own computer.

---

**Tracking**

You can also use PACER to help you do the following:

- Track the progress of a case,
  - Update your files with the latest docket entry summaries, and
  - Determine whether the docket sheet has been updated.
- 

**Availability**

The PACER system is available days, nights, and weekends. To use PACER, you must:

- Have the necessary technology,
- Pay the associated costs, and
- Register.

See below for further details.

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**Necessary Technology**

Following is the necessary technology you will need to use PACER:

- A computer and printer (for hardcopy),
  - Internet Access, and
  - Javascript enabled web browser.
- 

**Cost**

The cost for the service is \$0.08 a page for docket sheets, and access will be billed on a quarterly basis.

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*Continued on next page*

## General Information – Web Pacer, Continued

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### Registering

If you would like to register to use PACER, please contact the PACER Service Center:

- On the web at <http://pacer.uscourts.gov>,
  - Outside the San Antonio area, at 1-800-676-6856.
-

# Civil – Requirements for Filing a New Complaint or Removal

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**Documents needed**

Bring the following documents to the Clerk’s Office when filing a new complaint:

- Civil Cover Sheet,
  - \$350.00 filing fee or application to proceed in forma pauperis, and
  - Original complaint and one copy for each defendant for service.
- 

**Withholding service**

To withhold service of process of the summons and complaint or third-party summons and complaint, you must first obtain leave of court pursuant to Local Rule 4(B).

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**Examples of service with summons**

The following chart shows several examples of service and what you need to bring to the Clerk’s Office to effectuate the service packages:

Type of Service	Bring to the Clerk’s Office ...
Personal (i.e., process server)	Three Summons forms for each defendant being served by personal service.
Secretary of the Commonwealth	<ul style="list-style-type: none"> <li>• Two Summons forms for each defendant being served by the Secretary of the Commonwealth.</li> <li>• A copy of the affidavit of the last known address of the defendant. (Note: The original affidavit is given to the Secretary of the Commonwealth.)</li> </ul>
State Corporation Commission	<ul style="list-style-type: none"> <li>• Three Summons forms for each defendant being served by the State Corporation Commission.</li> <li>• Two copies of the complaint for each defendant.</li> </ul>
Division of Motor Vehicles	<ul style="list-style-type: none"> <li>• Two summons forms for each defendant being served by the Division of Motor Vehicles.</li> <li>• Two copies of the complaint for each defendant.</li> </ul>

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*Continued on next page*

# Civil – Requirements for Filing a New Complaint or Removal, Continued

**Mail Service** When serving a complaint by mail pursuant to FRCP 4, do the following:

- Do not use the Summons forms.
- Use the “Notice of Lawsuit” and “Waiver of Service of Summons.”
- Attach one Notice of Lawsuit form and two Waiver of Service of Summons forms for each defendant being served by mail.
- Send a copy of the Notice of Lawsuit form to the Clerk’s Office once you mail the service package to each defendant.
- Send the original signed Waiver of Service of Summons to the Clerk’s Office once the defendant returns the Waiver form to the plaintiff’s counsel.

*Note:* For mail service upon a U.S. Government Agency, use the Summons forms.

**Service upon a US Government Agency** When suing an agency of the United States of America, you must also serve the United States Attorney for the Eastern District of Virginia and the United States Attorney General with a summons and complaint.

The following chart shows what you should bring to the Clerk’s Office for service packages for a US government defendant:

Type of Service	Bring to the Clerk’s Office ...
Personal Service (i.e., process server)	Three Summons forms for: <ul style="list-style-type: none"> <li>• Named governmental defendant,</li> <li>• US Attorney for EDVA, and</li> <li>• US Attorney General.</li> </ul>
Mail Service	Two Summons forms for: <ul style="list-style-type: none"> <li>• Named governmental defendant,</li> <li>• US Attorney for EDVA, and</li> <li>• US Attorney General.</li> </ul>

*Continued on next page*

## **Civil – Requirements for Filing a New Complaint or Removal,** Continued

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### **Filing a Notice of Removal**

Please bring the following to the Clerk’s Office when filing a Notice of Removal:

- Civil Cover Sheet,
  - \$350.00 filing fee or application to proceed in forma pauperis, and
  - Original Notice of Removal, together with a copy of all the state court pleadings.
-

## Civil – Emergency TRO, Preliminary Injunction, or Prejudgment Attachment Motions

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### Notification of emergency motion

When filing an emergency TRO, Preliminary Injunction or Prejudgment Attachment motion, notify the intake clerk that the motion is an emergency. If the motion is not an emergency, please follow regular motions noticing procedure (See page 17 of this document.)

---

### Processing emergency motions

If you file the emergency motion at the time of filing a new lawsuit, the clerk will process the complaint and then call the assigned judge to review the documents. The judge will decide when the motion will be heard.

***Important:*** Please be prepared to tell the judge whether the defendants have been notified of the motion filing.

---

### Filing a pre-judgment attachment

To file a prejudgment attachment motion, do the following:

- Submit a proposed order and writ of attachment along with the motion for pre-judgment attachment.
- Contact the U.S. Marshals Service at (703) 837-5500 for any seizing of property.

***Note:*** The U.S. Marshals Service requires the posting of a bond before seizing any property. Contact the U.S. Marshals Service for more information.

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## Civil – Patent Case Infringement Processing

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**Assignment of patent infringement cases**

Patent Infringement cases are assigned to district judges across the district on a rotational basis, regardless of the division of origin.

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**Processing of patent infringement cases**

When a patent infringement case is filed in the Alexandria Division, the intake clerk assigns a district judge prior to processing the complaint. The case could be assigned to a judge in the Norfolk or Richmond Divisions as well as the Alexandria Division. The case is then filed, a case number is assigned, and you are notified at the counter to which division the case has been assigned.

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**Exception to patent infringement case rotation**

The only exception to the district rotation assignment of a patent infringement case is a patent infringement case removed from a state court. A removed patent infringement case stays in the division in which it is filed, pursuant to statute.

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## Civil – Financial Disclosure

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**Required financial disclosure**

Pursuant to Local Rule 7.1, nongovernmental corporations, partnerships, trusts, other similar entities that are a party to, or that appear in, an action or proceeding in this court shall file the following:

- A financial disclosure statement that:
    - Identifies all its parent, subsidiary, or affiliate entities (corporate or otherwise) that have issued stock or debt securities to the public and that also identifies any publicly held entity (corporate or otherwise) that owns 10% or more of its stock, or
    - States that there is nothing to report under Rule 7.1(A)(1)(a); and
  - A supplemental statement concerning such additional information as may be from time to time required by the Judicial Conference of the United States or this Court.
- 

**Time for filing**

Financial disclosure forms shall be filed upon the party's first appearance, pleading, petition, motion, response, or other request addressed to the Court.

A supplemental statement or form shall be filed promptly upon any change in the circumstances that Local Civil Rule 7.1(A) requires the party to identify.

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**Obtaining the form**

You may obtain the financial disclosure form from either the Internet site at [www.vaed.uscourts.gov](http://www.vaed.uscourts.gov) or from the Clerk's Office.

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## Civil – Pretrial Procedures

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### **Pretrial Procedures**

Once all parties have made an appearance in a case, a pretrial order will issue. The pretrial order will set discovery, initial pretrial conference, and final pretrial conference deadlines.

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### **Initial Pretrial**

Initial pretrial conferences are held every Wednesday before a U.S. Magistrate Judge. Proposed discovery plans are to be filed by the parties no later than the Friday before the initial pretrial conference. Counsel should confer with clients prior to the initial pretrial conference and be prepared to respond to the judge regarding consent to jurisdiction by a U.S. Magistrate Judge for trial and entry of final judgment or possibility of settlement.

---

### **Final Pretrial**

Final pretrial conferences are held on the third Thursday of every month before a U.S. District Judge. The parties must electronically file, on or before the final pretrial conference, the Rule 26(a)(3) disclosures, a list of the exhibits to be used at trial, a list of the witnesses to be called at trial, and a written stipulation of uncontested facts.

A copy of the exhibits should be exchanged with opposing counsel before the final pretrial conference.

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### **Exhibits filing**

Original exhibits are to be:

- Labeled consistently with the exhibit list,
  - Bound,
  - Tabbed, and
  - Filed one business day before trial.
-

## Civil – Subpoena Requirements

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**Subpoena issuance** Pursuant to EDVA Local Rule 45, “Attorneys of record in an action, or associates in firms of record, as officers of the Court, shall issue all subpoenas in the action as authorized by FRCP 45(a)(3).”

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**Deadlines for serving subpoenas** Subpoenas for hearing or for trial shall be served not later than fourteen days before the date of the hearing or trial, except as otherwise ordered by the Court for good cause shown.

Subpoenas compelling attendance at a deposition shall be served not later than eleven days before the date of the deposition, except as otherwise ordered by the Court for good cause shown.

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**Foreign subpoenas** Foreign subpoenas are subpoenas issued in the Eastern District of Virginia’s jurisdiction for a case pending in another federal court. As officers of the court, attorneys may issue their own foreign subpoenas.

When subpoenaing someone in the Eastern District of Virginia’s jurisdiction, be sure that the heading on the subpoena indicates the Eastern District of Virginia. The foreign case number should appear on the subpoena, and the foreign court name should appear directly under the case number.

---

**Motions to quash or compel foreign subpoenas** Motions to quash or compel foreign subpoenas are considered miscellaneous actions. The cost for filing such actions is \$39.00.

Documents needed for filing are as follows:

- Civil Cover Sheet,
  - Motion,
  - Memorandum in Support,
  - Notice of Motion for Hearing (returnable on a Friday at 10:00),
  - Copy of subpoena, and
  - Certificate of Service.
-

## Civil – Sealed Filings

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**Introduction** In March 2004, the Court amended its civil rule concerning motions to seal, providing more public disclosure of these motions. The full text of the rule – Local Civil Rule 5 – is on the Court’s web site: [www.vaed.uscourts.gov/rules/pdf\\_format.htm](http://www.vaed.uscourts.gov/rules/pdf_format.htm).

---

**Requirement for filing under seal** Motions to seal a particular document in a civil case or an entire civil case must be accompanied by a public memorandum in support that describes:

- What is to be sealed.
- Why sealing is necessary and why another procedure short of sealing (such as redacting portions of the document) will not suffice.
- What governing case law applies.
- How long the moving party wants the document to be sealed.

*Note:* If a document or case is sealed pursuant to a statute or court order, then you do not need to file a motion to seal. Mark the document as described below.

---

**Marking of sealed documents** An Under Seal document must be clearly marked “**UNDER SEAL**” on the face of the document.

The chart below gives examples of the proper markings for under seal documents:

<b>If the document is sealed pursuant to ...</b>	<b>Then include ...</b>	<b>Example</b>
A governing statute	The statute on the face of the document.	UNDER SEAL Pursuant to 31 USC 3730
An order	The words “Pursuant to Order of (date of order)” on the face of the document	UNDER SEAL Pursuant to Protective Order of 5/4/04

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*Continued on next page*

## Civil – Sealed Filings, Continued

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### Container requirement

All under seal pleadings must be in an envelope or other sealed container marked “**UNDER SEAL.**”

Include the following on the container:

- Case number,
- Title of the pleading,
- Filing parties’ name,
- “U.S. District Court for the Eastern District of Virginia,” and
- Non-confidential description of the document.

Provide one container for each Under Seal document.

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### In camera submissions

In camera submissions are for the judge’s eyes only. These submissions are not docketed as part of the case file. The documents submitted in camera should be brought to the Clerk’s Office pursuant to the container requirement above and marked “In Camera” as well.

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### Sealed Cases Log

To provide public notice, even after a motion to seal an entire case is granted and that case’s docket is no longer available to the public, each year the Court creates a Sealed Cases Log for each division. The log can be viewed on Pacer (<http://pacer.vaed.uscourts.gov>) and on the computer terminals located in the Clerk’s Office.

The 2008 log for the Alexandria Division, for instance, is cataloged as case number **1:08sc1**. The first number represents the division (1 for Alexandria, 2 for Norfolk, 3 for Richmond, and 4 for Newport News), the second number is the year the motion was filed, followed by the letters “sc” for sealed cases, and the number “1.”

---

### Suggestions to counsel filing motions to seal

The following are suggestions to follow when filing motions to seal:

- Motions to seal an entire civil case are public documents. If you want to prevent disclosure of the names of the parties while your motion is being considered, you must use pseudonyms for the parties.
  - When filing sealing motions in the Alexandria Division, please notice the motion for the Friday motions docket.
-

# Civil - Bonds

**Types of civil bonds** There are several types of civil bonds: Temporary Restraining Order (TRO), Preliminary Injunction, Prejudgment Attachment, Supersedeas, etc.

**Order for bond** An order must be entered stating the amount of the bond.

Attorneys have two options:

- They may submit an agreed order, or
- If an agreement cannot be made, they may file a motion and notice for hearing for a Friday at 10:00 a.m. for oral argument.

**Form of bonds** Bonds may in the form of cash or surety. The following chart shows the form of the bond and what is required:

<b>Form of Bond</b>	<b>Requirements</b>
Cash (cash, checks, or money orders)	<ul style="list-style-type: none"> <li>• Checks or money orders must be made payable to “Clerk, US District Court.”</li> <li>• Court order must specify where the funds are to be deposited, either in the registry of the Court or in an interest bearing account.</li> </ul>
Surety	<p>Must have the following signatures:</p> <ul style="list-style-type: none"> <li>• Representative of the Surety Company (Attach the Power of Attorney for the Surety Representative to the bond. Surety Company’s representative must reside within the jurisdiction of the USDC-EDVA.)</li> <li>• Principal or Counsel for Principal (If counsel signs the bond on behalf of the principal, counsel must have power of attorney for the sole purpose of signing the bond. Attach the Power of Attorney to the bond.)</li> <li>• Clerk of the Court</li> </ul>

*Continued on next page*

## Civil - Bonds, Continued

### Return of bonds

The following chart shows what the requirements are for return of cash and surety bonds:

<b>Form of Bond</b>	<b>Requirements</b>
Cash	<ul style="list-style-type: none"><li>• Monies deposited in the Court Registry or in an Interest Bearing Account require a court order for withdrawal.</li><li>• The order must contain the amount to be withdrawn, name of payee, and payee's address.</li><li>• The proposed order must be given to the Clerk's Office for submission to the judge.</li><li>• If monies were held in an Interest Bearing Account, the Clerk of Court must receive, in writing, the social security or tax identification number of any persons to whom any payment is to be made.</li></ul>
Surety	Court orders are required to release surety bonds. If the bond is not returned promptly, please call the Clerk's Office at (703) 299-2101.

## Civil – Consolidated Cases

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**Order  
Required**

Civil actions are consolidated only by order of the Court. Until a case has been consolidated by order of the Court, the case should have only one case number on the pleading and only the names of the parties involved in that particular lawsuit.

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**Cases  
Consolidated  
for Both  
Discovery and  
Trial**

All docketing for civil cases consolidated for both discovery and trial is entered in the lead case. Therefore, only one original pleading is required to be filed.

The member case parties are automatically added to the lead case as consolidated plaintiffs or defendants. The member cases are considered pending and are not terminated until the lead case has either been resolved or judgment has been entered unless otherwise ordered by the Court.

---

**Cases  
Consolidated  
for Either  
Discovery or  
Trial**

Civil actions that are consolidated for either discovery or trial continue to have separate files and docket sheets unless otherwise ordered by the Court. Therefore, an original for each case file should be filed.

Consolidated case pleadings should have all civil action numbers and styles of the cases on the first page of the pleading and filed under each case number.

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## Civil - Garnishments

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### **Beginning Garnishment Proceedings**

Judgments are final after ten days. Therefore, once a judgment has been entered in a civil action and ten days have expired, garnishment proceedings may begin.

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### **Events that Prevent Garnishments**

The following are events that prevent garnishment proceedings from beginning:

- Order staying execution of judgment is entered in the case, or
  - Supersedeas bond is entered in the case pending appeal.
- 

### **Fees and Forms**

A Clerk's Office fee is not required for issuing garnishment summons.

Virginia State Court forms have been modified for the USDC-EDVA. Forms may be obtained from the Internet site at [www.vaed.uscourts.gov](http://www.vaed.uscourts.gov) or from the Clerk's Office.

The forms you will need for a complete garnishment packet are as follows:

- Garnishment Summons,
  - Suggestion for Garnishment Summons, and
  - Notice of Hearing – Exemption Claim Hearing Form.
- 

### **Writ of Execution**

Before a garnishment can be issued, a Writ of Execution must be in effect. Writs of Execution may be issued at the same time as the garnishment summons.

Submit the following documents to the Clerk's Office:

- Three writs for issuance by the clerk,
  - US Marshal's 285 Form for Service of the Writ by the US Marshal, and
  - Written request for the writ. The request for the issuance of the writ must be in writing and include amount and date of judgment.
- 

*Continued on next page*

## Civil - Garnishments, Continued

**Hearing Date for Garnishment**

The garnishment return hearing will be heard by a U.S. Magistrate Judge and must be scheduled:

- For a Friday at 10:00 a.m. and
- For a date not less than 23 days but not more than 90 days from the date of issuance of the garnishment summons.

**Garnishment Summons Packets**

The following chart, based on one garnishee and one judgment debtor, shows what attorneys should submit for the Clerk’s Office to issue garnishments:

Form	Provide Clerk’s Office with...
Garnishment Summons	Six copies: <ul style="list-style-type: none"> <li>• One for the clerk,</li> <li>• Two for the garnishee, and</li> <li>• Three for the judgment debtor (<i>Note: Judgment debtor to be served personally and by mail. Submit an envelope with postage addressed to the debtor with the forms.</i>)</li> </ul>
Suggestion for Garnishment	Original to be filed and five copies: <ul style="list-style-type: none"> <li>• Original for the file,</li> <li>• Two for the garnishee, and</li> <li>• Three for the judgment debtor.</li> </ul>
Request for Hearing – Garnishment Exemption Claim (aka Garnishment Request for Hearing)	Three copies for the judgment debtor garnishment packets.

**Proposed Payment Order**

To expedite receipt of any monies that resulted from the garnishment process, prepare a proposed payment order for presentation to the judge at the garnishment return hearing.

## Civil – Foreign Judgments

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**Foreign  
Judgments to  
be  
Domesticated in  
EDVA**

The following are the requirements for domesticating a judgment in the Eastern District of Virginia:

- Certification by the foreign court. The judgment must be attached to either the form “Certification for Registration in Another District” or an order from the foreign court allowing registration in another district.
- Payment of the \$39.00 fee.

Once the above requirements are met, the judgment will be given a miscellaneous case number.

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**EDVA  
Judgments to  
be  
Domesticated in  
Another Court**

The following are the requirements for requesting certification of a judgment for registration in another district:

- Request is made either by telephone or in writing.
- \$9.00 fee is paid.
- Appeal period for the judgment has expired.

To expedite issuance of the Certification of Judgment for Registration in Another District or to domesticate a judgment that has been appealed, a motion for good cause shown must be filed and noticed for hearing for a Friday at 10:00 a.m.

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# Criminal – Federal Public Defender

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**Mission** The Federal Public Defender’s Office is appointed by the Court to represent criminal indigent defendants.

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**Requests for Court-Appointed Counsel in Felony cases** Persons wishing the appointment of counsel in felony cases must:

- Complete a financial affidavit form, which is reviewed by a judge, and
- Be qualified as indigent by a United States District Judge or United States Magistrate Judge.

If a court appearance has already been scheduled, the affidavit will be presented to the judge at the appearance for an eligibility determination.

Once the Court grants a request for court-appointed counsel, clients are referred to the Federal Public Defender.

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**Requests for Court-Appointed Counsel in Misdemeanor and Petty Cases** Persons wishing the appointment of counsel in misdemeanor and petty cases must:

- Appear in person before a judge for a determination of court-appointed counsel, and
- Be qualified as indigent by a United States District Judge or United States Magistrate Judge.

Once the court grants a request for court-appointed counsel, clients are referred to the Federal Public Defender.

---

**Federal Public Defender Offices:** The following are the telephone numbers for the Federal Public Defender Offices across the district:

<b>Division</b>	<b>Telephone Number</b>
Alexandria	(703) 600-0800
Norfolk/Newport News	(757) 457-0800
Richmond	(804) 343-0800

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# Criminal - CJA Attorneys

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## Introduction

When the Federal Public Defender's Office cannot represent indigent defendants, they are assigned a member of the Alexandria Division's Criminal Justice Act (CJA) Panel to defend them.

Alexandria's CJA Panel is composed of a master list of 100 attorneys in private practice who have indicated they wish to be appointed to represent indigent defendants in criminal cases. When a judge orders that an attorney be appointed for an indigent defendant, the Clerk's Office selects at random an attorney from the list. Once selected, the attorney will not be considered for another case until all attorneys on the list have been selected.

A separate list of 21 attorneys serve as CJA lawyers for defendants in capital cases. These attorneys have met the Fourth Circuit's qualifications for representing defendants facing the death penalty, as set forth in the Fourth Circuit Judicial Council Order 113. The same random selection procedure is used to assign counsel in death penalty cases. Attorneys on the death penalty CJA panel may also participate in the regular CJA panel.

---

## Eligibility Requirements

To be eligible to be on the CJA Panel, attorneys must:

- Be members in good standing of the Virginia State Bar.
  - Be admitted to practice before the Eastern District of Virginia.
  - Have practiced law for at least two years.
  - Have represented defendants in at least six felony cases and twelve misdemeanor cases in state or federal court.
  - Have either attended a live ECF training class or have passed the online quiz (See CM/ECF page of our internet site at [www.vaed.uscourts.gov](http://www.vaed.uscourts.gov)).
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## Criminal - CJA Attorneys, Continued

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### Continuing Requirements

Once appointed to the CJA Panel, attorneys must:

- Attend “Introduction to the Federal Court,” an annual continuing legal education program sponsored by the Northern Virginia Chapter of the Federal Bar Association. This program only need be attended once.
  - Attend an annual training seminar and an annual sentencing guidelines continuing legal education program sponsored by the Federal Public Defender’s Office of the Eastern District of Virginia.
  - Attend an annual continuing legal education program about sentencing guidelines.
  - Update the Clerk's Office whenever their office address, telephone number, or name changes.
- 

### Panel Application

Counsel will be added to the panel only when a panel member resigns or is removed. New CJA panel members will be selected from a waiting list in the order in which they applied. To add your name to the waiting list, please submit an application, which can be obtained from the Court’s Internet site at [www.vaed.uscourts.gov](http://www.vaed.uscourts.gov) under “CJA Attorneys.”

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## Criminal – Bond Secured With Property

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### **Requirements to Post Bond Secured with Property**

The following are the requirements to post bond secured with property unless otherwise directed by presiding judge:

- Property must be located in Virginia. An order of the Court must be entered to post bond secured with property not located in Virginia.
  - Equity in property must be double the amount of the bond unless the judge has approved a lesser amount.
  - All persons appearing on the deed must be present to sign the bond (A death certificate is required if one of the parties on the deed is deceased.).
  - Persons posting property must also sign an “Agreement to Forfeit Property” (AO 100) and must agree not to dispose of or further encumber the property.
- 

### **Requirements and Documents Needed to Post Bond Secured with Property**

The following are the requirements and documents needed to post bond secured with property unless otherwise directed by presiding judge:

- Notarized copy of the deed for property being used as surety. (If the property is free of liens, the original deed must be presented to the Court.)
  - Copy of the city/county assessment.
  - Property is free of all liens and encumbrances. A title search may be required.
  - Statement from the lending agency verifying the amount owed on the property.
  - Property must be in the State of Virginia, unless otherwise directed by the Court.
  - City or County Assessor’s Office statement showing current value of the property.
  - City or County Treasurer’s Office statement showing that the taxes are current.
-

# Criminal – Information Concerning Appeal from Conviction by US Magistrate Judge

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**Notice of Appeal**

An appeal from a judgment of conviction by a US Magistrate Judge to a US District Judge must be taken within ten days after entry of the judgment.

An appeal shall be taken by:

- Filing a pleading with the Clerk, United States District Court, Albert V. Bryan U.S. Courthouse, 401 Courthouse Square, Alexandria, Virginia, 22314, stating that the defendant appeals from the judgment and
  - Paying a \$32.00 filing fee.
- 

**Rule of Execution: Release Pending Appeal**

The provisions of Rule 38(a) of the Federal Rules of Criminal Procedure relating to a stay of execution shall be applicable to a judgment of conviction entered by a US Magistrate Judge. The defendant may be released pending appeal by a US Magistrate Judge or a US District Judge in accordance with the provisions of law relating to release pending appeal from any other conviction of a district court.

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**Scope of Appeal**

The scope of the appeal shall be the same as on a criminal appeal from a judgment of a district court to a court of appeals. The defendant shall not be entitled to a trial de novo by a district judge.

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**Indigent Defendant**

If the defendant is unable to pay the cost of an appeal, the defendant may apply for leave to appeal in forma pauperis.

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**Caution**

The sentence is not stayed by noting appeal, and the defendant must pay any fines at the time of sentence.

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# Criminal – Sealed Filings

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**Introduction** In March 2004, the Court amended its criminal rule concerning motions to seal, providing more public disclosure of these motions. The full text of the rule – Local Criminal Rule 40 – is on the court’s web site: [www.vaed.uscourts.gov/rules/pdf\\_format.htm](http://www.vaed.uscourts.gov/rules/pdf_format.htm).

---

**Requirement for Filing under Seal** Motions to seal a particular document in a criminal case or an entire criminal case must be accompanied by a public memorandum in support that describes:

- What is to be sealed.
- Why sealing is necessary and why another procedure short of sealing (such as redacting portions of the document) will not suffice.
- What governing case law applies.
- How long the moving party wants the document to be sealed.

*Note:* If a document or case is sealed pursuant to a statute or court order, then you do not need to file a motion to seal. Mark the document as described below.

---

**Marking of Sealed Documents** An Under Seal document must be clearly marked “**UNDER SEAL**” on the face of the document.

The chart below gives examples of the proper markings for under seal documents:

<b>If the document is sealed pursuant to ...</b>	<b>Then include ...</b>	<b>Example</b>
A governing statute	The statute on the face of the document.	UNDER SEAL Pursuant to 31 USC 3730
An order	The words “Pursuant to Order of (date of order)” on the face of the document	UNDER SEAL Pursuant to Protective Order of 5/4/04

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## Criminal – Sealed Filings, Continued

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### Container Requirement

All under seal pleadings must be in an envelope or other sealed container marked “UNDER SEAL.”

Include the following on the container:

- Case number,
- Title of the pleading,
- Filing parties’ name,
- “U.S. District Court for the Eastern District of Virginia,” and
- Non-confidential description of the document.

Provide one container for each Under Seal document.

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### In Camera Submissions

In camera submissions are for the judge’s eyes only. These submissions are not docketed as part of the case file. The documents submitted in camera should be presented to the court pursuant to the container requirement above.

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### Sealed Cases Log

To provide public notice, even after a motion to seal an entire case is granted and that case’s docket is no longer available to the public, each year the Court creates a Sealed Cases Log for each division. The log can be viewed on Pacer (<http://pacer.vaed.uscourts.gov>) and on the computer terminals located in the Clerk’s Office.

The 2008 log for the Alexandria Division, for instance, is cataloged as case number **1:08sc1**. The first number represents the division (1 for Alexandria, 2 for Norfolk, 3 for Richmond, and 4 for Newport News), the second number is the year the motion was filed, followed by the letters “sc” for sealed cases, and the number “1.”

Although pre-arrest motions to seal are included on the Sealed Cases Log, the documents themselves are not available for public viewing.

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# Pro Se Instructions

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**Pro Se  
Definition**

People acting pro se are people who represent themselves in a legal action.

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**Legal  
Resources  
Available**

The following legal resources are available to people representing themselves pro se:

<b>Resource</b>	<b>Hours of Operation</b>
Legal Services of Northern Virginia, Inc. 603 King Street 4 <sup>th</sup> Floor Alexandria, VA 22314 (703) 684-5566	Monday – Friday 9:00 a.m. – 4:00 p.m.
The Alexandria Bar Lawyers Referral 520 King Street Suite 202 Alexandria, VA 22314 (703) 548-1105	Monday – Thursday 9:00 a.m. – 4:00 p.m.  Friday 9:00 a.m. – 1:00 p.m.
Alexandria Law Library 520 King Street Alexandria, VA 22314 (703) 838-4077	Monday – Friday 9:00 a.m. – 5:00 p.m.

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**Filing  
Procedures**

The Court requires on original of each document filed. A document is called a “pleading.” Pleadings must be typed, printed or legibly handwritten on 8 1/2 x 11 inch paper, and the pages must be sequentially numbered. Any documentation submitted with a pleading must be attached to the pleading and referred to in the pleading.

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**Copies of Court  
Documents**

Do not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk’s Office to be copied and returned. The fee for any copying done by the Clerk’s Office is \$0.50 per page, payable at the time of the copy request.

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## Pro Se Instructions, Continued

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**Filing Fee** The charge for filing a complaint is \$350.00. There may also be additional fees for service of the summons and complaint upon the defendant. “Service” is the term used to describe the procedure by which a defendant is informed of a lawsuit that has been commenced or of additional pleadings added to the file as the case proceeds.

If the payment of fees proposes a hardship, the filer may apply to be excused from the payment of fees by completing the form “Application to Proceed Without Prepayment and Affidavit.” The form may be obtained from the Court’s Internet site at [www.vaed.uscourts.gov](http://www.vaed.uscourts.gov) and from the Clerk’s Office. If the Court allows waiver of fees, then the filing and the service fee of the U.S. Marshal do not need to be paid.

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**Address Change** The Court must be informed of any change of address. The Clerk’s Office must have a current, correct address and telephone number in the file. In the event of a move, the Court must be promptly notified of any change of status.

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**Rules to Follow** The Federal Rules of Civil Procedure and the Court’s Local Rules must be followed throughout the life of the case. The Clerk’s Office employees are not attorneys and are prohibited from giving legal advice or acting as counsel.

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**Copies of Pleadings to Opposing Side** After a defendant has been served, a copy of any pleading submitted to the Court must also be sent to the defendant’s attorney (or to the defendant, if unrepresented) in accordance with Rule 5 of the Federal Rules of Civil Procedure.

All pleadings must contain a certificate of service reflecting that a copy of the pleadings has been sent to the opposing side.

The Clerk is not permitted to forward copies of pleadings for any litigant.

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## Pro Se Instructions, Continued

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### Complaint

Civil lawsuits in Federal Court begin with the filing of a complaint. The name of the court, “The United States District Court for the Eastern District of Virginia,” should appear on the first page, centered at the top of the page.

The complaint must include the following:

- A caption that contains the names of the litigants, such as name and address of the plaintiff (person filing the lawsuit) versus the name and address of the defendant (person being sued). This caption should appear on the upper left-hand corner of the page.
- A clear, concise statement of the grounds and reference to the laws or statutes under which federal jurisdiction is being claimed, i.e., why this lawsuit is being filed in federal court.
- A statement of the relief being sought – what the Court should do to correct the situation.

Also be sure to do the following:

- Sign and date the complaint,
  - Include a current address where notices from the Court or the opposing side may be served, and
  - Submit a copy of the complaint for each defendant against whom the suit is being filed.
- 

### Service

The U.S. Marshal will not serve a summons and complaint if the litigant (plaintiff) is able and required to pay the filing and service fees. In that instance, the litigant is responsible for prompt service of the complaint and summons in accordance with Local Rule 4(A) and Rule 4 of the Federal Rules of Civil Procedure.

The summons and complaint may be served by any person not less than 18 years of age who is not a party to or has an interest in the subject matter of controversy.

Rule 4 of Federal Rules of Civil Procedure also provides for service of the complaint by mail using the “Notice of Lawsuit” and “Waiver of Service of Summons” forms.

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## Pro Se Instructions, Continued

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**Sample Forms**    Samples of the following forms are included below for review and guidance:

- Application to Proceed Without Prepayment and Affidavit
- Notice of Lawsuit and Request for Waiver of Service of Summons
- Complaint
- Certificate of Service
- Summons

*Note: Statements in bold on the forms are guidance for filling out the forms.*

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UNITED STATES DISTRICT COURT

Eastern
JOHN A. DOE
Plaintiff
V.
ABC Company
Defendant

District of Virginia
APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF
FEES AND AFFIDAVIT
\*\*If the court grants IFP, you will not have to pay
the filing fee. The complaint is filed after IFP is
granted.\*
CASE NUMBER:

I, JOHN A. DOE declare that I am the (check appropriate box)

X petitioner/plaintiff/movant [ ] other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs
under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the
relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? [ ] Yes [ ] No (If "No," go to Part 2)

If "Yes," state the place of your incarceration

Are you employed at the Do you receive any payment from the

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months'
transactions.

2. Are you currently employed? [ ] Yes [ ] No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the
name and address of your employer.

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or
wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

- a. Business, profession or other self-employment [ ] Yes [ ] No
b. Rent payments, interest or dividends [ ] Yes [ ] No
c. Pensions, annuities or life insurance payments [ ] Yes [ ] No
d. Disability or workers compensation payments [ ] Yes [ ] No
e. Gifts or inheritances [ ] Yes [ ] No
f. Any other sources [ ] Yes [ ] No

4. Do you have any cash or checking or savings accounts? [ ] Yes [ ] No

If "Yes," state the total amount. \_\_\_\_\_

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or any other thing of value?       Yes       No

If "Yes," describe the property and state its value.

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

I declare under penalty of perjury that the above information is true and correct.

Date

Signature of Applicant

**NOTICE TO PRISONER:** A Prisoner seeking to proceed IFP shall submit an affidavit stating all assets. In addition, a prisoner must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

**NOTICE OF LAWSUIT AND REQUEST FOR  
WAIVER OF SERVICE OF SUMMONS**

***\*\*This form plus the Waiver of Service of Summons can be used in lieu of the Summons***

TO: (A) \_\_\_\_\_

as (B) \_\_\_\_\_ of (C) \_\_\_\_\_

A lawsuit has been commenced against you (or the entity on whose behalf you are addressed). A copy of the complaint is attached to this notice. It has been filed in the United States District Court for the (D) \_\_\_\_\_ District of \_\_\_\_\_ and has been assigned docket number (E) \_\_\_\_\_.

This is not a formal summons or notification from the court, but rather my request that you sign and return the enclosed waiver of service in order to save the cost of serving you with a judicial summons and an additional copy of the complaint. The cost of service will be avoided if I receive a signed copy of the waiver within (F) \_\_\_\_\_ days after the date designated below as the date on which this Notice and Request is sent. I enclose a stamped and addressed envelope (or other means of cost-free return) for your use. An extra copy of the waiver is also attached for your records.

If you comply with this request and return the signed waiver, it will be filed with the court and no summons will be served on you. The action will then proceed as if you had been served on the date the waiver is filed, except that you will not be obligated to answer the complaint before 60 days from the date designated below as the date on which this notice is sent (or before 90 days from that date if your address is not in any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will take appropriate steps to effect formal service in a manner authorized by the Federal Rules of Civil Procedure and will then, to the extent authorized by those Rules, ask the court to require you (or the party on whose behalf you are addressed) to pay the full costs of such service. In that connection, please read the statement concerning the duty of parties to waive the service of the summons, which is set forth at the foot of the waiver form.

I affirm that this request is being sent to you on behalf of the plaintiff, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signature of Plaintiff's Attorney  
or Unrepresented Plaintiff

***\*\*Mail this Notice, a Waiver of Service of Summons and a Complaint to each party being served.\*\****

- A—Name of individual defendant (or name of officer or agent of corporate defendant)
- B—Title, or other relationship of individual to corporate defendant
- C—Name of corporate defendant, if any
- D—District
- E—Docket number of action
- F—Addressee must be given at least 30 days (60 days if located in foreign country) in which to return waiver

**In the United States District Court  
for the Eastern District of Virginia  
Alexandria Division**

JOHN A. DOE,  
Plaintiff

v. Civil Action No. *(Leave blank, will be assigned by Clerk's Office)*

ABC Company  
Defendant

**COMPLAINT**

Plaintiff believes that he has been discriminated against in violation of Title VII of the Civil Rights Act of 1964, because of his race. *(Grounds/reference to laws or statutes in Federal Court.)*

Plaintiff believes that his supervisors did not promote him because of his race. Further, Plaintiff can prove that other members of the same race as Plaintiff received wages that were significantly lower than those of other races. *(Statement of grievance/facts which show why you are seeking relief in Federal Court.)* Plaintiff is requesting a promotion to Supervisor, back wages, and damages for pain and suffering.

*(Relief you are requesting, include request for jury if desired)*

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John A. Doe  
12345 Maple Avenue  
Anywhere, VA 23607  
(757) 111-1111

*Submit an original plus one copy for each person you are bringing suit against.*

CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_, I caused a true and correct copy of the foregoing document to be mailed, postage prepaid, to \_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
*(Signature)*

***\*\*\*You must serve a copy of pleadings on all parties in a case.\*\*\****

UNITED STATES DISTRICT COURT

EASTERN

District of

VIRGINIA

JOHN A. DOE

SUMMONS IN A CIVIL CASE

V.

ABC Company

CASE NUMBER:

TO: (Name and address of Defendant)

ABC Company

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

John A. Doe
11111 Maple Avenue
Anywhere, VA 23607

\*\* If you pay the filing fee and intend to serve the summons and complaint yourself, you must submit two summons for each person you are bringing suit against. This is a two-sided form. \*\*

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Leave blank, Clerk's Office will complete
CLERK

Leave blank, Clerk's Office will complete
DATE

(By) DEPUTY CLERK

<b>RETURN OF SERVICE</b>		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER ( <i>PRINT</i> )	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____		
<input type="checkbox"/> Returned unexecuted: _____ _____ _____		
<input type="checkbox"/> Other (specify): _____ _____ _____		
<b>STATEMENT OF SERVICE FEES</b>		
TRAVEL	SERVICES	TOTAL
<b>DECLARATION OF SERVER</b>		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on	_____	_____
	Date	<i>Signature of Server</i>
		_____
		<i>Address of Server</i>

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.