

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

SEVENTH ORDER CONCERNING JUDICIAL EMERGENCY

The Chief Justice of the Supreme Court of Virginia has entered an Order dated June 22, 2020, extending the judicial emergency through July 19, 2020. This Court has entered six prior Orders Concerning Judicial Emergency, each adding to the types of matters that this Court will hear. Much confusion currently surrounds the state of the Court's docket and what it will and will not hear. This Order does not change, but only clarifies, the Court's current practices.

SUMMARY: The Court will hear everything that it heard before the Judicial Emergency *except* jury trials. The Court has lifted all prior restrictions implemented during the Judicial Emergency, (*e.g.*, no bench trials with more than four witnesses); however, the Court expects counsel and litigants to remain mindful of reducing congestion at the courthouse and avoiding unnecessary risk and exposure.

Parties and counsel may schedule *any matter, for any length of time, with any number of witnesses*, subject to the following requirements.

1. The provisions of this Court's May 13, 2020, Order, styled "In Re: Courthouse and Courtroom Safety in Response to COVID-19 Emergency" remain in full force and effect. Requirements regarding entry into the courthouse, physical distancing, and face-covering, will be strictly enforced.
2. Videoconference and telephone hearings continue to be preferred. Counsel who can conduct their court business via remote hearings should do so.
3. Civil and criminal bench trials and motions requiring more than one hour will be set for 1:00 p.m. Any matter that counsel do not believe they can conclude in four hours may receive an earlier start time *upon request to the Court*.

4. The Sheriff will transport a maximum of four inmates daily.

5. The Court will conduct sentencing hearings for defendants *without restrictions relating to their guidelines*. Incarcerated defendants will participate in their sentencing hearing by videoconference, unless counsel has arranged for the Sheriff to transport the inmate for the hearing. Defense counsel representing clients appearing by video must meet with their clients and review all documentation before the sentencing hearing.

6. Spectators are not encouraged, but they are certainly allowed, subject to limitations on space in the courtroom. The Court will respect the right to a public trial but must consider the size of courtrooms, social distancing, and public health. Defendants' family members have apparently received erroneous advice that the Court would not permit their attendance: that has never been the case.

7. The Supreme Court of Virginia has prohibited the conduct of jury trials through July 19, 2020. Once it permits jury trials, the Court expects to dedicate some period of time exclusively to the conduct of criminal jury trials. Therefore, the Court hereby advises counsel in all civil jury trials currently set during July, August, and September that such trials may be continued, and motions to continue such cases will be liberally granted.

The Clerk is DIRECTED to post a copy of this Order on the website and at the entrance to the Courthouse and to remove copies of the former Orders to avoid confusion. The Court has sent a copy of this Order to the Norfolk Portsmouth Bar Association for distribution to its members.

ENTER: July 2, 2020



CHIEF JUDGE