

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Wednesday the 26th day of May, 2021.

IN RE: TWENTY-SECOND ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY IN RESPONSE TO COVID-19 EMERGENCY

The ongoing judicial emergency caused by the COVID-19 pandemic continues to impede the operation of Virginia's courts, and to limit the courts' ability to ensure (i) immediate access for litigants and others and (ii) that schedules or time deadlines imposed by court order, rule, or statute are met. Accordingly, under the constitutional, statutory, and inherent authority of the Supreme Court of Virginia, the Court unanimously EXTENDS the Declaration of Judicial Emergency through June 20, 2021, and effective May 31, 2021, ORDERS the following:

1. Physical Distancing and Masks

The Court recognizes that the guidance of the Centers for Disease Control and Prevention, the Governor's Executive Orders, and the Virginia Department of Health related to the COVID-19 pandemic has changed significantly in the past few weeks, and according to published news articles, this guidance is likely to continue to change in the coming days and weeks. All courts may follow the guidance of the Centers for Disease Control and Prevention (CDC), the Governor's Executive Order(s), and the Virginia Department of Health, with respect to physical distancing and capacity restrictions and requiring employees, litigants, attorneys, and others present in the courthouse, to wear a mask covering the mouth and nose. Only those courts with a plan for resuming jury trials approved by a panel of three Justices, may conduct jury trials, however, restrictions related to masks included in approved plans may be modified without further review and approval by the panel if the chief judge or presiding judge determines that such modifications are safe and consistent with recommendations of the CDC, the Governor's Executive Order(s), and Virginia Department of Health. Judges should continue to exercise their discretion with regard to holding grand jury proceedings.

2. Admission to Courthouse

All courts and security personnel shall continue to screen individuals entering the courthouse and to prohibit entry to the extent recommended by the Virginia Department of Health.

3. Speedy Trial Act

While the Speedy Trial Act, Va. Code § 19.2-243, has its own tolling provisions, speedy trial act deadlines continue to be tolled by this order during the ongoing Period of Judicial Emergency.

4. Electronic Signatures

All courts continue to be authorized to accept pleadings, orders and other documents that are electronically signed, including those where the electronic signature is accomplished by scanning.

This Order shall be in effect from May 31, 2021, through June 20, 2021 unless amended by future order. Accordingly, the Period of Judicial Emergency now extends from March 16, 2020, through June 20, 2021. The Declaration of Judicial Emergency may be extended for additional periods as provided in Va. Code § 17.1-330(E). It is so ORDERED.

Chief Justice of the Supreme Court of Virginia (SEAL)

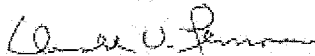
VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Monday the 3rd day of May, 2021.

IN RE: TWENTY-FIRST ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY IN RESPONSE TO COVID-19 EMERGENCY

Under the constitutional, statutory, and inherent authority of the Supreme Court of Virginia, the Court unanimously EXTENDS the Declaration of Judicial Emergency through May 30, 2021, and ORDERS that the provisions of the *Twentieth Order Extending Declaration of Judicial Emergency In Response To Covid-19 Emergency*, entered April 12, 2021 (Twentieth Order), shall continue to apply in all courts of the Commonwealth for the duration of this Order unless amended by future order.

This Order shall be in effect from May 10, 2021, through May 30, 2021. Accordingly, the Period of Judicial Emergency now extends from March 16, 2020, through May 30, 2021. The Declaration of Judicial Emergency may be extended for additional periods as provided in Va. Code § 17.1-330(E). It is so ORDERED.



Chief Justice of the Supreme Court of Virginia

(SEAL)

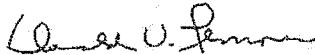
VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Monday the 12th day of April, 2021.

IN RE: TWENTIETH ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY IN RESPONSE TO COVID-19 EMERGENCY

Under the constitutional, statutory, and inherent authority of the Supreme Court of Virginia, the Court unanimously EXTENDS the Declaration of Judicial Emergency through May 9, 2021, and ORDERS that the provisions of the *Nineteenth Order Extending Declaration of Judicial Emergency In Response To Covid-19 Emergency*, entered March 15, 2021 (Nineteenth Order), shall continue to apply in all courts of the Commonwealth for the duration of this Order unless amended by future order.

This Order shall be in effect from April 19, 2021, through May 9, 2021. Accordingly, the Period of Judicial Emergency now extends from March 16, 2020, through May 9, 2021. The Declaration of Judicial Emergency may be extended for additional periods as provided in Va. Code § 17.1-330(E). It is so ORDERED.



(SEAL)

Chief Justice of the Supreme Court of Virginia

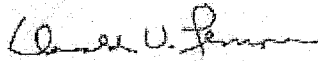
VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Monday the 15th day of March, 2021.

IN RE: NINETEENTH ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY IN RESPONSE TO COVID-19 EMERGENCY

Under the constitutional, statutory, and inherent authority of the Supreme Court of Virginia, the Court unanimously EXTENDS the Declaration of Judicial Emergency through April 18, 2021, and ORDERS that the provisions of the *Eighteenth Order Extending Declaration of Judicial Emergency In Response To Covid-19 Emergency*, entered March 2, 2021 (Eighteenth Order), shall continue to apply in all courts of the Commonwealth for the duration of this Order unless amended by future order.

This Order shall be in effect from March 29, 2021, through April 18, 2021. Accordingly, the Period of Judicial Emergency now extends from March 16, 2020, through April 18, 2021. The Declaration of Judicial Emergency may be extended for additional periods as provided in Va. Code § 17.1-330(E). It is so ORDERED.



(SEAL)

Chief Justice of the Supreme Court of Virginia

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Tuesday, the 2nd day of March, 2021.

IN RE: EIGHTEENTH ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY IN RESPONSE TO COVID-19 EMERGENCY

Under the constitutional, statutory, and inherent authority of the Supreme Court of Virginia, the Court unanimously EXTENDS the Declaration of Judicial Emergency through March 28, 2021, and ORDERS that the provisions of the *Seventeenth Order Extending Declaration of Judicial Emergency In Response To Covid-19 Emergency*, entered February 8, 2021 (Seventeenth Order), shall continue to apply in all courts of the Commonwealth for the duration of this Order except as modified herein, and unless amended by future order.

To address the backlog of pending cases, any court may, in the exercise of its sound discretion: (i) grant continuances for good cause shown or as otherwise provided by law; and (ii) increase the use of in-person court proceedings whenever the court determines it is safe to do so.

This Order shall be in effect from March 8, 2021, through March 28, 2021. Accordingly, the Period of Judicial Emergency now extends from March 16, 2020, through March 28, 2021. The Declaration of Judicial Emergency may be extended for additional periods as provided in Va. Code § 17.1-330(E). It is so ORDERED.



(SEAL)

Chief Justice of the Supreme Court of Virginia

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Monday the 8th day of February, 2021.

IN RE: SEVENTEENTH ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY IN RESPONSE TO COVID-19 EMERGENCY

Under the constitutional, statutory, and inherent authority of the Supreme Court of Virginia, the Court unanimously EXTENDS the Declaration of Judicial Emergency through March 7, 2021, and ORDERS that the provisions of the *Sixteenth Order Extending Declaration of Judicial Emergency In Response To Covid-19 Emergency*, entered January 19, 2021 (Sixteenth Order), shall continue to apply in all courts of the Commonwealth for the duration of this Order unless amended by future order.

This Order shall be in effect from February 15, 2021, through March 7, 2021. Accordingly, the Period of Judicial Emergency now extends from March 16, 2020, through March 7, 2021. The Declaration of Judicial Emergency may be extended for additional periods as provided in Va. Code § 17.1-330(E). It is so ORDERED.



(SEAL)

Chief Justice of the Supreme Court of Virginia


VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Tuesday the 19th day of January, 2021.

IN RE: SIXTEENTH ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY IN RESPONSE TO COVID-19 EMERGENCY

Under the constitutional, statutory, and inherent authority of the Supreme Court of Virginia, the Court unanimously EXTENDS the Declaration of Judicial Emergency through February 14, 2021, and ORDERS that the provisions of the *Fifteenth Order Extending Declaration of Judicial Emergency In Response To Covid-19 Emergency*, entered December 18, 2020 (Fifteenth Order), shall continue to apply in all courts of the Commonwealth for the duration of this Order unless amended by future order.

This Order shall be in effect from January 25, 2021, through February 14, 2021. Accordingly, the Period of Judicial Emergency now extends from March 16, 2020, through February 14, 2021. The Declaration of Judicial Emergency may be extended for additional periods as provided in Va. Code § 17.1-330(E). It is so ORDERED.



(SEAL)

Chief Justice of the Supreme Court of Virginia

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 18th day of December, 2020.

IN RE: FIFTEENTH ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY IN RESPONSE TO COVID-19 EMERGENCY

Under the constitutional, statutory, and inherent authority of the Supreme Court of Virginia, the Court unanimously EXTENDS the Declaration of Judicial Emergency through January 24, 2021, and ORDERS that the provisions of the *Fourteenth Order Extending Declaration of Judicial Emergency In Response To Covid-19 Emergency*, entered December 3, 2020 (Fourteenth Order), shall continue to apply in all courts of the Commonwealth for the duration of this Order except as provided herein.

All courts and security personnel shall continue to take reasonable measures to prohibit individuals from entering the courthouse if they answer “Yes” to any of the following questions, as currently recommended by the Virginia Department of Health:

- a. Are you experiencing:
 - i. A new fever (100.4°F or higher) or a sense of having a fever
 - ii. A new cough that you cannot attribute to another health condition
 - iii. New shortness of breath or difficulty breathing that you cannot attribute to another health condition
 - iv. New chills that you cannot attribute to another health condition
 - v. A new sore throat that you cannot attribute to another health condition
 - vi. New muscle aches (myalgia) that you cannot attribute to another health condition, or that may have been caused by a specific activity (such as physical exercise)
 - vii. A new loss of taste or smell

- b. Have you had a positive test for the virus that causes COVID-19 disease within the past 10 days?

- c. In the past 14 days, have you had close contact (being within six feet for a total of 15 minutes or more over a 24-hour period, or having direct exposure to respiratory secretions) with someone with suspected or confirmed COVID-19?

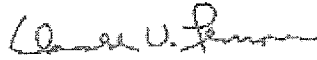
The court and security personnel shall direct such individuals to contact the clerk’s office by telephone or other remote means to inform the clerk of their business before the court so they may receive further instruction regarding alternate arrangements for court access.

In addition to continued social and physical distancing to minimize the risk of the spread of COVID-19, all persons aged five years or over entering the courthouse must wear a face covering that covers the nose and mouth. This includes judges, attorneys, deputy sheriffs, court reporters, employees, members of the public, contractors, and all others who work in or visit the courthouse. Within a courtroom, the presiding judge may authorize removal of a face mask to facilitate a proceeding. The requirement to wear a face mask shall not apply to: (i) judges or magistrates to the extent they determine it inhibits their ability to effectively communicate, (ii) individuals who have difficulty breathing, who cannot remove a face mask without help, or have other medical issues that make wearing a face mask unsafe, or (iii) any person whom the presiding judge determines should be excused from the requirement to wear a face mask. In any circumstances where a person is unable to wear a face mask, the presiding judge may impose reasonable restrictions on that person's entry to and circulation within the courthouse, including but not limited to, providing remote access, setting a time for entry to and exit from the courthouse, requiring the wearing of a face shield, requiring that person to maintain at least 10 feet of social distance from others, and/or limiting the space that person may occupy while in the courthouse. Face coverings should be compliant with current guidance from the Centers for Disease Control and Prevention (CDC). As of the date of this order that guidance may be found online at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html>

Unless and until a plan for restarting jury trials, described in the Sixth and Seventh Orders Extending the Declaration of Judicial Emergency, has been approved by a panel of three Justices in consultation with the Office of the Executive Secretary, no jury trials shall occur in any locality in the Commonwealth for the duration of this Order. Jury trials may be held as soon as the plan has been approved, provided that the chief judge and presiding judge determine it is safe to do so. In conducting a jury trial, the presiding judge shall ensure that provisions are made to enable the public to observe all aspects of the trial, including *voir dire*, whether in person or by electronic means. Consistent with constitutional and statutory requirements, access to the courtroom must be provided to the press, and to victims of crimes pursuant to Virginia Code § 19.2-11.01 and Rule 2:615 of the Rules of the Supreme Court of Virginia. Notwithstanding the suspension of jury trials pending approval of a plan for restarting them, upon notice to the parties or their counsel courts may impose discovery

deadlines, and other pre-trial deadlines in jury trial cases that are currently suspended.

This Order shall be in effect from January 4, 2021, through January 24, 2021. The Declaration of Judicial Emergency may be extended for additional periods as provided in Va. Code § 17.1-330(E). It is so ORDERED.



(SEAL)

Chief Justice of the Supreme Court of Virginia

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Thursday the 3rd day of December, 2020.

IN RE: FOURTEENTH ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY IN RESPONSE TO COVID-19 EMERGENCY

Under the constitutional, statutory, and inherent authority of the Supreme Court of Virginia, the Court unanimously EXTENDS the Declaration of Judicial Emergency through January 3, 2021, and ORDERS that the provisions of the *Thirteenth Order Extending Declaration of Judicial Emergency In Response To Covid-19 Emergency*, entered November 9, 2020 (Thirteenth Order), shall continue to apply in all courts of the Commonwealth for the duration of this Order unless amended by future order.

This Order shall be in effect from, December 14, 2020, through January 3, 2021. Accordingly, the Period of Judicial Emergency now extends from March 16, 2020, through January 3, 2021. The Declaration of Judicial Emergency may be extended for additional periods

so ORDERED.

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Supreme Court of Virginia

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VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Monday the 9th day of November, 2020.

IN RE: THIRTEENTH ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY IN RESPONSE TO COVID-19 EMERGENCY

Under the constitutional, statutory, and inherent authority of the Supreme Court of Virginia, the Court unanimously EXTENDS the Declaration of Judicial Emergency through December 13, 2020, and ORDERS that the provisions of the *Twelfth Order Extending Declaration of Judicial Emergency In Response To Covid-19 Emergency*, entered October 19, 2020 (Twelfth Order), shall continue to apply in all courts of the Commonwealth for the duration of this Order unless amended by future order.

This Order shall be in effect from November 23, 2020, through December 13, 2020. Accordingly, the Period of Judicial Emergency now extends from March 16, 2020, through December 13, 2020. The Declaration of Judicial Emergency may be extended for additional periods as provided in Va. Code § 17.1-330(E). It is so ORDERED.



(SEAL)

Chief Justice of the Supreme Court of Virginia

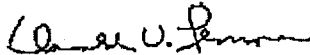
VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Monday the 19th day of October, 2020.

IN RE: TWELFTH ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY IN RESPONSE TO COVID-19 EMERGENCY

Under the constitutional, statutory, and inherent authority of the Supreme Court of Virginia, the Court unanimously EXTENDS the Declaration of Judicial Emergency through November 22, 2020, and ORDERS that the provisions of the *Eleventh Order Extending Declaration of Judicial Emergency In Response To Covid-19 Emergency*, entered September 28, 2020 (Eleventh Order), shall continue to apply in all courts of the Commonwealth for the duration of this Order unless amended by future order.

This Order shall be in effect from November 2, 2020, through November 22, 2020. Accordingly, the Period of Judicial Emergency now extends from March 16, 2020, through November 22, 2020. The Declaration of Judicial Emergency may be extended for additional periods as provided in Va. Code § 17.1-330(E). It is so ORDERED.



(SEAL)

Chief Justice of the Supreme Court of Virginia

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Monday the 28th day of September, 2020.

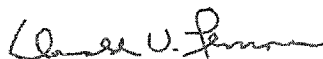
IN RE: ELEVENTH ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY IN RESPONSE TO COVID-19 EMERGENCY

Under the constitutional, statutory, and inherent authority of the Supreme Court of Virginia, the Court unanimously EXTENDS the Declaration of Judicial Emergency through November 1, 2020, and ORDERS that the provisions of the *Tenth Order Extending Declaration of Judicial Emergency In Response To Covid-19 Emergency*, entered September 4, 2020 (Tenth Order), as clarified herein to emphasize that all clerks should accept filings submitted by facsimile or e-mail, shall continue to apply in all courts of the Commonwealth for the duration of this Order unless amended by future order.

Pursuant to Va. Code § 17.1-330, all courts continue to be authorized to accept pleadings, orders and other documents that are electronically signed, including those where the electronic signature is accomplished by scanning, to include acceptance of pleadings, motions, and other case-related filings submitted by facsimile or email by litigants and attorneys in order to help reduce the potential for transmission of the COVID-19 virus.

All courts should continue to conduct as much business as possible by means other than in-person court proceedings. In all civil and criminal matters, courts are encouraged to use video conferencing, telephone, teleconferencing, email, or other means that do not involve in-person contact. These methods are preferred over in-person court proceedings.

This Order shall be in effect from October 12, 2020, through November 1, 2020. Accordingly, the Period of Judicial Emergency now extends from March 16, 2020, through November 1, 2020. The Declaration of Judicial Emergency may be extended for additional periods as provided in Va. Code § 17.1-330(E). It is so ORDERED.



(SEAL)

Chief Justice of the Supreme Court of Virginia

VIRGINIA:

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In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 11th day of September, 2020.

**IN RE: SECOND CLARIFICATION ORDER CONCERNING TOLLING OF
STATUTORY SPEEDY TRIAL DEADLINES DURING THE JUDICIAL EMERGENCY
IN RESPONSE TO COVID-19 CRISIS**

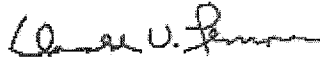
On March 16, 2020, the Court declared a “judicial emergency” on several grounds, including the fact that the COVID-19 crisis “substantially endangers or impedes . . . the ability of litigants or others to have access to the court or to meet schedules or time deadlines imposed by court order, rule, or statute,” Code § 17.1-330(A). Subsection D of Code § 17.1-330 provides the Court with broad power to suspend various court-related deadlines: “Notwithstanding any other provision of law, such order may suspend, toll, extend, or otherwise grant relief from deadlines, time schedules, or filing requirements imposed by otherwise applicable statutes, rules, or court orders in any court processes and proceedings, including all appellate court time limitations.” The Speedy Trial Act, Code § 19.2-243, imposes statutory time deadlines on criminal prosecutions subject to various exceptions and tolling provisions.

In its Clarification Order entered on May 1, 2020, this Court unanimously ordered that the tolling provisions of the March 16, March 27, and April 22 emergency orders, as clarified therein, “toll the running of any statutory speedy trial period applicable to criminal prosecutions in the courts of the Commonwealth of Virginia from March 16 until May 17 or later if further extended by this Court.”

This tolling of the running of any statutory speedy trial period applicable to criminal prosecutions in the courts of the Commonwealth of Virginia has been continued by this Court’s subsequent judicial emergency orders, up to and including the Ninth Order, in effect through September 20, 2020, and the Tenth Order which becomes effective September 21, 2020. This Court unanimously orders that the tolling of the running of any statutory speedy trial period applicable to criminal prosecutions in the courts of the Commonwealth of Virginia is not affected by approval by

a panel of three Justices of this Court of any plan to restart jury trials, and this tolling of the statutory speedy trial period shall continue to be unaffected by approval of such plans, unless amended by future order.

It is so ORDERED.



_____(SEAL)

Chief Justice Donald W. Lemons

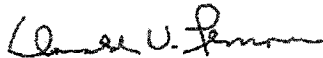
VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 4th day of September, 2020.

IN RE: TENTH ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY IN RESPONSE TO COVID-19 EMERGENCY

Under the constitutional, statutory, and inherent authority of the Supreme Court of Virginia, the Court EXTENDS the Declaration of Judicial Emergency through October 11, 2020, and ORDERS that the provisions of the *Ninth Order Extending Declaration of Judicial Emergency in Response to Covid-19 Emergency*, entered August 20, 2020 (Ninth Order), shall continue to apply in all courts of the Commonwealth for the duration of this Order unless amended by future order.

This Order shall be in effect from September 21, 2020, through October 11, 2020. Accordingly, the Period of Judicial Emergency now extends from March 16, 2020, through October 11, 2020. The Declaration of Judicial Emergency may be extended for additional periods as provided in Va. Code § 17.1-330(E). It is so ORDERED.



(SEAL)

Chief Justice Donald W. Lemons

Justice S. Bernard Goodwyn


Justice D. Arthur Kelsey

Justice Stephen R. McCullough

Justice Teresa M. Chafin

JUSTICE WILLIAM C. MIMS, with whom JUSTICE CLEO E. POWELL joins, dissenting in part.

I would grant the request of Governor Northam in part, to extend the current moratorium on certain writs of eviction until October 1, 2020.



Justice William C. Mims

