

VIRGINIA: IN THE CIRCUIT COURT OF WARREN COUNTY

FOURTH SPECIAL ORDER FOR CONDUCT OF COURT DURING  
COVID-19 EMERGENCY

ORDER

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

1) Consistent with the Fourth Order's provision that all jury trials are suspended during the Judicial Emergency, those criminal matters currently set for trial before a felony venire will be continued to **June 10, 2020 at 9:00 a.m.** for the purpose of setting those matters for trial, **EXCEPT** that any criminal trial will remain on the docket if set before June 7, 2020 and be heard as scheduled, if both the Commonwealth and the Defendant agree in writing to waive trial by jury; such a waiver must be filed with the Court at least 5 business days before the scheduled trial date or it will be removed from the scheduled trial docket and moved to June 10 for scheduling. This Court's previous exception to leave jury trials in place if there was an assertion of speedy trial right is no longer in effect due to the terms of the Fourth Order.

2) **For civil cases**, the Court will schedule, as time permits, hearings on civil matters that are **not emergencies** to be heard before June 12, 2020, provided the following conditions are met: 1) all parties and attorneys agree to the hearing within this time frame and during the State of Judicial Emergency, 2) the hearing **may** be conducted remotely, meaning parties, counsel or witnesses **may** appear in-person or by telephone or secure audio-visual communication, and 3) none of those participating remotely are gathering together in a group of ten or more individuals to participate. The Court has the capability now to a) conduct multi-participant telephone conferences, b) conduct conferences by phone or video through Webex, and c) conduct conferences by video (including through smartphones) with attorneys only through Polycom.<sup>i</sup> These hearings 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).

3) Any party, attorney or witness in any matter before this Court, civil or criminal, who meets the criteria listed below shall not appear in person but shall

participate in any scheduled hearing remotely. Anyone meeting these criteria should contact the clerk's office of this court to inform the clerk of their business before the court and to make alternate arrangements for court access. The criteria are that an individual has within the previous 14 days:

- i. traveled internationally;
- ii. been directed to quarantine, isolate, or self-monitor;
- iii. been diagnosed with, or have had contact with anyone who has been diagnosed with, COVID-19;
- iv. experienced a fever, cough, or shortness of breath; or
- v. resided with or been in close contact with any person in the above-mentioned categories.

4) Parties and their attorneys should take note that the Fourth Order of the Supreme Court **does not extend the tolling of any deadlines** under Part 4 of the Rules of the Supreme Court of Virginia (civil discovery) beyond May 18, 2020.

**In all other respects not in conflict with this Order or the Fourth Order, the terms of this Court's April 1, 2020 Special Order remain in effect.**

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

*May 6, 2020*

*[Signature]*

JUDGE

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<sup>1</sup> A party or witness could appear with the attorney by Polycom – practicing social distancing, but we cannot give separate access to Polycom to a party or witness (except law enforcement or other governmental employees who may already be permitted access).