

**FREQUENTLY ASKED QUESTIONS (“FAQs”)
REGARDING OPERATIONS OF THE COURT OF APPEALS OF VIRGINIA
DURING THE CORONAVIRUS PANDEMIC**

1. Can I come to the Courthouse?

Out of concern for the health and safety of the public and the Court’s employees, the Courthouse that houses the Court of Appeals (CAV) has been closed to the general public. Although the CAV clerk’s office remains open for those persons having business with the Court, papers that cannot be filed by other means (see No. 2 below) should be left in the drop-box at the Capitol Police checkpoint inside the Eighth and Franklin Streets entrance to the building.

In addition, members of the CAV clerk’s office staff are available to answer your inquiries by telephone ((804) 786-5651) during normal business hours of 8:15 a.m. to 4:45 p.m., Monday through Friday. If you need to access records and documents, please call the above number, so that our staff can make arrangements to timely assist you in the best and safest manner possible.

All persons age 10 or over entering the Court’s clerk’s office must wear a face covering that covers the nose and mouth. Individuals without a face mask will not be permitted to enter the clerk’s office except for those who cannot safely wear a face mask because of a health-related condition, as outlined in the Governor’s Executive Order Number 63 (2020). Parties entering the clerk’s office will be provided with disposable gloves and hand sanitizer. Upon prior request, a mask will also be provided.

Individuals will not be permitted to enter the Court’s clerk’s office if, within the previous 14 days, they have:

- * traveled internationally;
- * been directed to quarantine, isolate, or self-monitor;
- * been diagnosed with, or have had contact with anyone who has been diagnosed with, COVID-19;
- * experienced a fever, cough, or shortness of breath; or

- * resided with or been in close contact with any person in the above-mentioned categories.

Any such individuals should contact the clerk's office at the number above so they may receive further instruction regarding alternate arrangements for access to records or the Court.

2. **Will the Court accept electronically-filed pleadings and documents (beyond what is normally permitted)?**

Yes. Pending further notice and pursuant to Code § 32.1-48.013:1, attorneys and *pro se* litigants are permitted and strongly encouraged to file pleadings and documents electronically in PDF format through the Court's electronic filing system (VACES), located at <http://www.vacourts.gov/online/vaces/home.html>. If you are not currently registered to use VACES, you can find a registration link on that webpage. All registration forms should be emailed to cavbriefs@vacourts.gov. Requests for three-judge review and petitions for rehearing should continue to be emailed to cavpfr@vacourts.gov. **An electronically-filed pleading or document is sufficient in itself, and you should not mail or deliver paper copies of those documents to the Court.**

For VACES filings, use the file type "other" for any pleading or document other than briefs and appendices. If you are filing a pleading that has not yet been assigned a CAV Record No. (copy of notice of appeal filed in trial court or Virginia Workers' Compensation Commission, motion for delayed appeal, pre-trial bond motion, original jurisdiction petition, etc.), enter 0000-00 as the record number when submitting the document through VACES. E-filed pleadings may be signed electronically; a handwritten signature is not required. If your pleading requires payment of a filing fee, you may pay the fee by credit card; please contact the CAV Clerk's Office at (804) 786-5651 to do so. You may also pay the fee by mailing a \$50.00 check or money order to the clerk's office; please indicate that you are doing so in the submitter notes on your VACES submission.

Pro se litigants that are unable to access VACES are encouraged to email all pleadings and other documents to cavbriefs@vacourts.gov. If you are unable to electronically file your document, it may be mailed to the clerk's office or deposited in the drop-box referenced above. **An electronically-filed pleading or document is sufficient in itself, and you should not mail or deliver paper copies of those documents to the Court.**

While pleadings and documents may still be mailed or delivered to the Court (see No. 1 above), for the safety of litigants, attorneys, and Court staff, the Court strongly encourages the parties to file their pleadings electronically.

3. Are the CAV filing deadlines automatically stayed or extended during this period?

In accordance with the Supreme Court's judicial emergency orders of March 16, 2020, March 27, 2020, April 22, 2020, May 6, 2020, June 1, 2020, June 22, 2020, and its statement regarding the tolling of appellate times, the CAV deadlines for filing of documents in the circuit courts were tolled during the period that those emergency orders were in effect (March 16, 2020 through July 19, 2020). Pursuant to the Supreme Court's July 8, 2020 judicial emergency order, those emergency tolling provisions are no longer in effect as of July 20, 2020. Please see that order for an example of how to calculate the new deadlines post-tolling. Those documents would include notices of appeal, statements of facts, and transcripts.

Those tolling provisions did not affect CAV deadlines for pleadings that are filed directly with the CAV. However, again pursuant to the Supreme Court's orders and statement, the parties may continue to seek extensions of time in the CAV to file pleadings that are due to be filed in the CAV under the Rules pertaining to this Court. This does not include the filing of a notice of appeal in this Court to appeal a decision of the CAV to the Supreme Court, which remains within the purview of the Supreme Court, see Rule 5:14(a).

In addition, pursuant to this Court's March 18, 2020 and June 23, 2020 operations orders, the CAV has instituted a liberal extension of time policy for pleadings to be filed in instances where the parties are impacted by this public health event. All of the orders and statement referenced above can be found on pages 2 through 4 at www.courts.state.va.us/news/items/covid_19.pdf.

4. Will my case still be scheduled for oral argument?

If you are entitled to oral argument in your case and it is ready to be considered by the Court, the Court will entertain oral argument of the matter by some type of virtual medium, whether it be by teleconference or videoconference. In its June 23, 2020 operations order, which can be found at CAV Operations Order, this Court indicated that all cases scheduled for argument during Court sessions **through** at least October 31, 2020 will be

heard in that manner. Access information will be provided to all persons presenting argument to the Court during a specific docket. In addition, the hearings will be live streamed for public access.

Parties should also note that the Court has instituted a liberal continuance policy of oral arguments in instances where the parties are impacted by the COVID-19 pandemic.

5. What should I do if I have connectivity problems during a conference call argument?

If you are unable to initially connect to the conference or your call is dropped, you should call back in, using the phone number and access code that have been previously provided. If you are still unable to connect, please call the CAV clerk's office at (804) 786-5651 and we will do our best to assist you.

6. What are some helpful tips to keep in mind to ensure an efficient conference call argument?

- You should connect to the conference call at least five minutes prior to the assigned time.
- You should mute your phone if you are not the person arguing. The judges will pause between advocates and between arguments in order for the attorneys or *pro se* litigants to switch "from mute" or "to mute."
- When you are arguing, your phone should **not** be on speaker.
- If you are using a cell phone, please be mindful that you are responsible for ensuring that the network coverage is adequate.
- If you are using a cell phone, you should remain in a stationary location in order to avoid distortion or signal interruption.
- You should speak slowly and periodically pause so that the judges are able to ask questions. If you think you hear a judge's voice you should pause.
- Once argument of your case has been completed, you are permitted to disconnect and the judges will pause before calling the next case to permit a seamless transition. Please do not disconnect in the middle of any other case.

7. How can I find the most up-to-date information provided by the CAV regarding its operations?

Please check page 4 at www.courts.state.va.us/news/items/covid_19.pdf for any updates and notifications.

July 21, 2020