



COMMONWEALTH of VIRGINIA

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The Honorable James M. Shuler
Member, House of Delegates
3000 Wakefield Drive
Blacksburg, Virginia 24060

Dear Delegate Shuler:

I am responding to your request for an official advisory opinion in accordance with § 2.2-505 of the *Code of Virginia*.

Issue Presented

You ask whether the denial of a litigant's request for the names and signatures of the justices who ruled on his pleadings violates the Constitution of Virginia.

Response

It is my opinion that no constitutional violation occurs when the justices of the Supreme Court of Virginia decline to sign an order or to identify themselves as members of the panel that ruled on a particular matter before the Court.

Background

You relate that a panel of justices of the Supreme Court of Virginia denied a litigant's petition for appeal. The Order denying the appeal was endorsed only by the Deputy Clerk of Court. You further relay that the appellant subsequently requested the names of the justices who had sat on the panel that denied the appeal and that they sign the order memorializing the Court's decision. This request also was denied.

Applicable Law and Discussion

Article VI of the Virginia Constitution establishes the judicial branch of the Commonwealth's government and creates the Supreme Court of Virginia. It governs the Court's jurisdiction, provides for the composition of the Court and the selection of justices, and requires decisions based on the merits of the cases it hears to be recorded in writing.¹ The Supreme Court, however, is vested with broad "authority to make rules governing the course of appeals and the procedures to be used in the courts of the

¹ VA. CONST. art. VI, §§ 1; 2; 6; 7.

Commonwealth[.]”² This power is limited only in that “such rules shall not be in conflict with the general law as the same shall, from time to time, be established by the General Assembly.”³

The Court has promulgated no rule requiring its panel members to identify themselves or to sign all orders. Also, although the General Assembly has provided that orders of the circuit courts be signed by the presiding judge,⁴ there is no similar provision that applies to the Supreme Court. I therefore conclude that the Court’s procedures allowing routine orders to be endorsed by the Clerk’s office and permitting the identities of panel members to remain undisclosed pose no constitutional problems.

Conclusion

Accordingly, it is my opinion that no constitutional violation occurs when the justices of the Supreme Court of Virginia decline to sign an order or to identify themselves as members of the panel that ruled on a particular matter before the Court.

With kindest regards, I am

Very truly yours,



Kenneth T. Cuccinelli, II
Attorney General

² VA. CONST. art VI, § 5.

³ *Id.*

⁴ *See* VA. CODE ANN. § 17.1-123 (2010).