

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effective March 12, 2020, and is to remain in full force and in effect until June 10, 2020, unless sooner amended or rescinded by further executive order.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

ARLINGTON COUNTY AND CITY OF FALLS CHURCH GENERAL DISTRICT COURT

ORDER For Docket Management and COVID 19 Precautionary Measures

This ORDER updates information regarding the operations of the Arlington County and City of Falls Church General District in response to the COVID-19 Emergency. This ORDER will provide all current operating and docket management information. The court finds that based upon the Executive Order from Governor Northam declaring a State of Emergency and the recent Order declaring a Judicial Emergency by Chief Justice Lemons of the Supreme Court of Virginia, the following docket management and precautionary measures are necessary and are Ordered:

1. Criminal Cases (including DWI and Hit & Run):

- A. Out of Custody Defendants: All criminal trials and preliminary hearings from March 17, 2020 through April 6, 2020 that are scheduled for defendants who are out of custody are continued. Subpoenaed witnesses, police officers, and other witnesses are to be released. Parties may file agreed continuance Orders to reschedule the case for trial or preliminary. Absent an agreed continuance Order, the matter will be set for April 6, 2020 at 10:00 am for status to set a new trial or preliminary hearing date.
- B. In Custody Defendants: All criminal trials and preliminary hearings from March 17, 2020 through April 6, 2020 that are scheduled for defendants who are in custody will remain on the docket for status only. Subpoenaed witnesses, police officers, and other witnesses are to be released. Parties may file continuance Orders to avoid coming to the status date. If a matter remains on the docket for status and if a disposition is not reached at the status hearing, a new date will be set for the trial or preliminary hearing. At the status hearing, the court will entertain any pretrial motions, including bond or bond modification.
- C. Delayed and Weekend Confinement: Beginning March 20, 2020, all delayed and weekend confinement obligations currently in place will be suspended and defendants are instructed not to report to the Sheriff's Office. These cases will be docketed on April 17, 2020 at 10:00 a.m. in Courtroom 3B for the entry of a new order imposing delayed or weekend confinement obligations. Defendant's appearance on April 17, 2020 is mandatory so that Defendant can receive the new reporting obligations.
- D. All in-custody arraignments, bond motions, trials, preliminary hearings, and all other criminal court matters will be conducted via video unless, otherwise, ordered.
- E. All out-of-custody arraignments will be rescheduled to a date after April 6, 2020.

2. Traffic Cases: All non-jailable traffic cases scheduled from March 17, 2020 through April 6, 2020 will be removed from the docket and rescheduled to the officer's available date after April 6, 2020.


3. Civil Cases: All civil cases (EXCEPT PROTECTIVE ORDERS) scheduled from March 17, 2020 through April 6, 2020 are removed from the docket. Attorneys and parties to civil actions are encouraged to contact the clerk's office, by telephone, and provide an agreed upon date to reset the case for initial return, pretrial conference, or trial.

- A. **Agreement to new date:** If the parties reach an agreement for a new date, the clerk will make a notation on the file and the matter will be continued to the agreed upon date (either for return, pretrial conference, or trial) without the need for counsel or parties to appear in court or the clerk's office. An Order can be submitted at a subsequent time.
- B. **Unable to reach one or more parties:** If a party is unable to reach one or more opposing parties, the clerk can make a notation on the file for a convenient status date for the requesting party. The court will continue the matter to the new status date. At the status date, the court will set a new date for either a return, pretrial conference, or trial.
- C. **No information to clerk:** If the parties have not contacted the clerk's office, the court will set the matter for a new status date. It will be the responsibility of the parties to ascertain the new date set by the court.

4. Protective Orders: All Petitions for Preliminary Protective Orders will proceed on the docket as normal without changes. At a full hearing on the Petition, the court will have a liberal continuance policy and attorneys, plaintiffs, defendants, and witnesses are encouraged to remain home if they are feeling ill or displaying symptoms of illness.

3/16/20

Date



R. Frances O'Brien, Chief Judge
Arlington County General District Court

ARLINGTON COUNTY
GENERAL DISTRICT COURT
2020 MAR 16 PM 4:38
RECEIVED/FILED
STEVEN R. SPURR
CLERK
BY _____

2020 MAR 16 PM 4:38
CLERK

Ben P. Hanahan
Clerk

ARLINGTON COUNTY AND CITY OF FALLS CHURCH GENERAL DISTRICT COURT

**ORDER TO EXTEND TIME TO PERFORM COMMUNITY SERVICE THROUGH OAR OR SHERIFF'S
WORK FORCE**

It appearing to the Court that the Governor of the Commonwealth of Virginia by Executive Order declared a State of Emergency regarding the potential spread of the COVID-19, a communicable disease and threat to public health;


And it further appearing that the Chief Justice of the Virginia Supreme Court declared a Judicial Emergency pursuant to Virginia Code Section 17.1-330 regarding the potential spread of the COVID-19, a communicable disease and threat to public health;

And it further appearing that the Emergency Declarations caused by the COVID-19 virus substantially impede the ability of persons to avail themselves of the court, or the ability of litigants or others to have access to the court or to meet schedules or time deadlines imposed by court order, rule, or statute; therefore,

It is ORDERED:

1. That all individuals ordered to complete Community Service, as either a condition of a sentence or to satisfy fines and court costs, with a completion date between March 13, 2020 and June 1, 2020 are hereby granted and an additional 90 days to complete the hours.
2. This Order may be extended for additional periods should the Justices of the Supreme Court of Virginia extend the Declaration of a Judicial Emergency.

3/19/20
DATED


R. Frances O'Brien, Chief Judge
Arlington County General District Court

ARLINGTON COUNTY AND CITY OF FALLS CHURCH GENERAL DISTRICT COURT

**ORDER FOR SUSPENSION OF EVICTIONS AND
TOLLING OF DEADLINES PURSUANT TO 17.1-330(D)**

It appearing to the Court that the Governor of the Commonwealth of Virginia by Executive Order declared a State of Emergency regarding the potential spread of the COVID-19, a communicable disease and threat to public health;

And it further appearing that the Chief Justice of the Virginia Supreme Court declared a Judicial Emergency pursuant to Virginia Code Section 17.1-330 regarding the potential spread of the COVID-19, a communicable disease and threat to public health;

And it further appearing that the COVID-19 virus Executive Order declaring a State of Emergency and Declaration of a Judicial Emergency, substantially impedes the ability of persons to have access to the court or to meet schedules or time deadlines imposed by court order, rule, or statute; therefore,


It is ORDERED:

1. All Writs of Eviction and Writs of Possession issued pursuant to Virginia Code Section 8.01-470, et seq., are SUSPENDED until April 6, 2020 pursuant to the Judicial Emergency declared by the Chief Justice of the Virginia Supreme Court.

2. All deadlines and time schedules imposed upon Writs of Eviction and Writs of Possession by applicable statutes, rules, or court orders are tolled until April 6, 2020 pursuant to Virginia Code Section 17.1-330(D).

3. This Order may be extended for additional periods should the Justices of the Supreme Court of Virginia extend the Declaration of a Judicial Emergency.

3/17/20
DATED


R. Frances O'Brien, Chief Judge
Arlington County General District Court

ARLINGTON COUNTY AND CITY OF FALLS CHURCH GENERAL DISTRICT COURT

ORDER TO SUSPEND THE FILING OF GARNISHMENTS

It appearing to the Court that the Governor of the Commonwealth of Virginia by Executive Order declared a State of Emergency regarding the potential spread of the COVID-19, a communicable disease and threat to public health;


And it further appearing that the Chief Justice of the Virginia Supreme Court declared a Judicial Emergency pursuant to Virginia Code Section 17.1-330 regarding the potential spread of the COVID-19, a communicable disease and threat to public health;

And it further appearing that the Emergency Declarations caused by the COVID-19 virus substantially impede the ability of persons to avail themselves of the court, or the ability of litigants or others to have access to the court or to meet schedules or time deadlines imposed by court order, rule, or statute; therefore,

It is ORDERED:

1. That no Garnishment filings under Virginia Code §8.01-511 will be accepted by the Clerk during the period between March 16, 2020 and April 6, 2020.
2. This Order may be extended for additional periods should the Justices of the Supreme Court of Virginia extend the Declaration of a Judicial Emergency.

3/20/20
DATED


R. Frances O'Brien, Chief Judge
Arlington County General District Court