

**VIRGINIA:**

**IN THE TWENTIETH JUDICIAL CIRCUIT OF VIRGINIA**

**ORDER:**

**EXTENDED: COVID-19 CONTINGENCY OR ACTION PLAN**

**TWENTIETH JUDICIAL CIRCUIT COURT ORDERED PROCEDURES**

WHEREAS, the Governor of the Commonwealth of Virginia has, by Executive Order, declared a State of Emergency due to Novel Coronavirus (COVID-19); and

WHEREAS, the Governor of the Commonwealth of Virginia and the State Health Commissioner have declared a Public Health Emergency; and

WHEREAS, the President of the United States has, by Proclamation, declared a National Emergency; and

WHEREAS, the Chief Justice of the Supreme Court of Virginia has declared a Judicial Emergency effective March 16, 2020 through April 6, 2020, and subsequently extended the Judicial Emergency through April 26, 2020, and further extended the Judicial Emergency through May 17, 2020; and

WHEREAS, the Court finds it meritorious, just and necessary to promulgate emergency rules of procedure governing the administration of justice in the Twentieth Judicial Circuit, and

WHEREAS, the Court previously entered Orders on March 16 and 17, 2020 for the Counties of Fauquier, Loudoun and Rappahannock relating to emergency rules of procedure; and

WHEREAS, the Court subsequently entered an Order on April 2, 2020 relating to emergency rules of procedure for the Twentieth Judicial Circuit, the following rules shall incorporate and supersede the Orders entered into on March 16 and 17, 2020, and April 2, 2020 giving due regard for the extension of Judicial Emergency. The following rules and procedures are effective immediately until further order of the Court.

**FAUQUIER COUNTY**

- A. All criminal matters currently on the Court's docket through May 17, 2020, except for arraignments (to include capias returns and indictment returns) and bond motions, are converted to status as follows:
  - i. All matters previously set for Grand Jury / Term Day on Monday, March 23, 2020 are removed from the Court's docket. All witnesses and grand jurors are released from subpoena. These cases are reset to the May 26, 2020 Grand Jury / Term Day.

- ii. All matters previously set, or currently set, during the Judicial Emergency period of March 16, 2020 through May 17, 2020 are removed from the Court's docket and witnesses are released from subpoena. These cases are reset to the Court's docket of May 18, 2020, at 9:00 a.m. for status or to be set for hearing, unless otherwise ordered by the Court.
- iii. Arraignments and bond motions currently on the docket will remain.
- iv. Emergency motions properly detailed shall be filed with the Circuit Court Clerk's Office electronically, via email to [crcircuit@fauquiercounty.gov](mailto:crcircuit@fauquiercounty.gov). The Court will determine whether to docket the matter.
- v. No non-emergency criminal motions shall be set prior to May 18, 2020.
- vi. All criminal dockets (pleas, sentencings, probation violations, motions) are cancelled through May 17, 2020.

B. All civil matters on the Court's dockets through May 17, 2020 are removed from the docket and docketed for tracking, as follows:

- i. All matters previously set, or currently set, during the Judicial Emergency period of March 16, 2020 through May 17, 2020 are removed from the Court's docket and witnesses are released from subpoena. These cases are reset to the Court's docket of May 19, 2020, at 9:00 a.m. for status or to be set for hearing, unless otherwise ordered by the Court.
- ii. Emergency motions properly detailed shall be filed with the Circuit Court Clerk's Office via email to [clerk@fauquiercounty.gov](mailto:clerk@fauquiercounty.gov). The Court will determine whether to docket the matter.
- iii. After entry of this Order, no Praecipis for civil motions may be docketed until May 19, 2020.

C. Appeals from the district courts shall be docketed in the Circuit Court as follows:

- i. Any criminal matter appealed from the Fauquier County General District Court or the Fauquier County Juvenile and Domestic Relations District Court shall be noticed or docketed for the Monday, May 18, 2020 docket for scheduling.
- ii. Except for protective orders, any civil matter appealed from the Fauquier County General District Court or the Fauquier County Juvenile and Domestic Relations District Court may be noticed or docketed for scheduling on Tuesday, May 19, 2020, or on any civil motions docket thereafter.

### LOUDOUN COUNTY

A. All criminal matters currently on the Court's docket through May 17, 2020, except for arraignments (to include capias returns and indictment returns) and bond motions, are converted to status as follows:

- i. All matters scheduled for Grand Jury / Term Day on May 4-5, 2020 are removed from the Court's docket. All witnesses and grand jurors are released from subpoena. These cases are reset to the June 8, 2020 Grand Jury / Term Day.
- ii. All matters previously set, or currently set, during the Judicial Emergency period of March 16, 2020 through May 17, 2020 are removed from the Court's docket and witnesses are released from subpoena. These cases are reset to the Court's docket of May 22, 2020 at 9:00 a.m. for status or to be set for hearing.
- iii. Arraignments and bond motions currently on the docket will remain.
- iv. Emergency motions properly detailed may be filed with the Circuit Court Clerk's Office with a copy to chambers via email to [amy.bain@loudoun.gov](mailto:amy.bain@loudoun.gov). The Court will determine whether to docket the matter.
- v. No non-emergency criminal motions shall be set prior to May 22, 2020.
- vi. All criminal dockets (pleas, sentencings, probation violations, motions) are cancelled through May 17, 2020.

B. All civil matters on the Court's dockets through May 17, 2020 are removed from the docket and docketed for tracking, as follows:

- i. All matters previously set, or currently set, during the Judicial Emergency period of March 16, 2020 through May 17, 2020 are removed from the Court's docket and witnesses are released from subpoena. These cases are reset to the Court's docket of June 5, 2020, at 9:00 a.m. for status or to be set for hearing.
- ii. Emergency motions properly detailed may be filed with the Circuit Court Clerk's Office with a copy to chambers via email to [amy.bain@loudoun.gov](mailto:amy.bain@loudoun.gov). The Court will determine whether to docket the matter.
- iii. After entry of this Order, no Praecipes for civil motions may be docketed until June 5, 2020, or any civil motions day thereafter.

C. Appeals from the district courts shall be docketed in the Circuit Court as follows:

- i. Any criminal matter appealed from the Loudoun County General District Court or the Loudoun County Juvenile and Domestic Relations District Court shall be noticed or docketed for June 12, 2020 for scheduling.
- ii. Except for protective orders, any civil matter appealed from the Loudoun County General District Court or the Loudoun County Juvenile and Domestic Relations District Court shall be noticed or docketed for Friday, June 5, 2020 at 9:00 a.m. for scheduling.

## RAPPAHANNOCK COUNTY

- A. All criminal matters currently on the Court's docket through May 17, 2020, except for arraignments (to include *capias* returns and indictment returns) and bond motions, are converted to status as follows:
- i. All matters scheduled for Grand Jury / Term Day on May 11, 2020 are removed from the Court's docket. All witnesses and grand jurors are released from subpoena. These cases are reset to the July 13, 2020 Grand Jury / Term Day.
  - ii. All matters previously set, or currently set, during the Judicial Emergency period of March 16, 2020 through May 17, 2020 are removed from the Court's docket and witnesses are released from subpoena. These cases are reset to the Court's docket of May 26, 2020 at 9:00 a.m. for status or to be set for hearing.
  - iii. Arraignments and bond motions currently on the docket will remain.
  - iv. Emergency motions properly detailed may be filed with the Circuit Court Clerk's Office with a copy to chambers via email to [mralf@vacourts.gov](mailto:mralf@vacourts.gov) and [kstruckmann@vacourts.gov](mailto:kstruckmann@vacourts.gov). The Court will determine whether to docket the matter.
  - v. No non-emergency criminal motions shall be set prior to May 26, 2020.
  - vi. All criminal dockets (pleas, sentencings, probation violations, motions) are cancelled through May 17, 2020.
- B. All civil matters on the Court's dockets through May 17, 2020 are removed from the docket and docketed for tracking, as follows:
- i. All matters previously set, or currently set, during the Judicial Emergency period of March 16, 2020 through May 17, 2020 are removed from the Court's docket and witnesses are released from subpoena. These cases are reset to the Court's docket of May 26, 2020 at 9:00 a.m. for status or to be set for hearing.
  - ii. Emergency motions properly detailed may be filed with the Circuit Court Clerk's Office with a copy to chambers via email to [mralf@vacourts.gov](mailto:mralf@vacourts.gov) and [kstruckmann@vacourts.gov](mailto:kstruckmann@vacourts.gov). The Court will determine whether to docket the matter.
  - iii. After entry of this Order, no Praecipes for civil motions may be docketed until May 26, 2020.
- C. Appeals from the district courts shall be docketed in the Circuit Court as follows:
- i. Any criminal matter appealed from the Rappahannock County General District Court or the Rappahannock County Juvenile and Domestic Relations District Court shall be noticed or docketed for scheduling on May 26, 2020

- ii. Except for protective orders, any civil matter appealed from the Rappahannock County General District Court or the Rappahannock County Juvenile and Domestic Relations District Court shall be noticed or docketed for scheduling on May 26, 2020 at 9:00 a.m.

**FOR ALL COUNTIES**

- A. Should a party believe any matter must be scheduled and/or heard prior to the dates set out above, the Emergency Motion procedure should be followed.
- B. All matters described in paragraph 4 of the Declaration of Judicial Emergency entered by the Virginia Supreme Court on March 27, 2020, shall be deemed emergency matters.
- C. The procedures governing the hearing of emergency matters shall be governed by paragraphs 5, 7 and 13 of the Declaration of Judicial Emergency entered by the Virginia Supreme Court on March 27, 2020.
- D. Nothing herein changes any statutory or rule-based filing deadlines unless expressly addressed by Court Order. All parties are strongly encouraged to liberally consent to extension of deadlines where the law so permits and to submit appropriate Consent Orders memorializing such agreements. The Court notes, however, consistent with Virginia law, that not all Consent Orders are legally effectual as they purport to be. For example, agreement of the parties does not serve to confer jurisdiction upon the Court.
- E. To the extent this Order conflicts with any provision of the General Administrative Orders (GAO) entered March 16, 2020, this Order shall control. Otherwise, the GAO remains in full force and effect.
- F. All aspects of this Order are subject to revision and review by this Court. All aspects of this Order are subordinate to the Order of any Court superior to this Court.

ENTERED this 23<sup>RD</sup> day of April 2020.

  
Douglas L. Fleming, Jr., Chief Judge  
Twentieth Judicial Circuit