City of Alexandria, Virginia

MEMORANDUM

DATE: FEBRUARY 23, 2006

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JAMES K. HARTMANN, CITY MANAGER

SUBJECT: MAGISTRATE SALARY SUPPLEMENT

ISSUE: Magistrate Salary Supplement

RECOMMENDATION: That City Council approve a 50% salary supplement for the Magistrates and authorize the Office of the Magistrate to over-expend its budget in FY 2006 pending the June transfer resolution.

BACKGROUND: Alexandria Chief Magistrate George Ball has requested that the City consider providing a local supplement to the pay of Alexandria Magistrates. The City has seven magistrates (five are full-time and two are part-time). The Magistrates’ Office is located at the Public Safety Center, and the Magistrates work in shifts, seven days a week, 24 hours a day. The Magistrates are appointed by and supervised by the Chief Judge of the Alexandria Circuit Court. They main duties are to make legal determinations on the issuance of arrest warrants, civil warrants and subpoenas and the admission to bail or commitment to jail. The practice in Alexandria has been to appoint attorneys to Magistrate position to ensure that the incumbents have legal training and can become fully qualified to make the determinations that are part of their job.

DISCUSSION: In his request to the City Alexandria Chief Magistrate George Ball asked for the City to provide salary supplements to the Magistrates. Currently they are paid only the State salary of $41,547 (for full time positions). Alexandria is the only major Northern Virginia jurisdiction that does not supplement Magistrate salaries. The State salary is a relatively low one as compared to the responsibilities of the positions, the qualifications required, and competition with surrounding jurisdictions in the Northern Virginia area. Currently, both Loudoun and Fauquier Counties provide the maximum 50% supplement as allowed by state law. In addition, Fairfax County provides a 25% supplement, Arlington County provides a 24% supplement and Prince William County provides a 3% supplement in conjunction with a $150,000 grant distributed among the Magistrate staff. It is extremely important that we retain experienced and well-qualified Magistrates, since their legal decisions are so key to the criminal and civil justice process.

A 50% salary supplement would allow the average full-time Magistrate salary in Alexandria to be increased from $41,547 currently to $62,321. Part-time Magistrate salaries also would be increased proportionately.
Loudoun County is one of the fastest growing areas in Virginia and will need to hire more Magistrates in the future. State mandates require that Northern Virginia Magistrates live in contiguous jurisdictions to the jurisdiction in which they serve. Thus far, five Alexandria Magistrates live in Fairfax County and three of these Magistrates have been approached by Loudoun County (a contiguous jurisdiction). Others have been approached by Prince William County. This is significant because 6 of the 7 Alexandria Magistrates come up for renewal of their terms of office (4 years) on 6/30/06. This supplement is necessary to keep the City of Alexandria competitive, continue to attract attorneys to these positions and provide high quality service, and to prevent turnover.

**FISCAL IMPACT:** Approximately $43,000 in FY 2006 and $130,000 in FY 2007 (assumed in Proposed FY 2007 Budget).

**STAFF:**
George Ball, Chief Magistrate
Michele Evans, Deputy City Manager
The Office Of Magistrate

History and Purpose

The office of the magistrate has its roots in the Middle Ages and has evolved significantly over the centuries. In England, the position of the magistrate originated in the 13th century when justices of the peace were established to perform various legal functions. These early justices of the peace were often local landowners or distinguished citizens who were not necessarily lawyers. They were responsible for overseeing the administration of justice, trying minor cases, and enforcing local bylaws. The position of the magistrate has been refined over time to accommodate the changing needs of society, becoming more specialized and professionalized.

In the United States, the role of the magistrate has been particularly significant in the development of the legal system. The first formal system of recordkeeping by magistrates was established as part of the judicial system in 1944 in the city of Portland, Oregon. Since then, the role of the magistrate has been expanded to include various functions, such as the issuance of warrants, the handling of certain types of traffic violations, and the conduct of preliminary hearings.

In Oregon, the position of the magistrate is filled by individuals who are appointed by the courts. These magistrates are expected to maintain high standards of conduct and professionalism in their work. They are responsible for ensuring that the legal system is administered fairly and efficiently, and they play a crucial role in the justice system by handling a wide range of legal matters.

Responsibilities of the Magistrate

The magistrate has a variety of responsibilities, including the issuance of warrants, the handling of certain types of traffic violations, and the conduct of preliminary hearings. These responsibilities are outlined in the Oregon Revised Statutes, and the magistrate is expected to adhere to these guidelines in carrying out their duties.

- **Issuing Warrants:** The magistrate is responsible for issuing warrants in various cases, including arrest warrants, search warrants, and bench warrants. These warrants are essential tools for law enforcement agencies in protecting the public and ensuring that justice is served.

- **Handling Traffic Violations:** The magistrate is responsible for handling certain types of traffic violations, such as those involving traffic infractions. These violations are typically handled by the magistrate in small claims court or in a magistrate's court.

- **Conducting Preliminary Hearings:** The magistrate is responsible for conducting preliminary hearings, which are essential in determining whether there is sufficient evidence to support further legal action. These hearings are critical in ensuring that the legal system is fair and efficient.

In addition to these responsibilities, the magistrate is expected to maintain a high level of professionalism and to comply with all relevant legal and ethical standards. The magistrate is held accountable for their actions and is subject to disciplinary action if they fail to meet the required standards.

By serving as a magistrate, individuals can contribute to the justice system by ensuring that legal proceedings are conducted fairly and efficiently. The role of the magistrate is an important one, and those who serve in this position are expected to uphold the highest standards of conduct and professionalism.
The Virginia Judicial System

Clerk
SUPREME COURT OF VIRGINIA
(First Court of Last Resort)
(Chef Justice and 6 Justices)

Executive secretary

COURT OF APPEALS
(Intermediate Appeals Court
10 judges)

CIRCUIT COURTS
(Highest Trial Court
with
general jurisdiction
31 circuits—122 courts)

GENERAL DISTRICT COURTS
(Limited Civil/Criminal jurisdiction
Courts in all 32 districts)

MAGISTRATES

JUDICIAL COUNCIL
CONFERENCE OF CIRCUIT
COURTS AND OF DISTRICT COURTS

STATE BOARD OF BAR EXAMINERS
(Lawyer Licensing)

VIRGINIA STATE BAR
(Lawyer Referral Service
(Lawyer Discipline)

JUDICIAL INQUIRY
AND REVIEW COMMISSION
(Judge Discipline)

VIRGINIA CRIMINAL
SENTENCING COMMISSION

Advice

This will try to assist you by providing general information,
not attorneys and cannot give legal advice.

To retain your own attorney or obtain legal advice but do not
yourself by the Virginia State Bar Referral Service by calling
number: 800-552-7977 or 804-775-0808.

Information for Individuals with Disabilities

System has adopted a policy of non-discrimination in both
to its facilities, services, programs, and individuals with disabilities who need accommodation in order
to participate in court system functions and obtain assistance from court system staff. Individuals with
the court system) who believe they have
ated against in either employment or in access may file a
ough local court system officials. Those who need printed
esh by the court system in another format or who have
ons about the court system’s non-discrimination policies
contact the Office of the Executive Secretary, Supreme
100 North Ninth Street, Third Floor, Richmond, Virginia
phone number is (804) 786-6455; communication through
tice device (TDD) is also available at this number.

For more information, see the following
World Wide Web home page address:
http://www.courts.state.va.us

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