

VIRGINIA:

In the Court of Appeals of Virginia on Monday the 23rd day of November, 2020.

IN RE:

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

This order MODIFIES and EXTENDS the provisions of this Court's August 31, 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, and August 31, 2020 orders, since February of this 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 March, June, and August orders detailed the first four phases of the Court's strategy. In the 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 Sixth Amended Executive Order Number Sixty-Seven (2020) indicates that, as of November 13, 2020, Virginia was averaging 1,500 new COVID-19 cases per day, up from a statewide peak of approximately 1,200 in May. As of that date, the statewide percent test positivity rate was at 6.5%, an increase from 4.3% in approximately a month, and hospitalizations had increased statewide by more than 35% in the preceding four weeks.

In light of this data, as well as other correlating information disseminated by public health authorities, the Court remains especially 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 measures previously set out in its August 31, 2020 order detailing Phase IV of its response to the pandemic, with modifications to one provision as hereinafter delineated, will remain in effect until at least April 30, 2021. In accordance with Governor Northam's November 13, 2020 Amended Executive Order Number [Sixty-Three] (2020) concerning the requirement to wear face coverings while inside buildings, the provision in this Court's August 31, 2020 order regarding mask wearing hereby is modified to read:

All persons age **five** 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 **or a disability**. In the instance where a face mask cannot be worn, special arrangements will be made for access to the clerk's office. Parties entering the clerk's office will be provided with disposable gloves and hand sanitizer. Upon prior request, a mask will also be provided.

As the Court prepares for 2021, its 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