



NINETEENTH JUDICIAL CIRCUIT OF VIRGINIA

Fairfax County Courthouse
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MICHAEL F. DEVINE
JOHN M. TRAN
GRACE BURKE CARROLL
DANIEL E. ORTIZ
PENNEY S. AZCARATE
STEPHEN C. SHANNON
THOMAS P. MANN
RICHARD E. GARDINER
DAVID BERNHARD
DAVID A. OBLON
DONTAË L. BUGG

JUDGES

COUNTY OF FAIRFAX

CITY OF FAIRFAX

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M. LANGHORNE KEITH
ARTHUR B. VIEREGG
KATHLEEN H. MACKAY
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LORRAINE NORDLUND
DAVID S. SCHELL
JAN L. BRODIE

RETIRED JUDGES

FAIRFAX CIRCUIT COURT INITIAL PLAN OF ACTION TO ADDRESS SYSTEMIC RACISM AND ENHANCE CIVIC ENGAGEMENT WITH OUR COMMUNITY

On June 16, 2020, in a letter to the Judiciary and the Bar of Virginia addressing the problem of racism, the Supreme Court of Virginia stated judges “must take all steps possible to ensure that in the courtrooms of the Commonwealth, all people are treated equally and fairly with dignity under the law.” The undersigned judges of the Fairfax Circuit Court believe that the Court, as an institution, should participate in self-examination and civic engagement to ensure systemic racism has no place in the Fairfax judicial system. In addition to maintaining our collective and individual commitment to faithfully observing Canon 3B(5)¹ and Canon 3B(6)², and in the continued pursuit of equal justice for all, the judges agree to the following initial plan of action:

¹ Canon 3B(5) reads as follows: “A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and shall not permit staff, court officials and others subject to the judge's direction and control to do so. This Section 3B(5) does not preclude proper judicial consideration when race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, or similar factors, are issues in the proceeding.”

² Canon 3B(6) reads as follows: “A judge shall require all persons appearing in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, against parties, witnesses, counsel or others. This Section 3B(6) does not preclude legitimate advocacy when race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, or other similar factors, are issues in the proceeding.”

FAIRFAX CIRCUIT COURT INITIAL PLAN OF ACTION

1. Develop means for greater civic engagement on the issue of systemic racism with the broader community within the bounds of what is ethically permissible.
2. Examine the use of language in the legal system where words such as “black” are given a negative connotation.
3. Identify whether there are symbols in the courthouse and courthouse grounds that carry implications of racism, such as public displays of historical figures who have demonstrated racial hostility.
4. Encourage recruitment of qualified candidates from diverse corners of the community for all appointments or selections made by the Court.
5. Solicit input from the local minority and specialty bar organizations to enhance the Court’s cultural and socio-economic knowledge base.
6. Continue the progress of making the Court more accessible, particularly to those litigants who cannot afford counsel or are of limited means, to include encouragement of *pro bono* representation of those who are indigent.
7. Propose to the Fairfax Bar Association that it establish a committee to study the history and legacy of racism in judicial systems and to make recommendations to ensure racism has no place in the Fairfax Circuit Court.
8. Work with the Bar, civic organizations, and the schools to develop programs to encourage minority youth to pursue educational opportunities and careers in the justice system.
9. Promote confidence in the commitment of the judges of this Court to justice for all by the daily actions of the judges, which make clear neither intentional racism, implicit bias nor systemic racism have any place in the Fairfax Circuit Court.

Signed: August 14, 2020

Redacted per VA Code 17.1-293(B)

Chief Judge Bruce D. White

Redacted per VA Code 17.1-293(B)

Judge Robert J. Smith

Redacted per VA Code 17.1-293(B)

Judge Randy I. Bellows

Redacted per VA Code 17.1-293(B)

Judge Brett A. Kassabian

Redacted per VA Code 17.1-293(B)

Judge Michael F. Devine

Redacted per VA Code 17.1-293(B)

Judge Grace Burke Carroll

Redacted per VA Code 17.1-293(B)

Judge Penney S. Azcarate

Redacted per VA Code 17.1-293(B)

Judge Thomas P. Mann

Redacted per VA Code 17.1-293(B)

Judge David Bernhard

Redacted per VA Code 17.1-293(B)

Judge Dontaè L. Bugg

Redacted per VA Code
17.1-293(B)

Judge John M. Tran

Redacted per VA Code 17.1-293(B)

Judge Daniel E. Ortiz

Redacted per VA Code 17.1-293(B)

Judge Stephen C. Shannon

Redacted per VA Code 17.1-293(B)

Judge Richard E. Gardiner

Redacted per VA Code 17.1-293(B)

Judge David A. Oblon