# 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