VIRGINIA:

In the Court of Appeals of Virginia on **Monday** *the* **31st** *day of* **August, 2020**.

IN RE:

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

This order MODIFIES and EXTENDS the provisions of this Court's June 23, 2020 order concerning the Court of Appeals' operations under the public health emergency created by the outbreak of Coronavirus Disease 2019 (COVID-19).

As set forth in this Court's March 18, 2020 and June 23, 2020 orders, since February of this year the Court has closely monitored the COVID-19 outbreak and has carefully tracked the developing guidance from the Centers for Disease Control, other public health authorities, and the Office of the Executive Secretary of the Supreme Court. The Court has followed a strategy of a staged response to the ongoing public health emergency, with a goal of balancing health and safety concerns with the need to continue to provide an essential service in the Commonwealth. The Court's March and June orders detailed the first three phases of the Court's strategy. In the months since the March order was entered, the members of the Bar and litigants have embraced the Court's modified practices. As a result, access to justice in the Court has not been disrupted during this time period.

As the Court prepares for its fall term, the public health emergency continues to exist in the Commonwealth, and the Court remains mindful of the ongoing importance of taking all possible precautions to minimize the spread of COVID-19 and to ensure the health and safety of all who provide and seek access to the Court. In light of this, the Court is prepared to enter Phase IV of its response to the pandemic.

Accordingly, the following measures, previously set out in the Court's June 23, 2020 order, will remain in effect until at least December 31, 2020:

- Pursuant to Code § 32.1-48.013:1, the Court will continue to permit and strongly encourage electronic filing of all documents.
- The Court will continue to utilize a drop-box for the deposit of paper documents to be filed with the Court.
- The Court will continue its liberal extension of time policy for pleadings due to be filed in instances where the parties are impacted by the COVID-19 pandemic.
- The Court will continue its liberal continuance policy for oral arguments in instances where the parties are impacted by the COVID-19 pandemic.
- Although the Court's clerk's office remains open for those persons having business with the Court, any party needing to access court records and documents should continue the present policy by contacting that office at 804-786-5651 in advance of a visit. Court staff will continue to ensure timely access in the best and safest manner.
- All persons age 10 or over entering the Court's clerk's office must wear a face covering that covers the nose and mouth. Individuals without a face mask will not be permitted to enter the clerk's office except for those who cannot safely wear a face mask because of a health-related condition. In the instance where a face mask cannot be worn, special arrangements will be made for access to the clerk's office. Parties entering the clerk's office will be provided with disposable gloves and hand sanitizer. Upon prior request, a mask will also be provided.
- Individuals will not be permitted to enter the Court's clerk's office if, within the previous 14 days, they have:
  * traveled internationally;
  * been directed to quarantine, isolate, or self-monitor;
  * been diagnosed with, or have had contact with anyone who has been diagnosed with COVID-19;
  * experienced a fever, cough, or shortness of breath; or
  * resided with or been in close contact with any person in the above-mentioned categories.

Any such individuals should contact the clerk's office at the number above so they may receive further instruction regarding alternative arrangements for access to records or the Court.

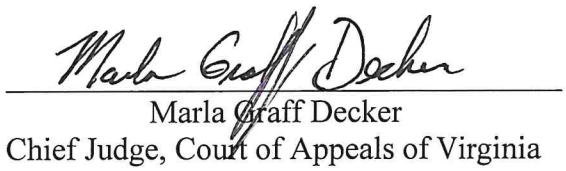
- In order to practice social and physical distancing, the number of people present in the Court's clerk's office at any given time will continue to be extremely limited to ensure that those present can remain at least six feet apart. The reading carrels, as well as the public copiers, in the clerk's office will continue to be thoroughly cleaned and disinfected after each use.

In addition, the Court remains mindful that as the circuit courts are continuing to transition to routine operations, are hearing more cases in person, and are planning for the possibility of beginning to hold jury trials, those courts must maximize the use of their courtroom space and are, thus, constrained in their ability to host the Court of Appeals' panel hearings. The Court also remains cognizant that attorneys' commitments have exponentially increased as they work to have their clients' cases heard expeditiously in the various courts throughout the Commonwealth after unavoidable periods of delay. Accordingly, as an accommodation during this pandemic when in-person arguments are impractical, and in an effort to better serve counsel and litigants during this public health crisis, the Court will conduct its upcoming oral argument dockets by videoconference through at least December 31, 2020. The video hearings will be live streamed for public access and will be posted on the Court's website after each panel's docket is completed. Conducting virtual video arguments, as part of the Court's COVID-19 protocol, will provide more flexibility for all parties involved and will enable the Court to proceed with its docket in a timely and efficient manner. This arrangement will have the additional benefit of reducing travel for attorneys and litigants at a time when the Commonwealth continues to deal with the public health emergency.

As the Court moves forward into the fall of 2020, its goal remains to balance vital health and safety concerns with the critical need to ensure access to justice for all and to continue to provide essential services to those with business before the Court.

Due to the ever-changing nature of this public health event, all interested parties should monitor the Court's website at www.courts.state.va.us/news/items/covid_19.pdf for further updates and detailed information.

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



Marla Graff Decker
Chief Judge, Court of Appeals of Virginia