



[Virginia General Assembly Helps Construction Contractors](#)



As [reported last week](#) at the Virginia Real Estate, Land Use and Construction Law Blog (authored by my good friend Tim Hughes (@[timrhughes](#))), the Virginia General Assembly has passed [an amendment](#) to the jurisdictional limitations of Virginia General District Courts. The new statute, going into effect July 1, 2011, increases the jurisdiction of these courts to \$25,000 from the present level of \$15,000.

Why is this a big deal? As a [solo practitioner](#) who represents contractors and subcontractors in cases big and small, this increase is a boon to my practice and the collect-ability of some debts. I think back to the numerous conversations I have had with clients who had *bona fide* claims for around \$20,000. These conversations inevitably turned toward the cost of Circuit Court versus General District Court and whether it would be better to leave money out of the claim to avoid the ramped up attorney fee and filing costs (not to mention the time from filing to judgment). This conversation was especially relevant in the instance where the contracts [did not contain an attorney fees provision](#).

Couple this change with the recently enacted bar on removal to Circuit Court for cases with concurrent jurisdiction between General District and Circuit Court (presently those claims of between \$4500 and \$15,000 soon to be \$25,000), and this conversation will no longer be necessary for a wider swath of claims. Many of my clients in the construction world will no longer have to make the [Hobson's Choice](#) between claiming for the full amount and possibly spending the difference between their full claim and a smaller amount on attorney fees and leaving money on the table for the sole purpose of speeding recovery and saving cost. As I see it, this was no choice at all.

Now, those with this level of claim can have a more cost efficient method of recovery that will allow for speedier, more efficient resolution of a wide area of construction claims. Circuit Court, with its wider range of discovery tools and motions practice, will still be there for larger, more complex claims, but more of the smaller ones will be where they belong. . . in General District Court.

As always, consult an [experienced Virginia construction attorney](#) to discuss collection options. Now that General District Court will be open to more claims, this consultation shouldn't be one that keeps you from pursuing the full extent of your construction claim.

Image via [Wikipedia](#)

Please check out my [Construction Law Musings Blog](#) for more on Virginia construction law and other topics.