VIRGINIA: IN THE CIRCUIT COURT OF RICHMOND COUNTY

JUNE 5, 2020 ORDER IN RESPONSE TO COVID-19 EMERGENCY

Pursuant to an Order declaring a Judicial Emergency in response to COVID-19 emergency entered by Donald W. Lemons, Chief Justice of the Supreme Court of Virginia, on March 16, 2020, and extended by subsequent orders, May 6, 2020, May 12, 2020, and June 1, 2020, and all amending and clarifying orders and to Executive Orders Number Fifty-One (2020) and Number Sixty-Three (2020), the Court Orders as follows:

That effective from Monday, June 8, 2020 to Sunday, June 28, 2020, the Court pursuant to Virginia Code Section 17.1-330 (B) for a period of twenty-one (21) days, the following procedures shall apply:

1. The Circuit Court Clerk's Office will be closed to the public. Personnel will be available to respond to telephonic, fax and email inquiries and to process recordings and case filings. Records and probates may proceed by approval of the Clerk with scheduled appointments according to the Clerk's protocol.

   During the pendency of this order, the Clerk may adopt procedures to allow access and use of the Records Room. The procedures will conform to appropriate safety protocols including adequate social distancing and requiring the wearing of masks or face coverings as set out herein.

2. Pursuant to Paragraph 4 of the fifth order Modifying and Extending Declaration of Judicial Emergency in Response to COVID-19 Emergency entered by Virginia Supreme Court on June 1, 2020, the Court determines it is safe to hear in-person, non-emergency matters and non-jury cases.

   In scheduling, hearing and concluding these matters, the following procedures shall be employed:

a. Employ practices to ensure proper physical distancing between litigants, attorneys, staff and members of the public. Both in the Courtroom and in the public areas of the Court facility there shall be six feet separation between individuals. Only parties, attorneys, necessary witnesses, court observers, necessary staff and the press shall be allowed in the courtroom at any one time to accommodate appropriate physical distancing;

b. In order to further minimize the risk of the spread of COVID-19 in addition to recommended social and physical distancing, all persons aged 10 and over entering the courthouse must wear a face covering that covers the nose and mouth. This includes judges, attorneys, deputy sheriffs, court reporters, employees, members of the public, contractors, and all others who work in or visit the courthouse. Within a courtroom, the residing judge may authorize removal of a face mask to facilitate a proceeding. Individuals without a face mask will not be permitted to enter the courthouse except for those who cannot safely wear a face mask because of a health-related condition. The requirement to wear a face mask shall not apply to judges or magistrates to the extent they determine it inhibits their ability to effectively communicate, or to individuals who have difficulty breathing or who cannot remove a face mask without help or have other medical issues that make the wearing of a face covering unsafe;

c. All persons entering the Court facility shall hand sanitize (hand washing or use of hand sanitizer) before entering courtroom;

During all recesses, court personnel shall hand sanitize (handing washing or use of hand sanitizer) before court resumes;

d. Writing utensils shall not be shared. Sanitized writing utensils will be available for in court use;

e. If witnesses are sequestered after being sworn to testify, they shall be placed by bailiffs in witness rooms, jury room, or lobby area observing appropriate physical distancing protocol until called on to be witnesses;

f. Bailiffs or court staff shall wipe down counsel table or other common surfaces for purpose of disinfecting them between cases;

g. In order to reduce the number of litigants, witnesses and lawyers, the Court authorizes the Commonwealth's Attorney to work with defense counsel and the Clerk of this Court to establish segmented dockets for the criminal docket. The Commonwealth will determine the number of cases and litigants in each segment. The Court in consultation with the Clerk shall maintain a segmented docket for the civil docket. The court shall continue to prioritize emergency matters including, but not limited to, quarantine or isolation matters, criminal arraignments, bail reviews, protective order cases, emergency child custody or protection cases, civil commitment hearings, petitions for temporary injunctive relief, proceedings related to emergency protection of elderly or vulnerable persons, petitions for appointment of a guardian or conservator, and proceedings necessary to safeguard applicable constitutional protections;

h. Prisoners from different correctional facilities will not be held in the same holding cell.

Defendants on bond who are remanded to custody as a result of Court actions shall be segregated from all other prisoners and they shall be quarantined consistent with the policy of the local facility to which they will be transferred.

3. The Court shall issue summonses in lieu of a capias for failure to appear and the Court shall exercise a liberal continuance policy.
4. The Court shall require individuals with legitimate court business who are ill, caring for someone who is ill, or is otherwise in a high-risk category as defined by the CDC to call the Clerk's Office to request appropriate accommodations.
5. The Court further orders that individuals who fall into the below categories are not to enter the Court's Building, namely:
    a. Visited China, Iran, South Korea, any European countries, or any high-risk countries identified by the CDC in the previous fourteen days;
    b. Travelled domestically within the United States where COVID-19 has sustained widespread community transmission;
    c. Been asked to quarantine, isolate, or self-monitor by a doctor, hospital, or health agency;
    d. Been diagnosed with, or have had contact with anyone who has been diagnosed with COVID-19;
    e. Have a fever, cough, or shortness of breath; or
    f. Resided with or been in close contact with any person in the above-mentioned categories.

    Individuals attempting to enter the Court in violation of these protocols shall be denied entrance by a bailiff or court staff and shall be directed to contact the Clerk's Office by telephonic or other remote means to inform the Clerk of their business before the Court to receive further instructions regarding alternative arrangements for court access.

All court participants will be asked to complete a questionnaire to address these concerns. Bailiff staff will keep the questionnaires for not more than 30 days. The questionnaires will then be shredded.

6. All persons entering the court facility to conduct business with the Circuit Court shall be subject to a temperature check. Those demonstrating a reading above 100.4 degrees Fahrenheit will be asked to leave. All such individuals shall be relieved of compulsory attendance.
7. The Court shall use telephonic or video technology, as provided in the Code of Virginia, for all necessary hearings, trials, or other matters, including arraignments.
8. The Circuit Court, may in its discretion, hear any non-emergency matters, upon agreement of all parties, attorneys and witnesses by a two-way electronic audio/visual communication system using a secure communication platform such as Polycom and Webex or by telephone. Request to participate by telephone or other available digital platform will be liberally granted. In any such hearings, the Court prohibits in-person gatherings of ten (10) or more individuals at any remote site and requires physical distancing at remote sites.
9. The Order does not affect the Court's consideration of matters that may be resolved without in-person proceedings.
10. For all cases in the Circuit Court the statues of limitation and, except as otherwise provided in Orders of the Virginia Supreme Court, all case related deadlines, excluding discovery deadlines, shall continue to be tolled during the ongoing period of Judicial Emergency pursuant to Va. Code Section 17.1-330. Consistent with Supreme Court's Fourth Order, in all civil cases, including jury trial cases that are currently suspended, deadlines and obligations arising out of Part Four of the Rules of the Supreme Court of Virginia are not tolled and, upon notice to the parties or their counsel, the court may impose and enforce

case related pre-trial deadlines. Litigants are encouraged to resolve as many pretrial matters as possible with or without the assistance of the court.

11. As provided in the Clarification Order, deadlines imposed by the Speedy Trial Act, Va. Code Section 19.2-243, are tolled during the ongoing Period of Judicial Emergency (March 16, 2020, through June 28, 2020).
12. Continuances and excuses for failure to appear shall be liberally granted for any cause resulting from the impact of the ongoing COVID-19 crisis.
13. This Order is intended to be interpreted broadly for the protection of the public from the risks associated with COVID-19.

This Order shall be effective from June 8, 2020 to June 28, 2020. The order may be extended for additional periods not to exceed twenty-one (21) calendar days. This Order may be shortened as circumstances dictate or pursuant to Order of the Supreme Court of Virginia.

Enter:

June 5, 2020
Date

R. Michael McKenney
Presiding Judge
Richmond County

VIRGINIA: IN THE CLERK'S OFFICE OF THE CIRCUIT COURT FOR RICHMOND COUNTY
THIS ORDER WAS RECEIVED WITH CERTIFICATION ANNEXED AND ADMITTED TO RECORD
ON JUNE 6. 2020 A.M. AT 9:00 A.M.
TESTE: CHERYL B. PIERSON, CLERK BY: _____, DC