

VIRGINIA:

IN THE GENERAL DISTRICT COURT FOR FAIRFAX COUNTY

GENERAL DISTRICT COURT ORDER FOR TEMPORARY PROCEDURE FOR VIDEO OR TELEPHONE HEARINGS DUE TO COVID-19 PANDEMIC

To increase access to the General District Court while limiting exposure to counsel, litigants, court personnel and the public due to the Covid-19 health threats, and consistent with the Virginia Supreme Court's Judicial Emergency Orders, and April 10, 2020 Guidance, this Court, in its discretion, hereby authorizes matters to be heard by two-way electronic audio-visual communication system or by telephone.

The Court encourages all litigants and counsel to use video, telephone, or teleconference for matters pending in the Court. The Court has designated Webex as the videoconferencing solution to be used for hearings.

A) The following matters are eligible for remote appearance by telephone and only require notice to the Court via the filing of a Motion for Remote Hearing:

- Out of Custody Advisements
- Information on Attorney Dates
- Traffic infraction hearings
- Pro se traffic and criminal motions (except restricted license motions)

- Agreed Preliminary Hearing continuances for out-of-custody inmates
- Civil returns on Warrants in Debt or Unlawful Detainers
- Garnishment returns

For requests to appear by telephone for matters in this section, a Defendant, Plaintiff, Counsel or Witness must file the Motion for Remote Hearing at least 24 hours before the scheduled hearing.

B) The following matters are eligible for remote appearance by telephone and require both the filing of the Motion for Remote Hearing and delivery of a copy of the Motion for Remote Hearing to the other parties:

- Bond Motions
- Garnishment Exemption hearings
- Civil motions
- Civil trials (also eligible for video – see Section C below)
- Attorney traffic and criminal motions (except restricted license motions).

For requests to appear by telephone for the matters in this section, the Motion for Remote Hearing must be filed with the clerk's office and served on the other parties at the same time, and under the same filing requirements, as the underlying motion.

C) The following matters are eligible for remote appearance by two-way electronic audio-visual communication system:

- Civil trials (also eligible for telephone – see Section B above)
- Protective order hearings
- Misdemeanor pleas*
- Misdemeanor trials*
- Preliminary hearings*

*Provided that these pleas, trials, and hearings do not involve the following:

- ❖ Subsequent processing such as fingerprinting or DNA samples after conviction or because those processes were not accomplished at the time of arrest
- ❖ Active jail sentence
- ❖ Probation or Community Service
- ❖ Restitution Orders

When the remote appearance is agreed to, the Court will conduct the video hearing provided the parties file the Motion for Remote Hearing at least four (4) business days prior to the hearing.

Motions for remote appearance by video that are opposed must be noticed for argument and heard before the Court at least four (4) business days prior to

the hearing. Argument of the motion to permit the opposed remote appearance may be heard telephonically.

Witnesses are eligible to appear remotely provided the party files a motion for the witness to appear remotely at least four (4) business days in advance of the court date, notices the other parties of the motion, and the motion is approved by a judge. Argument of the motion for witness to appear remotely may be heard telephonically.

D) The following temporary procedures shall be utilized:

1. A Motion For Remote Hearing must be filled out in its entirety and filed with the Clerk's Office using the Court's form and within the deadlines set forth above. Motions may be filed in the Clerk's Office, or by email to GDCMail@fairfaxcounty.gov.
2. Motions to appear remotely must contain the name, email address, and telephone number of all parties to the case, or the attorney, if represented by counsel. If such pertinent information is not provided, the Court may deny your Motion.
3. For teleconferences, the Court will call a participant at the number provided in the Motion directly from the courtroom. The participant must

be available to answer the call when the court places the call. The Court cannot predict at what point in the docket the case will be heard so the participant must remain available to take the call for the duration of the docket.

4. For video conferences, hearings and trials via Webex, the Court will send an invitation in advance of the hearing with the date and time of the hearing to the email address/addresses provided in the Motion for Remote Hearing. Parties are responsible for joining the hearing at the appointed time.
5. For video conferences, hearings and trials via Webex, the named parties, or their attorney, on the Motion for Remote Hearing are responsible for forwarding the video hearing invitation and ensuring that all participants have the available technology, internet connection quality, and appropriate environment to attend a hearing by WebEx.
6. Any and all documents to be presented as evidence must be provided to all parties, counsel and the Court at least two (2) business days prior to the scheduled proceeding with a certificate of delivery.
7. This Order shall remain in effect as long the Supreme Court of Virginia continues to declare a judicial emergency in response to Covid-19 under the Virginia Supreme Court's June 1 Judicial Emergency Order and as may be hereafter extended.

Entered this 30 day of July, 2020.

A handwritten signature in cursive script, appearing to read "Lisa A. Mayne", written over a horizontal line.

Lisa A. Mayne, Chief Judge