

June 08, 2020

JULIA C. DUDLEY, CLERK  
BY: s/ A. Beeson  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA

IN THE MATTER OF:

**COURT OPERATIONS UNDER THE  
EXIGENT CIRCUMSTANCES CREATED  
BY COVID-19: PHASE I REOPENING**

**Standing Order No. 2020-14**

This Standing Order supplements all prior Standing Orders concerning the COVID-19 pandemic.

The court continues to closely monitor the outbreak of COVID-19, the disease caused by the novel coronavirus, and has consulted with public health and other officials and agencies. Over the past few weeks, the situation in this district has continued to evolve. On May 15, 2020, the majority of the Commonwealth of Virginia, including the entirety of the Western District of Virginia, began its phased reopening as the Governor announced a “safer-at-home” order.<sup>1</sup> Virginians in this district are now permitted more freedom of movement but are still encouraged to stay home as much as possible. Further, on April 24, 2020, the Administrative Office of the United States Courts (“AO”) updated its COVID-19 pandemic response resources by providing the AO Guidelines as a model for federal courts to resume operation in a calculated and phased manner. In accordance with the AO Guidelines, the court established a three-phased plan for reopening and return to normal operations. Based on the guidance of the AO and the Governor of Virginia, along with the Centers for Disease Control and Prevention and other state and local health authorities, **the Western District of Virginia will enter Phase I of the court’s Reopening Plan on June 29, 2020.**

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<sup>1</sup> See Commonwealth of Virginia, Office of the Governor, Executive Order Number Sixty-One (2020) and Order of Public Health Emergency Three, available at: <https://www.governor.virginia.gov/executive-actions/> (last visited June 5, 2020).

While the court has continued to operate throughout the pandemic and has conducted video and teleconferencing hearings, it has determined that it can begin initial steps towards resuming more normal operations, but that in doing so, the court is mindful that COVID-19 remains at large in our district. In an effort to balance the desire to reopen the court to the fullest extent possible, while also accounting for any health concerns that may arise, the court has adopted a Reopening Plan that will guide court operations on a going forward basis. The Reopening Plan is available on the court's website ([www.vawd.uscourts.gov](http://www.vawd.uscourts.gov)), and persons desiring more detailed information regarding the court's operations under that plan are encouraged to review it in its entirety. This Order hereby **ADOPTS** that plan as set forth on the website.

## I.

In order to protect the health and safety of everyone involved in court proceedings, the court will implement the following precautions as part of Phase I:

1. Face Coverings – For the protection of court staff and visitors, **all entrants to a courthouse in the Western District of Virginia are required to wear a face covering or mask that covers the wearer's nose and mouth continuously when in public spaces, including hallways, entrance foyers, and courtrooms.**<sup>2</sup> Face coverings are required for all authorized visitors and other persons having business with the court, including employees, vendors, contractors, litigants, attorneys, law enforcement agents and couriers. Counsel, parties,

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<sup>2</sup> By direction of the Facilities Security Committee for the Poff Federal Courthouse and Building in Roanoke, face coverings are recommended, but not required, for Veterans Benefit Administration employees while entering and exiting the Poff Building through the first and second floor entrances.

participants, and courtroom staff shall wear face masks or face coverings during in-person court proceedings unless otherwise directed by the court, as well as while they are in any public spaces within the building. A face covering will be made available for anyone seeking entry to the courthouse who does not have one, including criminal defendants. If the wearer is a court employee who is alone in a private office or workspace, which permits at least six feet of physical distance from other persons, the wearer may temporarily remove the mask. A face covering is not required for children under 10 years of age or for persons whose health condition prohibits wearing a face covering.

2. Social Distancing – **Social distancing of at least six feet shall be maintained whenever possible throughout a Western District of Virginia courthouse.** Individuals should be aware of their surroundings and should comply with all posted signs throughout the courthouse as they pertain to social distancing requirements. Employees in office areas should be spaced at least six feet apart and maintain social distancing throughout the workday to the greatest extent practicable.
3. Health Assessment – **All individuals entering a Western District of Virginia courthouse should conduct a health self-assessment.** If an individual exhibits signs of COVID-19 infection per CDC guidance (including a temperature greater than 100.4, cough, shortness of breath, difficulty breathing, chills, sore throat, or the new loss of taste or smell), the individual **should stay home.** Vulnerable individuals – those 65

years or older and people of all ages with underlying medical conditions – are specifically encouraged to consider the necessity of entering the courthouse. In the event that a vulnerable individual is a necessary case participant, the court will take the steps necessary to proceed via telephone conference or video conference in that individual’s case, should that individual choose not to appear in person. If delays in criminal proceedings result because a defendant or his lawyer falls into this category, speedy trial deadlines may be adjusted as well.

4. Prohibited Persons — The following persons may not enter a Western District of Virginia courthouse:

- i. Persons who have been diagnosed with COVID-19 and have not been advised to discontinue isolation by any physician, hospital or health agency;
- ii. Persons who have been asked to self-quarantine by a physician, hospital, or health agency and have not been advised to discontinue self-quarantine;
- iii. Persons who have had contact within the last 14 days with anyone who has been diagnosed with COVID-19 or asked to self-quarantine by any physician, hospital, or health agency;
- iv. Persons who have traveled within the last 14 days either internationally or to areas heavily infected with coronavirus; and
- v. Persons with apparent symptoms of COVID-19, including fever or chills, cough, shortness of breath or difficulty breathing,

unusual fatigue, muscle or body aches, new loss of taste or smell, sore throat, nausea or vomiting, or diarrhea.

5. Cleaning – **All appropriate areas of the courtroom will be cleaned and sanitized between hearings.** To the extent possible, disinfectant wipes and/or hand sanitizer will be available at counsel tables in the courtroom. Further, individuals will be permitted to bring an appropriate self-use supply of hand sanitizer or wipes into the courtroom.

## II.

The court will further implement the following changes to court operations as part of Phase I:

1. **Effective June 29, 2020, in-person proceedings may be resumed throughout the district.**<sup>3</sup> Depending on local circumstances of each Division and the discretion of the presiding judge, the following in-person proceedings may resume on June 29, 2020: civil and criminal bench trials; other civil and criminal hearings; and misdemeanor, traffic, and petty offense proceedings. **The court will conduct video and teleconference hearings to the maximum extent possible and strongly encourages parties to continue to consent to and participate in video and teleconference hearings.** Should a presiding judge elect to have an in-person proceeding, all participants must comply with necessary social distancing safeguards and other health precautions described herein. For example, efforts should be made to limit all in-

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<sup>3</sup> Between now and June 29, 2020, a presiding judge in this district may order that an in-person proceeding be conducted in any civil or criminal case as circumstances require.

person proceedings to the minimum number of necessary participants and the court may limit the number of individuals in the courtroom gallery. In the event that an in-person hearing is scheduled, counsel, parties, and attendees are strongly encouraged to arrive timely only for those cases in which they are personally involved or interested.

2. The court will continue to conduct proceedings in eligible criminal and petty offense cases by video or telephone conference, as authorized by the CARES Act, and in civil cases as appropriate, to the greatest extent possible. **In particular, the court authorizes the use of video or teleconferencing hearings in criminal cases, including felony sentencings and guilty pleas, with the consent of the defendant, pursuant to §§ 15002(b)(1) and (b)(2) of the CARES Act, through June 28, 2020 consistent with Standing Order 2020-07.**<sup>4</sup>
3. **Criminal jury trials may resume on Monday, July 13, 2020.** As of July 13, 2020, it will be left to the discretion of the presiding judge whether a criminal jury trial will proceed based on the circumstances of each Division. Any continuance as a result of the disruption created by the COVID-19 pandemic to a criminal jury trial shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as described in Standing Order No. 2020-10. For any continued case, the court will enter an order to incorporate the findings made in Standing Order No. 2020-10, or further findings, in the record of each case.

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<sup>4</sup> Pursuant to § 15002(b)(3)(A) of the CARES Act, the court will review the authorization for video and teleconference hearings by June 28, 2020 and determine whether to extend the authorization.

4. **Grand juries may begin to be utilized in all Divisions by June 11, 2020.** In certain circumstances, grand juries may be utilized before that date. As with all in-person proceedings, grand jury proceedings must be conducted with the same safeguards and social distancing requirements discussed herein.
5. **Civil jury trials may resume on August 31, 2020.** Due to the restrictions put in place on all in-court proceedings, the interests of justice require the prioritization of criminal jury trials during the upcoming months. However, the court will continue to use all available means to conduct civil hearings and civil bench trials, as appropriate. This restriction may be lifted by the presiding judge in an individual case where circumstances require a civil jury trial be held before August 31, 2020.
6. While Clerk's Office intake stations will remain closed throughout Phase I, documents may be filed with the Clerk electronically, by mail or in the secure drop boxes located in the lobby of the Western District's courthouses. Documents sought to be filed under seal pursuant to W.D. Va. Gen. R. 9 may be submitted to the Clerk's Office by email, after calling and giving notice to the Clerk's Office. Any person needing additional assistance with filing any document should contact the Clerk's Office by telephone at the number listed on the court's website or posted in the courthouse.
7. **All naturalization ceremonies and all non-case related outside**

**events, tours, and other gatherings in our courthouses are postponed until further notice.**

The court will continue to monitor the COVID-19 public health emergency and will amend this order as appropriate. The Western District of Virginia shall remain in Phase I of its reopening plan until further order of the court.

Enter: June 5, 2020



Digitally signed by Michael F. Urbanski  
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Michael F. Urbanski  
Chief United States District Judge