

# Commonwealth of Virginia

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## TWELFTH JUDICIAL CIRCUIT

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May 13, 2020

### **Chesterfield and Colonial Heights Circuit Courts Courthouse Access and Docket Information for May 18 – June 7, 2020**

The provisions set forth are consistent with and in furtherance of the Orders of the Supreme Court of Virginia, public safety plans, and public health guidelines. These provisions are subject to modification as may be required generally or in an individual case.

#### **CHESTERFIELD CIRCUIT COURT**

The Circuit Clerk's Office (including court operations, probate, and the records room) remains open to the public by appointment only until further notice (no walk-ins). View current information regarding operations for all Chesterfield Courts at <https://www.chesterfield.gov/1126/Courts>.

#### **Courthouse Visitor Access**

The Sheriff's Office will ensure compliance with social distancing and building entry requirements for all courthouse visitors. Deputies will screen visitors for elevated temperature and make inquiries regarding COVID exposure risk.

Limiting courthouse visitors is critical to maintaining public health and safety. Attorneys and parties to cases, testifying witnesses, crime victims, court reporters, grand jurors, contractors, those persons with appointments, and members of the media will be admitted if they do not have a temperature of 100 or greater and do not have a COVID exposure risk factor. Other visitors, ordinarily welcomed, are highly discouraged at this time.

Masks are not required for admittance to the Circuit Court. Masks/personal protective equipment (PPE) will not be issued to courthouse visitors. All available disposable PPE is being allocated to medical and first responder personnel. Anyone who wishes to bring and to wear a mask of their own to/in a court facility may do so.

#### **Docket Information**

Beginning on May 18, 2020, the Circuit Court will expand its operations from "emergency limited" to hearing all scheduled non-jury criminal and civil dockets. **With the exception of jury trials, continuances for all cases set on May 18 or later are NOT automatic.** Continuances to a date certain

should be made by motion setting forth the grounds for the desired continuance. COVID related continuances will ordinarily be favorably considered.

As always, criminal cases will take priority. As soon as practicable, parties will be notified regarding changes to courtroom assignments or if a civil case needs to be rescheduled due to criminal precedence and available courtroom space.

Courtroom assignment – the Circuit Court’s criminal and civil dockets will be compressed into a maximum of four dockets total and heard in courtrooms 3, 4, and 5 in the main courthouse and the Historic 1917 Courthouse at 10011 Iron Bridge Road (civil only). As noted above, as soon as practicable, parties will be notified regarding changes to courtroom assignments or if a civil case needs to be rescheduled due to criminal prioritization and/or courtroom space.

Jury trials – In specific compliance with the Order of the Supreme Court of Virginia dated May 6, 2020, all civil and criminal jury trials previously set through June 7, 2020 are continued generally. Jury trials beyond June 7<sup>th</sup> remain as previously scheduled. These cases will be continued, if necessary, to comply with Orders of the Supreme Court of Virginia, or upon a continuance order entered by the presiding judge in an individual case.

Circuit pre-trials - until further notice, pre-trials will begin at 9 AM daily.

Adult Drug Court - in-person Drug Court will resume on May 20, 2020. Participants will be contacted directly for dates they are required to appear in court.

Remote hearings (telephone and video conferencing) – these remain an available option for many civil and criminal matters. Testimony from witnesses will not be permitted using a voice-only telephone. Video matters can be conducted using WebEx. Use the motion form created for the purpose of requesting a remote hearing and file it with the Clerk’s Office.

Court reporter assignments for criminal dockets – the Circuit Court Judges’ Chambers will coordinate directly with court reporters.

### **Monday, May 18, 2020 – Term Day**

Grand Jury - in session as scheduled on May 18, 2020 in the Juror Assembly Room. Participants will be contacted directly regarding necessary logistics.

Docket Call –

- Criminal Docket Call: 9:30 AM – for all criminal matters not pre-set:
  - Cases will be grouped and called by defense attorney.
  - Depending on the final total number of cases to be set, docket call may be split between two courtrooms. It will be held in courtroom #5 and, if necessary, also courtroom #4.
  - Bonded defendants are excused from attending Docket Call.
  - Notices with new court dates to be sent for misdemeanor appeals and *pro se* defendants for offenses not requiring jail time. If applicable, you do not need to attend Docket Call. Dates may be rescheduled by agreement of parties as needed.
  - During criminal docket call, outside the main courthouse, multiple copies of the docket will be available. Signage will indicate “For Circuit Court, if you do not see your name on this docket, your case is not being called or already has been set. Please call the Clerk’s Office or your attorney for your court date.” If human resources and other

conditions permit, there will be a table staffed by Circuit Court personnel located outside the main courthouse entrance to assist.

- Civil Docket Call: 2:00 PM-J&DR appeals / 2:30 PM-all other civil – for all civil matters not pre-set:
  - Courtroom #3 – Judge Brice will set for Judges Brice and Hauler (Tiffany White)
  - Courtroom #4 – Judge McCallum will set for Judges McCallum and Johnson (Beth Ball)
  - Courtroom #5 – Judge Robbins will set for Judges Robbins and Rockwell (Teresa Ryan)

### **Other Information**

Judicial Settlement Conferences – these are scheduled directly with the Retired Judge. Until such time as the Court is able to fully resume all operations, meeting rooms in the Circuit Court may not be utilized to conduct mediations.

Garnishments – **the Court is permanently changing how garnishments are handled once the judicial emergency lapses** (currently June 7, 2020). Once the necessary time has run for delayed claims of exemption by debtors caused by the emergency declaration, no hearing should be docketed for garnishment matters. Sketch orders disposing of the case by releasing funds or otherwise, prepared by creditor's counsel, will be entered by judges in chambers without a hearing, unless the debtor timely files a claim for exemption. Debtors who file claims of exemptions will be docketed for a hearing to be held within seven (7) business days from the date a claim is filed with the Court.

## **COLONIAL HEIGHTS CIRCUIT COURT**

### **Courthouse Visitor Access**

The Sheriff's Office will ensure compliance with social distancing and building entry requirements for all courthouse visitors. Deputies will screen visitors for elevated temperature and make inquiries regarding COVID exposure risk.

Limiting courthouse visitors is critical to maintaining public health and safety. Attorneys and parties to cases, testifying witnesses, crime victims, court reporters, grand jurors, contractors, those persons with appointments, and members of the media will be admitted if they do not have a temperature of 100 or greater and do not have a COVID exposure risk factor. Other visitors, ordinarily welcomed, are highly discouraged at this time.

Masks are not required for admittance to the Circuit Court. Masks/personal protective equipment (PPE) will not be issued to courthouse visitors. All available disposable PPE is being allocated to medical and first responder personnel. Anyone who wishes to bring and to wear a mask of their own to/in a court facility may do so.

### **Docket Information**

Beginning on May 18, 2020, the Circuit Court will expand its operations from "emergency limited" to hearing all scheduled non-jury criminal and civil dockets. Criminal cases will take priority.

With the exception of jury trials, all cases scheduled for May 18, 2020 or later remain on the docket as scheduled. **With the exception of jury trials, continuances for all cases set on May 18 or later are NOT automatic and will be considered only upon written motion.** COVID related continuances will ordinarily be favorably considered.

Jury trials – In specific compliance with the Order of the Supreme Court of Virginia dated May 6, 2020, all civil and criminal jury trials previously set through June 7, 2020 are continued generally. Jury trials beyond June 7<sup>th</sup> remain as previously scheduled. These cases will be continued, if necessary, to comply with Orders of the Supreme Court of Virginia, or upon a continuance order entered by the presiding judge in an individual case.

Circuit pre-trials - will begin at 8:30 AM on Tuesdays.

Adult Drug Court - in-person Drug Court will resume on May 20, 2020. Participants will be contacted directly for dates they are required to appear in court.

Remote hearings (telephone and video conferencing) – these remain an available option for many civil and criminal matters. Testimony from witnesses will not be permitted using a voice-only telephone. Video matters can be conducted--please contact the Clerk's Office for further information.