



Circuit Court of Arlington County

1425 North Court House Road
Arlington, Virginia 22201

WILLIAM T. NEWMAN, JR.
CHIEF JUDGE

DANIEL S. FIORE, II
JUDGE

LOUISE M. DIMATTEO
JUDGE

JUDITH L. WHEAT
JUDGE

JUDGES RETIRED
JOANNE F. ALPER
JAMES F. ALMAND
BENJAMIN N.A. KENDRICK
PAUL F. SHERIDAN
CHARLES H. DUFF
CHARLES S. RUSSELL
(JUSTICE RETIRED)

March 18, 2020

To: The Honorable Francis O'Brien,
Chief Judge, Arlington County General District Court
The Honorable George D. Varoutsos,
Chief Judge, Arlington County Juvenile & Domestic Relations Court
The Honorable Paul Ferguson, Clerk of the Circuit Court
The Honorable Parisa Deghani-Tafti, Commonwealth's Attorney
The Honorable Beth Arthur, Sheriff
The Arlington Bar Association
The General Public

UPDATED AND AMENDED

MEMORANDUM

COVID-19 Contingency or Action Plan

Arlington Circuit Court Ordered Procedures

Consistent with the Order issued on March 16, 2020 by Chief Justice Lemons, the following are the Court's revisions as of March 18, 2020 for procedures regarding the current Coronavirus COVID-19 outbreak, until further notice or revision. The following supersedes and replaces Memoranda issued on March 15, 2020, March 13, 2020 and are intended to comply fully with the Virginia Supreme Court's Order of March 16, 2020 (a copy of which is attached for reference and incorporated herein).

A. Criminal Docket

1. Currently Set

All criminal and traffic matters currently on the Court's docket through and including April 3, 2020, except for arraignments and bond motions, are converted to status as follows:

- i. All matters currently set the week of March 16, 2020 are removed from the Court's docket and witnesses are released from subpoena. These cases are reset to the Court's docket of April 15, 2020, at 9:30 a.m. for status or to be set for hearing.
- ii. All matters currently set the week of March 23, 2020 are removed from the Court's docket and witnesses are released from subpoena. These cases are reset to the Court's docket of April 16, 2020, at 9:30 a.m. for status or to be set for hearing.
- iii. All matter currently set the week of March 30, 2020 are removed from the Court's docket and witnesses are released from subpoena. These cases are reset to the Court's docket of April 20, 2020, at 9:30 a.m. for status or to be set for hearing.
- iv. All Friday sentencing dockets are cancelled through April 6, 2020.

2. Adding to the Docket

- i. Arraignments and bond motions may be added to the Court's docket and may be conducted by video conferencing from the courtroom with the detainee present by video only.
- ii. Telephonic appearances by counsel are permitted by filing a pleading requesting the same, with a copy to Chambers via email cct12.copy@arlingtonva.us. Counsel will be responsible for coordinating conference or multi-party communications and counsel's written request must include the call-in number for the courtroom clerk to contact counsel at the start of the hearing.
- iii. Emergency motions are permitted and must be filed with the Clerk of Court with a copy to chambers via email cct12.copy@arlingtonva.us, properly detailed for the court to determine whether to docket the matter.
- iv. Should the court remand a person to the custody of the Sheriff, the presiding judge will ask the detainee appropriate questions to assist the Sheriff.

B. Civil Docket

1. Currently Set

All civil matters on the Court's Monday through Thursday dockets through April 3, 2020 are converted to status, except as provided hereinafter, as follows:

- i. All matters currently set the week of March 16, 2020 are removed from the Court's docket and witnesses are released from subpoena. These cases are reset to the Court's docket of April 15, 2020, at 10:00 a.m. for status or to be set for hearing.
- ii. All matters currently set the week of March 23, 2020 are removed from the Court's docket and witnesses are released from subpoena. These cases are reset to the Court's docket of April 16, 2020, at 10:00 a.m. for status or to be set for hearing.
- iii. All matters currently set the week of March 30, 2020 are removed from the Court's docket and witnesses are released from subpoena. These cases are reset to the Court's docket of April 20, 2020, at 10:00 a.m. for status or to be set for hearing.
- iv. Friday civil motions currently docketed, except adult guardianship petitions, are removed and may be re-noticed on a Friday after April 6, 2020 complying with the 17th Cir. R.P. No Friday civil motions, except adult guardianship petitions, will be heard through April 3, 2020.
- v. Counsel in any adult guardianship case, who has information that the Respondent intends to appear in Court, shall notify the Court promptly so appropriate precautionary measures can be taken, if necessary.

2. Adding to the Docket.

- i. Emergency motions¹ properly detailed may be filed in accordance with the 17th Cir. R.P. with a copy to chambers via email cct12.copy@arlingtonva.us. The Court will determine whether to docket the matter.
- ii. Telephonic appearances are permitted by filing a pleading requesting the same, with a copy to Chambers via email cct12.copy@arlingtonva.us. Counsel will be responsible for coordinating conference or multi-party communications and counsel's written request must include the call-in number for the courtroom clerk to contact counsel at the start of the hearing.

¹ "Emergency matters" include, but are not limited to:

Quarantine or isolation matters
Arraignments
Bail Review
Protective Order
Emergency Child Custody and Protection
Civil Commitment
Guardianship Petitions

iii. Should a party believe any matter must be heard by the Court prior to April 6, 2020, the emergency motion procedure should be followed.

C. E-filing. All parties are encouraged to use the e-filing system in place by the Clerk of the Circuit Court.

Supreme Court of Virginia

IN RE: ORDER DECLARING A JUDICIAL EMERGENCY IN RESPONSE TO COVID-19 EMERGENCY

On March 12, 2020, Governor Northam entered Executive Order Number Fifty-One (2020) Declaration of a State of Emergency Due to Novel Coronavirus COVID-19. The Governor noted that the Virginia Department of Health (VDH) has been working with local, state, and federal officials, healthcare and emergency management experts, and various state agencies to form a COVID-19 Taskforce to prepare for and respond to this threat, and that, given recent confirmed occurrences of COVID-19 within the Commonwealth and in neighboring states, as well as information from the Centers for Disease Control and Prevention, it is anticipated that the disease will spread. A state of emergency exists in the Commonwealth of Virginia and efforts of the executive branch are underway to continue to prepare and coordinate its response to the potential spread of COVID-19, a communicable disease of public health threat. This state of emergency became effective March 12, 2020, and is to remain in full force and in effect until June 10, 2020, unless sooner amended or rescinded by further executive order.

On March 13, 2020, the Governor advised that “if you have not already, please continue to review your [Continuity of Operations or] COOP plan. It is critical that you think about essential functions as they relate specifically to the COVID-19 event.” Many courts are actively doing so and court users and the public may access information on courts’ responses to the COVID-19 emergency online at: <http://www.vacourts.gov/>. All judges and clerks may access resources and information via the Court’s intranet site at: <http://oesinet/>. Courts that have not already done so, should review their continuity of operations plan and consult remotely with local stakeholders.

In 2010, the Supreme Court of Virginia’s Pandemic Flu Preparedness Commission issued the Pandemic Influenza Bench Book for Virginia’s Court System and it has been available since then to the public and court personnel via the Court’s web site at: <http://www.vacourts.gov/programs/pfp/benchbook.pdf>. It was revised in 2017, and most recently was specifically referenced in emails sent to all judges and clerks by the Executive Secretary on February 26 and March 11, 2020, with information for all courts to use in addressing the current COVID-19 emergency.

On Sunday March 15, 2020, Governor Northam announced a statewide ban on all events over 100 people. In light of the foregoing and the Chief Justice having received today, March 16, 2020, a request from the Governor for a declaration of a judicial emergency in all district and circuit courts of the Commonwealth of Virginia, pursuant to Va. Code § 17.1-330, this Order declaring a judicial emergency is hereby issued for all district and circuit courts of the Commonwealth to protect the health and safety of court employees, litigants, judges, and the general public. This Order shall be in effect from today, Monday, March 16, to Monday, April 6, 2020, and it is hereby ORDERED that NON-ESSENTIAL, NON-EMERGENCY court

proceedings in all circuit and district courts be and hereby are SUSPENDED and all deadlines are hereby tolled and extended, pursuant to Va. Code § 17.1-330(D), for a period of twenty-one (21) days, and all circuit and district courts shall implement the following measures absent a specific exception as listed below:

1. Continue all civil, traffic and criminal matters, including jury trials, subject to a defendant's right to a speedy trial, with the exception of emergency matters, including but not limited to, quarantine or isolation matters, arraignments, bail reviews, protective order cases, emergency child custody or protection cases, and civil commitment hearings. Judges may exercise their discretion with regard to proceeding with ongoing jury trials, and in cases where the defendant is incarcerated.
2. Continue all ceremonies, such as juvenile licensing ceremonies.
3. Limit courtroom attendance to attorneys, parties, and necessary witnesses and members of the press in any matters that cannot be continued.
4. Issue summonses in lieu of a *capias* for failure to appear.
5. For jury trials that cannot be continued, excuse or postpone jury service for jurors who are ill, caring for someone who is ill, or in a high-risk category as defined by the Center for Disease Control (CDC).
6. Suspend new juror orientations.
7. Require attorneys to use e-Filing if available.
8. 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 Center for Disease Control (CDC), to call the local clerk of court or other appropriate court personnel to request an appropriate accommodation.
9. Consult with the locality, including the sheriff, about posting signage at all public entry points advising individuals not to enter the building if they have:
 - a. visited China, Iran, South Korea, any European countries, or any other high-risk countries identified by the CDC in the previous 14 days;
 - b. traveled domestically within the United States where COVID-19 has sustained widespread community transmission;
 - c. been asked to quarantine, isolate, or self-monitor by any doctor, hospital, or health agency;
 - d. been diagnosed with, or have had contact with anyone who has been diagnosed with, COVID-19;

e. 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 may be denied entrance by a bailiff or court security officer, and may be directed to contact the clerk's office by telephone or other remote means to inform the clerk of their business before the court so as to receive further instruction regarding alternate arrangements for court access.

10. Consult with the sheriff and/or bailiffs to prohibit individuals or groups from congregating anywhere in the courthouse, and to require social distancing throughout the courthouse, including inside the courtroom.

11. Use telephonic or video technology, as provided in the Code of Virginia, for all necessary hearings, trials, or other matters, including arraignments.

Nothing in this Order shall preclude the chief district and chief circuit judges from implementing additional local policies as needed. Except as provided in this order, to the extent possible, the courts and clerks' offices shall remain operational and provide essential services while balancing the health and safety needs of court visitors and personnel. This Order shall be effective from March 16, 2020, to April 6, 2020, This Order may be extended for additional periods not to exceed 21 calendar days or for the duration of the threat, by a majority of the justices of the Supreme Court to mitigate the risks potential spread of COVID-19.



(SEAL)

Donald W. Lemons
Chief Justice of the Supreme Court of Virginia