

VIRGINIA: IN THE CIRCUIT COURT OF WARREN COUNTY  
SPECIAL ORDER FOR CONDUCT OF COURT DURING  
COVID-19 EMERGENCY

ORDER

UPON CONSIDERATION of the Virginia Supreme Court's Order Extending Declaration of a Judicial Emergency and the Governor's Declaration of State of Emergency and Stay-at-Home Executive Order, it is hereby further ORDERED as follows:

**Civil Cases:**

1. All civil bench and jury trials and other hearings (including *pendente lite* hearings) are suspended through **June 12, 2020**.<sup>1</sup> All suspended trials or hearings will be set for a status conference on **June 16, 2020 at 9:00 a.m.**, unless parties agree to appear by written submission of available dates or telephonically to set a new trial date, which can be arranged by calling or emailing JoAnn Seal at the Warren County Circuit Court Clerk's Office at 540-635-2435 or [jseal@vacourts.gov](mailto:jseal@vacourts.gov). Absent a showing of emergent circumstances, parties should not expect any contested civil hearings to be set before September, 2020, as the Court will need to give priority to scheduling deferred criminal trials.

2. Civil Motion's Days on April 15 and May 20, 2020 are cancelled; all matters currently set on those dockets will be carried over to **June 16-17, 2020**, which will be reserved for resetting hearing dates and other civil motions, unless (a) the parties agree to a different Motion's Day after that, (b) at least 7 days before June 16, a party gives notice they are not available to appear on either date, in which case that case will be moved to the next Motion's Day, (c) the matter is withdrawn from the Motion's docket, (d) arrangements are made to resolve the scheduling or motion by telephone conference or written submission, as hereinafter set forth, or (e) for those matters which are an emergency, at such time as arranged with Ms. Seal as in 1. above.

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<sup>1</sup> The Court is well aware the Declaration of Judicial Emergency only extends through April 26. However, the Supreme Court can only impose a Judicial Emergency for a period of up to 21 days at a time, and the Governor's Executive Order extends to June 10, 2020, so it is reasonable to plan for further extension of the Judicial Emergency. Further, when the Court is able to resume full functioning, priority will need to be given to criminal cases.

3. **Civil appeals from District Court:** All civil appeals from the JDR Court or the General District Court shall be scheduled by those Clerks for the June Motion's Day docket. However, the parties may contact Ms. Seal as above if they wish to schedule a trial date by telephone or email.

4. **Submission of motions without oral argument or court appearance:** For those motions which can be resolved without testimony, the parties are encouraged to ask the Court to consider and decide the matter on written submissions. The Court will undertake to decide such matters upon a receipt of a written agreement of the parties to submit a motion or issue without oral argument or appearance. Upon receipt of such an agreement and the motion to be decided, the Court will establish a briefing schedule for the parties (based on the nature and circumstances of the motion). memoranda and/or upon a telephonic conference, where appropriate. **Where oral argument is requested**, the Court may schedule a telephonic conference, if parties agree and the Court finds it appropriate to do so.

5. **Uncontested or agreed matters** can be submitted to the Court by a fully endorsed order, without court appearance.

6. **Emergency matters:** Any party seeking an emergency hearing shall submit a detailed motion, setting forth, in part, why this matter is an emergency; the Court will then determine whether to docket the matter. Emergency matters include, but are not limited to:

Quarantine and isolation matters

Protective Order cases

Emergency Child Custody and Protection Cases

Civil Commitment hearings

Guardian/Conservator hearings

### **Criminal Cases:**

1. **Grand Jury:** Pending further review and order, the Grand Jury for the April Term will convene on **May 18, 2020 at 9:00 a.m.** The grand jurors are excused from appearance on April 13, 2020.

2. **Criminal Trials:** All criminal trials, bench and jury, are suspended through **May 31, 2020,**<sup>2</sup> **EXCEPT** those previously scheduled cases in which the

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<sup>2</sup> Again, this date reflects the likelihood of extension of the Judicial Emergency and the current Executive Stay-at-Home Order.

Defendant affirmatively asserts, in writing, that a delay of his trial beyond **August 1, 2020** would violate his or her right to a speedy trial, such claim to be filed by the **earlier** of (a) 9:00 a.m. on the last full business day before the trial is scheduled, or (b) the close of business on **April 17, 2020**, in which case the trial will proceed, as scheduled; otherwise, these cases are continued to **June 10, 2020 at 9:00 a.m.** for further scheduling, and witnesses and jurors will be called off.

3. For all other non-trial criminal hearings set before May 31, 2020, in which the Defendant is **not incarcerated**, these matters are continued to **June 10, 2020 at 9:00 a.m.**, based on the current public health emergency, which appears to be a natural disaster/Act of God, **EXCEPT** emergency matters (subject to the Judge's concurrence it is an emergency). In any case where the Defendant is **incarcerated**, the case will remain on the docket, unless the Defendant moves to continue the case or both parties agree to continue the case (in which case an agreed order can be submitted without appearance). Inmates scheduled to appear for these hearings will appear by video unless Defendant's counsel requests physical appearance by noon the business day before the hearing or video appearance cannot be arranged.

4. **Criminal appeals from District Court:** All criminal appeals from the JDR Court or the General District Court shall be scheduled by the Clerks of those Courts for the June Misdemeanor Appeals Day docket (**June 12, 2020**).

5. **Emergency hearings:** Anyone believing a matter other than a bond issue to be an emergency should file a detailed motion, stating why an emergency exists, and contact Carolyn Pandel in the Warren County Clerk's Office, at 540-635-2435 or cpandel@vacourts.gov to obtain a date. The Court will decide whether the motion warrants an emergency hearing.

6. **Uncontested or agreed matters:** Where the Commonwealth and the Defendant agree, endorsed consent orders without appearance in Court are encouraged, if appropriate.

### **General policies for all cases**

1. **Telephonic appearance:** Requests for attorneys, parties or witnesses to appear by phone will be liberally granted. Except for trial, a non-incarcerated criminal defendant may appear by phone, and in doing so will be deemed to waive his or her right to be present in Court.

2. **Filing pleadings and motions:** Attorneys should e-file in any case where e-filing is available. Motions and pleadings other than initial complaints can also

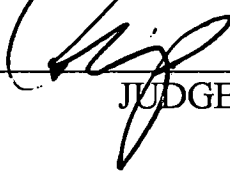
be submitted to the Court by email (provided original follows in the mail) or by mail, and such filings are strongly encouraged over delivering documents to the Courthouse in person. This Order shall be subject to further adjustments as the public health situation and the Court's schedule may require.

3. **Court appearances:** In those cases where it is necessary to conduct a hearing or appearance in the courthouse, parties should discourage anyone but essential persons, such as the parties themselves and witnesses, from attending. Parties should try to arrange for witnesses to appear by phone where that can be arranged and where telephonic testimony will not impair the presentation of the witness' testimony. In some cases, the Court may be able to accommodate video appearance; parties wanting to arrange a video conferenced appearance need to consult the Court in advance about its capability to do so.

This Order shall be an order applicable to any case affected by its terms and will be considered the Court's Order in that case continuing that matter as set forth herein. The Clerk shall place a copy of this Order in the file of each affected case.

ENTERED

*Cynthia L. 4, 2020*



JUDGE