

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF LYNCHBURG

**ORDER**

WHEREAS, on March 12, 2020, Governor Northam entered Executive Order Number Fifty-One (2020) Declaration of a State of Emergency Due to Novel Coronavirus COVID-19; and

WHEREAS, on March 16, 2020, Governor Northam requested a declaration of a judicial emergency in all district and circuit courts of the Commonwealth of Virginia, pursuant to Va. Code 17.1-330; and

WHEREAS, on March 16, 2020, the Virginia Supreme Court Ordered that from Monday, March 16, to Monday, April 6, 2020, NON-ESSENTIAL, NON-EMERGENCY court proceedings in all circuit and district courts be and hereby are SUSPENDED and all deadlines are hereby tolled and extended, pursuant to Va. Code 17.1-330(D), for a period of twenty-one (21) days, and all circuit courts shall implement certain measures as more fully set forth in said Order; and

WHEREAS, on March 27, 2020, the Virginia Supreme Court Ordered that the judicial emergency be in effect and continue beginning April 6 through April 26, 2020 for all circuit courts of the Commonwealth; and

WHEREAS, on March 30, 2020, Governor Northam entered Executive Order Number Fifty-Five (2020) requiring Virginia residents generally to stay home until June 10, 2020, due to the public health threat; and

WHEREAS, on April 22, 2020, the Virginia Supreme Court Ordered that the judicial emergency be in effect and continue beginning April 27, 2020 through May 17, 2020 for all circuit courts of the Commonwealth; and

WHEREAS, on May 6, 2020, the Virginia Supreme Court Ordered that the judicial emergency be in effect and continue beginning May 18, 2020 through June 7, 2020 for all circuit courts of the Commonwealth; and

WHEREAS, on May 26, 2020, Governor Northam entered Executive Order Number Sixty-Three (2020) requiring, among other things and with some exceptions, that face masks be worn inside buildings; and

WHEREAS, on June 1, 2020, the Virginia Supreme Court Ordered that the judicial emergency be in effect and continue beginning June 8, 2020 through June 28, 2020 for all circuit courts of the Commonwealth; and

It is hereby ORDERED as follows:

1. All civil and criminal jury trials are suspended during the duration of this order.
2. As provided in previous orders of the Virginia Supreme Court, deadlines imposed by the Speedy Trial Act Code § 19.2-243, are tolled during the ongoing Period of Judicial Emergency (March 16, 2020, through June 28, 2020). In all cases where the defendant does not waive speedy trial for any additional period of time, the court's determination that a criminal case must be heard in order to avoid violating a defendant's right to a speedy trial shall be made by the presiding judge on a case by case basis.

3. The court shall give precedence on the docket to emergency matters including but not limited to, quarantine or isolation matters, 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.
4. To the extent authorized by law, the court shall continue to conduct as much business as possible by means other than in-person court proceedings. The court will utilize two-way electronic audio-visual communication, if available. The parties, attorneys, witnesses and others will be allowed to appear by such two-way electronic audio-visual communication in order to reduce or eliminate the need for parties, attorneys and others necessarily involved to physically appear in the courthouse. If a party, witness, or other participant is unable to participate via the provided secure communication platform such as Polycom or WebEx, if available, then, upon request to the court, they may participate by telephone. Requests to participate by telephone will be liberally granted.
5. If a hearing cannot be done by video, courtroom attendance will be limited to attorneys, parties, necessary witnesses, interpreters, court personnel, court reporters, bailiffs and those deemed necessary by the presiding judge, and members of the press where permitted by law.
6. Attorneys are directed use e-Filing when available.
7. Individuals with legitimate court business who are ill, caring for someone who is ill, or who are otherwise in a high-risk category, as defined by the CDC, to call the clerk of court or other appropriate court personnel to request an appropriate accommodation.
8. The Clerk of Court shall post signage at all public entry points advising individuals not to enter the building if they have, within the previous 14 days:
  - a. traveled internationally;
  - b. been asked to quarantine, isolate, or self-monitor by any doctor, hospital, or health agency;
  - c. been diagnosed with, or have had contact with anyone who has been diagnosed with, COVID-19;
  - d. experienced a fever, cough, or shortness of breath; or
  - f. resided with or been in close contact with any person in the above-mentioned categories.

Individuals attempting to enter the court in violation of these protocols shall be denied entrance by a bailiff or court security officer, and will be directed to contact the clerk's office by telephone or other remote means to inform the clerk of their business before the court so as to receive further instruction regarding alternate arrangements for court access.

9. The Sheriff and/or bailiffs shall prohibit individuals or groups from congregating anywhere in the courthouse, and require social distancing throughout the courthouse, including inside the courtroom.

10. All persons over the age 10 or over entering the courthouse must wear a face mask that covers the nose and mouth. This includes judges, attorneys, deputy sheriffs, court reporters, employees, members of the public, contractors, and all others who work in or visit the courthouse. Within a courtroom, the presiding judge may authorize removal of a face mask to facilitate a proceeding. Individuals without a face mask will not be permitted to enter the courthouse except for those who cannot safely wear a mask because of a health-related condition. This requirement shall be subject to any other exceptions set forth in EO 63.

11. To the extent this Order is different than the preceding orders, this Order shall control.

This Order shall be effective from June 8, 2020 to June 28, 2020 unless extended by further Order of this Court.

Entered:

6/2/20



---

Judge



---

Judge