



## 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)

June 8, 2020

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

Re: *The 17<sup>th</sup> Judicial Circuit First Interim Plan to Resume Trials and Hearings*

To address the impact of Covid-19 on the Court's operations, the Court is implementing a number of procedures and recommended practices in an effort to ensure that litigants are able to enter court safely and have their matters heard and adjudicated. These procedures take into account the directives and Orders of the Virginia Supreme Court, the operational needs of all of the Courts in Arlington County and the City of Falls Church, and guidance provided by Arlington County and the Centers for Disease Control.

As is clear from the series of Orders from the Virginia Supreme Court, the Chief Justice is taking incremental steps toward reopening and is allowing local courts to exercise as much discretion as possible given the facts and circumstances existing in their jurisdictions. In Arlington, of course, we have had a more prolonged period of lockdown. During this time, we have been kept abreast of Covid-19 cases that may affect courthouse operations. Rest assured that all appropriate steps are being taken to keep courthouse patrons and courthouse staff safe while in the facility.

Over the past several weeks, we have been working closely with County staff and the Sheriff to establish social distancing reminders and markers throughout the Courthouse. In addition, the Sheriff is taking the temperature of everyone entering the Courthouse; individuals who have been exposed, have travelled, or are exhibiting Covid-like symptoms are not permitted to enter the facility; everyone entering the Courthouse is required to wear face coverings, including in the courtroom, unless permitted by the presiding judge to remove same; and regular and frequent cleaning and disinfecting is occurring throughout the Courthouse, including all courtrooms, public areas, bathrooms and holding areas. Should anyone be turned away, the Sheriff will provide instructions for contacting the Clerk of Court.

We all recognize and understand this is a fluid situation that will require thoughtful amendments and adjustments along the way. This is one reason we are taking these steps now; we want to move cautiously and incrementally so that we can best determine what, if any, additional or different measures need to be taken as we begin moving into more regular court operations. We also understand that this uncertainty can be frustrating; indeed, for a community and a profession that thrives on information and evidence to make decisions, this situation is decidedly more challenging to navigate and accept.

All the judges in Arlington – in all of our Courts – have been working tirelessly to address these difficult circumstances, marshal the necessary resources, and consider the impacts such decisions have on participants in the legal community. We appreciate the ongoing assistance and support provided by the Sheriff, our Clerks of Court, and County staff as we work through the many unique issues facing us as we resume operations. The variables are many but the options fewer. As additional data and guidance become available, each Court will assimilate and adjust with more refined approaches, mindful that there will be overlapping demands on staff and litigants that will have to be addressed.

Given the most recent order from the Supreme Court, as well as the Governor's and the County's transition to reopening, the Court is doing everything possible to create and institute manageable dockets within the framework of social distancing space constraints, including the use of remote video and telephonic conferencing whenever possible as has been stressed by the Supreme Court. To that end, based on the information and guidance available to us at this time, the following processes will be employed for the next several months:

1. Civil Dockets

a. Jury Trials Currently Scheduled.

- i. Through September 3, 2020. All jury trial scheduled to commence prior to September 4, 2020 will be removed from the docket and rescheduled. Counsel and self-represented litigants should expect to be contacted by Court personnel to schedule a telephone conference with a judge to select a new trial date, address any pending discovery issue, discuss any scheduling order deadline, determine whether trial time may be shortened through stipulations or other methods such as excerpts of depositions,

- address any other issues regarding the case, and whether another judge of the court may assist with settlement of the matter, in whole or in part.
- ii. Beginning September 7, 2020. All jury trials scheduled to commence September 7, 2020 and beyond will proceed until further order of the Court.
- b. Non-Jury Trial Currently Scheduled.
- i. Through September 3, 2020. All bench trials scheduled to commence prior to September 3, 2020 will proceed as scheduled with the expectation that the Court may schedule video hearings. Counsel and self-represented litigants can expect to be contacted by Court personnel to make necessary arrangements for this remote hearing, to refine the start time of the hearing, to address any pending discovery issue, to discuss any scheduling order deadline, determine whether trial time may be shortened through stipulations or other methods such as excerpts of depositions, address any other issues regarding the case, and whether another judge of the court may assist with settlement of the matter, in whole or in part.
  - ii. Matters Set on a Monday through Thursday Docket for Status or to Select a Trial Date.
- c. Cases currently on the docket through September 3, 2020 for status: Counsel and self-represented litigants should expect to be contacted by Court personnel to set a telephone conference with a judge to set a trial date.
- d. Motions.
- i. The regular Friday Civil Motions Docket has resumed, and the Court's local rules continue to apply.
  - ii. All other motions may be docketed in accordance with the Court's Local Rules and Preferred Practices. In addition to the filing requirements, copies should be provided by email to judges' chambers at [cct12.copy@arlingtonva.us](mailto:cct12.copy@arlingtonva.us).
  - iii. The Court will determine whether to schedule a video or telephone hearing. The Court may issue an order setting the procedure to govern the video or telephone hearing. All motions must include the email address for each person, including attorneys, parties, witnesses and court reporter, who will attend the motion virtually for the Court to issue an invitation to Teams® video conference and the motion must also provide a call-in conference number with proper instructions, in the event the Court decides to proceed by telephone. If the foregoing information is not provided, the motion will not be scheduled. The party securing the court reporter shall provide the court reporter's email address and assure the court reporter's virtual attendance.

- e. Term Day July 6, 2020.

The Court expects all parties to follow the procedures under 17<sup>th</sup> Cir. R. P., Sec. 3.2(f) and (G) to set trial dates by contacting chambers before Term Day to set the trial date in lieu of appearing for Term Day.

## 2. Criminal Docket

### a. Jury Trials Currently Scheduled.

- i. All jury trials scheduled in June will be converted to a status hearing to reschedule the matter for jury or such other trial, hearing or disposition as may be appropriate. Orders have been issued detailing this adjustment. Individuals on bond, must appear in person for these status hearings. Those individuals in custody shall appear remotely by video conference, using the same procedure that is currently in place.

- ii. For jury trials currently set in July and August, the Court will set status dates prior to those trial dates to determine how to proceed. Individuals on bond, must appear in person for these status hearings and individuals who are detained shall appear remotely by video conference.

### b. Bench trials and pleas currently scheduled will proceed as docketed.

- i. Individuals on bond must appear in person. Individuals in custody will appear by remote video link. This procedure is intended to avoid infections that might occur from transporting individuals to and from the Detention Center.

- ii. Recognizing the need for attorneys to be able to talk with their clients during these proceedings, private communication between the Detention Center and counsel for the Defendant will be established via telephone. The Court will afford counsel additional time to speak privately with the Defendant during remote proceedings by taking any necessary recesses to accommodate those discussions.

- iii. Any in-custody Defendant who objects to appearing remotely must notify the Court in a written pleading filed with the Clerk and the Commonwealth at least three (3) business days before the date of the trial or plea. A courtesy copy should be forwarded by email to [cct12.copy@arlingtonva.us](mailto:cct12.copy@arlingtonva.us). The Court will then notify the parties regarding how the matter will proceed.


- iv. All witnesses will be required to appear in person, unless the parties and the Court agree that the individual may appear by video.

### c. Non-emergency and evidentiary motions may be docketed on the Court's Monday through Thursday dockets by contacting Judges Chambers for availability. All motions must be properly noticed and filed with the Clerk, with a courtesy copy forwarded by email to [cct12.copy@arlingtonva.us](mailto:cct12.copy@arlingtonva.us).

- d. Sentencing and revocation dockets will be reviewed and evaluated by each judge to establish a segmented docket based on likely duration of the hearing and space constraints. This is expected to continue for many months. Defendants who are not in custody must appear in person, unless excused by the Court. In custody Defendants will appear remotely, unless ordered by the Court otherwise. Counsel may object to having a Defendant appear remotely following the procedures in 2(b)(iii) above.
3. Courthouse Access and Distancing:
- a. To ensure that segmented dockets are given practical effect, counsel, parties and witnesses should remain outside the courthouse until 15 minutes before the scheduled hearing time, then proceed directly to the floor on which the Courtroom is located. This policy does not apply to attorneys with multiple matters in the courthouse.
  - b. Because space in the courthouse and the courtrooms is extremely limited given current social distancing requirements, individuals are encouraged to limit the number of people who come to court with them. Sheriff's deputies may deny access to non-parties once the courtroom is full.
  - c. Individuals who have travelled internationally within fourteen days of their court hearing, are displaying any of the symptoms of Covid-19, including fever, sore throat, or a dry cough, or are otherwise not feeling well, should not appear, but instead must contact their attorney and the Clerk's office to determine how their case will proceed.
  - d. Until further notice, the Sheriff's office will be taking the temperature of everyone entering the Courthouse and may deny admission to individuals whose temperature exceeds CDC guidelines.
  - e. Everyone entering the Courthouse must wear a face covering unless excused by the presiding judge in this Courthouse.
  - f. Any party or witness denied access must contact his attorney and/or the Clerk's office to advise them that access was denied due to Covid concerns.
  - g. Everyone is asked to abide by the distance markers throughout the Courthouse as well as occupancy limits identified in conference rooms, elevators and offices. For example, elevator access is limited to two or three people at one time, so please plan accordingly.
  - h. To avoid overcrowding and waiting for an elevator, those going to the 2<sup>nd</sup> and 3<sup>rd</sup> floors are asked to use the escalator if physically able to do so.

We appreciate everyone's cooperation as we move into this next phase of Covid-19 court operations.

With kind regards,

A handwritten signature in black ink that reads "William T. Newman, Jr." in a cursive style.

William T. Newman, Jr.  
Chief Judge, Arlington Circuit Court  
*For the Judges of the Arlington Circuit Court*