SUPREME COURT OF APPEALS OF WEST VIRGINIA

ADMINISTRATIVE ORDER

WHEREAS, Governor Jim Justice has issued a proclamation declaring a State of Preparedness in West Virginia related to precautions designed to prevent the spread of the novel coronavirus (COVID-19).

WHEREAS, on March 12, 2020, the Supreme Court of Appeals of West Virginia issued the COVID-19 Planning Document (Court Protocols), to govern operations by courts throughout the State of West Virginia in order to protect the health and well-being of court employees, litigants, witnesses, jurors, attorneys, and the general public.

In addition to the previously issued Court Protocols, the Supreme Court of Appeals of West Virginia hereby ORDERS that the following additional measures be implemented in all courts of West Virginia subject to the supervision of the Supreme Court of Appeals of West Virginia from Monday, March 16, 2020 through Friday, April 10, 2020, or such other date as ordered by the Court:

1. All civil and criminal trials, and jury orientations that are scheduled during this time shall be continued generally, except where a criminal defendant's speedy trial rights may preclude continuation of such trial.
2. With the exception of emergency matters, including domestic violence petitions, child abuse and neglect petitions, criminal arraignments or criminal hearings with statutory time requirements, mental hygiene petitions and any other matter deemed by the presiding judicial officer as requiring immediate resolution, all hearings currently scheduled to be held on any date beginning Monday, March 16, 2020 through Friday, April 10, 2020, shall either be: (1) postponed until a date subsequent to Friday, April 10, 2020, or (2) held by use of remote, telephonic, or other video technology. In the event such hearings cannot be held via remote, telephonic, or other video technology, the presiding judicial officer shall postpone any such matters to a date subsequent to April 10, 2020.

3. To the extent that it does not infringe upon the Constitutional or statutory rights of a party or litigant, any West Virginia state or local rule, criminal or civil, that limits or precludes a judicial officer or court clerk's ability to utilize remote, telephonic or video technology to limit in-person contact, is suspended.
4. In the event that a judicial office or clerk's office is closed or restricted to the public during the period of suspension, these offices shall remain accessible by telephone and email to the extent possible during regular business hours. If available, a drop box or other means of physical filing should be used for conventionally filed documents.
5. The attendance by litigants, jurors, witnesses, attorneys or court personnel at court proceedings shall be governed by the **COVID-19 Planning Document** issued by the Supreme Court of Appeals of West Virginia on March 12, 2020, attached hereto, and the **Coronavirus Notice to All Parties, Attorneys, Witnesses, Jurors, and the Public**, issued by the Supreme Court of Appeals of West Virginia on March 13, 2020 and attached hereto.
6. The courts of the State of West Virginia shall have the authority, in accordance with applicable laws and regulations governing court proceedings, to take steps in addition to the directives contained herein to manage each such court's docket and proceedings in a manner designed to protect the health and well-being of court employees, litigants, witnesses, jurors, attorneys and the general public.

It is finally ORDERED that this order shall be recorded in the records of the Office of the Clerk of Court.

ENTERED: March 16, 2020

TIM ARMSTEAD
Chief Justice

Attest:
Edythe Nash Gaiser, Clerk of Court