



Walter J. Kucharski, Auditor

Commonwealth of Virginia

**Auditor of Public Accounts
P.O. Box 1295
Richmond, Virginia 23218**

December 18, 2009

The Honorable Morton V. Whitlow
Chief Judge
City of Portsmouth General District Court
P.O. Box 128
Portsmouth, VA 23705-0129

Audit Period: July 1, 2008 through June 30, 2009
Court System: City of Portsmouth
Judicial District: Third

We are performing a statewide audit of the General District Courts. During our review of this court, we conducted certain audit procedures, as we deemed appropriate.

Management of this court is an important part of the court's accountability, since you are responsible for establishing and maintaining internal controls and complying with applicable laws and regulations. During our review we noted certain matters that required management's attention and corrective action. These matters included:

Properly Complete and Retain Supporting Documentation

The Clerk does not maintain all required supporting documentation for court appointed attorney payments and inconsistently follows the normal procedures for payment. Section 19.2-163 of the Code of Virginia permits court appointed attorneys to apply for additional fees when cases warrant additional fees due to time or difficulty.

The Office of the Executive Secretary Supreme Court of Virginia has established guidelines for the submission and approval of these waiver applications to ensure all disbursements from the Criminal Injuries Compensation Fund comply with the Code of Virginia. Control procedures include individual applications, signatures from the Attorney, Clerk, presiding Judge and Chief Judge, and sets the procedure for the retention of these documents.

We noted the Clerk does not follow all of these procedures, specifically the retention of the documentation of the waiver applications and approval. Failure to follow approved procedures could result in attorneys receiving excess amounts or duplicate payments for the same waiver. The Clerk should work to ensure that this office follows all the appropriate procedures, thus safeguarding the fund from erroneous payments.

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Properly Approve the Reporting of Leave

The Judge does not approve the reporting of leave taken by the Clerk. Instead, the Clerk completes and approves her own leave report. Section 2102.3 of the Human Resources Policy Manual requires the supervising Judge to approve the reporting of the Clerk's leave. Supervisory review and approval is an essential internal control to ensure the accuracy and appropriateness of transactions. Allowing someone to prepare and approve their own leave without a supervisory review can result in both intentional and unintentional errors going undetected. We recommend the supervising Judge immediately begin reviewing and approving the reporting of the Clerk's leave.

We acknowledge the cooperation extended to us by the Court during this engagement.

AUDITOR OF PUBLIC ACCOUNTS

WJK:clj

cc: The Honorable Roxie O. Holder, Judge
The Honorable Douglas B. Ottinger, Judge
L. Jody Davis, Clerk
Paul F. DeLosh, Director of Judicial Services
Supreme Court of Virginia