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Fluvanna County Bar

Re: **Declaration of Judicial Emergency** (corona virus/COVID-19) and Fluvanna Circuit Court

Dear Members of the Fluvanna County Bar, and any attorneys appearing in Fluvanna Circuit Court:

By now most of you are aware that yesterday Chief Justice Lemons declared a judicial emergency. I encourage everyone to read this order. It includes most of the measures and precautions that I had already decided to impose and follow in Charlottesville and Fluvanna, but goes much further. It does not, however, close the courts. It essentially imposes a mandatory continuance on most cases, and restrictions on court attendance.

The way I read and interpret the order, the courts and clerk's offices will remain open, but all cases and proceedings other than essential, emergency, or priority cases shall be continued. The courts will remain open for matters in criminal cases such as advisement of rights and appointment of counsel, bond hearings, arraignments, and trials with speedy trial concerns. In civil cases the court will still hear protective order, emergency custody, and involuntary commitment cases and termination of parental rights appeals. There certainly may be other cases that could be deemed to be essential, emergency, or priority, but the bulk of civil, criminal, and traffic cases will be continued. "Non-essential, non-emergency court proceedings...are suspended" in all Circuit and District Courts. This includes jury trials, with the exception of criminal cases with speedy trial pressure.

Courtroom attendance is limited to attorneys, parties, witnesses, and the press. Summonses are to be issued instead of capiases for failures to appear. For jury trials that are going forward, excuses from appearing or serving will be granted liberally to any prospective juror who is ill, caring for an ill family member, or who is high risk for contracting the virus or with other medical or health issues.

This order took immediate effect yesterday, and remains in effect for 21 days, but may be extended if necessary. There is to be no juror orientation during the effective period of this order, so if the order is extended, this could impact any juries set for, or to be set at, our April Term of Court.

It appears that all deadlines and filing times are tolled or extended, under Va. Code §17.1-330 D., except for speedy trial times (statutory or constitutional).

Appropriate postings are to be made at the courthouse by the Sheriff or Clerk. This will include the following:

Individuals are not to enter the courthouse, Clerk's Office, or court administrative offices if they have

- a. visited China, Iran, South Korea, any European countries, or any other high-risk countries identified by the CDC in the previous 14 days;**
- b. traveled domestically within the United States where COVID-19 has sustained widespread community transmission;**
- c. been asked to quarantine, isolate, or self-monitor by any doctor, hospital, or health agency;**
- d. been diagnosed with, or had contact with anyone who has been diagnosed with, COVID-19;**
- e. a fever, cough, or shortness of breath; or**
- f. resided with or been in close contact with any person in the above-mentioned categories.**

No one is to congregate in or at the courthouse, and "social distancing" is to be observed by anyone in the courtroom, clerk's office, or courthouse. Use of video technology, if available, is approved for all hearings, arraignments, and trials, particularly for any person who is an inmate in a jail or correctional facility, but not necessarily limited to that.

As I said, many of these items were among the conditions I had already decided to implement.

The final operative provision of the Supreme Court's order is that to the extent possible the courts and clerk's offices shall remain open and operational for all essential and priority matters, while balancing public health and safety. The courts are a public institution and belong to the people. They are to remain accessible to the extent possible. As the Pandemic Influenza Bench Book for the Virginia Court System (2017) says, "The public relies on the courts to remain open to resolve disputes and protect the rights of people, while also protecting the health of its employees and those who visit the courthouse." We will strive to do that.

We all appreciate your cooperation, understanding, and patience.

Very Truly Yours,



Richard E. Moore