

FREQUENTLY ASKED QUESTIONS

1. Where can I find the Clerk's Offices' mailing addresses?
Answer: The mailing addresses for all 7 divisional offices can be found under the "Court Information" link.
2. Where can I find information about the Court's judges and magistrate judges?
Answer: Information on the Court's judges and magistrate judges can be found under the "Judges" link.
3. Which federal holidays does the Court observe?
Answer: The federal holidays can be found under the "Court Information" link.
4. Where can I find information about the Court's filing fees?
Answer: The filing fees can be found under the "Court Information" link.
5. I am not admitted to practice in the Western District of Virginia, but I need to make an appearance in a case. What are the requirements to appear?
Answer: Any attorney licensed in Virginia that is admitted to practice in the United States District Court for the Eastern District of Virginia is permitted to practice in this Court upon the filing of a Certificate of Good Standing from the Clerk of the Eastern District of Virginia showing that the attorney has been duly admitted to practice in that district.

To apply for admission to practice, you must complete the Application for Admission to Practice, located under the "Attorneys" link. Said Application must be signed by 2 members of this Court's bar stating that they are acquainted with the applicant and that the applicant is of good character and ethical conduct. Upon the filing of the Application for Admission to Practice, the Clerk's Office will verify that you are a member in good standing with the Virginia Bar. Once verified, a scheduling deputy will contact you to schedule a time for you and an attorney already a member of this Court's bar (preferably one who signed the Application) to appear before a judge to be sworn in. You must submit a fee for the admission when you appear to be sworn in.

To be admitted pro hac vice, local counsel must file a Motion to Appear Pro Hac Vice on your behalf in the specific case and pay the required pro hac vice fee. Upon the filing of the Motion to Appear Pro Hac Vice, the Clerk's Office will verify that you are a member in good standing with the state bar indicated in the motion.

All attorneys who practice in this district must sign up for electronic filing. The CM/ECF Registration Form can be found under the "Attorneys" link. See Local Rule 6 for more information.

6. I want to file a lawsuit but I don't have an attorney. Can the Clerk's Office tell me what I need to do?

Answer: Employees of the Court can answer general questions about court procedures however they cannot give legal advice as they are prohibited under Title 28 U. S. C. §955. For example, they **cannot** do any of the following:

- Recommend a legal course of action or suggest ways to help you win your case;
- Explain the result of taking or not taking an action in a case;
- Answer whether jurisdiction is proper in a case;
- Answer whether a complaint properly presents a claim;
- Give you "inside information" about judges or other court personnel or predict when a judge may decide any issue;
- Interpret the meaning of any judicial order;
- Provide information on or interpret the law, federal rules, local rules or standing orders;
- Calculate response times or deadlines; or
- Conduct legal research.

Employees of the Court **can** do the following:

- Provide instructions on how to execute a task (e.g., number of copies, use of forms, etc.)
- Provide information as to compliance with this Court's policies
- Provide information that can be found on a case docket

For further information, please refer to the Pro Se Handbook found under the "Filing Without an Attorney" link.

7. Will the Court accept filings by fax or email?

Answer: No. All pleadings must be filed electronically using the court's Internet-based Case Management/Electronic Case Files (CM/ECF) system unless otherwise authorized (i.e. initial pleadings to file a new civil case may be mailed in paper format).

8. How do I file a criminal case?

Answer: Individuals do not file criminal charges in federal courts. A criminal proceeding is initiated by the government, usually through the U. S. Attorney's Office in coordination with a law enforcement agency. Allegations of criminal behavior should be brought to the attention of the local police, the FBI or other appropriate law enforcement agencies.

9. What is required to file a new civil case?

Answer: To file a new civil case, you are required to file in the appropriate division an original Complaint with a completed Civil Cover Sheet, completed Summons(es) and pay the filing fee. If you are unable to pay the filing fee, an Application to Proceed in District Court Without Prepaying Fees or Costs (Form AO 240) is required also. For further information, please refer to the Pro Se Handbook found under the "Filing Without an Attorney" link.

10. How many copies of a pleading do I file?

Answer: You only need to file an original of a pleading.

11. Can I file documents after the office is closed?

Answer: Individuals who have registered to file electronically may file documents using the Court's CM/ECF system any time of the day. Any documents filed in paper format will be file stamped (date stamped) upon receipt by the Clerk's Office and filed as of the date it is stamped as long as said pleading(s) meet all filing and fee requirements.

12. Who issues summons(es) in a civil case?

Answer: Summons(es) are issued by the Court. The Summons form needs to be completely filled out by the party requesting the issuance prior to it being sent to the Court.

13. What is the difference between the "file date" and the "entry date" on the docket sheet?

Answer: The "file date" is the date the pleading was filed with the Clerk's Office. The "entry date" is the date the pleading was entered on the docket.

14. Should I file discovery documents?

Answer: No. Requests and responses to routine discovery, interrogatories, production of documents and admissions shall be served upon other counsel or parties but shall NOT be filed with the Court pursuant to Fed. R. Civ. P. 5(d), 26(a)(1) or (2).

15. How do I file sealed documents?

Answer: A document may be filed or placed under seal only if permitted by order to the Court. Sealed documents cannot be electronically filed by individuals. See Local Rule 9 for further instructions.

16. Who issues subpoenas in a civil case?

Answer: Attorneys issue subpoenas in civil cases. The Clerk's Office may, pursuant to court order, issue subpoenas for pro se litigants.

17. What are the witness and mileage fees?

Answer: The witness fee is \$40.00 a day. The mileage rate is \$0.58 per mile (as of 3/25/19).

18. What type of equipment is available in the courtroom for hearings and trials?
Answer: Please refer to the Courtroom Technology section located under the “Programs & Services” link.
19. How do I obtain a copy of a document?
Answer: You may request a copy of a document by contacting the Clerk’s Office (by telephone or by mail). Contact information can be found under the “Court Information” link. The cost for a copy is \$0.50 a page. If certified copies are needed, the certification fee is \$11.00 per document. Prepayment is required. The mailed-in request should include the case number, document number and a check or money order. Any requests by telephone can be prepaid with a credit card.
20. How can I locate the post-judgment interest rate?
Answer: As of December 21, 2000, the post-judgment interest rate is the weekly average 1-year constant maturity Treasury yield for the calendar week preceding the date of judgment. The rates can be found at:
<https://www.uscourts.gov/services-forms/fees/post-judgment-interest-rate>
21. How do I obtain a copy of a transcript?
Answer: Contact the Clerk’s Office or review the docket sheet in PACER to determine whether the transcript has already been prepared. If the transcript HAS been prepared and is UNLOCKED for viewing, a copy request can be made to the Clerk’s Office or it can be printed off of PACER. If the transcript HAS been prepared but is LOCKED for viewing, the Court Reporter must be contacted for a copy. If the transcript HAS NOT been prepared, a Transcript Order form (AO 435) must be completed and electronically filed in the case. This form is located under the “Forms” link (do not use this form for cases on appeal; the Fourth Circuit Transcript Order form should be used for cases on appeal).
22. How do I file a Notice of Appeal in a civil case?
Answer: File an original Notice of Appeal in this Court pursuant to Fed. R. App. P. 3(a)(1) and pay the required filing fee. The entire case will then be sent to the Fourth Circuit Court of Appeals for appeal procedures.

All fees quoted are as of March 25, 2019. Any additional fee information can be found at www.uscourts.gov.