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December 11, 2020

The Honorable John T. Cook, Judge
Campbell County Circuit Court
732 Village Highway
P.O. Box 96
Rustburg, VA 24588-0096

Dear Judge Cook:

A panel of three Justices in consultation with the Office of the Executive Secretary has approved your plan for the resumption of jury trials in the Campbell County Circuit Court. You may begin jury trials effective today, provided the jury trial is consistent with and in reasonable conformity with the plan. This approval is subject to a change in circumstances including failure to carry out the plan you have submitted.

The Supreme Court is aware that communities in Virginia are different and more importantly, courthouses are different. As we have reviewed proposed plans, our concerns were that major issues have been addressed and that users of the courthouse have knowledge of what is expected of them. An undertaking of this magnitude is likely to require changes to the plan as participants discover that some practices do not work well and need further consideration. Of course, the plans cannot be subject to significant changes every time there is a jury trial. Furthermore, the plan cannot recite the solution to every problem that may arise. We are now learning that "strict conformity" with the plan should not be expected in all of the details.

We also know that the plans will need to have some room for adjustments as we learn about how certain aspects of the plans work or don't work. This letter is not an Order. The various emergency orders forbidding jury trials until a plan is submitted to and approved by the Supreme Court are clearly orders. As we have learned, from time to time there will be deviations from strict conformity to the plan. If and when this is so, it is the presiding judge who must make the decision. If the deviation is substantial and is likely to reoccur, the locality may need to resubmit a plan for approval.

The Honorable John T. Cook, Judge
December 11, 2020
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The presiding judge must and does have the authority to make decisions that must be made to effectuate a trial. Should there be changes made to the plan that have long term significance, the plan should be modified and resubmitted.

Sincerely,



Donald W. Lemons

cc: The Honorable Michael T. Garrett, Chief Judge

CAMPBELL COUNTY CIRCUIT COURT JURY TRIAL PREPAREDNESS PLAN

This jury trial preparedness plan has been developed by John T. Cook, Judge, and J. Frederick Watson, Judge, the Campbell County Circuit Court's presiding judges, in consultation with: the judges of the 24th Judicial Circuit; Valerie P. Younger, Clerk of the Campbell County Circuit Court; Sheriff Winston W. Clark, III and Lieutenant Thomas J. Fairchild of the Campbell County Sheriff's Office; Paul A. McAndrews, Commonwealth's Attorney for Campbell County; the Campbell County Bar Association; Doug L. Guthrie, Deputy Director Public Works for Campbell County; and Haley Phillips Evans, RN, BSN, Senior District Epidemiologist, Virginia Department of Health, Central Virginia Health District.

This plan incorporates and shall comply with the following authorities:

Supreme Court of Virginia Orders of Judicial Emergency in Response to COVID-19 Emergency:
<http://www.courts.state.va.us/news/items/covid/scvemergencyorders.pdf>

Virginia Governor Ralph S. Northam's Executive Orders: <http://www.virginia.gov/coronavirus/>

16 VAC 25-220 EMERGENCY TEMPORARY STANDARD – Infectious Disease Prevention:
SARS-CoV-2 Virus that Causes COVID-19

Guidance Document for Judges and Clerks Re: Standard Adopted by the Safety and Health
Codes Board of Labor and Industry

Online Guidance of the Virginia Department of Health:
<https://www.vdh.virginia.gov/coronavirus/>

Online Guidance of the Centers for Disease Control and Prevention:
<https://www.cdc.gov/coronavirus/2019-nCoV/index.html>

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I. General Requirements Before Resumption of Jury Trials

The following have been considered in developing the Campbell County Circuit Court's plan to resume jury trials:

(1) The health, safety, and comfort of all participants in a jury trial, including the jurors, litigants, witnesses, attorneys, bailiffs, clerks, judges, and other Court employees as well as other members of the public accessing the courthouse. This will be accomplished through prescreening, use of personal protective equipment (PPE), proper social distancing, cleaning and disinfecting surfaces, and maintaining air quality;

(2) The constitutional and statutory rights of the parties, including but not limited to the right to a jury trial, the right to a speedy trial, the right to a public trial, the right to confrontation, and the rights of crime victims;

(3) The parties' opportunity to fairly and fully litigate the case in as normal a fashion as possible; and

(4) The comfort of jurors and other participants as to the Court's health and safety measures and any necessary modifications so that the jurors are not distracted and can fully focus their attention on the case.

(5) The costs and budgetary effects of the acquisition of masks, gloves, sanitizers, and additional cleaning products. Sufficient supplies have been and can be obtained by the Campbell County Circuit Court Clerk's Office using CARES funding, and that this will not impact local budgets.

II. General Information and Protocols

A. The Courthouse

The Campbell County Circuit Court is in Rustburg, Virginia at 732 Village Highway. The courthouse is a three-story building that opened in 1990. The first floor houses the General District Court Clerk's Office, the Circuit Court Clerk's Office and Courtroom A, which is primarily used by the General District court. The second floor houses the Juvenile and Domestic

Relations Court Clerk's Office, the Commonwealth Attorney's office and Courtroom B which is used by the Juvenile and Domestic Relations Court. The third-floor houses Courtrooms C and D. Courtroom C is the primary Circuit Court courtroom. All jury trials will be in Courtroom C under this plan. Courtroom D is used by General District Court one day a month, the Juvenile and Domestic Court three days a month and by the Circuit Court five days a month. There are two witness rooms and a jury room adjoining Courtroom C. There is another witness room and jury room in between Courtroom D and Courtroom C. Courtroom D has two additional witness rooms. There is a lobby with seating for the public outside Courtrooms C and D.

There is one public entrance into the courthouse on the first floor. There is a security station at which deputies with the Campbell County Sheriff's Office are stationed. There are signs at each entrance alerting entrants that masks are required upon entry to the courthouse. Sheriff's deputies have been instructed to question all entrants regarding potential exposure to COVID. These questions mirror the COVID screening questionnaire included as Exhibit A. Failure to answer these questions or providing an answer that confirms a risk of exposure, results in entrance to the courthouse being denied. Further, anyone with a temperature of 100.4 or higher is denied entry to the courthouse. Signs at the entrance doors communicates these policies to the public.

Any person who is refused entry into the building by reason of a COVID-related risk will receive written instructions about how to contact the Court or the office with which he or she had business to inform the Court or office of the situation. If a necessary party or witness is denied entry, Polycom or Webex can be used to allow them to attend remotely. This is discussed below in the sections relevant to evidence and witnesses.

Masks or face coverings are required for anyone entering the courthouse. Masks must be worn at all times in the courthouse unless specifically excused by a judge in accordance with the specific policies contained herein. When such permission is given, the person removing his or her mask will be asked to move more than 10 feet away from others before removing the mask in order to comply with proper distancing. If someone does not have a mask or face covering, one is provided to them at the courthouse entrance. Jurors who are unable to wear masks for medical reasons, or who refuse to do so, will be dismissed or deferred, depending on their specific medical issue.

There are strategically placed sanitization stations around the courthouse that provide access to hand sanitizer. In addition, replacement masks are available to all courthouse visitors

and trial participants upon request to a bailiff. Jurors and all participants in a jury trial will always have access to restrooms in the courthouse where they can safely wash their hands. Jurors will have private restrooms that only they have access to as discussed herein. Jurors will be permitted to bring a small individual bottle of hand sanitizer and keep it on their person throughout the trial as well.

Access to the upper floors can be accomplished using a public stairway. *See Exhibit C.* The stairway is open to the vaulted ceiling entrance way and will not require the public to share a cramped space. Further, the entrances and stairway have been marked with clear traffic patterns to ensure proper social distancing. *See Exhibit C.* Alternately, an elevator is available to the public. The elevator is well-marked with signs limiting elevator occupancy to no more than two users and reminding users that social distancing is required. *See Exhibits D & E.* Sheriff's deputies will direct, oversee, and monitor the flow of traffic in the lobby, corridors and stairways to ensure proper distancing and direct the public to the stairway to encourage its use over the elevator.

Seating outside the courtrooms C & D are by seven pews varying in length (6 1/2, 10, 12, 12, 13 1/2, 15, 15 feet). The pews are marked for social distancing. *See Exhibit F.*

Signage will be located in the courthouse lobby and in each of the two corridors reminding visitors of the requirement to wear masks and the need to observe physical distancing. *See Exhibit F.*

B. The Courthouse's HVAC System

The courthouse HVAC system is served by three air handlers, one per floor and each containing 18 pleated MERV 7 filters in which all conditioned air is pulled through. The units are connected to a software driven work order system and the filters are replaced every three months by the Campbell County Department of Public Works. The County's third-party HVAC system provider is Select Air Mechanical and Electric.

C. Courthouse Cleaning Protocols

Public areas in the courthouse, including common areas, restrooms, courtrooms, witness rooms, and jury rooms, are cleaned regularly throughout the day and every evening. Courtroom bailiffs clean the witness stand, including the microphone, with disinfectant between each witness. Additional cleaning staff will be available for all jury trials, with instructions to clean all

high-touch surfaces at least every two hours. The courtroom, witness rooms, restrooms, common areas, and jury room will be cleaned in the morning, during the lunch break, and in the evening. After the evening cleaning, the courtroom will be sealed until the following morning. Mid-trial cleaning procedures are further discussed in the “Recess and Meal Breaks” section below. Each courtroom is equipped with cleaning sprays, sanitizing wipes, masks, and gloves.

D. Jury Lists and Summonses

In appropriate civil cases, and in an effort to lessen the number of jurors required for trial, the court may discuss the availability of three-person jury trials as contemplated by Va. Code § 8.01-359(D) and summary jury trials as contemplated by Va. Code § 8.01-576.2.

Currently, the Court sends out 80 summons each term (two months). Approximately 85% of jurors appear for service. It is anticipated that this will decrease to 60% due to COVID-19. The Court will summons 120 jurors each term in light of COVID-19. Only one jury trial will be conducted at a time in order to mitigate the effect of the lower juror yield and to ensure that proper social distancing of at least 6 feet and cleaning is practicable.

The summonses will include information as to the steps the Court has taken to mitigate the risk to the public, litigants, and employees, including but not limited to the requirement to wear masks and to maintain proper social distancing of at least 6 feet. The summonses will recommend that jurors “self-screen” by completing and responding to an additional screening questionnaire, consistent with the “COVID-19 Screening Questionnaire” and “COVID-19 Risk Factors Assessment,” attached as Exhibit A and Exhibit B, respectively. Finally, a URL to this plan will be included. Excuses will be liberally granted to jurors for good cause, and jurors may defer service to a later date if they are in a high-risk category or take care of someone who is in a high-risk category.

Approximately one day prior to trial, each juror will be contacted by phone by Clerk’s Office personnel to notify them of their appearance and to follow-up on the COVID-19 Screening Questionnaire” and “Risk Factors Assessment.” The Clerk will instruct any juror whose answers indicate a current health risk not to report. Those jurors will be replaced by the next juror to be summonsed.

E. Pretrial Conferences

A mandatory pretrial conference will be held by telephone or video conferencing two or three days prior to each scheduled jury trial. At a minimum, the Court will address this jury plan, courtroom protocols, the use of alternate jurors, the screening and scheduling of witnesses, and the handling of exhibits and jury instructions.

Counsel are expected to have conferred prior to this conference to discuss stipulations, agreed exhibits, and any outstanding pretrial issues. Counsel are also expected to have screened their clients and witnesses using questions that mirror the COVID-19 Screening Questionnaire and the COVID-19 Risk Factors Assessment. All parties will be required to certify at the pretrial conference that the case is ready for trial, that all sides have made every good faith effort to resolve the case, that they have considered alternatives to a jury trial, that they have screened their clients and witnesses, and that they have read this plan. This will mitigate the risk of a last-minute settlement or continuance and forestall the need to bring in a group of potential jurors only to have the case not move forward.

III. Trials

A. Trial Scheduling

Jury trials will commence at 9:00 a.m. Only one jury trial will be held in the courthouse at a time. No jury trial will begin until any other jury is concluded and jurors, counsel, etc. have left the courthouse. A thorough cleaning of all relevant areas, including the courtroom, witness rooms, all high touch areas, the jury room, and juror bathrooms will be completed before any additional jury trial.

B. Jury Arrival/Assembly/Departure

All prospective jurors will be summonsed to appear between 8:15 a.m. and 8:30 a.m. on the day of trial. Jurors will enter the courthouse through the public entrance. In addition to the floor markings, Sheriff's deputies will monitor the jurors to ensure they maintain proper social distancing of at least 6 feet while entering the courthouse and during the screening process.

When jurors arrive at the courthouse, they will be asked a series of questions that mirror the screening questionnaire (Exhibit A) to determine if they or someone they have come in close contact with has been exposed to the COVID-19 virus. Their temperature will also be taken at

this time. As is true of all courthouse visitors, entry shall be denied to any prospective juror with a temperature exceeding 100.4 degrees. As discussed above, masks will be required, and they will be provided for those who do not have one. Refusal or inability to wear a mask will result in dismissal or deferment, as is appropriate under the circumstances.

After each juror have been screened at the courthouse entrance, they will be given a seat number based on the random sequencing generated by the clerk. He or she immediately will be brought directly to their seat by the stairs or the elevator, where seats are marked to ensure that jurors maintain social distancing of at least 6 feet. The first 24 seats are in Courtroom C. *See* Exhibit H. On Wednesday and Thursdays, the jurors with a number higher than 24 will be seated in numbered seats in Courtroom A. *See* Exhibit I. On other days of the week the jurors with numbers higher than 24 will be seated in Courtroom D. *See* Exhibit J. The number of jurors in any single room will be limited so that social distancing of at least 6 feet can always be maintained. Courtrooms C and D can hold a maximum of 24 jurors at one time while maintaining proper social distancing. *See* Exhibits H & J. Courtroom A can hold a maximum of 20 jurors at one time while maintaining proper social distancing. *See* Exhibit I. If there are more jurors than a courtroom can hold while maintaining proper social distancing, the additional jurors will be escorted by a bailiff, who will ensure that proper social distancing of at least 6 feet is maintained, to one of the two jury rooms. The seats in the jury rooms are also marked to ensure that jurors maintain social distancing of at least 6 feet. The courtrooms and the jury rooms will be cleaned and disinfected as soon as all the jurors exit.

Jurors will be directed by Sheriff's deputies to depart the courtroom through the main courtroom doors. If there is congestion at the main entrance, Sheriff's deputies will escort the jurors to the non-public entrance that is near courtroom D. At all times, the Sheriff's deputies will monitor the jurors as they exit to ensure that they maintain proper social distancing of at least 6 feet.

C. Voir Dire

During *voir dire*, to comply with proper social distancing guidelines, no more jurors shall be present in the courtroom than that courtroom can accommodate while maintaining social distancing of at least 6 feet. Courtroom C's maximum juror capacity, with proper social distancing, is set at 24 jurors. *See* Exhibit H. All jury trials will be in Courtroom C. In any case which the court determines that a jury panel is needed for more than 48 jurors, the court will stagger the times the jurors arrive to maintain social distancing.

The *voir dire* process itself will take place in the normal fashion, but with the potential jurors located in the courtroom in the seat that corresponds with their assigned number. All courtroom gallery seats are marked at 6-foot intervals to ensure social distancing.

To balance judicial efficiency with the need for precautionary measures, the court will consider selecting at least one alternate juror for every trial or have counsel stipulate, in civil trials, that if a juror must later be excused for reasons not related to Covid-19, the trial will continue with one less juror.

If a juror is absent, the first juror in Courtroom A or D will replace the juror and be directed to the seat number. This will continue until there are 24 jurors in Courtroom C. After the jury is selected, jurors excused shall leave the courtroom maintaining social distancing. The seats will be cleaned, and the jury selected will move to the seats in the juror box and to the seats in the gallery closest to the jury box. (Seats #1-12 for criminal, seats #1-7 for civil)

This method of conducting *voir dire* will allow the Court to ensure that the process remains open to the public. Free spaces in the gallery will be made available to the public. If necessary, and if the other courtroom is available, the proceeding can be streamed to the other courtroom in order to allow for additional members of the public to attend. Public access is discussed in greater detail herein.

D. Trial

All jury trials will be held in Courtroom C. This courtroom is the largest courtroom in the courthouse and will provide more space to ensure proper social distancing of at least 6 feet. During the trial, jurors will be seated in and near the jury box such that they will be at least 6 feet apart. *See Exhibit G.* Four jurors will be seated in the jury box, with two jurors on each row. Those not seated in the jury box will be seated in the gallery on the same side of the jury in specifically marked seats to ensure they are at least 6 feet apart. *See Exhibit G.*

The other side of the gallery will be designated for the press and the public. Those seats are marked to ensure that the press and public maintain social distancing of at least 6 feet. *See Exhibit G.*

During recesses, deliberations, sidebars, motion hearings, etc., the jury will remain in the courtroom rather than retiring to the jury room. During recesses, meals, and deliberations

everyone except the jurors will be excluded from the courtroom and the audio recording equipment will be shut off. The seats in the courtrooms are marked to ensure that jurors maintain social distancing of at least 6 feet during recesses, sidebars, motion hearings, meals, and deliberations. The jury room will be open so that the jurors will have access to the two restrooms located in the jury room. The jurors shall also have exclusive use of the restrooms in Courtroom C's and D's jury rooms. Only two jurors at a time will be allowed to enter the jury rooms. The specifics of recesses and lunch breaks are discussed below.

Counsel tables in Courtroom C will remain in their current positions. Counsel for the defendant will be seated at one end of the table, and counsel for the Commonwealth/plaintiff will be seated at the other end. Clients and any co-counsel will be seated in chairs located at least 6 feet from counsel table. The court will require counsel to maintain social distancing with co-counsel and his or her client at all times. Counsel and his or her client will be permitted to communicate at counsel table and/or employ alternate methods of communication, such as note-writing, texting between devices, etc. The Court will permit counsel whatever recesses are necessary for the purpose of facilitating private communication.

Once the trial begins, the Court will direct that all attorneys and witnesses restrict their movement in the courtroom to maintain social distancing at all times. Absent express permission from the judge, attorneys will not be permitted to approach witnesses, opposing counsel, the jurors, or the judge. If face coverings impair the ability of a lawyer to communicate with the witness or with the Court, the Court may grant the attorney permission to remove his or her face covering as necessary, ensuring that the attorney remains at a distance of more than 10 feet from other persons.

All sidebars, motions, arguments as to objections, and other matters to be taken up outside of the presence of the jury will be conducted in the conference room adjoining the judge's chambers in order to ensure that social distancing is maintained. After each sidebar or other matter held in the conference room, and every morning and evening, the conference room will be cleaned.

E. Evidence/Exhibits

During the trial, jurors will not be permitted to physically handle any exhibits. All documentary and photographic exhibits published to the jury during trial will be done so by

electronic means. After an exhibit is admitted, the large screen will be turned on so that it may be published to the jury.

As to any exhibit that cannot be displayed via courtroom technology, a bailiff, wearing a mask and gloves, will approach to within six feet of the witness with the exhibit and maintain possession of the exhibit while giving the witness the opportunity to observe it. After the exhibit is admitted, the bailiff will display the exhibit to the jury before placing the item on a table located in full view of all the jurors.

As to the admission of exhibits, counsel may provide pre-labeled exhibits to the Court at the trial's commencement, or individual exhibits may be given to a bailiff, who will approach the bench. For cases with numerous exhibits, pre-labeled exhibits provided to the Court at the commencement of trial are preferable but are not required.

F. Jury Deliberations

The Jury will remain in the courtroom for its deliberations and will be instructed to maintain proper social distancing of at least 6 feet and to wear masks during the deliberations. The courtroom seats are marked to assist the jury with maintaining proper social distancing of at least 6 feet.

Counsel will be instructed to have a complete set of documentary and photographic exhibits for each juror to have during jury deliberations so that jurors will not need to share exhibits. At the conclusion of the trial, the bailiffs shall collect the jurors' copies of exhibits.

Alternatively, and with prior approval of the Court, counsel may provide the Court with a laptop computer with the exhibits on a PowerPoint slide display that can be shown on the screens in the courtroom via the courtroom's Nomad system. The laptop computer shall contain no other data and shall have no access to the internet. The jury's foreperson shall be in sole possession and control of the computer and remote-control device, and both will be cleaned and disinfected before and after use.

During deliberations, the jurors will be permitted to physically handle all other exhibits only if wearing gloves, which shall be provided, along with hand sanitizer. Bailiffs will provide training to the jurors as to the proper use of gloves, both in how to prevent cross-contamination

and how to safely remove and dispose of them. A lined wastebasket will be provided for the jurors to safely and properly dispose of the gloves after use.

A complete set of jury instructions, as given, will be provided to each juror to have during deliberations so that jurors will not need to share the instructions. At the conclusion of the trial, the bailiffs shall collect the jurors' copies of the instructions.

The Court will receive juror questions from the foreperson in writing. The foreperson will be directed to wear gloves while preparing the written question. The foreperson shall place the written question on the table used to display exhibits and notify the bailiff of the question. The bailiff, while wearing gloves, will retrieve the written questions and deliver it to the judge in chambers. The judge will wear gloves while handling the written question. After reading the question to counsel and the parties, the judge shall determine the method of response to the question.

G. Face Masks

All persons, including witnesses, must wear face coverings. The witness stand, however, is sufficiently distant from any other person in the courtroom (more than 10 feet) to allow the witness to take the face covering down and testify with his or her face exposed. If a lawyer or bailiff needs to approach a witness for any reason, the Court will instruct the witness to replace his or her face covering before allowing the approach.

If face coverings impair the ability of an attorney to communicate with a witness or with the Court, the Court may grant the attorney permission to remove his or her face covering as necessary, ensuring that the attorney remains more than 10 feet from other persons in the courtroom.

A criminal defendant may be asked to remove his or her face covering during voir dire to ensure the prospective jurors can see the defendant and indicate whether any of them know the defendant or recognize the defendant. The defendant may also be asked to lower his or her face covering briefly for the purpose of enabling a witness to see the defendant's face and answer whether the witness can identify the defendant. The defendant shall remain more than 10 feet from other persons in the courtroom when removing his or her face covering.

If face coverings impair the ability of a lawyer and his or her client to communicate at counsel table (and alternate methods of communication such as note-writing, texting between devices, etc., are unavailable or insufficient), the Court will permit counsel whatever recesses are necessary for the purpose of facilitating private communication. The Court always expects counsel to maintain social distancing with co-counsel and his or her client .

Jurors will always wear face coverings, except that the Court expects to permit individual jurors to lower the cover briefly if requested by counsel, while ensuring proper social distancing of more than 10 feet from all other persons.

If a mask must be removed by anyone for any reason, the distance between the unmasked person and all others shall be more than 10 feet, as recommended by the Virginia Department of Health.

H. Witnesses

Prior to the pretrial conference, parties shall have screened their clients and witnesses using questions that mirror the COVID-19 Screening Questionnaire (Exhibit A) and the COVID-19 Risk Factors Assessment (Exhibit B).

Parties will be required to have their witnesses arrive at the courthouse prior to 9:00 a.m. Bailiffs will direct the witnesses to one of the five witness rooms. No more than two witnesses shall be permitted in a witness room at a time, except that more than two members of the same household shall be permitted to occupy the same witness room. Witnesses will be directed to seats that are located more than 6 feet apart. Witness rooms will have signs limiting occupancy to two persons, except for members of the same household. The witnesses shall wear masks at all times except as otherwise provided herein. The witness room shall be cleaned every morning and every evening, as well as between uses and during breaks.

Witnesses may be called to the courtroom during jury *voir dire*. They will come through the side door to the courtroom in the judge's chambers as directed by the bailiffs. During jury *voire dire*, prospective witnesses may be asked to remove masks for only as long as is necessary to determine if they are known by any prospective juror and provided they are more than 10 feet from any other person in the courtroom.

While on the witness stand, which is distanced more than 10 feet from all other participants, as shown in Exhibit H, the judge may allow the witness to pull his or her mask

down and testify with face exposed. If a bailiff needs to approach a witness for any reason, the Court will instruct the witness to re-cover his or her face before allowing the approach.

The witness box and microphone will be cleaned after each witness by the bailiffs. The Court will continue to encourage the use of video depositions and/or remote testimony, via Polycom or WebEx, in an effort to limit the exposure of jurors to COVID-19 from in-person witnesses. Necessary parties or witnesses that are denied entry to the courthouse due to answering “yes” to a COVID screening question will also be given access to Polycom and/or WebEx.

Criminal defendants may be required to lower their masks briefly for the purpose of enabling a witness to see his or her face and answer whether the witness can identify the defendant, provided they are more than 10 feet from any other person.

I. Recesses and Meal Breaks

The Court will take a recess at least every two hours to allow cleaning and sanitizing of high-touch areas and juror areas, and to allow participants to clean and sanitize their hands. Courtroom doors will be propped open at each recess to limit the touching of surfaces and to allow increased air flow into the courtroom.

During recesses and meal breaks, everyone except the jurors will be excluded from the courtroom and the audio recording equipment will be shut off. The seats in the courtrooms are marked to ensure that jurors maintain proper social distancing of at least 6 feet. The jury rooms will be open so that the jurors will have access to the restrooms located in the jury rooms. In order to ensure proper social distancing of at least 6 feet, only two jurors at a time may enter the jury rooms.

Jurors may bring lunch to avoid travel outside the courthouse during trial. Jurors who opt to leave the courthouse for lunch or for any other reason will be rescreened upon reentry to the courthouse.

J. Public Access

The right to a public trial, including *voir dire*, will be preserved. Members of the media will be permitted, including cameras if ordered, in accord with the First Amendment, Virginia statutes, and the prevailing practice in this Court, so long as social distancing of at least 6 feet

can be achieved and masks are worn. As provided herein, areas of the courtrooms have been designated for the public, and seats have been marked to provide social distancing of 6 feet. Members of the same household may be seated together. As mentioned above, part of the jury will be seated in the gallery. The remaining room in the gallery will be used to seat the press and public.

If the situation demands it, live streaming of the trial will be to Courtroom A or Courtroom D. Consideration will be given to the notoriety of a trial and the public interest generated by it, the number of interested individuals such as victims and family members likely to attend, and the number of gallery seats taken up by the jury.

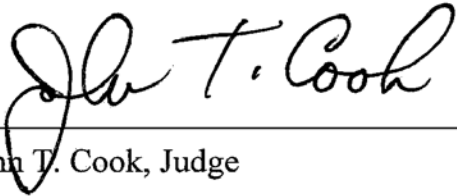
K. Illnesses Occurring During Trial

All trial participants, including jurors, counsel, litigants, witnesses, bailiffs, clerks, or courthouse employees shall be instructed that if they become ill during trial, the person should immediately notify the judge, or a bailiff who shall immediately notify the judge. Immediate steps will be taken to either isolate the person until they can safely exit the building or have them isolate if they are out of the building when they become ill. All affected areas of the building will be vacated and thoroughly cleaned and disinfected before subsequent use. All persons who had close contact for an extended time, as defined by the Centers for Disease Control and Prevention, will be notified within 24 hours by phone call by Clerk's Office personnel of their possible exposure and urged to contact their health care provider or the Virginia Department of Health for further instructions. Sheriff's deputies will gather contact information from jurors, litigants, attorneys, and other trial participants in order to facilitate notification of those potentially exposed. These policies are believed to be consistent with the requirements of the Emergency Temporary Standard – Infectious Disease Prevention, promulgated by the Department of Labor and Industry (16 VAC 25-220), which this plan incorporates.

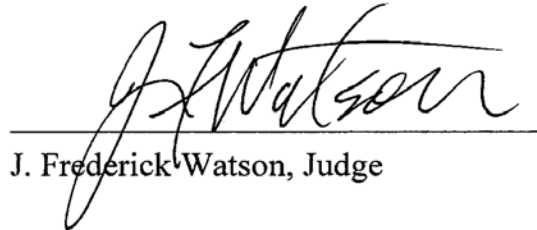
The Court will consult with litigants, remotely if necessary, to determine if a continuance or mistrial will be necessary. Among factors to be considered will be the availability of test results in a timely manner, the uses of alternates, the stage of the trial, the length of the delay, and the continued availability of the jurors, witnesses, and litigants.

IV. Constant Evaluation

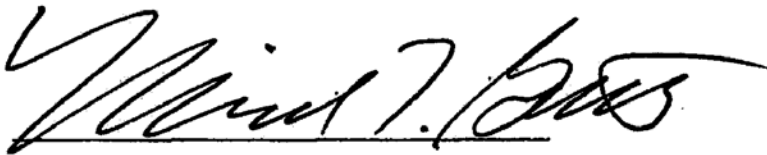
The Court is aware that the current pandemic requires courts throughout the Commonwealth to adapt to recommended and required safety guidelines. Accordingly, the judges of this Court are prepared to update or modify this plan, as necessary, to comply with Orders of the Supreme Court of Virginia as well as any appropriate recommendations from health officials. Any plan updates or modifications will be submitted to the Supreme Court of Virginia for approval.



John T. Cook, Judge



J. Frederick Watson, Judge



Michael T. Garrett, Chief Judge

EXHIBIT A

COVID-19 SCREENING QUESTIONNAIRE

Anyone coming into the courthouse must complete this questionnaire. Please circle either “yes” or “no”. If you answer “yes” to any of these questions, you must **immediately** contact the Clerk of the Campbell County Circuit Court (434-592-9517 or 434-332-9517) to report all affirmative answers.

Within the last 14 days

Yes No Have you had close contact, without the use of appropriate personal protective equipment, with someone who is currently sick with suspected or confirmed COVID-19?

Yes No Have you traveled outside of the country/internationally?

Have you experienced, or are you experiencing, any of the following (other than from a pre-existing non-COVID diagnosis):

Yes No Fever? **Yes No** Muscle or body aches?

Yes No Chills? **Yes No** Headaches?

Yes No New loss of taste or smell? **Yes No** Sore throat?

Yes No Congestion or runny nose? **Yes No** Diarrhea?

Yes No Shortness of breath? **Yes No** Cough?

Yes No Difficulty breathing? **Yes No** Nausea or vomiting?

Yes No Fatigue?

Yes No Have you been in close proximity to anyone who was experiencing any of the above listed symptoms?

Yes No Have you had a temperature at or above 100 degrees?

Yes No Have you experienced loss of taste or smell that you cannot attribute to another health condition?

Yes No Have you, or a co-worker, or a member of your immediate family been directed to quarantine, isolate, or self-monitor?

Yes No Have you been diagnosed with, or had contact with anyone who has been diagnosed with COVID-19, or resided with someone who has been diagnosed with, or had contact with someone who has been diagnosed with COVID-19?

Yes No Do you believe that your health or that of a relative or person with whom you reside may be endangered by you serving on a jury?

Yes No Have you been tested for COVID-19 and are awaiting results?

Please retain this form for future reference during your term of service as a juror!

EXHIBIT B

COVID-19 RELATED JUROR INSTRUCTIONS

In accordance with the COVID-19 Emergency, the Court asks that you familiarize yourself with the juror expectations and requirements set forth below. These measures are being taken to protect participants in the trial process, as well as, provide safety protocols and guidelines for both jury service and entry into the courthouse.

When you arrive at the courthouse, you will have your temperature taken, you will be asked a series of questions to determine if you or someone you have come in close contact with may have been exposed to the COVID-19 virus.

You will be required to wear a mask or face covering while in the courthouse unless you have a medical condition that prevents you from doing so.

Entry shall be denied to all prospective jurors with a temperature exceeding **100.4 degrees**.

Sanitation stations will be located throughout the courthouse, but you may bring your own small individual bottle of hand sanitizer.

All jurors leaving the courthouse **for any reason** shall be required to comply with all precautionary measures upon re-entry to the courthouse.

Social distancing measures will be implemented within the courthouse. The courtroom will be marked to ensure that prospective jurors can maintain social distancing of at least six (6) feet.

You will be asked to properly social distance while eating lunch and taking breaks as well. Please contact the Clerk of the Campbell County Circuit Court (434-592-9517 or 434-332-9517) in advance should you be aware of an inability to comply with all safety requirements related above.

COVID-19 RISK FACTORS ASSESSMENT

Our screening process also includes the following questionnaire. Your answers will help us better understand your health risks and needs. Please answer to the best of your ability by circling “yes” or “no.” If you answer “yes” to any of these questions, you must **immediately** contact the Clerk of the Campbell County Circuit Court (434-592-9517 or 434-332-9517) to report all affirmative answers.

Yes No Are you over the age of 65?

Yes No Do you have a condition that makes you at higher risk for COVID-19 virus? (Including, but not limited to high blood pressure, chronic lung disease, diabetes, obesity, asthma, liver disease, severe obesity, chronic kidney disease, heart conditions, etc.)

- Yes No** Do you care for someone or people who are at higher risk?
- Yes No** Does someone or do people at higher risk live in your household?
- Yes No** Are you the sole caretaker of a child?
- Yes No** If yes, do you have childcare available to you?
- Yes No** Do you interact with high-risk people for work?
- Yes No** Do you work in a long-term care facility or other healthcare environment?

EXHIBIT C



Public Stairway

EXHIBIT D



Elevator Entrance

EXHIBIT E



Elevator Interior

EXHIBIT F



Lobby and Corridors

EXHIBIT G

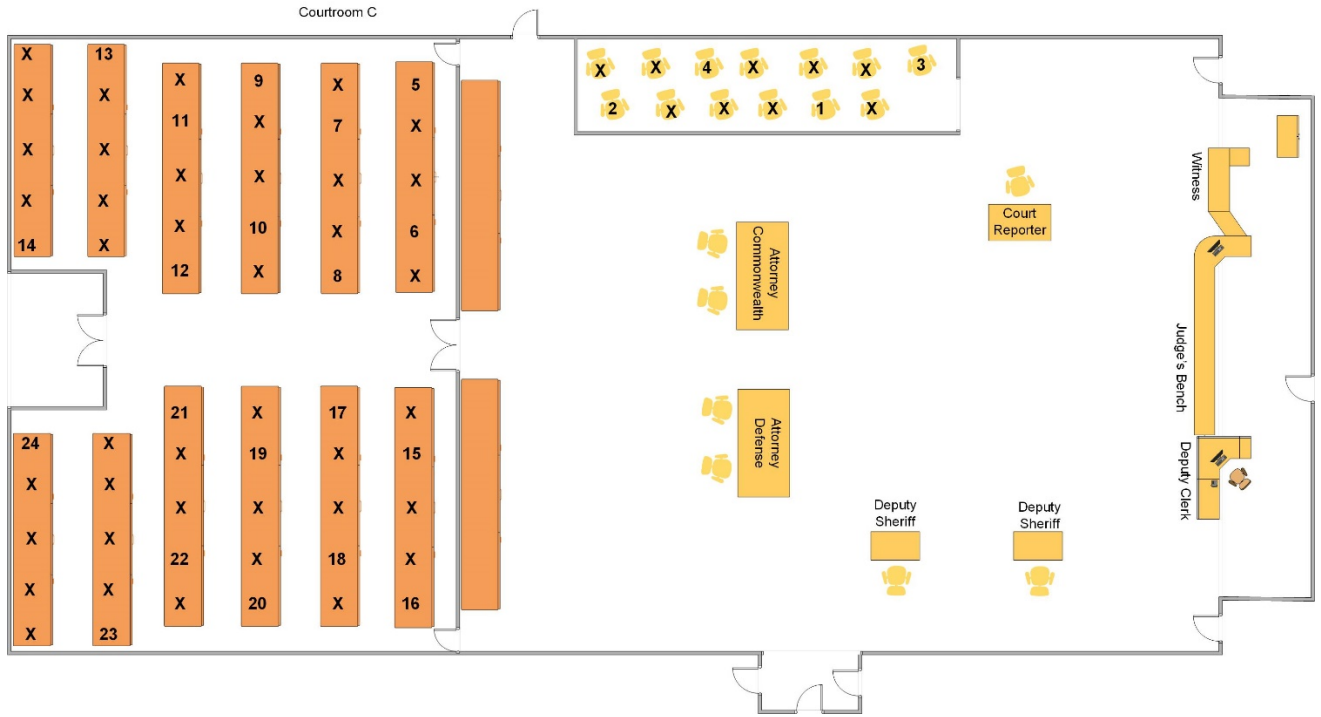


Courtroom C Jury Box



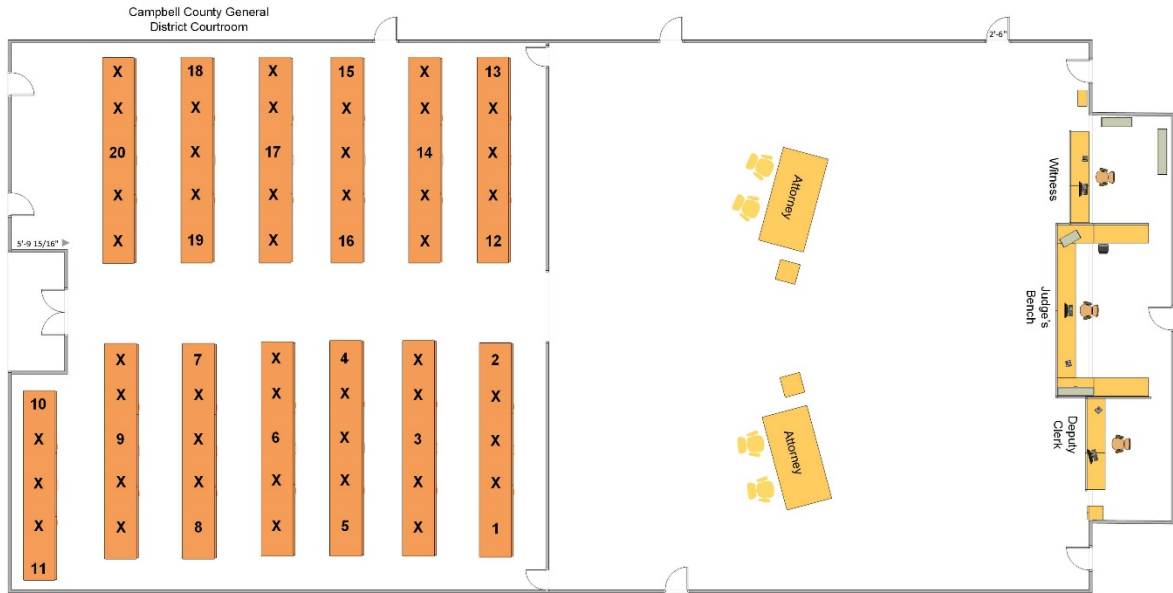
Courtroom C Gallery

EXHIBIT H



Layout of Courtroom C

EXHIBIT I

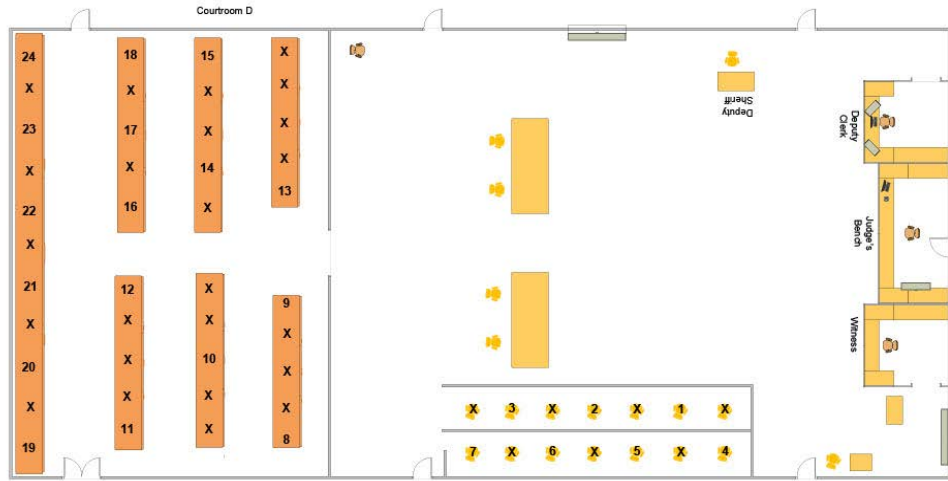


Layout of Courtroom A (General District Courtroom)



Courtroom A Gallery

EXHIBIT J



Courtroom D Layout



Courtroom D Jury Box



Courtroom D Gallery