

VIRGINIA:

IN THE CIRCUIT COURT OF THE 31ST JUDICIAL CIRCUIT

SPECIAL ORDER OF MARCH 22, 2021 RESUMPTION OF COURT OPERATIONS

IN RECOGNITION OF the COVID-19 pandemic; updated public health information showing a decrease in the incidence of COVID-19 infections within the 31st Judicial Circuit since the entry of the December 2020 Temporary Emergency Order and the Modification of the Temporary Emergency Order on February 16, 2021; and all Orders from the Supreme Court of Virginia Extending the Declaration of Judicial Emergency in Response to Covid-19 Emergency, encompassed within the Nineteenth Order, which has extended the Judicial Emergency until at least April 18, 2021;

THE COURT HAS DETERMINED that it is now possible to increase in-person proceedings and all six Circuit Court judges will be available for in-person operations beginning Thursday, April 1, 2021, while continuing some limitations on operations to ease requirements for physical attendance by attorneys and the public at the courthouse.

IT IS THEREFORE ORDERED AS FOLLOWS:

1. Effective Date and Period of this Order

This Order will be effective **April 1, 2021**, and will remain in effect until further order of the Court.

2. All prior orders of the Circuit Court regarding Court proceedings during the COVID-19 Emergency remain in effect except where they conflict with the provisions of this Order. This Order controls in the event of a conflict.

3. Jury Trials.

a. **Criminal jury trials shall continue.** Pre-trial conferences will continue to take place on the Wednesday two weeks prior to the start of trial.

b. **Civil jury trials shall remain suspended until at least June 30, 2021.** Any civil jury trial scheduled for April 2021 will be continued to the Court's May Term Day docket to be re-set. Any civil jury trial scheduled for May 2021 will be continued to the Court's June Term Day docket to be re-set. Any civil jury trial scheduled for June 2021 will be continued to the Court's July Term Day docket to be re-set.

4. **Criminal cases – Non-jury matters:**

a. **Criminal Docket.** Beginning April 1, 2021, the Monday, Tuesday and Wednesday criminal dockets shall resume according to the practices set forth in the Circuit Court Practice Guidelines published November 1, 2018. Non-incarcerated defendants are excused from appearing at status and to-be-set hearings. Incarcerated defendants will appear for such hearings by video. Bond motions must be filed two days in advance of the hearing in accordance with existing practice. As per this Court's June 1, 2020 Order, in order to accommodate a Friday motions docket, the Court will not hear bond motions on Fridays.

b. **Criminal bench trials** will go forward as scheduled.

c. **Guilty Pleas** will take place on Thursdays at 10:00am.

d. **Sentencing and revocation hearings** will resume as of April 1, 2021 for both incarcerated and non-incarcerated defendants.

e. **Suppression motions and motions in limine** in criminal cases will be heard on Thursdays at 9:00 a.m. according to the practices set forth in the Circuit Court Practice Guidelines published November 1, 2018.

5. **Civil Cases**

a. The Court's previously announced liberal continuance policy shall remain in effect for

any cause resulting from the impact of the COVID-19 crisis. Agreed continuance Orders may be filed with the Clerk by electronic mail at circuitcourt@pwcgov.org. The Clerk shall forward such Orders to Chambers for entry.

b. Effective April 1, 2021, the Monday, Tuesday and Wednesday civil dockets shall resume according to the practices set forth in the Circuit Court Practice Guidelines published November 1, 2018. Without limiting other types of civil cases that may be heard, priority for civil trials shall continue to be given to child custody, visitation and support matters and other cases having statutory priority or constituting an emergency as previously defined by the Supreme Court's Orders.

c. Virtual Hearings. Any lawyer, party, or witness that wishes to appear virtually should make that request in writing two weeks prior to a scheduled hearing.

d. Pretrial Conferences will continue to be held by teleconference.

e. Ore Tenus Hearings for Divorce. The Court will continue to conduct Ore Tenus hearings in-person on the first and third Thursdays of each month at 9:00 a.m. A maximum of ten cases may be placed on a given ore tenus docket.

f. Friday Civil (10:30 a.m.) Motions; Docket will be continue to be limited. Friday civil motions, with limited exceptions, will be handled in-person at 10:30 a.m. Contested civil motions will be limited to thirty minutes (fifteen minutes per side). The civil motions docket will be limited with respect to all other matters to a maximum number of 40 cases for all judges combined. The following matters **shall not count** toward the 40-case maximum:

- Garnishments
- Debtor Interrogatories
- Name Change Petitions
- Petitions to Amend a Birth or Death Certificate
- Adult Guardianship Petitions
- Infant Settlements

- *Pendente Lite* motions and Rules to Show Cause to be set for a date certain

The Clerk will be instructed to close the 10:30 a.m. docket upon reaching the 40 case maximum for a given day.

g. Friday Civil Motions can be considered without oral argument. If agreed by all parties, the Court will consider and rule without oral argument on civil motions in accordance with the procedures and with the briefing limits set forth in the Court's Memorandum of April 23, 2020.

6. Other Court Proceedings:

a. Grand Juries will continue to meet as scheduled.

b. Criminal and Civil Term Days will be held in-person. As always, the Court urges parties to schedule trial dates by agreement through Chambers, using the previously established procedures.

ENTERED this 22 day of March 2021.


KIMBERLY A. IRVING, Chief Judge
CIRCUIT COURT