VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

SIXTH ORDER CONCERNING JUDICIAL EMERGENCY

The Chief Justice of the Supreme Court of Virginia having entered an Order dated June 1, 2020, extending the judicial emergency through June 28, 2020, it is hereby ORDERED that, except as herein modified, this Court's Order and Second, Third, Fourth and Fifth Orders Concerning Judicial Emergency of March 17, 19, 30, April 23 and May 13, 2020, are extended through June 28, 2020.

This Court's Order of May 13, 2020, styled "In Re: Courthouse and Courtroom Safety in Response to COVID-19" remains in full force and effect. Requirements addressed therein regarding entry into the courthouse, physical distancing, and face-covering, will be strictly enforced.

In an effort to diffuse traffic at the Courthouse, to distribute throughout the day the large number of persons who historically arrive and crowd the lobby and the public elevators in the mornings, and to coordinate Circuit Court dockets with those of the district courts, this Court will shift more significant portions of its dockets into the afternoon and will impose limits on the numbers of cases that may be scheduled on any day. The Clerk will communicate these requirements when counsel contact the Clerk's Office for scheduling purposes.

REMOTE HEARINGS

The Chief Justice's Order admonishes courts to continue to conduct as much business as possible by means other than in-person court proceedings. The Order encourages courts "to continue and even increase the use" of technologies that do not involve in-person contact. Therefore, although the Court has expanded with each Order Concerning Judicial Emergency the types of hearings that may be scheduled for in-person hearings, the Court expects counsel and

litigants to consider as their first and best option, that their matter be scheduled for a videoconference or telephone hearing. The Court uses Polycom and WebEx technology for videoconference hearings and can provide a dial-in conference call number for telephone hearings. Judicial assistants and law clerks are available to aid those unfamiliar with these technologies. Lawyers should expect to be questioned by the Court for scheduling and appearing in-person for any matter that could have been conducted expediently via remote hearing, minimizing the risk of contagion to all involved and limiting traffic in the courthouse.

A Form Motion for Remote Hearing is attached and should be used for the purpose of noticing any civil motion for a remote hearing. Once the Clerk's Office has assigned a date for the hearing, a judicial assistant will arrange the time for the hearing and will provide the link or the call-in number to be used for the conference.

IN-PERSON HEARINGS: CIVIL CASES

Counsel and litigants may schedule all civil matters that cannot be expediently conducted via remote hearing, excluding jury trials, for in-person hearings. Matters that are expected to take longer than one hour, or that require the attendance of more persons other than just parties and counsel, must be scheduled in the afternoon.

Any civil non-jury trial or other matter that is expected to last longer than four hours may receive an earlier start time only with leave of Court.

Civil jury trials may continue to be set with the appropriate docket clerk for dates beginning August 1, 2020; no such trials may be heard, however, until the Virginia Supreme Court authorizes Circuit Courts to resume jury trials.

CRIMINAL CASES

No jury trials may be conducted during the period of Judicial Emergency.

Counsel may schedule any matter with an out-of-custody defendant for an in-person hearing. Bench trials will be scheduled to begin in the afternoon. Any bench trial or other matter that is expected to take longer than four hours, may receive an earlier start time only with leave of Court.

All motions and matters with in-custody defendants, excluding bench trials, must be conducted with the in-custody defendant appearing via videoconference. Effective June 22, 2020, the Court will permit in-person bench trials with in-custody defendants. Every trip to the courthouse from the jail increases the risk of exposure not just to the inmate but to the entire jail population, which the Sheriff is required to protect. Therefore, the number of inmates that may be transported on a given day will be strictly limited; and counsel are urged to make all reasonable efforts *in advance* of the bench trial to explore whether the matter can be resolved by a plea agreement.

Notwithstanding the Court's permission to conduct bench trials with in-custody defendants, if the Sheriff deems that transporting an inmate as scheduled is unsafe, he may so notify the Court. The Court will make every effort to provide a prompt hearing to all in-custody defendants but must rely upon the Sheriff to protect the safety and security of both the Courthouse and the jail.

Criminal jury trials may continue to be set with the appropriate docket clerk for dates beginning July 1, 2020; no such trials may be heard, however, until the Virginia Supreme Court authorizes Circuit Courts to resume jury trials.

CLERK'S OFFICE

The Chief Justice's Order of June 1, 2020 provides: "Court clerks are charged with ensuring their offices remain open and functions continue." The Clerk has advised the Court that he will have staff present in the office daily (Monday through Friday) from 8:45 a.m. until 4:45 p.m. to serve members of the public, beginning on Thursday, June 11, 2020. The public is encouraged to continue to access the services of the Clerk's Office via remote means, but the office will reopen to the public with a reduced staff on June 11, 2020.

The Clerk is ORDERED to post a copy of this order on his website and at the entrance to the Courthouse. The Court has sent a copy of this order to the Norfolk-Portsmouth Bar Association for distribution to its members.

ENTER: June 5, 2020

CHIEF JUDGE

MOTION FOR REMOTE HEARING

Commonwealth of Virginia – rev. 04/16/2020

Case No. _____

Page: 1 of ____

☐ Circuit Court ☐ General District Court ☐ Juvenile & Domestic Relations District Court

It is the responsibility of the requesting party to ensure:

All parties and witnesses ***have the ability to connect in the manner requested.***

Case Names:

_____	_____
Petitioner/Plaintiff	Defendant/Respondent
_____	_____
Address	Address
_____	_____
Address	Address
_____	_____
Telephone Number	Telephone Number

Remote Mechanism Requested:

☐ Telephonic

☐ WebEx – Best used with a personal computer

☐ Polycom Virtual Meeting Rooms – Best used with other Polycom video equipment

Hearing Date Information

☐ Case currently set for _____

☐ Request hearing date. List attorneys'/parties' available dates:

_____

Reason for remote hearing request: _____

_____

_____

Witnesses to be called: _____

Other parties to be called: _____

Parties appearing remotely: ☐ All ☐ _____

Evidence to be presented: ☐ None ☐ Documents ☐ Pictures ☐ Objects ☐ _____

Interpreter/Other Special Needs: ☐ None ☐ Yes – Explain _____

Requesting Party: _____ ☐ Petitioner/Plaintiff ☐ Defendant/Respondent

☐ Attorney ☐ Self-represented

COURT USE ONLY

ORDER

☐ Granted ☐ Denied ☐ Other _____

Judge _____ Entered _____

Contact Information for ALL Remote Participants

MOTION FOR REMOTE HEARING-Addendum
Commonwealth of Virginia – rev. 04/16/2020

Case No. _____
Page: ____ of ____

☐Witness ☐Other_____ Name_____ Address_____ _____ Phone_____ Email_____	☐Witness ☐Other_____ Name_____ Address_____ _____ Phone_____ Email_____
☐Witness ☐Other_____ Name_____ Address_____ _____ Phone_____ Email_____	☐Witness ☐Other_____ Name_____ Address_____ _____ Phone_____ Email_____
☐Witness ☐Other_____ Name_____ Address_____ _____ Phone_____ Email_____	☐Witness ☐Other_____ Name_____ Address_____ _____ Phone_____ Email_____
☐Witness ☐Other_____ Name_____ Address_____ _____ Phone_____ Email_____	☐Witness ☐Other_____ Name_____ Address_____ _____ Phone_____ Email_____

CONFIDENTIAL INFORMATION – PLACE IN SEALED ENVELOPE