

**VIRGINIA: IN THE GENERAL DISTRICT COURT FOR THE  
CITY OF HARRISONBURG AND ROCKINGHAM COUNTY  
26<sup>th</sup> DISTRICT**

**ORDER**

On May 6, 2020, the Virginia Supreme Court entered a Fourth Order Extending Declaration of Judicial Emergency in Response to the COVID-19 Emergency. Currently, the new Order is set to expire on June 7, 2020. In accordance with the Order and all preceding Orders issued by the Virginia Supreme Court and this Court concerning the continuing judicial emergency, IT IS SO ORDERED:

1. As of May 18, 2020, arraignments of incarcerated defendants and determinations of counsel will return to a normal schedule occurring at 1:00 p.m. by video-conference daily.
2. As of May 18, 2020, bond hearings will occur daily at 2 p.m. and 1 p.m. on Friday. In accordance with Chief Justice Lemon's direction to use video technology during this time period, all bond hearings will be by video-conference. Counsel must file the current bond hearing notice by 1:00 p.m. the business day prior to the requested bond hearing.
3. As of May 18, 2020, protective order hearings will go forward as currently scheduled. Additionally, the clerks will schedule all new protective order hearings for 2:00 p.m. daily.
4. As of May 18, 2020, through June 7, 2020, misdemeanor trials and preliminary hearings for all defendants **will remain as scheduled**. Prior to the scheduled hearing, the Commonwealth's Attorney and defense counsel are ORDERED to communicate to try to resolve any discovery concerns or other needs prior to the scheduled court date. If a continuance is requested, it shall be submitted to the Court **in writing on the Court standard continuance form** by fax, email, or hand-delivery by 2 p.m. the business day before the scheduled court date. Counsel must have consulted with each other in advance, and both parties, including the defendant(s), must have agreed to the continuance. Absent extraordinary circumstances, including but not limited to a cause resulting from the impact of the ongoing COVID-19 crisis, requests for continuances made on the actual court date will be denied if it is apparent that the matter could have been continued in advance.
5. As of May 18, 2020, through June 7, 2020, disposition/scheduling dates for criminal matters will be set every day between 8 a.m. and 9 a.m. Defense Counsel is required to docket the matter no later than 12 p.m. the business day before to give the Commonwealth's Attorney sufficient notice of the matter. **This new option replaces**

**the Tuesday docketing option. The Tuesday docketing date option will terminate.** Defense Counsel and the Commonwealth's Attorney are encouraged to communicate with each other to try to resolve matters. The Court is faced with the serious challenge of preserving public safety while at the same time working through its current backlog.

6. Defense Counsel **must communicate with the Clerk's Office** on whether an incarcerated defendant needs to be transported from a local jail or another facility. With local defendants at our jail or MRRJ, contact the Clerk's Office no later than 12 pm the business day before the hearing. With all other incarcerated defendants located outside our area, provide reasonable notice so the transport can take place in advance of the hearing. If the Clerk's Office is not contacted, incarcerated individuals will remain on video or the matter will be rescheduled.
7. As of May 18, 2020, through June 7, 2020, all civil cases scheduled during the effective dates of the Fourth Order Extending Declaration of Judicial Emergency in Response to COVID-19 are **continued**. The Clerk's Office will be contacting Counsel and parties with civil trial dates during that time to reschedule matters for trial or expedite settlement agreements. Counsel are encouraged to docket matters with the Court as certain hearings can be scheduled at the Court's discretion.
8. The General District Court will continue, in its discretion, to hear any 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 or WebEx or by telephone. Requests to participate by telephone will be liberally granted. If counsel or any party desire to schedule a matter on the Court's docket, they must provide the Court the following:
  - a. A signed agreement by all parties and/or their attorneys that they agree to have the proceeding heard through electronic means; and
  - b. A brief statement describing the subject matter of the matter.

Once submitted, the Court will review and, if appropriate, have the Clerk schedule a hearing date to be heard electronically with all parties and/or counsel.

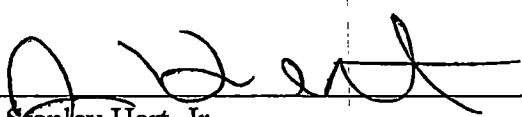
9. As of May 18, 2020, through June 7, 2020, all traffic infractions scheduled during the effective dates of the Order Declaring a Judicial Emergency are continued. However, the Court will enter a disposition in a traffic case or minor offense if there is a signed **AGREED ORDER** between defense counsel and the Commonwealth's Attorney's office (not the officer). Counsel may forward the Agreed Order to the Clerk's office,

and the Court will enter the disposition without the appearance of any party or counsel. This will only apply to the following matters:

- A. Traffic Infractions
- B. Reckless Driving and Minor Offenses \*\*only if it is noted in the agreed order between defense counsel and the Commonwealth's Attorney that jail time is waived\*\*.

For the proceedings heard in the next twenty-one days and until the conclusion of the state of emergency in the Commonwealth of Virginia, the Court discourages any and all unnecessary witnesses and/or spectators in the courtroom. The Court would request that Counsel please request a continuance immediately if you, your client, or any witness is ill, has recently traveled internationally, or has been exposed to COVID-19.

IT IS SO ORDERED THIS 11<sup>th</sup> DAY OF MAY, 2020.

  
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John Stanley Hart, Jr.  
Chief Judge, 26<sup>th</sup> Judicial District

cc: Harrisonburg/Rockingham Bar Association  
Harrisonburg/Rockingham Commonwealth's Attorney's Office