

TWENTY-FIFTH JUDICIAL CIRCUIT
OF VIRGINIA

~~CHARLES RICKERS, III~~
CHIEF JUDGE
GEORGE M. COCHRAN JUDICIAL CENTER
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STAUNTON, VIRGINIA 24401



STAUNTON
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COUNTIES
ALLEGANY, AUGUSTA, BATH
BOTETOURT, CRAIG, HIGHLAND ROCKBRIDGE

CITIES
BUENA VISTA, COVINGTON
LEXINGTON, STAUNTON AND WAYNESBORO

Memorandum

To: Members of the Bar
and *Pro Se* parties with cases pending in the Staunton Circuit Court

From: Staunton Circuit Court Judge's Chambers

Date: March 17, 2020

Re: Circuit Court Procedures for Staunton Circuit Court in response to Judicial Emergency in
Response Covid 19 pandemic

On March 16, 2020, the Chief Justice of the Virginia Supreme Court declared a judicial emergency in response to the Covid 19 pandemic. Attached/enclosed is a copy of the Chief Justice's Order. Pursuant to the Chief Justice's Order, all non-essential and non-emergency proceedings currently scheduled in the Staunton Circuit Court between the dates of March 17, 2020 and April 6, 2020 shall be continued.

The following docketing procedures are hereby implemented as a result of the judicial emergency.

Criminal Cases: All continued criminal cases, including probation violations and sentencing hearings, shall be rescheduled through a criminal scheduling docket on April 8, 2020 beginning at 9:00 a.m. If you wish to appear by phone for the criminal scheduling docket, you must notify Eileen Lunsford of your intention to appear by phone on or before 12:00 p.m. on April 7, 2020, otherwise you will need to appear in person at the criminal scheduling docket to reset the case. If you elect to appear by phone, you must be available to the phone between 9:00 and 11:00 a.m. on April 8, 2020. It is the attorney's responsibility to notify his or her client of the new hearing date and time, in writing, with a copy of the notification being sent to the clerk of court.

Civil Cases:

A.) If you filed a praecipe for the April 14, 2020 motions day docket, hopefully we will be able to go forward with that date, but it would be wise to check on Monday, the 13th or earlier, to make sure.

B.) If your civil case was scheduled for a hearing between March 17, 2020 and April 6, 2020, you will need to contact this office at 540-332-3870 or by e-mail to reset the case.

During the judicial emergency, the Court will continue to perform its mission critical functions, including but not limited to, emergency adult protective services cases, criminal cases with speedy trial issues, injunctions, isolation orders, judicial authorization for treatment, protective orders, quarantine orders, bond appeals, and advisements. If you have a case that needs to be heard during the judicial emergency, please contact Eileen Lunsford at lunsfordep@ci.staunton.va.us or [540-332-3870](tel:540-332-3870) or Staci N. Falls, Clerk of the Court at [540-332-3874](tel:540-332-3874).

Thank you for your cooperation and patience in rescheduling cases during this time.

Supreme Court of Virginia

IN RE: ORDER DECLARING A JUDICIAL EMERGENCY IN RESPONSE TO COVID-19 EMERGENCY

On March 12, 2020, Governor Northam entered Executive Order Number Fifty-One (2020) Declaration of a State of Emergency Due to Novel Coronavirus COVID-19. The Governor noted that the Virginia Department of Health (VDH) has been working with local, state, and federal officials, healthcare and emergency management experts, and various state agencies to form a COVID-19 Taskforce to prepare for and respond to this threat, and that, given recent confirmed occurrences of COVID-19 within the Commonwealth and in neighboring states, as well as information from the Centers for Disease Control and Prevention, it is anticipated that the disease will spread. A state of emergency exists in the Commonwealth of Virginia and efforts of the executive branch are underway to continue to prepare and coordinate its response to the potential spread of COVID-19, a communicable disease of public health threat. This state of emergency became effective March 12, 2020, and is to remain in full force and in effect until June 10, 2020, unless sooner amended or rescinded by further executive order.

On March 13, 2020, the Governor advised that “if you have not already, please continue to review your [Continuity of Operations or] COOP plan. It is critical that you think about essential functions as they relate specifically to the COVID-19 event.” Many courts are actively doing so and court users and the public may access information on courts’ responses to the COVID-19 emergency online at: <http://www.vacourts.gov/>. All judges and clerks may access resources and information via the Court’s intranet site at: <http://oesinet/>. Courts that have not already done so, should review their continuity of operations plan and consult remotely with local stakeholders.

In 2010, the Supreme Court of Virginia’s Pandemic Flu Preparedness Commission issued the Pandemic Influenza Bench Book for Virginia’s Court System and it has been available since then to the public and court personnel via the Court’s web site at: <http://www.vacourts.gov/programs/pfp/benchbook.pdf>. It was revised in 2017, and most recently was specifically referenced in emails sent to all judges and clerks by the Executive Secretary on February 26 and March 11, 2020, with information for all courts to use in addressing the current COVID-19 emergency.

On Sunday March 15, 2020, Governor Northam announced a statewide ban on all events over 100 people. In light of the foregoing and the Chief Justice having received today, March 16, 2020, a request from the Governor for a declaration of a judicial emergency in all district and circuit courts of the Commonwealth of Virginia, pursuant to Va. Code § 17.1-330, this Order declaring a judicial emergency is hereby issued for all district and circuit courts of the Commonwealth to protect the health and safety of court employees, litigants, judges, and the general public. This Order shall be in effect from today, Monday, March 16, to Monday, April 6, 2020, and it is hereby ORDERED that NON-ESSENTIAL, NON-EMERGENCY court

proceedings in all circuit and district courts be and hereby are **SUSPENDED** and all deadlines are hereby tolled and extended, pursuant to Va. Code § 17.1-330(D), for a period of twenty-one (21) days, and all circuit and district courts shall implement the following measures absent a specific exception as listed below:

1. Continue all civil, traffic and criminal matters, including jury trials, subject to a defendant's right to a speedy trial, with the exception of emergency matters, including but not limited to, quarantine or isolation matters, arraignments, bail reviews, protective order cases, emergency child custody or protection cases, and civil commitment hearings. Judges may exercise their discretion with regard to proceeding with ongoing jury trials, and in cases where the defendant is incarcerated.
2. Continue all ceremonies, such as juvenile licensing ceremonies.
3. Limit courtroom attendance to attorneys, parties, and necessary witnesses and members of the press in any matters that cannot be continued.
4. Issue summonses in lieu of a *capias* for failure to appear.
5. For jury trials that cannot be continued, excuse or postpone jury service for jurors who are ill, caring for someone who is ill, or in a high-risk category as defined by the Center for Disease Control (CDC).
6. Suspend new juror orientations.
7. Require attorneys to use e-Filing if available.
8. Require individuals with legitimate court business who are ill, caring for someone who is ill, or is otherwise in a high-risk category, as defined by the Center for Disease Control (CDC), to call the local clerk of court or other appropriate court personnel to request an appropriate accommodation.
9. Consult with the locality, including the sheriff, about posting signage at all public entry points advising individuals not to enter the building 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 have 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.

Individuals attempting to enter the court in violation of these protocols may be denied entrance by a bailiff or court security officer, and may be directed to contact the clerk's office by telephone or other remote means to inform the clerk of their business before the court so as to receive further instruction regarding alternate arrangements for court access.

10. Consult with the sheriff and/or bailiffs to prohibit individuals or groups from congregating anywhere in the courthouse, and to require social distancing throughout the courthouse, including inside the courtroom.

11. Use telephonic or video technology, as provided in the Code of Virginia, for all necessary hearings, trials, or other matters, including arraignments.

Nothing in this Order shall preclude the chief district and chief circuit judges from implementing additional local policies as needed. Except as provided in this order, to the extent possible, the courts and clerks' offices shall remain operational and provide essential services while balancing the health and safety needs of court visitors and personnel. This Order shall be effective from March 16, 2020, to April 6, 2020, This Order may be extended for additional periods not to exceed 21 calendar days or for the duration of the threat, by a majority of the justices of the Supreme Court to mitigate the risks potential spread of COVID-19.



(SEAL)

Donald W. Lemons
Chief Justice of the Supreme Court of Virginia