

VIRGINIA CODE COMMISSION

Monday, May 18, 2025 - 10:00 a.m.

House Committee Room C - General Assembly Building

DRAFT

Meeting Minutes

Members Present: Marcus B. Simon, Katrina E. Callsen, Nicole S. Cheuk, Richard E. Gardiner, Michael P. Mullin, Christopher Nolen, Steven Poppo, Charles S. Sharp, Malfourd W. Trumbo, Amigo R. Wade

Members Present (Virtually): Ryan T. McDougale

Members Absent: Russet W. Perry

Staff Present: Holly Trice, Anne Bloomsburg, Keelin Cronin, Andrew Kubincanek, Meg Lamb, Casey Nelson, Division of Legislative Services

Others Present: Tom Lisk, ALAC; Rachel DeGraba, Supreme Court of Virginia; Dave Ress, Richmond Times-Dispatch

Call to order: Delegate Simon, chair, called the meeting to order at 10:03 and announced the live stream of the meeting was initially unavailable. However, the live stream would begin, then be streamed with the currently running Zoom call, and seamed together to create complete video documentation of the meeting.

A quorum of the commission was present.

Review of Proposed Electronic Meeting Policy under § 2.2-3708.3: Chair Simon explained the electronic meeting policy for 2024 remained effective until June 30, 2025, which covered Senator McDougale participating virtually for this meeting. Chair Simon then asked the commission to vote on adopting an electronic meeting policy for 2025; the only policy change from the 2024 version was that it was updated to allow all virtual meetings to occur no more than appear 2 times per year or 50% of the meetings held, whichever is greater. A motion was made, properly seconded, and passed unanimously.

Review and Approval of November 18, 2024, Meeting Minutes: Chair Simon asked the commission for amendments to the minutes from the November 18, 2024, meeting; there were none. A motion was made to approve the draft minutes, it was properly seconded, and the motion passed unanimously.

Request to Review 58.1-3221 E: Chair Simon requested background on a discrepancy in terminology in subsection E of 58.1-3221 of the Code of Virginia. Holly Trice, Registrar, gave background of the issue, which involves the instance of "historic landmark" being used instead of the term "historic district." Ms. Trice recounted the circumstances of the statute language. Assistant Attorney General, Steven Poppo stated that, according to Ms. Trice's information, the word choice does not seem to meet the Code Commission authorization for correction, which is that the correction be for an "unmistakable error." Chair Simon noted the commission had two options for corrections: draft a bill to fix the error, and a member carry it or establish a "recommendation from the Code Commission," and ask a different member to carry it. Judge Trumbo recommended, since it was a member of the public who identified the inconsistency, to have that individual contact their elected representative and that representative could introduce a bill. A motion was made to take no action on this topic; it was properly seconded and passed unanimously.

Request from Senator Surovell to Study Archaic Terms - Courts: The commission received two letters from Senator Surovell requesting the commission study "archaic" language in the forms of the Virginia Supreme Court. The goal of the request was removal of archaic language in court forms or in statute itself and replacement with plain language to improve the experience of pro se individuals with business before the court. Chair Simon asked the commission members their opinions on having a subcommittee workgroup conduct such a study. Judge Sharp weighed in to say this seems to be a legislative issue, which is consistent with his observation when the commission discussed the first of the two letters at November 18, 2024, meeting. Judge Trumbo asked which legislative committee would handle this. Chair Simon stated it would be the Courts of Justice and went on to describe the complicated process of creating a work group. Michael Mullin asked if any group had taken this issue up. Delegate Callsen said the Courts of Justice Committee should decide what language is considered inaccessible. Judge Sharp agreed. The commission discussed what the impact of "archaic" language may be on the general public's ability to access legal justice.

Chair Simon asked if anyone from Virginia Supreme Court were present. Rachel DeGraba, a representative from the court's forms committee addressed the commission and said that the forms committee did not feel it had the authority to change the statutory terms to plain language on its own. Chair Simon asked if the commission might authorize an individual member to work with the forms committee and come up with a work plan, but Ms. DeGraba indicated the forms committee would not be equipped for this type of project. Judge Trumbo asked if the forms committee had access to the Courts of Justice committee. Judge Gardiner pointed out that seemed appropriate, as the forms still must be consistent with statute. Judge Gardiner then asked if commission staff could study the issue. Ms. Trice indicated that she would reach out to the Access to Justice Commission to obtain a list of the terms they would like considered. Chair Simon asked for a motion to direct staff to look into which terms should be considered and where these terms are found in the Code. Judge Sharp suggested that scope be narrowed in some manner, then Judge Gardiner made such a motion; it was properly seconded and passed unanimously.

Recodification of Title 30: Meg Lamb, DLS, presented the current status of the recodification of Title 30 of the Code of Virginia. Ms. Lamb said staff had recommended three work groups and reviewed information in materials presented to the commission. Ms. Lamb described the contents and subject matter for each work group and number of and timeframe for meetings.

Chair Simon asked for questions from the commission. Director Wade described the agency's general approach to standardizing the language around creation of various commissions, councils, and collegial bodies. Chair Simon asked for volunteers to work on these work groups before he would begin assigning members to groups. Ms. Lamb introduced the team for recodification, including Casey Nelson, new attorney to recodification team, and current member, Keelin Cronin.

Status Update on House Bill 2660 Work Group: Director Wade updated the commission on the Work Group required by Chapter 100 of the 2025 Acts of Assembly, beginning with background information, then stating that the Work Group has had its first meeting of a planned five. The work group will present recommendations by the October commission meeting. Chair Simon thanked Director Wade for work.

Other Business:

Request for ALAC Reappointments: Tom Lisk, the Chair of the Administrative Law and Advisory Committee (ALAC), requested reappointment of 10 ALAC members and appointment of one new

Virginia Code Commission Meeting Minutes

May 18, 2025

Page 3 of 3

member. Mr. Lisk provided a complete list that included information on each member. The appointment terms are for two years. A motion was made to reappoint the 10 existing members; it was properly seconded and passed unanimously. A separate motion was made to appoint Craig Maxie, the new member; it was properly seconded and passed unanimously.

Status of Meeting Live Stream: Meeting live stream began about one-third of the way through the meeting.

Public comment: Chair Simon asked if there were any members of the public who wished to offer comment. No one present at the meeting wished to comment, and no one had commented virtually via the email address provided for comment.

Adjourn: A motion was made for adjournment, seconded, and passed unanimously.

Chair Simon adjourned the meeting at 10:44 a.m.