

VIRGINIA:

In the Court of Appeals of Virginia on Monday the 22nd day of February, 2021.

IN RE:

FIFTH ORDER CONCERNING COURT OPERATIONS UNDER THE PUBLIC HEALTH EMERGENCY CREATED BY THE OUTBREAK OF CORONAVIRUS DISEASE 2019 (COVID-19)

This order EXTENDS the provisions of this Court’s November 23, 2020 order concerning the Court of Appeals’ operations under the public health emergency created by the outbreak of Coronavirus Disease 2019 (COVID-19).

As set forth in this Court’s March 18, 2020, June 23, 2020, August 31, 2020, and November 23, 2020 orders, over the course of the past year, the Court has closely monitored the COVID-19 outbreak and has carefully tracked the developing guidance from the Centers for Disease Control, other public health authorities, and the Office of the Executive Secretary of the Supreme Court. The Court has followed a strategy of a staged response to the ongoing public health emergency, with the primary goal of balancing health and safety concerns with the need to continue to provide an essential service in the Commonwealth. The Court’s previous operational orders detailed the phases of the Court’s strategy. In the eleven months since the March order was entered, the members of the Bar and litigants have embraced the Court’s modified practices. As a result, access to justice in the Court has not been disrupted during this time period.

At the present time, the public health emergency continues to exist in the Commonwealth. Governor Northam’s January 27, 2021 Amended Executive Order Number Seventy-Two (2021) extended certain “surge restrictions” necessary to combat the spread of the virus. That order indicated that, as of January 25, 2021, Virginia’s seven-day moving average of new COVID-19 cases was still more than 4,000 per day. Virginia’s PCR percent test positivity rate was at 12.5% – an increase from 11.1% in approximately a month. The statewide rate of COVID-19 ICU hospitalizations (6.1 per 100,000) was well above the threshold of concern (3.5 per 100,000).


On February 8, 2021, the Supreme Court of Virginia entered a seventeenth order extending the declaration of judicial emergency in response to the COVID-19 emergency.

In light of these orders, as well as other correlating information disseminated by public health authorities, the Court continues to be mindful of the ongoing importance of taking all possible precautions to minimize the spread of COVID-19 and to ensure the health and safety of all who provide and seek access to the Court. Accordingly, after careful consideration, the Court has determined that the provisions of the Court's November 23, 2020 order will remain in effect until at least June 30, 2021.

Nearly a year into the pandemic, the Court's primary goal remains to balance vital health and safety concerns with the critical need to ensure access to justice for all and to continue to provide essential services to those with business before the Court.

Due to the ever-changing nature of this public health event, all interested parties should monitor the Court's website at www.courts.state.va.us/news/items/covid_19.pdf for further updates and detailed information.

This order shall remain in effect until further order of the Court.



Marla Graff Decker
Chief Judge, Court of Appeals of Virginia