

NEWPORT NEWS GENERAL DISTRICT COURT

COURTHOUSE OPERATIONS IN RESPONSE TO THE COVID-19 EMERGENCY

Thank you for your continued cooperation and assistance during this period of both public and judicial emergency.

Pursuant to the Fourth Order Modifying and Extending Declaration Judicial Emergency in Response to COVID-19 Emergency entered by the Chief Justice on May 6, 2020, the Newport News General District Court will expand dockets **beginning June 8, 2020** in accordance with the following:

1) Courts shall continue to prioritize emergency matters including, but not limited to, quarantine or isolation matters, criminal arraignments, bail reviews, 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 appointment of a guardian or conservator, and proceedings necessary to safeguard applicable constitutional protections.

2) Courts should continue to conduct as much business as possible by means other than in-person court proceedings. In all civil and criminal matters, courts are encouraged to continue and even increase the use of video conferencing, telephone, teleconferencing, email, or other means that do not involve in-person contact. These methods are preferred over in-person court proceedings.

3) Notwithstanding the ongoing preference for conducting hearings by video conferencing or telephone, effective May 18, 2020, all courts may hear in-person non-emergency matters if they determine it is safe to do so, and provided they comply with the guidance for transitioning from emergency to routine operations provided by the Office of the Executive Secretary in order to minimize the risk of the spread of COVID-19 from in-person court proceedings.

4) All courts and security personnel shall take reasonable measures to prohibit individuals from entering the courthouse if they have, within the previous 14 days:

- i. traveled internationally;
- ii. been directed to quarantine, isolate, or self-monitor;
- iii. been diagnosed with, or have had contact with anyone who has been diagnosed with, COVID-19;
- iv. experienced a fever, cough, or shortness of breath; or
- v. resided with or been in close contact with any person in the above-mentioned categories.

The court and security personnel shall direct such individuals to contact the clerk's office by telephone or other remote means to inform the clerk of their business before the court so they may receive further instruction regarding alternate arrangements for court access.

5) Judges are charged with the responsibility to take reasonable steps to minimize the risk of the spread of COVID-19 as outlined in this Order and as provided by the Centers for Disease Control and Prevention (CDC) and the guidance provided by the Office of the Executive Secretary for transitioning from emergency to routine operations. In order to ensure recommended social and physical distancing, it may be necessary to limit the number of people present in the courtroom or courthouse at any given time as this number will necessarily be limited by the size of the courtroom to ensure that those present can remain six feet apart.

6) Court clerks are charged with ensuring that their offices remain open and functions continue.

7) As provided in the Clarification Order, deadlines imposed by the Speedy Trial Act, Va. Code § 19.2-243, are tolled during the ongoing Period of Judicial Emergency (March 16, 2020, through June 7, 2020).

8) All courts are authorized to accept pleadings, orders and other documents that are electronically signed, including those where the electronic signature is accomplished by scanning.

9) Continuances and excuses for failure to appear shall be liberally granted for any cause resulting from the impact of the ongoing COVID-19 crisis.

Accordingly, the Newport News General District Court will expand its dockets in phases beginning June 8, 2020 and has implemented additional safety policies.

This memo addresses the first phase of docket expansion for the court and will remain in effect until further notice.

Safety Precautions:

1. By joint order of the Newport News Circuit, General District, and Juvenile and Domestic Relations Courts all persons entering the buildings and courtrooms must wear masks or face coverings.
2. Entrants will continue to be subject to temperature checks and may be prohibited from entering the courthouse if they have, within the previous 14 days:
 - i. traveled internationally;
 - ii. been directed to quarantine, isolate, or self-monitor;
 - iii. been diagnosed with, or have had contact with anyone who has been diagnosed with, COVID-19;
 - iv. experienced a fever, cough, or shortness of breath; or
 - v. resided with or been in close contact with any person in the above-mentioned categories.

The court and security personnel will direct such individuals to contact the clerk's office by telephone or other remote means to inform the clerk of their business before the court so they may receive further instruction regarding alternate arrangements for court access.

3. To maintain required social distance guidelines, the Court will limit the number of people entering the courtroom to litigants and witnesses and reserves the right to deny entry to individuals who are not parties or witnesses. Special accommodations may be made on a cases-by-case basis for court watchers and press.
4. Court participants and clerk's office customers shall observe signage, floor and seat markings, and other directional guides provided by court and security personnel.
5. Secure video may be used for hearings when available, by agreement and when requested in advance by litigants.

Criminal Court:

I. Bond Hearings

All bond hearings will be conducted **by video** in courtroom C. Please note the following:

- a. Hearings for inmates housed in Newport News City Jail or Newport News City Jail Annex will be heard at 8:30 am in courtroom C.
- b. Hearings for inmates housed in other facilities may be scheduled in advance and may be held at other times during the docket or in other courtrooms as needed.

II. Commonwealth Cases

- a. In addition to bond hearings and other emergency matters, at this time, **ONLY** the following types of cases will proceed in Courtroom A on the Criminal docket at 10:00 am in the Newport News General District Court:
 - i. Guilty/Alford Pleas (in-custody AND out-of-custody defendants)
 - ii. Waiver of preliminary hearing (in-custody AND out-of-custody defendants)
 - iii. Motions to nolle pros or dismiss (in-custody AND out-of-custody defendants, defense attorneys may waive client's appearance)
 - iv. Preliminary hearings (in-custody defendants **ONLY**)
 - v. Trials (in-custody defendants **ONLY**)
- b. **ALL PLEA AGREEMENTS, WAIVERS AND MOTIONS TO NOLLE PROS/DISMISS** must be certified with the Commonwealth no later than 24 hours before the date of the hearing. The Commonwealth will forward a confirmations list of pleas, waivers and motions to the court by noon the

proceeding day or earlier. **NOTE:** Witnesses will not be admitted into the courtroom for these hearings.

- c. In accordance with prior policy, other cases may be added to the docket by written request and judge review and approval.

III. Non-Commonwealth Cases

- a. In addition to bond hearings and other emergency matters, at this time, **ONLY** the following types of cases will proceed on the Criminal docket in the Newport News General District Court:
 - i. Guilty/Alford Pleas (in-custody AND out-of-custody defendants)
 - ii. Motions to dismiss (in-custody AND out-of-custody defendants)
 - iii. Trials (in-custody defendants **ONLY**)
- b. **ALL PLEA AGREEMENTS, WAIVERS AND MOTIONS TO DISMISS** may be added to the docket by calling the clerk's office at least 24 hours before the hearing date to have the case added to the docket. **NOTE:** Witnesses will not be admitted into the courtroom for these hearings.
- c. As with our prior policy, other cases may be added to the docket by written request and judge review and approval.

Traffic Court:

I. Bond Hearings

All bond hearings will be conducted **by video** in courtroom C. Please note the following:

- a. Hearings for inmates housed in Newport News City Jail will be heard at 8:30 am in courtroom C.
- b. Hearings for inmates housed in other facilities may be scheduled in advance and may be held at other times during the docket or in other courtrooms as needed.

II. Commonwealth Cases

- a. In addition to bond hearings and other emergency matters, at this time, **ONLY** the following types of cases will proceed on the Traffic docket in the Newport News General District Court:

- i. Guilty/Alford Pleas (in-custody AND out-of-custody defendants)
 - ii. Waiver of preliminary hearing (in-custody AND out-of-custody defendants)
 - iii. Motions to nolle pros or dismiss (in-custody AND out-of-custody defendants, defense attorneys may waive client's appearance)
 - iv. Preliminary hearings (in-custody defendants ONLY)
 - v. Trials (in-custody defendants ONLY)
- b. **ALL PLEA AGREEMENTS, WAIVERS AND MOTIONS TO NOLLE PROS/DISMISS** must be certified with the Commonwealth no later than 24 hours before the date of the hearing. The Commonwealth will forward a confirmations list of pleas, waivers and motions to the court by noon the proceeding day or earlier. **NOTE:** Witnesses will not be admitted into the courtroom for these hearings.
- c. As with our prior policy, other cases may be added to the docket by written request and judge review and approval.

III. Non-Commonwealth Cases

- a. In addition to bond hearings and other emergency matters, at this time, **ONLY** the following types of cases will proceed on the Criminal docket in the Newport News General District Court:
- i. Guilty/Alford Pleas (in-custody AND out-of-custody defendants)
 - ii. Motions to dismiss (in-custody AND out-of-custody defendants)
 - iii. Trials (in-custody defendants AND out-of-custody defendants with limited dockets. *See b.*)
- b. To address the accumulating backlog in the traffic court, limited dockets will resume on June 8, 2020. With safety precautions and social distancing taking priority, no more than 20 cases will be set during each thirty-minute segmented docket. All cases beyond the court's limit will be continued and litigants notified by mail. Please contact the Traffic Court before your court date to verify dates and times.

- c. In accordance with prior policy, other cases may be added to the docket by written request and judge review and approval.

Civil Court:

I. First Returns

No more than 40 first returns total will be set during a thirty-minute segmented docket. Safety precautions and social distancing will remain a priority and this number may be limited further if needed.

Plaintiffs wishing to set 20 or more first returns must call the clerk's office to request a specific date for returns before submitting warrants or summonses for service.

II. Protective Orders

There is no change to this docket. Protective orders will continue to be heard as scheduled.

III. Trials

If parties wish to proceed with a trial, the process of having it brought before the Court during this modified period of judicial emergency shall be as follows:

1. Both parties shall agree that the matter is ripe for a hearing or trial.
2. Plaintiff shall submit a written request for their matter to be brought before the Court, stating the date requested, and the purpose of the hearing. The number of witnesses for each party must be included in the request. Such requests may be faxed to the Civil Court clerk's office (757-926-7024). Unrepresented litigants may contact the clerk's office by phone to schedule a trial.
3. Upon receipt of the written request, a judge will review the request and will determine whether the case will be heard.
4. Parties may request a trial or hearing by telephone or secure video if both parties agree. Additional instructions will be provided upon approved request for video or telephonic hearing.

The court may exercise discretion to hear additional civil matters if it is deemed safe to do so. Attorneys and litigants may notify the court by fax of any special circumstances.

The Newport News General District Court thanks the community for its continued cooperation and understanding during this unique and challenging time.

Please direct all questions to our Clerk, Karen Routten, at (757) 926-3969.