VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Monday, the 13th day of June, 2022.

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect are hereby amended, effective August 12, 2022.

Amend Rules 1:1A, 1:5A, 1:18, 1:23, 2:505, 2:508, 3:19, 3:24, 3:25, 4:1, 4:5, 4:12, 5:11, 5:35, 5A:6, 5A:30, and 7A:16, as follows:

RULES OF THE SUPREME COURT OF VIRGINIA
PART ONE
RULES APPLICABLE TO ALL PROCEEDINGS

Rule 1:1A. Recovery of Appellate Attorney Fees in Circuit Court.

(a) Notwithstanding any provision of Rule 1:1, in any civil action appealed to an appellate court that results in a final appellate judgment favorable to an appellee, a prevailing appellee who has recovered attorney fees, costs or both in the circuit court pursuant to a contract, statute or other applicable law may make application in the circuit court in which judgment was entered for attorney fees, costs or both incurred on appeal. The application must be filed within 30 days after the entry of a final appellate judgment and may be made in the same case from which the appeal was taken, which case will be reinstated on the circuit court docket upon the filing of the application. The appellee is not required to file a separate suit or action to recover the fees and costs incurred on appeal, and the circuit court has continuing jurisdiction of the case for the purpose of adjudicating the application. The circuit court's order granting or refusing the application, in whole or in part, is a final order for purposes of Rule 1:1. The phrase "final appellate judgment" as used in this rule means the issuance of the mandate by the appellate court or, in cases in which no mandate issues, the final judgment or order of the appellate court disposing of the matter.

(b) Nothing in this Rule restricts or prohibits the exercise of any other right or remedy for the recovery of attorney fees or costs, by separate suit or action, or otherwise.

Rule 1:5A. Signature Defects.

* * *

(d) *Costs and Fees.* — The court, upon motion or upon its own initiative, may require the person who signed the paper, the party represented by that person, or both, to reimburse any additional costs and fees, including reasonable attorney fees, incurred by other parties solely as a result of the signature defect.

* * *

Rule 1:18. Pretrial Scheduling Order.

(a) In any civil case the parties, by counsel of record, may agree and submit for approval and entry by the court a pretrial scheduling order. If the court determines that the submitted order is not consistent with the efficient and orderly administration of justice, then the court will notify counsel and provide an opportunity to be heard.

(b) In any civil case in which a pretrial scheduling order has not otherwise been entered pursuant to the court's normal scheduling procedure, the court may, upon request of counsel of record for any party, or in its own discretion, enter the pretrial scheduling order contained in Section 3 of the Appendix of Forms at the end of Part I of these Rules (Uniform Pretrial Scheduling Order). The court will cause copies of the order so entered to forthwith be transmitted to counsel for all parties. If any party objects to or requests modification of that order, the court will (a) hold a hearing to rule upon the objection or request or (b) with the consent of all parties and the approval of the court, enter an amended pretrial scheduling order.

(c) With the exception of domestic relations and eminent domain cases, a court may not enter a scheduling order which deviates from the terms of the Uniform Pretrial Scheduling Order unless either (1) counsel of record for all parties agree to different provisions, or (2) the court, after providing an opportunity for counsel of record to be heard, makes a finding that the scheduling order contained in the Appendix is not consistent with the efficient and orderly administration of justice under the specific circumstances of that case.

Rule 1:23. Note Taking by Jurors.

(a) The court, in the exercise of its discretion, may permit jurors to take notes during the trial.

(b) If notes are taken by any of the jurors, at the conclusion of each day of a trial, the court must collect juror notes and provide for their security until the trial resumes. Upon conclusion of the trial, the court must collect and destroy all juror notes.

PART TWO
VIRGINIA RULES OF EVIDENCE

* * *

Rule 2:505. Healing Arts Practitioner And Patient Privilege (derived from Code § 8.01-399).

The scope and application of the privilege between a patient and a physician or practitioner of the healing arts in a civil case are as set forth in any specific statutory provisions, including Code § 8.01-399, as amended from time to time, which presently provides:

(a) Except at the request or with the consent of the patient, or as provided in this section, no duly licensed practitioner of any branch of the healing arts is permitted to testify in any civil action, respecting any information that he may have acquired in attending, examining or treating the patient in a professional capacity.

(b) If the physical or mental condition of the patient is at issue in a civil action, the diagnoses, signs and symptoms, observations, evaluations, histories, or treatment plan of the practitioner, obtained or formulated as contemporaneously documented during the course of the practitioner's treatment, together with the facts communicated to, or otherwise learned by, such practitioner in connection with such attendance, examination or treatment may be disclosed but only in discovery pursuant to the Rules of Court or through testimony at the trial of the action. In addition, disclosure may be ordered when a court, in the exercise of sound discretion, deems it necessary to the proper administration of justice. However, no order may be entered compelling a party to sign a release for medical records from a health care provider unless the health care provider is not located in the Commonwealth or is a federal facility. If an order is issued pursuant to this section, it must be restricted to the medical records that relate to the physical or mental

conditions at issue in the case. No disclosure of diagnosis or treatment plan facts communicated to, or otherwise learned by, such practitioner may occur if the court determines, upon the request of the patient, that such facts are not relevant to the subject matter involved in the pending action or do not appear to be reasonably calculated to lead to the discovery of admissible evidence. Only diagnosis offered to a reasonable degree of medical probability is admissible at trial.

(c) This section will not (i) be construed to repeal or otherwise affect the provisions of § 65.2-607 relating to privileged communications between physicians and surgeons and employees under the Workers' Compensation Act; (ii) apply to information communicated to any such practitioner in an effort unlawfully to procure a narcotic drug, or unlawfully to procure the administration of any such drug; or (iii) prohibit a duly licensed practitioner of the healing arts, or his agents, from disclosing information as required by state or federal law.

(d) Neither a lawyer nor anyone acting on the lawyer's behalf may obtain, in connection with pending or threatened litigation, information concerning a patient from a practitioner of any branch of the healing arts without the consent of the patient, except through discovery pursuant to the Rules of Supreme Court as herein provided. However, the prohibition of this subsection does not apply to:

1. Communication between a lawyer retained to represent a practitioner of the healing arts, or that lawyer's agent, and that practitioner's employers, partners, agents, servants, employees, co-employees or others for whom, at law, the practitioner is or may be liable or who, at law, are or may be liable for the practitioner's acts or omissions;

2. Information about a patient provided to a lawyer or his agent by a practitioner of the healing arts employed by that lawyer to examine or evaluate the patient in accordance with Rule 4:10 of the Rules of Supreme Court; or

3. Contact between a lawyer or his agent and a nonphysician employee or agent of a practitioner of healing arts for any of the following purposes: (i) scheduling appearances, (ii) requesting a written recitation by the practitioner of handwritten records obtained by the lawyer or his agent from the practitioner, provided the request is made in writing and, if litigation is pending, a copy of the request and the practitioner's response is provided simultaneously to the patient or his attorney, (iii) obtaining information necessary to obtain service upon the

practitioner in pending litigation, (iv) determining when records summoned will be provided by the practitioner or his agent, (v) determining what patient records the practitioner possesses in order to summons records in pending litigation, (vi) explaining any summons that the lawyer or his agent caused to be issued and served on the practitioner, (vii) verifying dates the practitioner treated the patient, provided that if litigation is pending the information obtained by the lawyer or his agent is promptly given, in writing, to the patient or his attorney, (viii) determining charges by the practitioner for appearance at a deposition or to testify before any tribunal or administrative body, or (ix) providing to or obtaining from the practitioner directions to a place to which he is or will be summoned to give testimony.

(e) A clinical psychologist duly licensed under the provisions of Chapter 36 (§ 54.1-3600 et seq.) of Title 54.1 is considered a practitioner of a branch of the healing arts within the meaning of this section.

(f) Nothing herein prevents a duly licensed practitioner of the healing arts, or his agents, from disclosing any information that he may have acquired in attending, examining or treating a patient in a professional capacity where such disclosure is necessary in connection with the care of the patient, the protection or enforcement of a practitioner's legal rights including such rights with respect to medical malpractice actions, or the operations of a health care facility or health maintenance organization or in order to comply with state or federal law.

Rule 2:508 Protected Information; Newspersons Engaged in Journalism (derived from Code § 19.2-271.5).

(a) As used in this Rule, unless the context requires a different meaning:

"Journalism" means the gathering, preparing, collecting, photographing, recording, writing, editing, reporting, or publishing of news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public.

"News organization" means any (i) newspaper or magazine issued at regular intervals and having a general circulation; (ii) recognized press association or wire service; (iii) licensed radio or television station that engages in journalism; or (iv) business that, by means of photographic or electronic media, engages in journalism and employs an editor overseeing the journalism function that follows commonly accepted journalistic practice as evidenced by (A) membership

in a state-based journalism organization, including the Virginia Press Association and the Virginia Association of Broadcasters; (B) membership in a national journalism organization, including the National Press Club, the Society of Professional Journalists, and the Online News Association; (C) membership in a statewide or national wire news service, including the Capital News Service, The Associated Press, and Reuters; or (D) its continuous operation since 1994 or earlier.

"Newsperson" means any person who, for a substantial portion of his livelihood or for substantial financial gain, engages in journalism for a news organization. "Newsperson" includes any person supervising or assisting another person in engaging in journalism for a news organization.

"Protected information" means information identifying a source who provided information to a newsperson under a promise or agreement of confidentiality made by a news organization or newsperson while such news organization or newsperson was engaging in journalism.

(b) Except as provided in subpart C, no newsperson may be compelled by the Commonwealth or a locality in any criminal proceeding to testify about, disclose, or produce protected information. Any protected information obtained in violation of this subsection is inadmissible for any purpose in an administrative or criminal proceeding.

(c) A court may compel a newsperson to testify about, disclose, or produce protected information only if the court finds, after notice and an opportunity to be heard by such newsperson, that:

1. The protected information is necessary to the proof of an issue material to an administrative or criminal proceeding;

2. The protected information is not obtainable from any alternative source;

3. The Commonwealth or locality exhausted all reasonable methods for obtaining the protected information from all relevant alternative sources, if applicable; and

4. There is an overriding public interest in the disclosure of the protected information, including preventing the imminent threat of bodily harm to or death of a person or ending actual bodily harm being inflicted upon a person.

(d) The publication by a news organization or the dissemination by a newsperson of protected information obtained while engaging in journalism does not constitute a waiver of the protection from compelled testimony, disclosure, and production provided by subpart B.

RULES OF SUPREME COURT OF VIRGINIA
PART THREE
PRACTICE AND PROCEDURE IN CIVIL ACTIONS

Rule 3:19. Default.

* * *

(b) *Relief from Default.* — Prior to the entry of judgment, for good cause shown the court may grant leave to a defendant who is in default to file a late responsive pleading. Relief from default may be conditioned by the court upon such defendant reimbursing any extra costs and fees, including attorney fees, incurred by the plaintiff solely as a result of the delay in the filing of a responsive pleading by the defendant.

* * *

(d) *Relief from Default Judgment.* —

(1) *Within 21 Days.* — During the period provided by Rule 1:1 for the modification, vacation or suspension of a judgment, the court may by written order relieve a defendant of a default judgment after consideration of the extent and causes of the defendant's delay in tendering a responsive pleading, whether service of process and actual notice of the claim were timely provided to the defendant, and the effect of the delay upon the plaintiff. Relief from default may be conditioned by the court upon the defendant reimbursing any extra costs and fees, including attorney fees, incurred by the plaintiff solely as a result of the delay in the filing of a responsive pleading by the defendant.

(2) *After 21 Days.* — A final judgment no longer within the jurisdiction of the trial court under Rule 1:1 may not be vacated by that court except as provided in Virginia Code §§ 8.01-428 and 8.01-623.

Rule 3:24. Appeal of Orders of Quarantine or Isolation regarding Communicable Diseases of Public Health Threat.

(a) Where an order of quarantine has been issued relating to a communicable disease of public health threat pursuant to § 32.1-48.09, the provisions of § 32.1-48.010, and related sections of Article 3.02 of Title 32.1 of the Code of Virginia, govern any appeal of such order to the appropriate circuit court.

(b) Where an order of isolation has been issued relating to a communicable disease of public health threat pursuant to § 32.1-48.012, the provisions of § 32.1-48.013 and related sections of Article 3.02 of Title 32.1 of the Code of Virginia govern any appeal of such order to the appropriate circuit court.

(c) The circuit court must hold hearings under this rule in a manner to protect the health and safety of individuals subject to any such order or quarantine or isolation, court personnel, counsel, witnesses, and the general public. To this end, the circuit court may take measures including, but not limited to, ordering the hearing to be held by telephone or video conference or ordering those present to take appropriate precautions, including wearing personal protective equipment.

Rule 3:25. Claims for Attorney Fees.

(a) *Scope of Rule.* — This rule applies to claims for attorney fees, excluding (i) attorney fees under § 8.01-271.1 of the Code of Virginia, and (ii) attorney fees in domestic relations cases.

(b) *Demand.* — A party seeking to recover attorney fees must demand them in the complaint filed pursuant to Rule 3:2, in a counterclaim filed pursuant to Rule 3:9, in a cross-claim filed pursuant to Rule 3:10, in a third-party pleading filed pursuant to Rule 3:13, or in a responsive pleading filed pursuant to Rule 3:8. The demand must identify the basis upon which the party relies in requesting attorney fees.

(c) *Waiver.* — The failure of a party to file a demand as required by this rule constitutes a waiver by the party of the claim for attorney fees, unless leave to file an amended pleading seeking attorney fees is granted under Rule 1:8.

(d) *Procedure.* — Upon the motion of any party, the court must, or upon its own motion, the court may, in advance of trial, establish a procedure to adjudicate any claim for attorney fees.

PART FOUR
PRETRIAL PROCEDURES, DEPOSITIONS AND PRODUCTION AT TRIAL

Rule 4:1. General Provisions Governing Discovery.

* * *

(b) *Scope of Discovery. —*

* * *

(4) Trial Preparation: Experts; Costs – Special Provisions for Eminent Domain Proceedings.

* * *

(A) (i) A party may through interrogatories require any other party to identify each person whom the other party expects to call as an expert witness at trial, to state the subject matter on which the expert is expected to testify, and to state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

* * *

(iv) Drafts of expert reports, disclosures, or interrogatory responses called for by subdivision (b)(4)(A)(i) of this Rule are not discoverable except on a showing of exceptional circumstances under which it is impractical for the party seeking discovery to obtain otherwise discoverable information contained in the draft by other means. The party seeking discovery of such information bears the burden of proving such exceptional circumstances.

(v) Communications between a party's attorney and any expert witness expected to testify at trial are not discoverable except to the extent that such communications relate to compensation for the expert's work on the case or identify facts or assumptions that the expert considered or relied upon in forming the opinions to be expressed.

(vi) In ordering discovery of any material covered by subdivisions (b)(4)(A)(iv) or (b)(4)(A)(v) of this Rule, the court must in all events protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a

party concerning the litigation.

* * *

(g) *Signing of Discovery Requests, Responses, and Objections.* — Every request for discovery or response or objection thereto made by a party represented by an attorney must be signed by at least one attorney of record in the attorney's individual name, whose address must be stated. A party who is not represented by an attorney must sign the request, response, or objection, and state the party's address. The signature of the attorney or party constitutes a certification that the signer has read the request, response, or objection, and that to the best of the signer's knowledge, information, and belief formed after a reasonable inquiry it is: (1) consistent with these Rules and warranted by existing law or a good faith argument for extension, modification, or reversal of existing law; (2) not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; and (3) not unreasonable or unduly burdensome or expensive, given the needs of the case, the discovery already had in the case, the amount in controversy and the importance of the issues at stake in the litigation. If a request, response, or objection is not signed, it will be stricken unless it is signed promptly after the omission is called to the attention of the party making the request, response, or objection, and a party is not obligated to take any action with respect to it until it is signed.

If a certification is made in violation of the rule, the court, upon motion or upon its own initiative, may impose upon the person who made the certification, the party on whose behalf the request, response, or objection is made, or both, an appropriate sanction, which may include an order to pay the amount of the reasonable expenses incurred because of the violation, including a reasonable attorney's fee.

Rule 4:5. Depositions Upon Oral Examination.

* * *

(g) *Failure to Attend or to Serve Subpoena; Expenses*. —

(1) If the party giving the notice of the taking of a deposition fails to attend and proceed therewith and another party attends in person or by attorney pursuant to the notice, the court may order the party giving the notice to pay to such other party the reasonable expenses incurred by

him and his attorney in attending, including reasonable attorney fees.

(2) If the party giving the notice of the taking of a deposition of a witness fails to serve a subpoena upon him and the witness because of such failure does not attend, and if another party attends in person or by attorney because he expects the deposition of that witness to be taken, the court may order the party giving the notice to pay to such other party the reasonable expenses incurred by him and his attorney in attending, including reasonable attorney fees.

* * *

Rule 4:12. Failure to Make Discovery; Sanctions.

(a) *Motion for Order Compelling Discovery*. —

* * *

(4) Award of Expenses of Motion. If the motion is granted, the court must, after opportunity for hearing, require the party or deponent whose conduct necessitated the motion or the party or attorney advising such conduct or both of them to pay to the moving party the reasonable expenses incurred in obtaining the order, including attorney fees, unless the court finds that the opposition to the motion was substantially justified or that other circumstances make an award of expenses unjust.

If the motion is denied, the court must, after opportunity for hearing, require the moving party or the attorney advising the motion or both of them to pay to the party or deponent who opposed the motion the reasonable expenses incurred in opposing the motion, including attorney fees, unless the court finds that the making of the motion was substantially justified or that other circumstances make an award of expenses unjust.

If the motion is granted in part and denied in part, the court may apportion the reasonable expenses incurred in relation to the motion among the parties and persons in a just manner.

(b) *Failure to Comply With Order*. —

* * *

(2) Sanctions by Court in Which Action Is Pending.

* * *

(E) Where a party has failed to comply with an order under Rule 4:10(a) requiring him to

produce another for examination, such orders as are listed in paragraphs (A), (B), and (C) of this subdivision, unless the party failing to comply shows that he is unable to produce such person for examination.

In lieu of any of the foregoing orders or in addition thereto, the court must require the party failing to obey the order or the attorney advising him or both to pay the reasonable expenses, including attorney fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.

(c) *Expenses on Failure to Admit*. — If a party fails to admit the genuineness of any document or the truth of any matter as requested under Rule 4:11, and if the party requesting the admissions thereafter proves the genuineness of the document or the truth of the matter, he may apply to the court for an order requiring the other party to pay him the reasonable expenses incurred in making that proof, including reasonable attorney fees. The court must make the order unless it finds that (1) the request was held objectionable pursuant to Rule 4:11(a), or (2) the admission sought was of no substantial importance, or (3) the party failing to admit had reasonable ground to believe that he might prevail on the matter, or (4) there was other good reason for the failure to admit.

(d) *Failure of Party to Attend at Own Deposition or Serve Answers to Interrogatories or Respond to Requests for Production or Inspection.* — If a party or an officer, director, or managing agent of a party or a person designated under Rule 4:5(b)(6) or 4:6(a) to testify on behalf of a party fails (1) to appear before the officer who is to take his deposition, after being served with a proper notice, or (2) to serve answers or objections to interrogatories submitted under Rule 4:8, after proper service of the interrogatories, or (3) to serve a written response to a request for production or inspection submitted under Rule 4:9, after proper service of the request, the court in which the action is pending on motion may make such orders in regard to the failure as are just, and among others it may – without prior entry of a Rule 4:12(b) order to compel regarding this failure – impose any of the sanctions listed in paragraphs (A), (B), and (C) of subdivision (b)(2) of this Rule. In lieu of any order or in addition thereto, the court must require the party failing to act or the attorney advising him or both to pay the reasonable expenses, including attorney fees, caused by the failure, unless the court finds that the failure was

substantially justified or that other circumstances make an award of expenses unjust.

* * *

PART FIVE
THE SUPREME COURT

Rule 5:11. Record on Appeal: Transcript or Written Statement.

*** * ***

(e) *Written Statement in Lieu of Transcript.* A written statement of facts, testimony, and other incidents of the case, which may include or consist of a portion of the transcript, becomes a part of the record when:

(1) within 60 days after entry of judgment a copy of such statement is filed in the office of the clerk of the trial court. A copy must be mailed or delivered to opposing counsel on the same day that it is filed in the office of the clerk of the trial court, accompanied by notice that such statement will be presented to the trial judge no earlier than 15 days nor later than 20 days after such filing; and

*** * ***

Rule 5:35. Attorney Fees, Costs, and Notarized Bill of Costs.

(a) *To Whom Costs Allowed. —* Except as otherwise provided by law, if an appeal is dismissed, costs will be taxed against the appellant unless otherwise agreed by the parties or ordered by this Court; if a judgment is affirmed, costs will be taxed against the appellant unless otherwise ordered; if a judgment is reversed, costs will be taxed against the appellee unless otherwise ordered; if a judgment is affirmed in part or reversed in part, or is vacated, costs will be allowed as ordered by this Court.

(b) *Attorney Fees. —* (1) *Fee Recovery by Prevailing Appellee*. A prevailing appellee who was awarded attorney fees and costs in the circuit court may make application in the circuit court for additional fees and costs incurred on appeal pursuant to Rule 1:1A.

(2) *Attorney Fees Where Authorized by Statute.*

(A) In any case in which a party has a statutory, contractual or other basis to request

attorney fees, the party may request an award of attorney fees incurred in the appeal of the case by making the request in an appellant's, petitioner's, appellee's, or respondent's brief.

(B) Upon the making of a request for attorney fees as set forth in (b)(2)(A) above, and unless otherwise provided by the terms of a contract or stipulation between the parties, the Supreme Court may award to a party who has made such request, all of their attorney fees, or any part thereof, or remand the issue for determination as directed in the mandate. Such fees may include the fees incurred by such party in pursuing fees as awarded in the circuit court.

(C) In determining whether to make such an award, the Supreme Court is not limited to a consideration of whether a party's position on an issue was frivolous or lacked substantial merit but may consider all the equities of the case.

(D) Where the appellate mandate remands the issue to the circuit court for an award of reasonable attorney fees, in determining the reasonableness of such an award the circuit court should consider all relevant factors, including but not limited to, the extent to which the party was a prevailing party on the issues, the nature of the issues involved, the time and labor involved, the financial resources of the parties, and the fee customarily charged in the locality for similar legal services.

* * *

PART FIVE A
THE COURT OF APEALS

Rule 5A:6. Notice of Appeal.

* * *

Form

NOTICE OF APPEAL FROM TRIAL COURT
(Rule 5A:6)

VIRGINIA: IN THE CIRCUIT COURT OF _____

(The style of the case in the Circuit Court.)

NOTICE OF APPEAL

_____,_____
(name(s) of party(ies)) (plaintiff, defendant or other designation in trial court)

_____ hereby appeals to the Court of Appeals of Virginia from the

_____
(final judgment or other appealable order or decree)

of this Court entered on _____.
(date)

[If applicable]
This is a termination of parental rights case (Va. Code §16.1-283, §16.1-277.01, §16.1-277.02 or §16.1-278.3).
A transcript will be filed.
A statement of facts, testimony, and other incidents of the case will be filed.
[In criminal cases only:] Appellant requests the clerk of the circuit court to cause a transcript to be prepared of the following circuit court proceedings:

_____

_____

_____.

CERTIFICATE

The undersigned certifies as follows:

(1) The name(s) and address(es) of appellant(s) are:

[If applicable] Appellant(s), is (are) not represented by counsel. The telephone number(s), facsimile number (if any) and e-mail address (if any) of appellant(s) are:

(2) The name(s), Virginia State Bar numbers(s), address(es), telephone number(s), facsimile number (if any), and email address(es) (if any) of counsel for appellant(s) are:

(3) The name(s) and address(es) of appellee(s) are:

[If applicable] Appellee(s), is (are) not represented by counsel. The telephone number(s) facsimile number (if any) and e-mail address (if any) of appellee(s) (are):

(4) The name(s), Virginia State Bar numbers(s), address(es), ~~and~~ telephone number(s), facsimile number (if any), and email address(es) (if any) of counsel for appellee(s) are:

(5) [If applicable] The name(s), address(es), and telephone number(s) of the guardian *ad litem* for the child(ren) is (are):

(6) [If applicable] Counsel for appellant, or appellant if not represented by counsel, has ordered from the court reporter who reported the case the transcript for filing as required by Rule 5A:8(a).

(7) [If applicable] _____, _____
(name of party) (appellant)

_____, is not represented by counsel. _____
(appellee) (his) (her)

address and telephone number are:

(8) [In criminal and termination of parental rights cases only] Counsel for defendant has been

_____.
(appointed) (privately retained)

(9) A copy of this Notice of Appeal has been mailed, emailed, or delivered to all opposing counsel [and/or to unrepresented parties, to the guardian ad litem, if applicable] and to the Clerk of the Court of Appeals this _____ day of _____, 20____.

(10) [In criminal cases only] A copy of this Notice of Appeal has been [sent by email to noticesofappeal@oag.state.va.us] [(if the appellant does not have access to email) mailed to Office of the Attorney General, attn.: Notices of Appeal, 202 North Ninth Street, Richmond, Virginia 23219] this ____ day of _____, 20__.

_____
(Signature of counsel or unrepresented party)

Rule 5A:30. Attorney Fees, Costs, and Notarized Bill of Costs.

(a) *To Whom Allowed.* — Except as otherwise provided by law, if an appeal is dismissed, costs will be taxed against the appellant unless otherwise agreed by the parties or ordered by this Court; if a judgment is affirmed, costs will be taxed against the appellant unless otherwise ordered; if a judgment is reversed, costs will be taxed against the appellee unless otherwise ordered; if a judgment is affirmed in part or reversed in part, or is vacated, costs will be allowed as ordered by this Court.

(b) *Attorney Fees.* — (1) *Fee Recovery by Prevailing Appellee*. A prevailing appellee who was awarded attorney fees and costs in the circuit court may make application in the circuit court for additional fees and costs incurred on appeal pursuant to Rule 1:1A.

(2) *Attorney Fees Where Authorized by Statute.*

(A) In any case in which a party has a statutory, contractual or other basis to request attorney fees, the party may request an award of attorney fees incurred in the appeal of the case by making the request in an appellant's, petitioner's, appellee's, or respondent's brief.

(B) Upon the making of a request for attorney fees as set forth in (b)(2)(A) above, and unless otherwise provided by the terms of a contract or stipulation between the parties, this Court may award to a party who has made such request, all of their attorney fees, or any part thereof, or remand the issue for determination as directed in the mandate. Such fees may include the fees incurred by such party in pursuing fees as awarded in the circuit court.

(C) In determining whether to make such an award, this Court is not limited to a consideration of whether a party's position on an issue was frivolous or lacked substantial merit but may consider all the equities of the case.

(D) Where the appellate mandate remands the issue to the circuit court for an award of reasonable attorney fees, in determining the reasonableness of such an award the circuit court should consider all relevant factors, including but not limited to, the extent to which the party was a prevailing party on the issues, the nature of the issues involved, the time and labor involved, the financial resources of the parties, and the fee customarily charged in the locality for similar legal services.

* * *

(e) *Award*. — The clerk of this Court must prepare and certify an itemized statement of costs taxed in this Court for insertion in the mandate, but the issuance of the mandate will not be delayed for taxation of costs. If the mandate has been issued before final determination of costs, the statement, or any amendment thereof, will be added to the mandate on request by the clerk of this Court to the clerk of the tribunal in which the case originated.

PART SEVEN A
GENERAL DISTRICT COURTS – IN GENERAL

Rule 7A:16. Isolation Proceedings under Article 3.01 of Title 32.1 of the Code of Virginia; Communicable Diseases of Public Health Significance.

(a) Upon any petition by the State Health Commissioner, or that official's designee, for an order that a person or persons appear before the court to determine whether isolation is necessary to protect the public health from the risk of infection with a communicable disease of public health significance, the provisions of §§ 32.1-48.03, 32.1-48.04, and related sections of Article 3.01 of Title 32.1 of the Code of Virginia must be followed.

(b) The court should hold hearings under this rule in a manner to protect the health and safety of individuals subject to any such order or quarantine or isolation, court personnel, counsel, witnesses, and the general public. To this end, the court may take measures including, but not limited to, ordering the hearing to be held by telephone or video conference or ordering those present to take appropriate precautions, including wearing personal protective equipment.

A Copy,

Teste:

Clerk