

**VIRGINIA:**

**IN THE CIRCUIT COURTS FOR THE FIFTH JUDICIAL CIRCUIT**

**TEMPORARY STANDING ORDER FOR PROTOCOLS AND SCHEDULES  
DURING COVID-19 EMERGENCY**

In consideration of the Fourth Order Modifying and Extending Declaration of Judicial Emergency in Response to COVID-19 Emergency, entered by the Supreme Court of Virginia on May 6, 2020, and as modified by an Order of the Supreme Court of Virginia entered on May 12, 2020, extending the Declaration of Judicial Emergency to June 7, 2020 and noting therein that the Period of Judicial Emergency may be extended for additional periods, as provided in Virginia Code Section 17.1-330(E), and in consideration of the recommendations of public health officials, both nationally and locally, that “social distancing” must continue to be practiced and observed, including all individuals remaining a minimum of six (6) feet apart, that facial masks should be worn while in public, and that gatherings should not be greater than ten (10) individuals in any confined space, and

It appearing to the Court that the courthouses and courtrooms of this Circuit, because of spacing and room sizing limitations, require certain restrictions and limitations be observed as the Court performs its duties and obligations relative to the administration of justice in the Commonwealth of Virginia, and

It further appearing to the Court that litigants, attorneys, the Clerk and its staff, the Sheriff and its staff, and the Court’s staff require some semblance of certainty in order to properly prepare for the commencement and presentation of all matters that may need to come before the Court, and for good cause

It is ORDERED that:

1. Individuals who wish to enter the Courthouses of this Circuit shall be prohibited from entry into such Courthouse if they have, within the previous fourteen (14) days of seeking entry:
  - a. Traveled internationally;
  - b. Been directed to quarantine, isolate, or self-monitor;

- c. Been diagnosed, or have had contact with anyone who has been diagnosed, with COVID-19;
- d. Experienced a fever, cough, or shortness of breath; or
- e. Resided with, or been in close contact with, any person in the above-mentioned categories,

And shall execute a form reflecting any affirmative answer to any of the above questions;

2. The number of individuals allowed into the Circuit courtrooms of the Courthouses of this Circuit shall be limited in number, which number is dependent on each respective courtroom, with priority given to the litigants, attorneys for the litigants, necessary witnesses, members of the press, court reporters, bailiffs, court clerks and staff, and judges, and such individuals will (a) observe "social distancing" and remain at least six (6) feet apart, unless impracticable; (b) are encouraged to wear facial coverings and/or masks, except if and when testifying, when such will not be allowed; and (c) follow all instructions of the courtroom bailiffs relative to such practices;
3. The Court will continue to schedule criminal "emergency" matters, e.g., determinations of counsel, arraignments, and bail hearings, on the regular dockets of the Court, as has been the historical practice of the Court, to be held by video, if practicable;
4. The Court will determine when to schedule all other criminal matters, unless specifically noted herein, after consideration of a written motion filed by a party requesting such matter be placed on the Court's docket for a hearing, with such motion stating with specificity the nature of, and basis for, the motion, the anticipated witnesses, if any, necessary for consideration of the motion, and, if the defendant is in custody, whether it is practicable for the motion to be heard by video;
5. The Court will continue to schedule all civil "emergency" matters, e.g., quarantine or isolation matters, protective order cases, emergency child custody or protection cases, civil commitment hearings, petitions for temporary injunctive relief, proceedings related to emergency protection of elderly or

vulnerable persons, petitions for appointments of a guardian or conservator, on the regular dockets of the Court, as has been the historical practice of the Court, to be held by video, if practicable;

6. The Court will determine when to schedule all other civil matters, unless specifically noted herein, after consideration of a written motion filed by a party requesting such matter be placed on the Court's docket for a hearing, with such motion stating with specificity the nature of, and basis for, the motion, the anticipated witnesses, if any, necessary for consideration of the motion, and whether it is practicable for the motion to be heard by video;
7. All civil and criminal jury trials currently scheduled in the Circuit to commence on or before July 31, 2020 are suspended and continued, to be reset at a future date;
8. No new criminal jury trials will be set to commence before September 8, 2020, absent exigent circumstances or to safeguard constitutional protections; and
9. No new civil jury trials will be set to commence before January 2, 2021, absent exigent circumstances or to safeguard constitutional protections.

This Order is effective as of May 18, 2020.

The Clerks of the Courts of this Circuit are directed to send a copy of this Order to the president of the local bar association, the Commonwealth's Attorney's Office, the Public Defenders' Office, the City Attorney's Office, the County Attorney's Office, and the Sheriff's Office within their respective jurisdictions.

Entered: 5/14/2020

  
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Carl Edward Eason, Jr.  
Chief Judge