

**VIRGINIA:**

**IN THE CIRCUIT COURTS FOR THE FIFTH JUDICIAL CIRCUIT**

**STANDING ORDER  
FOR PENDING JURY TRIALS**

In consideration of the Eleventh Order Extending Declaration of Judicial Emergency in Response to COVID-19 Emergency, entered by the Supreme Court of Virginia on September 28, 2020, extending the Declaration of Judicial Emergency to November 1, 2020, and noting therein that the Period of Judicial Emergency may be extended for additional periods, as provided in Virginia Code Section 17.1-330(E), and in consideration of the recommendations of public health officials, both nationally and locally, that “social distancing” must continue to be practiced and observed, including all individuals remaining a minimum of six (6) feet apart, and that facial masks should be worn while in public, and

And it appearing to the Court that this Court has submitted proposed procedures and protocols for jury trials during the COVID-19 emergency to the Supreme Court of Virginia, pursuant to the Sixth Order Extending Declaration of Judicial Emergency in Response to COVID-19, entered by the Supreme Court of Virginia on June 22, 2020, which submissions were rejected with directives to modify and resubmit, and has not yet received any directives from the Supreme Court of Virginia as to when jury trials may be commenced within this Circuit, and

It furthering appearing to the Court that the courthouses and courtrooms of this Circuit, because of spacing and room sizing limitations, currently do not allow for an effective process of conducting the *voir dire* of summonsed *venire* panel members, nor allow for observation and implementation of the social distancing requirements of a selected jury during the trial nor during jury deliberations, and would impede upon the ability of a juror to give the proper weight to the credibility of a witness, by observation of

such witness while testifying from the witness stand if such witness, while testifying, was to follow the mandate of wearing a facial mask while in public, and therefore the requirements and circumstances for the commencement and management of a jury trial in the courthouses and courtrooms of this Circuit cannot be effectively conducted under current conditions, and that a natural disaster has been existing, and continues to exist, in the Commonwealth of Virginia and in the Fifth Judicial Circuit,

And if further appearing to the Court that litigants, attorneys, the Clerk and its staff, the Sheriff and its staff, and the Court's staff require some semblance of certainty in order to properly prepare for the commencement and presentation of a jury trial, and for good cause

It is ORDERED that all jury trials set to commence in the Courts of this Circuit on or before November 1, 2020 be, and hereby, are continued and all such matters will be placed back on the docket of the respective Courts of the Circuit to set new trial dates.

The Clerks of the Courts of this Circuit are directed to send a copy of this Order to all attorneys of record, or *pro se* litigants, involved in matters that are affected by this Order, and to give a separate notice to all such parties and counsel of the date of the hearing at which a new trial date will be set for their respective matters.

Entered: \_\_\_\_\_ 10/5/2020  
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Carl Edward Eason, Jr.  
Chief Judge