

Virginia: In the 10th Judicial Circuit
In the 10th Judicial District

ORDER

Whereas the President of the United States and the Governor of the Commonwealth of Virginia have declared states of emergency due to the COVID-19 pandemic; and whereas the Chief Justice of the Virginia Supreme Court has issued various Judicial Emergency Orders responding to the Covid-19 emergency;

Whereas the Code of Virginia in sections 16.1-69.35 and 17.1-207 provides that the chief judge has the authority to establish policies and procedures for the transaction of business in courts when prevailing conditions would constitute a threat to the health and safety of court personnel or the general public;

Effective April 27, 2020, it is hereby ORDERED that civil and criminal matters pending and those to be filed will proceed as follows:

GENERAL DISTRICT COURTS FOR THE COUNTIES OF APPOMATTOX,
BUCKINGHAM, CHARLOTTE, CUMBERLAND, HALIFAX, LUNENBURG,
MECKLENBURG, AND PRINCE EDWARD

1. Law enforcement officers issuing a misdemeanor or traffic summons to a defendant after April 27, 2020, shall utilize a trial date of August 1, 2020 or later.
2. All civil, criminal and traffic cases are continued through May 17, 2020, except for emergency matters as defined by the Supreme Court Order of March 27, 2020. Furthermore, the Court may, in its discretion, hear non-emergency matters, upon agreement of all parties, attorneys and witnesses, by two-way electronic audio-visual communication system.
3. Except as otherwise ordered by the presiding judge, court staff, including bailiffs, clerks and local jurisdiction employees shall have the power to take whatever steps are necessary, taking into account the recommendations of experts, government agencies, and current orders of the President, the Governor,

and the Chief Justice, to make safe the courthouse for the conduct of business. Such steps shall include limiting attendance in the courtroom to necessary parties and witnesses and ensuring social distancing and may include the wearing of protective gear, the use of soaps and sanitizer, frequent cleaning, and other mechanisms deemed appropriate to stop the spread of Covid-19.

4. Any defendant currently serving a sentence on weekends, work released, or a sentence that has been deferred may request of the sentencing Court that the service of the sentence be deferred until a later date. Such requests will be evaluated on a case by case basis. The Clerk of Court, in conjunction with the holding jail, shall notify all effected defendants of this Order.

JUVENILE AND DOMESTIC RELATIONS DISTRICT COURTS FOR THE
COUNTIES OF APPOMATTOX, BUCKINGHAM, CHARLOTTE, CUMBERLAND,
HALIFAX, LUNENBURG, MECKLENBURG, AND PRINCE EDWARD

1. Litigants are encouraged to limit those in attendance at hearings to those necessary parties and witnesses. No person, including an attorney, who has been exposed to COVID-19 or who exhibits symptoms shall be permitted in the Courtroom. Bailiffs shall have the power and responsibility to make relevant and necessary inquiries. Those who do not cooperate with the Bailiffs making the inquiries shall not be permitted into the Courtroom.

2. All civil matters set for a hearing date between now and May 17, 2020, except for those required by statute to be heard within a specific number of days, shall be continued generally. Counsel and pro se litigants shall contact the appropriate scheduling assistant or the Clerk of Court after May 17, 2020 to reschedule any continued matter.

3. Notwithstanding the above, hearings on Protective Orders and Abuse and Neglect matters will heard as scheduled.

4. All requests for Preliminary Protective Orders will be considered on affidavits. The court will rule on the affidavit alone. Hearings for Final Protective Orders will continue to be held in person.

5. All Adult criminal matters where the Defendant is not incarcerated; and Juvenile Delinquency matters where the juvenile is not held in detention are continued unless deemed an emergency matter by the court. Any witness subpoenaed for said matters is hereby excused from appearing.

6. Advisements and Bond Hearings of incarcerated adults will be conducted by video whenever possible.

7. Advisements and Post-Detention Reviews of detained juveniles will be conducted by video whenever possible.

8. Except as otherwise ordered by the presiding or the chief judge, court staff, including bailiffs and clerks, and local jurisdiction employees shall have the power and responsibility to take whatever steps are necessary, taking into account the recommendations of experts, government agencies, and current orders of the President, the Governor, and the Chief Justice to make safe the courthouse for the conduct of business. Such steps may include procedures ensuring social distancing, the wearing of protective gear, the use of soaps and sanitizers, frequent cleaning, and other mechanisms deemed appropriate to stem the spread of Covid-19.

CIRCUIT COURTS FOR THE COUNTIES OF APPOMATTOX, BUCKINGHAM,
CHARLOTTE, CUMBERLAND, HALIFAX, LUNENBURG, MECKLENBURG, AND
PRINCE EDWARD

~~1. All civil matters, including jury trials, set for a hearing date between now and May 17, 2020, except for those required by statute to be heard within a specific number of days, and except for those that, by agreement, can be conducted via audio-visual electronic means or by telephone, are continued generally. Counsel~~

and pro se litigants shall contact the appropriate scheduling assistant or the Clerk of Court to reschedule any continued matter to a date after May 17, 2020.

2. All advisements and bond hearings of incarcerated defendants shall be conducted by video conferencing scheduled by the Clerk of Court. By agreement bond considerations may be made by the court by reviewing written and emailed submissions to the court. The submissions shall be made a part of the file held in the Clerk's Office.

3. For those jury trials that proceed, the court must determine whether it can conduct the trial safely, taking into account the recommendations of experts, government agencies, and current orders of the President, the Governor, and the Chief Justice. Agreed continuances shall be granted liberally by the presiding judge. For those jury trials proceeding as scheduled and for grand juries, the Clerk of Court shall summons at least twenty percent more people to serve on the jury. Prospective jurors who have been exposed to the COVID-19 virus or who exhibit symptoms shall be excused from service. Attached to every jury summons, including those issued for grand jury, shall be a correspondence from the Clerk outlining the safety procedures being implemented by the court.

4. Criminal matters allowed to proceed as scheduled pursuant to the Judicial Emergency Orders of the Supreme Court shall proceed as set forth in this order. Issues involving a defendant's speedy trial rights shall be considered on a case by case basis. Agreed continuances shall be granted liberally by the presiding judge.

5. For those civil and criminal matters, jury and otherwise, proceeding, counsel shall, at least 24 hours prior to the scheduled hearing, meet, either in person, by electronic means, or by telephone, to determine what issues can be stipulated in an attempt to limit the witnesses required to appear and the amount of time the case takes on the docket. If a stipulation results in a witness not needing to appear, the attorney who requested the witness's appearance shall excuse that witness. Attorneys shall contact all witnesses he or she has requested to appear at a hearing within 72 to 48 hours before the hearing date to inquire whether the witness has been exposed to the COVID-19 virus or whether the witness is exhibiting symptoms. If the witness indicates an affirmative response, opposing counsel and the Court shall be notified immediately. If the witness indicates a

negative response, the witness shall be instructed to contact the attorney immediately should the response change.

6. Any defendant currently serving a sentence on weekends, work release, or a sentence that has been deferred may request of the sentencing Court that the service of the sentence be deferred until a later date. Such requests will be evaluated on a case by case basis. The Clerk of Court, in conjunction with the holding jail, shall notify all effected defendants of this Order.

7. Litigants, in both criminal and civil matters, are encouraged to agree to conduct hearings via video and teleconferencing, including Polycom and WebEx platforms. Such hearings and the specific procedures to be used shall be discussed and scheduled in advance of the scheduled hearing date with the scheduling assistant or Clerk of Court. The use of some video or audio platforms may require prior approval by the court. Litigants should be aware that such hearings may not be reported by a court reporter and may require other means of recording for preservation of the record. Litigants should be aware that different courtrooms have different audio and visual capabilities which may require the relocation of a hearing, the use of non-state owned equipment, or other accommodations.

8. Litigants, in both criminal and civil matters, are encouraged to limit those in attendance at hearings to those necessary parties and witnesses. No person, including an attorney, who has been exposed to COVID-19 or who exhibits symptoms shall be permitted into the Courtroom. Bailiffs shall have the power and responsibility to make relevant and necessary inquiries. Those who do not cooperate with the Bailiffs making the inquiries shall not be permitted into the Courtroom.

9. Except as otherwise ordered by the presiding or the chief judge, court staff, including bailiffs and clerks, and local jurisdiction employees shall have the power and responsibility to take whatever steps are necessary, taking into account the recommendations of experts, government agencies, and current orders of the President, the Governor, and the Chief Justice to make safe the courthouse for the conduct of business. Such steps may include procedures ensuring social distancing, the wearing of protective gear, the use of soaps and

sanitizers, frequent cleaning, and other mechanisms deemed appropriate to stem the spread of Covid-19.

The courts of the counties listed above will adhere to the directives issued by the Supreme Court of Virginia in its Order Declaring a Judicial Emergency and subsequent Orders of Extension.

This Order shall remain in full force and effect unless later modified by the undersigned or by a Court of higher jurisdiction. Violations of the Order shall be punishable by contempt of Court. A copy of this Order shall be forwarded to the Executive Secretary of the Supreme Court of Virginia. The Clerks of all of the Courts of the 10th Judicial Circuit and District shall post this order in the Clerks Offices and on the doors of the Courthouses.

ENTERED THIS 24th DAY OF APRIL, 2020



Chief Judge of the 10th Judicial Circuit

/S/ Calvin Spencer

Chief Judge of the 10th Judicial General District

/S/ Marvin Duncam

Chief Judge of the 10th Judicial Juvenile and Domestic Relations District

A COPY TESTE:



CLERK/DEPUTY CLERK

CIRCUIT COURT OF CUMBERLAND CO.