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1 **HOUSE BILL NO. 1485**

2 Offered January 23, 2026

3 A BILL to amend and reenact §§ 17.1-400, 17.1-402, and 17.1-403, as it is currently effective and as it may  
4 become effective, of the Code of Virginia, relating to maximum number of judges on the Court of Appeals  
5 of Virginia; hearings en banc; summary disposition of certain civil cases.

6 Patron—Hope

7 Referred to Committee for Courts of Justice

8 **Be it enacted by the General Assembly of Virginia:**9 1. That §§ 17.1-400, 17.1-402, and 17.1-403, as it is currently effective and as it may become effective, of  
10 the Code of Virginia are amended and reenacted as follows:11 § 17.1-400. Creation and organization; election and terms of judges; oath; vacancies; qualifications;  
12 incompatible activities prohibited; chief judge.13 A. The Court of Appeals of Virginia is hereby established effective January 1, 1985. It shall consist of 17  
14 21 judges who shall be elected for terms of eight years by the majority of the members elected to each house  
15 of the General Assembly. The General Assembly shall consider regional diversity in making its elections.  
16 Before entering upon the duties of the office, a judge of the Court of Appeals shall take the oath of office  
17 required by law. The oath shall be taken before a justice of the Supreme Court of Virginia or before any  
18 officer authorized by law to administer an oath. When any vacancy exists while the General Assembly is not  
19 in session, the Governor may appoint a successor to serve until 30 days after the commencement of the next  
20 regular session of the General Assembly. Whenever a vacancy occurs or exists in the office of a judge of the  
21 Court of Appeals while the General Assembly is in session, or when the term of office of a judge of the Court  
22 of Appeals will expire or the office will be vacant or vacated at a date certain between the adjournment of the  
23 General Assembly and the commencement of the next session of the General Assembly, a successor may be  
24 elected at any time during a session preceding the date of such vacancy by the vote of a majority of the  
25 members elected to each house of the General Assembly for a full term and, upon qualification, the successor  
26 shall enter at once upon the discharge of the duties of the office; however, such successor shall not qualify  
27 prior to the predecessor leaving office. No person shall be elected or reelected to a subsequent term under this  
28 section until he has submitted to a criminal history record search and submitted to a search of the central  
29 registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse or neglect and reports  
30 of such searches have been received by the ~~Chairmen~~ Chairs of the House and Senate Committees for Courts  
31 of Justice. If the person has not met the requirement of filing in the preceding calendar year a disclosure form  
32 prescribed in § 2.2-3117 or 30-111, he shall also provide a written statement of economic interests on the  
33 disclosure form prescribed in § 2.2-3117 to the ~~Chairmen~~ Chairs of the House and Senate Committees for  
34 Courts of Justice.35 All judges of the Court of Appeals shall be residents of the Commonwealth and shall, at least five years  
36 prior to the appointment or election, have been licensed to practice law in the Commonwealth. No judge of  
37 the Court of Appeals, during his continuance in office, shall engage in the practice of law within or ~~without~~  
38 ~~outside of~~ the Commonwealth or seek or accept any nonjudicial elective office, or hold any other office of  
39 public trust, or engage in any other incompatible activity.40 B. The chief judge shall be elected by majority vote of the judges of the Court of Appeals to serve a term  
41 of four years.42 C. If a judge of the Court of Appeals is absent or unable through sickness, disability, or any other reason  
43 to perform or discharge any official duty or function authorized or required by law, a (i) retired chief justice  
44 or retired justice of the Supreme Court of Virginia, (ii) retired chief judge or retired judge of the Court of  
45 Appeals of Virginia, or (iii) retired judge of a circuit court of Virginia, with his ~~or her~~ prior consent, may be  
46 appointed by the chief judge of the Court of Appeals, acting upon his own initiative or upon a personal  
47 request from the absent or disabled judge, to perform or discharge the official duties or functions of the  
48 absent or disabled judge until that judge shall again be able to attend his duties. The chief judge of the Court  
49 of Appeals shall be notified forthwith at the time any absent or disabled judge is able to return to his duties.50 D. The chief judge of the Court of Appeals may, upon his own initiative, designate a (i) retired chief  
51 justice or retired justice of the Supreme Court of Virginia, (ii) retired chief judge or retired judge of the Court  
52 of Appeals of Virginia, or (iii) retired or active judge of a circuit court of Virginia, with the prior consent of  
53 such justice or judge, to perform or discharge the official duties or functions of a judge of the Court of  
54 Appeals if there is a need to do so due to congestion in the work of the court. Nothing in this subsection shall  
55 be construed to increase the number of judges of the Court of Appeals provided for in subsection A of this  
56 section.

INTRODUCED

HB1485

59       E. Any retired chief justice, retired justice, retired chief judge, or active or retired judge sitting on the  
60 Court of Appeals pursuant to subsection C or D shall receive from the state treasury actual expenses for the  
61 time he or she is actually engaged in holding court.

62       F. The powers and duties herein conferred or empowered upon the chief judge of the Court of Appeals  
63 may be exercised and performed by any judge or any committee of judges of the court designated by the chief  
64 judge for such purpose.

65       **§ 17.1-402. Sessions; panels; quorum; presiding judges; hearings en banc.**

66       A. The Court of Appeals shall sit at such locations within the Commonwealth as the chief judge, upon  
67 consultation with the other judges of the court, shall designate so as to provide, insofar as feasible, convenient  
68 access to the various geographic areas of the Commonwealth. The chief judge shall schedule sessions of the  
69 court as required to discharge expeditiously the business of the court.

70       B. The Court of Appeals shall sit in panels of at least three judges each. The presence of all judges in the  
71 panel shall be necessary to constitute a quorum. The chief judge shall assign the members to panels and,  
72 insofar as practicable, rotate the membership of the panels. The chief judge shall preside over any panel of  
73 which he is a member and shall designate the presiding judges of the other panels.

74       C. Each panel shall hear and determine, independently of the others, the petitions for appeal pursuant to  
75 § 17.1-406 or 19.2-398 and appeals in criminal and civil cases assigned to that panel.

76       D. The Court of Appeals shall sit en banc (i) when there is a dissent in the panel to which the case was  
77 originally assigned and an aggrieved party requests an en banc hearing and at least ~~six~~ *eight* judges of the  
78 court vote in favor of such a hearing or (ii) when any judge of any panel shall certify that in his opinion a  
79 decision of such panel of the court is in conflict with a prior decision of the court or of any panel thereof and  
80 ~~five~~ *seven* other judges of the court concur in that view. The court may sit en banc upon its own motion at any  
81 time or upon the petition of any party, in any case in which a majority of the court determines it is appropriate  
82 to do so. The court sitting en banc shall consider and decide the case and may overrule any previous decision  
83 by any panel or of the full court.

84       E. The court may *sit* perform its *en banc* function by such number of judges as may be prescribed by rule  
85 of the Supreme Court of Virginia, provided that the court sits en banc with no fewer than 13 judges. In all  
86 cases decided by the court en banc, the concurrence of at least a majority of the judges sitting shall be  
87 required to reverse a judgment, in whole or in part.

88       **§ 17.1-403. (For contingent expiration date, see Acts 2025, c. 612, cl. 2) Rules of practice, procedure,  
89 and internal processes; promulgation by Supreme Court; amendments; summary disposition of  
90 appeals.**

91       A. The Supreme Court shall prescribe and publish the initial rules governing practice, procedure, and  
92 internal processes for the Court of Appeals designed to achieve the just, speedy, and inexpensive disposition  
93 of all litigation in that court consistent with the ends of justice and to maintain uniformity in the law of the  
94 Commonwealth. Before amending the rules thereafter, the Supreme Court shall receive and consider  
95 recommendations from the Court of Appeals.

96       B. The rules shall prescribe procedures (i) authorizing the Court of Appeals to prescribe truncated record  
97 or appendix preparation and (ii) permitting the Court of Appeals to dispense with oral argument if the parties  
98 agree that oral argument is not necessary or if the panel has examined the briefs and record and unanimously  
99 agrees that oral argument is unnecessary because (a) the appeal is wholly without merit; (b) the dispositive  
100 issue or issues have been authoritatively decided, and the appellant has not argued that the case law should be  
101 overturned, extended, modified, or reversed; or (c) the facts and legal arguments are adequately presented in  
102 the briefs and record, and the decisional process would not be significantly aided by oral argument.

103       C. *In a civil case, if the panel unanimously agrees that the case is wholly without merit and the record  
104 below contains reasoned bases resolving the issues raised on appeal, the Court of Appeals may summarily  
105 affirm the decision below.*

106       **§ 17.1-403. (For contingent effective date, see Acts 2025, c. 612, cl. 2) Rules of practice, procedure,  
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114       B. The rules shall prescribe procedures (i) authorizing the Court of Appeals to prescribe truncated record  
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118 issue or issues have been authoritatively decided, and the appellant has not argued that the case law should be  
119 overturned, extended, modified, or reversed.

120       C. *In a civil case, if the panel unanimously agrees that the case is wholly without merit and the record*

**121** *below contains reasoned bases resolving the issues raised on appeal, the Court of Appeals may summarily*  
**122** *affirm the decision below.*

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HB1485