

VIRGINIA:

In the Court of Appeals of Virginia on Wednesday the 18th day of March, 2020.

IN RE:

COURT OPERATIONS UNDER THE PUBLIC HEALTH EMERGENCY CREATED BY THE OUTBREAK OF CORONAVIRUS DISEASE 2019 (COVID-19)

This order is being issued in response to the recent outbreak of Coronavirus Disease 2019 (COVID-19). In that regard, the Court of Appeals of Virginia has been closely monitoring the outbreak of COVID-19, including carefully tracking the developing guidance from the Centers for Disease Control and Prevention (“CDC”).

In February of this year, the CDC issued “Interim Guidance” recommending that all employers consider how best to decrease the spread of COVID-19, including the review of guidance from state and local health officials. The CDC has described the COVID-19 outbreak in the United States as a “rapidly evolving situation” and has provided continuously-updated guidance as to the appropriate community response to COVID-19 as conditions worsen. The CDC’s guidance includes a variety of mitigation strategies for communities with local COVID-19 transmission; those strategies are generally aimed at reducing or avoiding exposure to infected individuals, including social distancing.

Consistent with the evolving CDC advisories, the Court has spent the last month implementing a strategy for a staged response to the ongoing public health emergency. The Court’s goal is to balance health and safety concerns with the need to continue to provide an essential service to the citizens of the Commonwealth.

Phase I of the Court’s strategy included taking extra precautionary measures during the oral arguments held in the courtrooms in order to help safeguard the health of litigants, counsel, the public, court staff, and judges. Additional precautionary measures were instituted in the various offices of the Court to help

ensure the health and well-being of Court personnel. Since implementation of Phase I, the following events have occurred in rapid succession:

On March 11, 2020, the World Health Organization categorized COVID-19 as a worldwide “pandemic.” Subsequently, the President of the United States announced updated international travel restrictions aimed at further curbing the pandemic within the United States. On March 12, 2020, Governor Northam entered Executive Order Number Fifty-One (2020), declaring a state of emergency in the Commonwealth of Virginia due to COVID-19. On March 13, 2020, the President declared a national emergency based on the COVID-19 outbreak. On March 15, 2020, Governor Northam announced a statewide ban on all events and gatherings over 100 people.

On March 16, 2020, pursuant to Code § 17.1-330, Chief Justice Lemons declared a judicial emergency for all district and circuit courts of the Commonwealth in order to protect the health and safety of court employees, litigants, judges, and the general public. Also, effective on March 16, 2020, the buildings that house the Supreme Court of Virginia and the Court of Appeals of Virginia were closed to the public, but remain open for employees, those needing access to the clerks’ offices, and others with official business with those courts.

On March 17, 2020, Governor Northam, in another Executive Order, announced additional steps designed to reduce the risk of exposure to and transmission of COVID-19. The measures include restricting the number of individuals in a gathering to 10 or less.

In light of these recent developments, on March 17, 2020, the Court implemented Phase II of its strategy. The critical components of that phase are set forth in more detail in the attached “Public Advisory Regarding Operating Procedures in Response to COVID-19,” but are summarized briefly as follows:

- Pursuant to Code § 32.1-48.013:1, the Court will permit and encourage electronic filing of all documents.
- The Court will utilize a drop-box for the deposit of paper documents to be filed with the Court.

- The Court has instituted a liberal extension of time policy for pleadings due to be filed in instances where parties are impacted by this public health event.
- The Court will conduct its upcoming dockets via teleconference arguments through at least June 30, 2020.
- The Court has instituted a liberal continuance policy of oral arguments in instances where parties are impacted by the COVID-19 pandemic.

The Court and its clerk's office shall remain operational and provide essential services, while balancing the health and safety needs of litigants and personnel. Due to the ever-changing nature of this public health event, all interested parties should monitor the Court's website for further updates and information.

This order shall remain in effect until further order of the Court.



Marla Graff Decker
Chief Judge, Court of Appeals of Virginia

COURT OF APPEALS OF VIRGINIA
Public Advisory Regarding Operating Procedures in Response to COVID-19
March 18, 2020

The following measures are adopted in response to the current public health emergency arising from the coronavirus (COVID-19).

1. Courthouse Access:

Out of concern for the health and safety of the public and the Court's employees, the Courthouse that houses the Court of Appeals (CAV) has been closed to the general public. Although the clerk's office remains open for those persons having business with the Court, papers that cannot be filed by other means (see below) should be left in the drop-box at the Capitol Police checkpoint inside the Eighth and Franklin Streets entrance to the building.

2. Court Filings:

Pending further notice and pursuant to Code § 32.1-48.013:1, attorneys and pro se litigants are encouraged to file pleadings and documents electronically in PDF format through the Court's electronic filing system (VACES), located at <http://www.vacourts.gov/online/vaces/home.html>. If you are not currently registered to use VACES, you can find a registration link on that webpage. All registration forms should be emailed to cavbriefs@vacourts.gov. Requests for three-judge review and petitions for rehearing should continue to be emailed to cavpfr@vacourts.gov. **Paper copies of any electronically-filed pleadings and documents should not be mailed or delivered to the Court.**

For VACES filings, use the file type "other" for any pleading or document other than briefs and appendices. If you are filing a pleading that has not yet been assigned a CAV Record No. (copy of notice of appeal filed in trial court or Virginia Workers' Compensation Commission, motion for delayed appeal, pre-trial bond motion, original jurisdiction petition, etc.), enter 0000-00 as the record number when submitting the document through VACES. If your pleading requires payment of a filing fee, please mail a

\$50.00 check or money order to the clerk's office and indicate that you are doing so in the submitter notes on your VACES submission.

Pro se litigants that are unable to access VACES are encouraged to email all pleadings and other documents to cavbriefs@vacourts.gov. If you are unable to electronically file your document, it may be mailed to the clerk's office or deposited in the drop-box referenced above. **Paper copies of any electronically-filed pleadings and documents should not be mailed or delivered to the Court.**

3. Oral Argument:

Cases scheduled for argument during Court sessions through June 30, 2020 will be heard by teleconference at the direction of the assigned panels. Access information to the conference calls will be provided to all persons presenting argument to the Court during a specific docket. In addition, every effort will be made to provide a live audio feed of the arguments on the Court's website <http://www.vacourts.gov/courts/cav/dockets/home.html>.

The Court has instituted a liberal continuance policy of oral arguments in instances where the parties are impacted by the COVID-19 pandemic.

If you have any questions regarding these operating procedures, please contact the clerk's office by telephone at 804-786-5651.