

VIRGINIA:

IN THE LOUDOUN COUNTY GENERAL DISTRICT COURT

UPDATED ORDER REGARDING JUDICIAL EMERGENCY DOCKET CONTROL PROCEDURES AND OPERATIONS OF THE GENERAL DISTRICT COURT – EFFECTIVE JULY 1, 2021

Whereas, the Supreme Court of Virginia has declared an ongoing state of Judicial Emergency in Response to COVID-19 Emergency since March 16, 2020;

Whereas, as noted by the Supreme Court of Virginia, the directives and guidance provided by public health agencies in response the COVID-19 Emergency in recent months has been changing;

Whereas, the Supreme Court of Virginia has stated in its most recent Order(s) Extending Declaration of Judicial Emergency in Response to COVID-19 Emergency that the chief judge and presiding judges of each court may use their discretion to determine the appropriate judicial emergency protocols and measures to implement in their respective court, subject to any specific direction from the Supreme Court and consideration of recommendations from public health agencies;

Whereas, the Loudoun County General District Court (GDC) last issued an Order on November 25, 2020 regarding court operations during the ongoing Judicial Emergency period; and

Whereas, the GDC judges find that such judicial emergency measures should be updated to reflect reasonable docket control measures while also transitioning toward non-emergency court operations; it is

Therefore, during the ongoing judicial emergency, and pursuant to the authority granted by the Virginia Supreme Court, it is hereby ORDERED effective July 1, 2021:

1. Pertaining to all matters:

- A. All cases on the Court’s dockets (civil, criminal and traffic, emergency or non-emergency) will be called and heard in person as they are scheduled. Except as controlled by amended Virginia Code § 19.2-3.1, judicial emergency remote appearance requests will only be granted by the court upon a specifically articulated need of the requesting party/witness related to the ongoing pandemic and/or a particularized health need. The process and procedure for requesting a remote appearance in a matter remains the same (48-hour motion on court form).
- B. The Court will continue to observe and enforce appropriate social distancing within the GDC courtrooms and clerk’s office as directed in the discretion of the presiding

judge. Voluntary face coverings/masks in each courtroom are permitted subject to current law and other applicable court orders. Subject to the direction of a presiding judge, bailiffs will monitor the volume of people in each courtroom to ensure safety.

- C. Counsel and/or parties are encouraged to reach stipulations in advance of court hearings about the admission of documents and witness testimony.
- D. Continuance requests based upon being impacted by COVID-19 will be evaluated on a case by case basis.
- E. So long as the authorization of the judicial emergency directives of the Supreme Court of Virginia continues, the court will accept motions, pleadings or orders that contain an electronic or digital scan of a signature of counsel.
- F. Any filing that seeks immediate court action or variance from the procedures set forth herein should be appropriately labeled and identified as an "Emergency" in writing. Any such matters identified as an Emergency will be brought to the attention of an available judge. The reviewing judge will assess the filing on its face and determine if such matter qualifies as an emergency and is otherwise entitled to exemption from the procedures herein or other priority treatment. Such matters will only be docketed at the direction/authorization of the reviewing judge.

2. Pertaining to criminal or traffic docket matters:

- A. In a criminal or traffic case, consent orders may be filed for consideration by a judge in chambers.
- B. To docket a motion in a criminal or traffic case, the moving party must provide forty-eight (48) hour / two (2) business day advance written notice, both to the court and the opposing party, unless otherwise stated herein.
- C. A bail / bond motion requires twenty-four (24) hour / one (1) business day advance written notice, and shall include notice to Pretrial Services, unless otherwise authorized by the Court.
- D. The Court may in its discretion conduct remote hearings for defendants in custody where authorized by law and requested by the defendant. Appropriate endorsed waivers are required.
- E. Defendants in custody will by default be transported in-person for court hearings unless there is a health or safety reason for the inmate not to be transported. This provision does not apply to arraignment and bail hearings conducted in the GDC. Any request(s) for the in-person presence of an inmate for an arraignment or bail

hearing must be submitted to the Court in writing no later than 2:00 p.m. the day prior to the hearing.

- F. Any motion to the Court to issue or amend restricted driving privileges may be submitted in writing to chambers for judicial consideration, unless otherwise directed by the Court. Submissions must include an appropriate application form and documentation of the requesting party's current driver license status (e.g., a valid DMV driver transcript with compliance summary, etc.) and other sufficient information so as to permit the court to make an informed decision on the written request. The supporting documentation should be dated no more than ten (10) days prior to submittal to the Court.

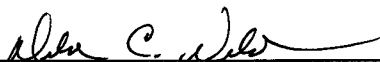
3. Pertaining to civil docket matters:

- A. Any request for action by a judge on a civil matter shall be made by properly filed praecipe, notice, motion or order. A letter or e-mail alone requesting that a judge take certain action on a case will not be considered.
- B. To docket a motion in a civil case, the moving party must provide at least seven (7) days advance written notice, both to the court and the opposing party, unless otherwise stated herein.
- C. Eviction actions: Through July 31, 2021, the GDC will not docket any filings or authorize any actions related to eviction unless an attesting affidavit accompanies any filing for unlawful detainer or writ of eviction setting forth that the filing or action is permitted under current state or federal law.

Should any provision herein conflict with an Order of the Supreme Court of Virginia, the Order of the Supreme Court of Virginia shall control.

This Order shall be in effect until otherwise modified by this Court or until the termination of the ongoing statewide judicial emergency, whichever comes first.

IT IS SO ORDERED.



Deborah C. Welsh, Chief Judge



Lorrie A. Sinclair Taylor, Judge



Matthew P. Snow, Judge