

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 27th day of May, 2022.

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

The ongoing impact and effects of the COVID-19 pandemic continue 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 enters this Order, continuing the Declaration of Judicial Emergency entered on May 2, 2022, (Thirty-Ninth Order Extending Declaration Of Judicial Emergency In Response To COVID-19 Emergency), which shall apply to all circuit and district courts of the Commonwealth of Virginia, and effective June 2, 2022, ORDERS the following:

1. Safety Protocols

Chief judges and presiding judges of all courts should continue to exercise their discretion in determining how best to safely operate their respective courts, including how to safely conduct jury trials, in compliance with any applicable laws or regulations. Safe operation may include following the guidance of the Centers for Disease Control and Prevention (CDC) and the Virginia Department of Health, with respect to physical distancing and capacity restrictions, requiring a mask covering the mouth and nose, and screening individuals entering the courthouse.

2. 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, currently through June 22, 2022.

3. 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 June 2, 2022, through June 22, 2022, unless amended by future order. Accordingly, the Period of Judicial Emergency now extends from March 16, 2020, through June 22, 2022. During this period, the Court will continue to monitor available information to gauge the ongoing impacts of COVID-19. The Declaration of Judicial Emergency may be extended for additional periods as provided in Va. Code § 17.1-330(E). It is so ORDERED.

S. Bernard Hodgson

Chief Justice of the Supreme Court of Virginia