

Clerk of the Circuit Court

History

The office of the Clerk of the Circuit Court dates from 1619. From those early days until the present, the Clerk's duties have changed significantly, but the office remains vitally important to the residents of each county and city.

The Code of Virginia lists over 800 separate responsibilities for the Clerk, many of which are highly complex and challenging. The Clerk serves as the recorder of deeds and probate judge, issues marriage licenses and is the official court administrator for all civil and criminal cases. In this latter capacity, the Clerk creates and maintains all court files and records, prepares court orders and jury lists, and issues summons and court processes.

Circuit Court Clerks in Virginia perform duties that in many states are divided among three or four separate offices. In keeping with tradition, therefore, Virginia has saved its citizens significant tax dollars by combining judicial and administrative functions into a single office. The variety of duties, which are explained in detail below, include the following: public safety, court services, recorder of deeds, probate judge, custodian of court cases, public services, preservation of historic records and keeper of election ballots.

Public Safety: The Clerk participates in the administration of public safety as a link between prosecutors and law enforcement officials. The grand jury that hears criminal indictments is assembled by the Clerk for the prosecutors and law enforcement. The Clerk collects criminal fines and costs levied against criminals upon conviction in court trials. The Clerk is the official record-keeper of criminal felony cases, misdemeanor appeal cases and criminal indictments. The Clerk is responsible for providing critical public safety information related to criminal convictions and terms of incarceration of criminals to the Department of Corrections, Probation and Parole agencies, the State Police and many other public safety agencies.

Court services: The Clerk provides direct administrative support to the judges in court proceedings. The Clerk prepares many legal documents for the court such as criminal court orders that determines the outcome of a criminal court case, summonses and legal service of process, authorizations for arrest and other judicial directives. The Clerk is responsible for maintaining all court files and ensuring proper recordkeeping of the legal documents in the court files. The Clerk assembles jurors to sit for a jury trial in the circuit court

Jury Management: The Clerk manages jury operations and is responsible for issuing juror questionnaires to establish a qualified jury pool, issuing jury summons for jury trials and preparing jury lists and payment to citizens called to serve on a criminal or civil jury.

Citizens are assembled on a regular basis to sit on a grand jury to hear testimony on criminal indictments.

Land Records: The Clerk is responsible for collecting the taxes and fees associated with the legal recordation of deeds. Additionally, the Clerk is responsible for retaining all deeds and land records recorded since the inception of the county and for ensuring adequate public access to these public records. The recordation taxes collected for the year ending 2014 for recordings in Henrico County was \$4,719,075 for a total of \$14,157,225 for State and Local collections.

Probate and Fiduciary: The Clerk acts as a probate judge when a last will and testament is presented to the Clerk for legal probate of an estate. The Clerk ensures the authentication of the will, conducts a legal hearing with witnesses, makes a legal appointment of an executor or administrator of a decedent's estate and prepares legal documents and orders related to the handling of the estate. The Clerk collects the applicable estate taxes for the Commonwealth. The Clerk is also responsible for the appointment and qualification of guardians for minors or incapacitated adults.

Custodian of Court Cases: The Clerk is the official recordkeeper of all circuit court cases which include contract disputes, claims of negligence, criminal cases, divorce proceedings, land disputes, adoptions, requests for name changes, court judgments, and many other types of court cases. Under Virginia law, the Clerk is responsible for providing public access to most court files.

Public Services: The Clerk is responsible for issuing marriage licenses in Virginia, processing notary public commissions, and processing business name applications (commonly referred to as fictitious name applications) for citizens in the county. The Clerk issues witness subpoenas in court cases, issues concealed handgun permits, and administers the oath of public office to elected officials, sheriff deputies and to citizens who are appointed to local or state commission posts. Military discharge papers, referred to as DD-214, are filed with the Clerk

Official Recordkeeper of Election Ballots: The Clerk takes custody of all election ballots after the local election officials have certified the election results. When the County requests that bond issues and referendums, such as school bond construction issues, be placed on election ballots, the Clerk issues legal documents for legal publication.

Custodian of Historic Records: The Clerk's Office possesses a wealth of historic records that are available for public inspection. These historical records required constant protection and preservation work to ensure these artifacts remain in existence for future generations. The General Assembly created a special grants preservation program which is managed by the Library of Virginia and this program allows Clerks to use state grant funding to perform preservation and conservation work to restore and protect Virginia's valuable history.

Circuit Court Clerks since the government was established after the Revolutionary War:

1781 to 1808	Adam Craig
1808 to 1825	Izard B. Whitlocke
1825 to 1852	Loftin N. Ellett
1852 to 1855	James Ellett
1855 to 1857	John N. Harrison
1857 to 1869	William Fowlkes
1867 to 1871	Temple Ellett
1871 to 1936	Samuel P. Waddill
1936 to 1943	M. W. Puller
1943 to 1972	Helen Clevenger (Loving)
1973 to 1991	Margaret B. Baker
1992 to Present	Yvonne G. Smith