

FIRST JUDICIAL CIRCUIT
OF VIRGINIA



RANDALL D. SMITH
JUDGE

307 ALBEMARLE DRIVE, SUITE 400A
CHESAPEAKE, VIRGINIA 23322-8580
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25 June 2020

Dear Members of the Bar:

In this time of unprecedented delays and cancellations of the Court's dockets, we are brainstorming to invent new ways of conducting the Court's business to allow us to process as many cases as possible given the resources available. Social distancing requirements and the added strain upon existing resources enable us to address a much smaller percentage of cases than would typically be heard on a given day. The foreseeable future appears to require the same operation as at present (e.g., specific time slots, running a maximum of four courtrooms, reliance upon electronic communication/video, and priority to criminal cases). Our concern, then, is for the civil cases that are on our docket.

In this circuit, having five judges, and operating a maximum of four courtrooms, one judge would be available to hear a civil matter, but only if conducted by video (WebEx). Other available options for processing civil cases would be the use of:

- (1) Judges Pro Tempore (Va. Code § 17.1-110); and
- (2) Commissioners in Chancery (Va. Code § 8.01-607).

The Court will not *sua sponte* order cases to proceed by commissioner in chancery at this time. If there is an interest by the Bar to have civil cases referred, the Court will determine the demand and appoint the number of commissioners in chancery that are needed. Please provide the Court with feedback. If it is a preference of the Bar for the Court to order that civil cases be heard by commissioners in chancery during this time, we will consider that.

Thank you for your continued cooperation as we navigate this difficult time.

Yours sincerely,

A handwritten signature in black ink, appearing to be "R. Smith", written over a circular stamp or seal.

Randall D. Smith
Chief Judge