

2022 EDITION

Litigation in Virginia: Civil and Criminal

Michael G. Matheson
Rhonda Quagliana
Stephen A. Mutnick
Lisa L. Schenkel

**Drawn from the
2022 Edition of
The Virginia Lawyer:
A Deskbook for
Practitioners**



Continuing Legal Education
by the Virginia Law Foundation



Litigation in Virginia: Civil and Criminal

Copyright © 2018, 2021
Virginia Law Foundation. All rights reserved.

This electronic book is licensed for use on a single personal computer only. It must be treated in the same way as the print edition. It may not be copied, made accessible on a computer network, or otherwise shared by electronic or optical means. No derivative works may be made, but the purchaser may electronically copy short passages to include in memoranda, briefs, and similar documents.

This publication is presented with the understanding that the authors, the reviewers, and the publisher do not render any legal, accounting, or other professional service. It is intended for use by attorneys licensed to practice law in Virginia. Because of the rapidly changing nature of the law, information contained in this publication may become outdated. As a result, an attorney using this material must always research original sources of authority and update information to ensure accuracy when dealing with a specific client's legal matters. In no event will the authors, the reviewers, or the publisher be liable for any direct, indirect, or consequential damages resulting from the use of this material. The views expressed herein do not necessarily represent those of the Virginia Law Foundation.

Citations to statutes, rules, and regulations are to the versions in effect at the time the material was written, unless otherwise noted. An effort has been made to ensure the material is current as of November 2021.

Click the left mouse button twice on the link below to view tips on using Virginia CLE Electronic Books (requires Adobe® Reader version 6 or later).



LITIGATION IN VIRGINIA: CIVIL AND CRIMINAL

Second Edition

Michael G. Matheson

ThompsonMcMullan, P.C. / Richmond

Rhonda Quagliana

MichieHamlett, PLLC / Charlottesville

Stephen A. Mutnick

Winslow, McCurry & MacCormac, PLLC / Midlothian

Lisa L. Schenkel

Schenkel & Donaldson, P.C. / Lynchburg

Produced by Virginia CLE® in cooperation with the
Young Lawyers Division of The Virginia Bar Association for
The Virginia Lawyer: A Deskbook for Practitioners

 Virginia CLE®
Publications

TABLE OF CONTENTS

<i>Chapters and Authors</i>	iii
<i>About the Authors</i>	v
<i>Acknowledgments</i>	ix
<i>Electronic Forms: Instructions and Table</i>	xi

CHAPTER 1: CIVIL PRACTICE IN THE GENERAL DISTRICT COURTS

1.1 JURISDICTION	1
1.101 Amount in Controversy	1
1.102 Transfer and Amount of Claim	1
1.103 Subject Matter	2
1.104 Injunctive Relief	4
1.2 VENUE AND SERVICE OF PROCESS	4
1.201 Venue	4
1.202 Service of Process	6
1.3 COMMENCEMENT OF AN ACTION	9
1.301 Initial Pleading	9
1.302 Contents of the Pleading	10
1.303 Fees and Costs	12
1.4 SPECIFIC ACTIONS	12
1.401 Attachments	12
1.402 Contracts or Open Accounts	14
1.403 Detinue.....	16
1.404 Distress for Rent.....	17
1.405 Unlawful Detainer.....	18
1.406 Garnishments	24
1.407 Debtor's Interrogatories	27
1.5 PROCEDURE IN THE GENERAL DISTRICT COURT	28
1.501 Principles of Law and Equity.....	28
1.502 Rules of Court	28
1.503 Counterclaims, Cross-Claims, and Third-Party Claims.....	29
1.504 Return Date	30
1.505 Bill of Particulars and Grounds of Defense	32
1.506 Discovery.....	33

TABLE OF CONTENTS

1.507	Subpoena of Witnesses	34
1.508	Trial	35
1.6	FINALITY OF JUDGMENT	39
1.601	Appeal.....	39
1.602	New Trial.....	43
1.603	Setting Aside of Default Judgments	43
1.604	Clerical Errors.....	44
1.7	SATISFACTION OF JUDGMENT	44
1.8	SUBSTITUTION OF COUNSEL.....	44
1.9	WITHDRAWAL AS COUNSEL	45
	APPENDIX 1-1: NOTICE OF PRESENTATION OF ORDER.....	47
	APPENDIX 1-2: LIST OF STANDARD GENERAL DISTRICT COURT FORMS.....	49

CHAPTER 2: CIVIL PRACTICE IN THE CIRCUIT COURTS

2.1	INTRODUCTION	51
2.2	PROPER VENUE	51
2.201	In General.....	51
2.202	Choice of Venue, Objection, and Transfer	52
2.203	Forum Non Conveniens	52
2.204	Default Venue	53
2.3	COMPLAINT	53
2.301	In General.....	53
2.302	Specificity	54
2.303	Alternative Facts and Theories.....	57
2.304	Uninsured Motorists	57
2.4	SERVICE OF PROCESS.....	58
2.401	By Whom Served	58
2.402	Method of Service.....	59
2.403	Virginia Corporations or LLCs.....	59
2.404	Partnerships.....	60
2.405	Foreign Corporations	60

TABLE OF CONTENTS

2.406	Localities and Municipal Corporations	60
2.407	Secretary of the Commonwealth	60
2.408	Order of Publication	61
2.409	Nonresident Motorists.....	61
2.410	Owners or Operators of Aircraft.....	62
2.411	Unknown and Uninsured Motorists.....	62
2.412	Persons Under a Disability	63
2.5	DEFENSIVE PLEADINGS	64
2.501	General Requirements	64
2.502	Demurrer	66
2.503	Bill of Particulars	66
2.504	Peremptory Pleas (Pleas in Bar)	67
2.505	Answer	68
2.506	Claims Against the Plaintiff or a Codefendant.....	68
2.507	Third-Party Action	69
2.508	Statutory Interpleader	70
2.509	Intervention	70
2.6	DISCOVERY	70
2.7	PRETRIAL MOTIONS.....	70
2.701	Default Judgment.....	71
2.702	Motion for Summary Judgment	71
2.8	SCHEDULING CASES FOR TRIAL	72
2.801	In General	72
2.802	Pretrial Scheduling Order.....	72
2.803	Pretrial Conference	73
2.9	WITNESSES	73
2.901	In General	73
2.902	Subpoena Essential to Continuance.....	74
2.903	Voluntary Acceptance	74
2.904	Failure to Appear	74
2.905	Advance Notice	75
2.906	Requests for Subpoenas	75
2.907	Private Service.....	75
2.908	Deposition Subpoenas	75
2.10	COURT REPORTER.....	75

TABLE OF CONTENTS

2.11	INITIAL STAGE OF TRIAL	76
2.1101	Voir Dire	76
2.1102	Witnesses.....	77
2.1103	Opening Statement	78
2.12	EVIDENCE	79
2.1201	Virginia Rules of Evidence	79
2.1202	Order of Proof.....	79
2.1203	Documentary Evidence	80
2.1204	Viewing a Scene	81
2.1205	Objections	82
2.13	MOTIONS DURING TRIAL	83
2.1301	At the Conclusion of the Plaintiff's Evidence	83
2.1302	At the Conclusion of All Evidence	84
2.14	NONSUIT.....	84
2.1401	Voluntary Nonsuit	84
2.1402	Discontinuance.....	85
2.15	INSTRUCTIONS AND ARGUMENT.....	86
2.1501	Proposed Jury Instructions	86
2.1502	Argument.....	87
2.16	VERDICTS AND MOTIONS AFTER VERDICT	87
2.1601	Verdict	87
2.1602	Motions After Verdict	88
2.17	CLERICAL ERRORS.....	89
2.18	FINAL DISPOSITION OF THE CASE	89
2.19	APPELLATE PRACTICE RULES.....	89
2.20	SETTLEMENT OF CASES.....	90
2.2001	In General.....	90
2.2002	Personal Injury Claims of Persons Under a Disability.....	90
2.2003	Wrongful Death Actions	92
2.21	FINANCIAL SETTLEMENT WITH CLIENT	93
2.2101	Disbursement of Settlement Proceeds	93
2.2102	Liens	93

TABLE OF CONTENTS

APPENDIX 2-1: COMPLAINT—VEHICLE ACCIDENT	95
APPENDIX 2-2: COMPLAINT—BODILY INJURY	97
APPENDIX 2-3: ORDER APPOINTING DEFENDANT'S ATTORNEY AS GUARDIAN AD LITEM.....	101
APPENDIX 2-4: ORDER EXTENDING TIME TO FILE RESPONSIVE PLEADINGS	103
APPENDIX 2-5: RESPONSIVE PLEADING	105
APPENDIX 2-6: DEMURRER	109
APPENDIX 2-7: MOTION OF DEFENDANT FOR A BILL OF PARTICULARS.....	111
APPENDIX 2-8: SPECIAL PLEA OF THE STATUTE OF LIMITATIONS	113
APPENDIX 2-9: ANSWER	115
APPENDIX 2-10: MOTION FOR SUMMARY JUDGMENT	117
APPENDIX 2-11: PRAECIPE	119
APPENDIX 2-12: REQUEST TO CLERK TO ISSUE SUBPOENAS	121
APPENDIX 2-13: JUDGMENT ORDER—BENCH TRIAL.....	123
APPENDIX 2-14: JUDGMENT ORDER—JURY VERDICT FOR PLAINTIFF	125
APPENDIX 2-15: JUDGMENT ORDER—JURY VERDICT FOR DEFENDANT.....	129
APPENDIX 2-16: DISMISSAL ORDER	131
APPENDIX 2-17: RELEASE OF ALL CLAIMS.....	133
APPENDIX 2-18: MOTION TO APPROVE COMPROMISE SETTLEMENT UNDER SECTION 8.01-424.....	135

TABLE OF CONTENTS

APPENDIX 2-19: ANSWER OF DEFENDANT OFFERING COMPROMISE	139
APPENDIX 2-20: ANSWER OF THE GUARDIAN AD LITEM	141
APPENDIX 2-21: ORDER APPROVING SETTLEMENT	143
APPENDIX 2-22: RECEIPTS	147
APPENDIX 2-23: JUDGMENT ORDER—WRONGFUL DEATH SETTLEMENT	149

CHAPTER 3: CRIMINAL DEFENSE

3.1 INTRODUCTION TO THE CRIMINAL PROCESS	153
3.101 Concepts and Objectives of the Criminal Process	153
3.102 The Source of the Law	154
3.103 Classes of Offenses.....	157
3.104 The Criminal Justice System in Virginia	158
3.105 Sequence of a Typical Criminal Case.....	162
3.106 General Duties of Defense Counsel.....	167
3.107 Professional Conduct	169
3.2 PRETRIAL PROCEEDINGS	172
3.201 Initial Investigation and Client Interview	172
3.202 Discovery	177
3.203 The Preliminary Hearing	180
3.204 The Grand Jury	185
3.205 The Charge upon Which the Accused Is Tried	192
3.206 The Arraignment.....	201
3.207 Pleas.....	201
3.208 Plea Bargaining.....	209
3.209 Pretrial Motions	211
3.3 THE TRIAL.....	216
3.301 Venue	216
3.302 Selection of Jurors.....	218
3.303 Opening Statement	229
3.304 Presenting the Evidence	230
3.305 Instructions to the Jury	241
3.306 Argument in Summation.....	245
3.307 Verdict	252

TABLE OF CONTENTS

3.308	Postverdict Motions.....	253
3.309	Sentencing	254
3.4	POST-SENTENCING REDUCTION OF SENTENCE.....	257

CHAPTER 4: JUVENILE LAW

4.1	INTRODUCTION.....	259
4.101	Historical Background	259
4.102	Organization of Juvenile Code.....	259
4.103	Jurisdiction of Juvenile Court	260
4.2	PRETRIAL PROCEEDINGS.....	268
4.201	Intake and Diversion.....	268
4.202	Detention and Shelter Care	273
4.203	Discovery.....	283
4.204	Motion Practice.....	284
4.205	Arraignment	288
4.3	ADJUDICATORY HEARING.....	289
4.301	Introduction	289
4.302	Petition and Notice of Charges	289
4.303	Subpoenas	290
4.304	Competency, Insanity, and Infancy.....	290
4.305	Admissions and Pleas.....	293
4.306	Burden of Proof and Evidentiary Rules	295
4.307	Trial Rights Generally for Juveniles Charged with Delinquency	296
4.308	Right to Jury Trial	296
4.309	Transfer and Certification	296
4.310	Double Jeopardy	298
4.311	Contempt of Court	298
4.4	DISPOSITION.....	299
4.401	Philosophy of Disposition.....	299
4.402	Venue	301
4.403	Supervision Following Adjudicatory Hearing.....	301
4.404	Collection of Information Necessary for Effective Disposition	301
4.405	Placement of Child Pending Disposition	303
4.406	Role of Defense Counsel	304

TABLE OF CONTENTS

4.407	Role of Prosecutor	306
4.408	Disposition Hearing	306
4.409	Dispositional Alternatives	307
4.410	Other Dispositional Considerations.....	310
APPENDIX 4-1: SAMPLE DETENTION ASSESSMENT INSTRUMENT		313
CHAPTER 5: ALTERNATIVE DISPUTE RESOLUTION		
5.1	INTRODUCTION	315
5.2	CONTINUUM OF DISPUTE RESOLUTION OPTIONS.....	315
5.3	MEDIATION.....	321
5.301	Virginia Statutory Provisions.....	321
5.302	Ethics	322
5.303	Lawyer's Role	324
5.304	Case Selection for Mediation.....	325
5.305	Persuading the Opposing Party to Mediate	327
5.306	Selecting the Mediator.....	328
5.307	Timing.....	333
5.308	The Mediation Process.....	334
5.309	Vacating Mediated Agreements	337
5.310	Conclusion	337
5.4	ARBITRATION	337
5.5	COLLABORATION	339
TABLE OF AUTHORITIES.....		343
INDEX.....		I-1

CHAPTER 1

CIVIL PRACTICE IN THE GENERAL DISTRICT COURTS

1.1 JURISDICTION

1.101 Amount in Controversy. The general district courts are original jurisdiction courts with exclusive original jurisdiction over claims not exceeding \$4,500 and concurrent jurisdiction with the circuit courts for matters exceeding \$4,500 but not more than \$25,000, exclusive of interest and attorney fees,¹ except with regard to personal injury or wrongful death claims, in which case the jurisdictional limit is \$50,000, exclusive of interest and attorney fees.² Each general district court operates a small claims court with concurrent jurisdiction up to the jurisdictional limit of \$5,000.³ There is no jurisdictional amount-in-controversy requirement in actions for unlawful entry and detainer.⁴ District courts are entirely creatures of statute, and all jurisdiction, power, and authority over any civil action is conferred by the Virginia Code.⁵

1.102 Transfer and Amount of Claim. Under former section 16.1-92 of the Virginia Code, a defendant could remove a matter to the circuit court under certain circumstances. This option was abolished in 2007. Even before this change, a plaintiff who filed in the general district court had very limited options available to increase the amount of his or her claim above the jurisdictional limits. There previously existed no mechanism for a plaintiff to transfer or remove a matter to the circuit court. The taking of a nonsuit generally requires that the case be refiled in the same court.⁶ Even when filing a de novo appeal, the Virginia Code only permitted the plaintiff to increase the

¹ Va. Code § 16.1-77(1). Section 16.1-77 states that the jurisdictional amounts are “exclusive of interest and any attorney fees,” clarifying that the plaintiff’s damages may be claimed up to the full jurisdictional limit without jeopardizing the court’s ability to award these costs.

² Va. Code §§ 8.01-195.4, 16.1-77(1).

³ Va. Code §§ 16.1-122.1, -122.2. Parties must be *pro se* to remain in small claims court. An attorney or party may remove a small claim to the general district court under section 16.1-122.4.

⁴ Va. Code § 16.1-77(3).

⁵ Va. Code § 16.1-77(4).

⁶ *See infra* ¶ 1.508(C).

amount of the claim above the jurisdictional limits of the general district courts if the appeal was taken by the defendant.⁷

Significantly, the Virginia Code was amended in 2019 to empower plaintiffs to freely increase or decrease the amount of the claim “without requiring that the case first be dismissed or that the plaintiff suffer a nonsuit” and without affecting the tolling of the statutes of limitations.⁸ Except for good cause shown, the plaintiff must move to amend and transfer at least 10 days before trial.⁹ Cases can be moved from general district court to circuit court or vice versa.

To effectuate a transfer, the plaintiff must present an order of transfer to the transferring court for entry. The entry of this order removes the matter from the active docket of the court. The plaintiff then must present a certified copy of the order of transfer to the receiving court to complete the transfer. The plaintiff is required to pay all filing and other fees to initiate the matter in the receiving court.¹⁰

These procedural changes provide the plaintiff with exclusive control over the choice of forum.¹¹ A defendant still may not remove a matter to a different forum. The amended statutes are silent as to the period in which the plaintiff must reinitiate the case in the new forum. Because this statute extends the tolling of the statutes of limitations, a defendant should ensure that the order of transfer provides appropriate time parameters for reinitiating the case.

1.103 Subject Matter. Within the jurisdictional amounts, general district courts have jurisdiction to hear claims for:¹²

1. Specific personal property (detinue);¹³

⁷ Va. Code § 16.1-114.1.

⁸ Va. Code §§ 8.01-195.4, 16.1-77, 17.1-513. Of course, this presumes that amending the amount of the claim is otherwise proper under Rule 1:8 of the Rules of the Virginia Supreme Court.

⁹ Va. Code §§ 8.01-195.4, 16.1-77, 17.1-513.

¹⁰ Va. Code §§ 8.01-195.4, 16.1-77, 17.1-513.

¹¹ The exception is removal to federal court where available. *See* 28 U.S.C. § 1441 *et seq.* Transfer to the juvenile and domestic relations district courts may also be compulsory under certain circumstances. *See* Va. Code § 16.1-243.

¹² Va. Code § 16.1-77.

¹³ Va. Code § 16.1-77(1).

2. Any debt, fine, or other money;¹⁴
3. Damages for breach of contract;¹⁵
4. Damages to property, real or personal;¹⁶
5. Damages for personal injury, regardless of theory;¹⁷
6. Wrongful death;¹⁸
7. Attachment cases;¹⁹
8. Actions of unlawful entry or detainer;²⁰
9. Interpleader suits;²¹
10. Virginia Tort Claims Act actions;²²
11. Enforcement of Freedom of Information Act (FOIA) requests (concurrent with the circuit court) or of the Government Data Collection and Dissemination Practices Act for writs of mandamus or injunctions;²³

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* This section now increases the concurrent jurisdictional limit for a personal injury claim in the general district court from \$25,000 to \$50,000, exclusive of interest and attorney fees.

¹⁸ *Id.* This section adds wrongful death to the types of claims that the general district court can hear, and it also increases the concurrent jurisdictional limit for a wrongful death claim in that court from \$25,000 to \$50,000, exclusive of interest and attorney fees.

¹⁹ Va. Code § 16.1-77(2).

²⁰ Va. Code § 16.1-77(3); *see* Va. Code §§ 8.01-124 *et seq.* (unlawful entry), 55.1-1400 *et seq.* (detainer).

²¹ Va. Code § 16.1-77(5).

²² Va. Code § 8.01-195.1 *et seq.* Small claims courts have no jurisdiction over cases brought under the Virginia Tort Claims Act or suits against any officer or employee of the commonwealth for claims arising out of the performance of their official duties or responsibilities. Va. Code § 16.1-122.1.

²³ Va. Code §§ 16.1-77(6), -83, -106.

12. Cases brought under section 55.1-1959 of the Condominium Act²⁴ or section 55.1-1819 of the Property Owners' Association Act;²⁵
13. Enforcement of arbitration agreements per section 8.01-577 *et seq.* (concurrent with the circuit court);²⁶
14. Claims of any forthcoming bond taken by a sheriff or other officer upon a *fieri facias*;²⁷
15. Partition of personal property; and²⁸
15. Civil protective orders issued pursuant to sections 19.2-152.7:1 through 19.2-152.10.

For purposes of section 16.1-77, the territory served by a county general district court expressly authorized by statute to be established in a city includes the general district court courtroom.

1.104 Injunctive Relief. General district courts do not issue injunctions.²⁹

1.2 VENUE AND SERVICE OF PROCESS

1.201 Venue.³⁰ The aim of the venue provisions in the Virginia Code is to try actions in a forum “convenient to the parties and witnesses, where justice can be administered without prejudice and delay.”³¹ Actions may be brought in accordance with the general rules for venue provided in section

²⁴ Va. Code § 55.1-1900 *et seq.*

²⁵ Va. Code § 16.1-77(7); *see* Va. Code § 55.1-1800 *et seq.* (Property Owners' Association Act).

²⁶ Va. Code § 16.1-77(8).

²⁷ Va. Code § 16.1-77.1.

²⁸ Va. Code § 16.1-77.2.

²⁹ Va. Code § 16.1-77(5). An exception to this rule is that general district courts may issue writs of mandamus or injunctions pursuant to section 2.2-3713 of the Virginia Freedom of Information Act (Va. Code § 2.2-3700 *et seq.*) or section 2.2-3809 of the Government Data Collection and Dissemination Practices Act (Va. Code § 2.2-3800 *et seq.*). Va. Code § 16.1-77(6).

³⁰ Va. Code § 16.1-76.

³¹ Va. Code § 8.01-257.

8.01-257 *et seq.* of the Virginia Code. There are two general categories, with several exceptions, that determine proper venue.

A. Category A or “Preferred” Venue. Matters that fall under the Category A or “preferred” venue statute must be filed as specified in that statute.³² For general district court purposes, these include (i) unlawful detainer actions, which must be brought where the land is located,³³ (ii) attachments,³⁴ (iii) distress,³⁵ and (iv) Virginia Tort Claims Act cases, which must be brought in the location where the claimant resides or the act or omission occurred.³⁶ Out-of-state claimants must bring Virginia Tort Claims Act cases in the City of Richmond.³⁷

B. Category B or “Permissible” Venue. When the statute does not specify a Category A or preferred venue, the list of Category B or “permissible” venues under section 8.01-262 of the Virginia Code controls.³⁸ Permissible venues include, among others, the place where: (i) the defendant resides,³⁹ (ii) the defendant has a principal place of employment;⁴⁰ (iii) if the defendant is not an individual, it has its principal office or principal place of business;⁴¹ (iv) the defendant has a registered office or registered agent;⁴² (v) provided there exists any “practical nexus” to the forum, the defendant regularly conducts substantial business activity;⁴³ (vi) any part of the cause of action arose;⁴⁴ (vii) if there is no other forum available as listed under section 8.01-262(1) through (8), the defendant has property or debts owing to him or her subject to seizure by civil process;⁴⁵ or (vii) the plaintiff resides, provided

³² Va. Code § 8.01-261.

³³ Va. Code § 8.01-261(3)(g).

³⁴ Va. Code § 8.01-261(11).

³⁵ Va. Code § 8.01-261(20).

³⁶ Va. Code § 8.01-261(18).

³⁷ *Id.*

³⁸ Va. Code § 8.01-262.

³⁹ Va. Code § 8.01-262(1).

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² Va. Code § 8.01-262(2).

⁴³ Va. Code § 8.01-262(3).

⁴⁴ Va. Code § 8.01-262(4).

⁴⁵ Va. Code § 8.01-262(9).

there is no other permissible forum.⁴⁶ Section 8.01-262 also provides additional permissible venues for actions to recover or partition personal property, against fiduciaries, for improper message transmission or misdelivery, and arising out of the delivery of goods.⁴⁷

C. Objections to Improper Venue. Objections to improper venue are raised by a motion to transfer.⁴⁸ That motion must be received by the court on or before the day of trial.⁴⁹ The motion must specify why the current venue is improper and it must “give a better writ,” namely, it must state where proper venue would lie.⁵⁰ A motion to transfer may be filed by letter or other writing with the court, with a copy mailed to counsel of record.⁵¹ The party objecting to venue is not required to be present when the court rules upon the motion. In those cases, Rule 7B:11 states the procedures following the court’s ruling, including transferring venue or setting a new trial date, as the case may be. The court may award the prevailing party costs and attorney fees under section 8.01-266.

1.202 Service of Process. Service of process in general district court is accomplished in the manner provided by section 8.01-285 *et seq.* of the Virginia Code.⁵²

A. Service upon Persons.⁵³ Service of process upon natural persons may be accomplished by the following methods, in order of preference: (i) delivery of a copy of the pleading to the party in person by the sheriff or another process server; (ii) substituted service, either by (a) delivering a copy of the pleading to a family member at least 16 years of age at the party’s usual place of abode or (b) posting a copy of the process at the front door or main entrance of the defendant’s usual place of abode; or (iii) service by order of publication as provided under section 8.01-316 *et seq.*⁵⁴

⁴⁶ Va. Code § 8.01-262(10).

⁴⁷ Va. Code § 8.01-262(5)-(8).

⁴⁸ Va. Code § 8.01-264; Va. R. 7B:11.

⁴⁹ Va. Code § 8.01-264(A).

⁵⁰ *Id.*

⁵¹ Va. R. 7B:11.

⁵² Va. Code § 16.1-80.

⁵³ See *infra* ¶ 2.4 (for further discussion of service of process).

⁵⁴ Va. Code § 8.01-296. For a discussion of the procedures for effectuating service by publication, see paragraph 2.408 in Chapter 2 of this book.