

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE

IN RE: THIRD ORDER REGARDING CHESAPEAKE CIRCUIT COURT OPERATIONS AND SCHEDULING DURING COVID-19 EMERGENCY: MODIFICATION OF COVID-19 PROTOCOLS, INCLUDING MASK AND DISTANCING POLICY

The Chesapeake Circuit Court has continued to closely monitor the COVID-19 pandemic conditions as well as guidance from the Centers for Disease Control and Prevention (“CDC”), the Virginia Department of Health (“VDH”) and the Chesapeake Health Department (“CHD”). Throughout the pandemic, the Court has striven to balance its constitutional and statutory responsibility to continue operations while at the same time protecting employees, judges, litigants, attorneys, jurors, contractors, vendors, stakeholders, and members of the public who enter the Courthouse, including those individuals ordered or compelled to appear.

The statewide Judicial Emergency, initially declared by the Supreme Court of Virginia on March 16, 2020, remains in place as of the date of the entry of this Order pursuant to the Thirty-Seventh Order Extending Declaration of Judicial Emergency in Response to COVID-19 Emergency, entered by the Supreme Court on March 25, 2022, which provides, *inter alia*:

Chief judges and presiding judges of all courts should continue to exercise their discretion in determining how best to safely operate their respective courts, including how to safely conduct jury trials, in compliance with any applicable laws or regulations. Safe operation may include following the guidance of the Centers for Disease Control and Prevention (CDC), and the Virginia Department of Health, with respect to physical distancing and capacity restrictions, requiring a mask covering the mouth and nose, and screening individuals entering the courthouse.

The CDC recently established a new method of categorizing COVID-19 risk levels on a county-by-county basis as determined by locality-specific factors. The CDC’s system assigns a Low, Medium, or High “COVID-19 Community Level” to each locality and recommends universal indoor masking only in localities with a High Community Level. As of the date of this Order, the Chesapeake Circuit Court and the entire geographic boundary of the 1st Judicial Circuit of Virginia are located in areas that fall into the CDC’s newly defined Low Community

Level category. (See <https://www.cdc.gov/coronavirus/2019-ncov/science/community-levels.html> (last visited Mar. 30, 2022)).

To the extent this order conflicts with or amends any previous order or policy of this Court, this Order controls and supersedes same; otherwise, all previous orders and policies remain in effect. (See Second Order Regarding Chesapeake Circuit Court Operations and Scheduling During COVID-19 Emergency, entered December 14, 2021.)

Mask and Social Distancing Policy

Based upon the CDC's updated COVID-19 Community Level standard, and the CDC's associated recommendations for preventative steps the Court **SUSPENDS** its previous mask and social distancing policy. Individuals may still elect to wear a mask in the Courthouse based upon their own personal preferences and risk tolerances.

All Court employees and Courthouse users should be aware that mask and social distancing requirements may be reinstated if local metrics move this Courthouse or any part of the 1st Judicial Circuit of Virginia into the "High" Community Level category or if worsening pandemic conditions otherwise warrant renewed safety precautions. Although mask and distancing requirements are suspended regardless of vaccination status, employees and Courthouse users are reminded that the CDC, VDH, and CDH all strongly encourage individuals, including those living and working in "Low" Community Level areas, to stay up-to-date with their vaccines and vaccine boosters in order to reduce the likelihood that they contract or become seriously ill from COVID-19.

The suspension of the Court's mask and social distancing requirements does *not* preclude a presiding judge, in his or her discretion, from requiring masks or distancing in his or her courtroom should the judge determine that such safety measures are appropriate based upon the number of people present, the courtroom layout, current community conditions, the medical risk factors or vaccination status of those present (to include witnesses and litigants compelled to appear), or other relevant factors.

Should community conditions in the 1st Judicial Circuit or surrounding areas regress to the point where they fall into the CDC's High Community Level category, the Court may

address such matter by issuing a General Standing Order reinstating a mask and/or social distancing requirement.

Courtroom Procedures

Each Judge may determine in his or her discretion how best to safely operate their respective courtrooms, including how to safely conduct jury trials, in compliance with any applicable laws or regulations.

Judges' Chambers – Contact and Entrance

While contact with the Circuit Court Judges' Chambers is still preferred to be by telecommunication or electronic communication, all in-person requests should be made at the Judges' Chambers main entrance on the 4th floor (between Courtrooms #2 & #3). Persons who are not jurors should not enter the Jury Assembly Room while a jury trial is in session.

Upon review of the security awareness and prevention measures that should be taken, a second level of security to access Judges' Chambers has been added. ALL visitors, to include other Courthouse employees with security swipe card access, MUST obtain permission to enter Chambers at the main entrance to Judges' Chambers, with the following exceptions: (1) Judges' Chambers employees; (2) sworn Sheriff's Department Personnel; and (3) in-court Deputy Clerks on duty while Court is in session, for the purpose of obtaining a Judge's endorsement on an order.

Criminal Matters

In criminal matters, the Sheriff shall only transport out-of-jurisdiction inmates for trials or as otherwise ordered by a presiding judge in writing for specified reasons.

Out-of-jurisdiction inmates will continue to appear via video for most hearings unless permission to appear in person has been granted by the Court. Requests for said inmates to appear in person must be e-mailed to ccjudgeschambers@cityofchesapeake.net at least 72 hours in advance of the hearing date.

Both counsel are required to appear in Court for a pretrial conference 30 days before the designated date of a jury trial to address any and all issues that may prohibit the jury from going forward on the designated date.

Civil Motions

Civil motions will continue to be conducted on Wednesdays by remote electronic means (either videoconference or teleconference) by agreement of the parties, or in person. Failure to agree will result in an in-person hearing unless a Presiding Judge preapproves counsel, parties, witnesses, or other hearing participants to appear by phone or videoconference in accordance with Rule 1:27. The Court will continue to utilize Cisco Webex for these purposes; however, all cases involving a Rule to Show Cause that has been issued for any person shall be held in person.

If Counsel agree on a hearing by remote electronic means, any written briefs, agreed stipulations, depositions, or proposed exhibits must be exchanged, filed, and a copy e-mailed to civilmotions@cityofchesapeake.net, at least 14 days prior to the hearing. If the proposed exhibit(s) to be offered at the hearing total more than 20 pages, a hard copy of all proposed exhibits must be delivered to Judges' Chambers at least 7 days prior to the hearing. It is the responsibility of counsel/litigants to ensure that all parties/witnesses are prepared to go forward and have the ability to connect or appear in the manner requested.

Entry into Courthouse

The requirement set forth in the Second Order Regarding Additional Courthouse Security, Health, and Safety Measures During COVID-19 Emergency entered November 23, 2020, that the Sheriff screen the temperature of each person entering the Courthouse is **SUSPENDED**. However, the Sheriff may temperature screen individuals at his discretion.

The Sheriff shall screen and continue to prohibit individuals from entering the Courthouse if they answer "Yes" to any of the questions set forth in the First and Third Orders Regarding Additional Courthouse Security, Health, and Safety Measures During COVID-19 Emergency entered May 15, 2020, and December 22, 2020, respectively, except that a person who has travelled internationally may enter the Courthouse without quarantine if they received

a negative COVID-19 test result after travel. Said questions will be posted at the Courthouse entrance security checkpoint; a Deputy Sheriff will be available to answer specific questions and to verify that any answers to the posted questions do not prohibit entry into the building.

The Court will continue to monitor pandemic conditions to determine whether any suspended or withdrawn COVID-19 safety protocols should be reintroduced, or whether additional safeguards currently in place may be relaxed.

This provisions of this ORDER shall take effect on **April 11, 2022**.

IT IS SO ORDERED.

ENTER: March 30, 2022



John W. Brown, Chief Judge