

VIRGINIA :

IN THE CIRCUIT COURT OF THE 31ST JUDICIAL CIRCUIT
SPECIAL ORDER OF JUNE 25, 2020
PHASE TWO RESUMPTION OF COURT OPERATIONS

IN RECOGNITION OF the COVID-19 pandemic, and in conjunction with Orders of the Virginia Supreme Court, dated March 16, 2020, March 27, 2020, April 22, 2020, May 6, 2020 (the Fourth Order), May 12, 2020, June 1, 2020 (the Fifth Order) and June 22, 2020 (the Sixth Order) declaring, extending and amending a state of Judicial Emergency this Court entered Special Orders dated March 13, 2020, March 16, 2020, April 23, 2020 and May 15, 2020. In addition, on April 22, 2020, this Court issued a Memorandum Regarding Temporary Procedures for Certain Civil Matters, to be in effect for the duration of the present Judicial Emergency, and on May 20, 2020, this Court entered a Mandatory Face Covering Order, to be in effect for the duration of the Judicial Emergency. Among other things, the Supreme Court's Fourth, Fifth and Sixth Orders provided that:

- 1) courts should continue to prioritize emergency matters;
- 2) courts should continue to conduct as much business as possible by remote means;
- 3) courts may hear in-person non-emergency matters *if they determine it safe to do so*;
- 4) courts shall take reasonable measures to prohibit certain individuals deemed to have a particular risk of transmitting COVID-19 from entering the courthouse;
- 5) judges are charged with the responsibility of taking reasonable steps to minimize the risk of the spread of COVID-19;
- 6) continuances and excuses for failure to appear shall be liberally granted for any cause resulting from the impact of the COVID-19 crisis; and
- 7) all jury trials are suspended until further notice throughout the Commonwealth.

UPON CONSIDERATION of updated guidance provided by public health professionals, it is hereby ORDERED as follows:

In order to maintain the recommended social distancing, the number of persons permitted in the courtrooms shall be limited to that number which may be seated at least six feet from any other person. Only the parties, counsel, witnesses and members of the press shall be permitted in the courtroom. In accordance with the Mandatory Face Covering Order entered on May 20, 2020, all persons entering the Prince William County Judicial Center must wear a face covering that covers the nose and mouth.

Civil Cases:

1. Jury trials are suspended until further order of the Supreme Court. Any cases presently set for trial by a jury through July 31, 2020 will be removed from the docket. Counsel may reschedule such trials for a date after July 31, 2020 by contacting judges' chambers or by placing the case on the next available term day docket.

2. 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 pursuant to the Special Continuing Order entered on March 12, 2020 may be filed with the Clerk by electronic mail at circuitcourt@pwcgov.org. The Clerk shall forward such Orders to Chambers for entry.

3. Effective July 13, 2020, the Monday, Tuesday and Wednesday civil dockets shall resume according the practices set forth in the Circuit Court Practice Guidelines published November 1, 2018. The prior temporary ban on multi-day bench trials shall be lifted as of that date. 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.

5. Commencing July 16, 2020, pretrial conferences shall resume as set forth in the Circuit Court Practice Guidelines published November 1, 2018.

6. Ore tenus divorce hearings will continue to be held 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.

7. Commencing July 17, 2020, Friday motions days shall proceed in-person according to the following schedule and with the limitations noted:

9:00 a.m. Motions in which the Commonwealth's Attorney has an interest

10:30 a.m. Other civil motions

Contested civil motions shall be limited to thirty minutes (fifteen minutes per side). All motions shall be filed with the Clerk's office at least two weeks prior to the scheduled motions day. The 10:30 a.m. docket shall be limited to a maximum of 30 cases total for all judges combined until further notice. The following matters shall not count toward the 30-case maximum:

Garnishments

Debtor Interrogatories

Name Change Petitions

Petitions to Amend a Birth or Death Certificate

Adult Guardianship Petitions

Infant Settlements

Pendente lite motions to be set for a date certain

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

8. If agreed by all parties, the Court will consider and rule on civil motions which do not necessitate the taking of testimony, without oral argument in accordance with the procedures and with the briefing limits set forth in the Court's Memorandum of April 22, 2020.

9. In accordance with the Supreme Court's amendment of its Fourth Order and pursuant to Virginia Code § 17.1-513.2 the Court may hear pre-trial motions by video conference or teleconference provided that all participants have access to the video or teleconferencing equipment required by Virginia Code §19.2-3.1. Counsel wishing to have a remote hearing on pretrial motions should contact judges' chambers to schedule the matter. Argument of such motions shall be limited to twenty minutes (ten minutes per side). Counsel will note that the Polycom platform mentioned in the Court's prior memorandum has severe limitations in its implementation in Prince William County, making its use for civil motions impractical. The Court is working to implement procedures to conduct hearings via the WebEx platform. The Court will notify the Prince William County Bar Association when this platform is available. Until that time, remote hearings in civil cases will be limited to teleconference.

Criminal Cases:

10. Effective July 13, 2020, the Monday, Tuesday and Wednesday criminal dockets shall resume according the practices set forth in the Circuit Court Practice Guidelines published November 1, 2018.

11. The Court will continue to hear bond motions, arraignments and motions to reconsider sentences by video each day Monday through Thursday at 9:30 a.m. 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 of June 1, 2020, in order to accommodate a Friday motions docket, the Court ceased hearing bond motions on Fridays.

12. Jury trials are suspended until further order of the Supreme Court. Any criminal cases presently set for trial by a jury through July 31, 2020 should be placed on the docket by counsel prior to the scheduled trial date to determine the status of the matter and the implications, if any, of the Supreme Court's Order on the defendant's speedy trial rights.

13. Criminal bench trials may go forward in person as presently scheduled for dates on or after July 13, 2020. Criminal trials shall have priority over all other matters except cases entitled to statutory priority.

14. The court will hear guilty pleas on Thursdays at 10:00 a.m. If the parties agree, pleas for incarcerated defendants will occur by video.

15. Sentencing and revocation hearings set for the month of July and thereafter will go forward as scheduled unless continued by agreement of the defendant and the Commonwealth's Attorney, or unless continued by necessity to conform to the assigned judge's rotation schedule.

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

There may be further adjustments to the Court's dockets if the public health situation warrants. Any such changes will be communicated by a separate Order.

The terms of this Order shall remain in effect until further Order of the Court.

ENTERED this 25th day of June, 2020.

Tracy C. Hudson, Chief Judge
Circuit Court