

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF STAUNTON

IN RE: PLAN FOR RESUMPTION OF JURY TRIALS

In order to safely reestablish jury trials in the City of Staunton during the COVID-19 pandemic, the Court proposes this plan to ensure the safety of all parties, attorneys, clerks, judges, court personnel, witnesses, jurors, members of the press and the public and to safeguard the constitutional and statutory rights of the parties. In composing this plan, the Court has considered many factors including, but not limited to, recommendations and guidelines from the Chief Justice's Jury Task Force and the Office of the Executive Secretary of the Supreme Court of Virginia, recommendations and guidelines from the Virginia Department of Health, and recommendations and guidelines of the Virginia Department of Labor and Industry Safety and Health Codes Board. All of these were considered in the context of the physical attributes and characteristics of the Staunton Circuit Court building, the needs of the court system and our community, the Constitutional and statutory rights of the parties, and the experience, size, and resources of the key stakeholders serving the court system, including other Judges of the 25th Circuit, the Clerk of Court, the City Sheriff, the Commonwealth's Attorney, members of the bar, the Staunton City Manager, and others involved in providing City services and administration.

The Court Facility

The Staunton Circuit Court is housed in the Cochran Judicial Center. The structure was built in 1878 and purchased by the City of Staunton in 1900. In 1929, a 6800 square foot addition was added which included the present-day General District Court Clerk's office area on the first floor and the second floor main Circuit courtroom. In 1993, renovations were started when all city offices were moved out of the building to the present City Hall Building. In 2003, there were additional renovations to the main Circuit courtroom due to a ceiling collapse. In 2015, there were renovations to the Circuit Court Clerk's office on the third floor, also due to a ceiling collapse.

The building has three occupied floors plus a basement level used primarily for storage. Signs are posted at entry and throughout the building requiring the use of masks, marking social

distancing and detailing proper hand hygiene. Access for the public is through the main entrance on the first floor through a manned security station. The handicapped entrance is on the side of the building and there is a separate rear staff entrance for the General District Court. An elevator and a stairwell provide access to the rest of the building upon entry. The City Sheriff's Office, General District courtroom, and General District Clerk's Office are all located on the first floor. There is one elevator in the building and during the pandemic it has been limited in occupancy to two people. There is clear labeling marking appropriate social distancing and traffic flow. The third floor houses the Circuit Court Clerk's Office.

There are two Circuit courtrooms, both on the second floor. The main large courtroom has a jury deliberation room and two adjacent bathrooms which are reserved for jurors. There is a smaller auxiliary courtroom on the same floor as well as two small witness rooms, the Judge's chambers, and a conference room. There are two public bathrooms on the first floor and on the second floor as well.

Off the main Circuit courtroom is a holding cell area which has secure access from the rear of the building. Prisoners enter and leave the building through this separate entrance preventing mingled movement with the public. There is not direct inmate access to the auxiliary Circuit courtroom.

The HVAC system for the Cochran Judicial Center consists of three Carrier chilled water fan units installed in 1994. The filters used on these units are two-inch MERV 10 rated filters. There are also 17 variable air volume boxes in the building that control various zones within the building. These units use a one-inch MERV 8 poly filter. All filters are changed every three months. Most of the building has no ducted air returns and consists of open-air plenums. During the last renovation, the main Courtroom was converted to a hard duct return system.

Capacity

In order to maintain adequate social distancing, the maximum capacity for areas in the Cochran Judicial Building for jury trials would be as follow:

- Main Courtroom gallery – 24 utilizing the fixed bench row seating; 3 additional with chairs placed for seating along the back wall.

- Main Courtroom jury box – 9 (five within the jury box itself, additional four with placed seating)
- Jury room – 11 by placing chairs around the outside walls of the room
- Auxiliary courtroom – up to 20 utilizing the existing bench seating and with the addition of placed chairs (this would not be the set-up when ordinarily used for hearings)
- Conference room – 8
- Two witness rooms – 3 in each room
- General District Courtroom – 25 utilizing existing bench seating in the gallery and placing additional chairs around the counsel area

PPE and Cleaning Procedures

1. The Court will require all persons, including jurors, to wear face masks while in the courthouse, during *voir dire*, and during the trial. If an individual does not have a face mask, they will be provided one upon entry to the building.
 - a. The Court will only allow masks to be removed in limited, exceptional circumstances as set forth herein. All persons, including attorneys, clerks, bailiffs, parties, members of the public and media, witnesses and jurors, must wear face coverings at all times.
 - b. The witness stand is distanced from any other person in the courtroom, thereby allowing the witness to testify with their face exposed if need be. If a lawyer or bailiff needs to approach the witness, the Court will instruct the witness to reapply their face covering before allowing said approach. If a face covering impairs the ability of a lawyer to communicate with the witness or with the Court, the Court may grant permission for their mask to be pulled down as necessary, but the lawyer must remain 10 feet physically distanced from other persons in the courtroom.

- c. A criminal defendant may be asked to briefly lower his or her face mask during parts of *voir dire* to ensure that jurors can adequately indicate whether they know the defendant. A defendant may also be asked to briefly lower their mask during witness testimony when a witness is asked to identify the defendant. The defendant must be 10 feet physically distanced from other persons in the courtroom when his or her mask is lowered.
 - d. If face coverings impair the ability of a lawyer to communicate with his or her client at counsel table, alternate methods of communication such as note-writing should be utilized. The Court will also liberally permit counsel whatever recesses are necessary for the purpose of facilitating private communication. Social distancing will still be maintained, and counsel will be required to maintain social distancing with any co-counsel and client at all times while in the courthouse.
- 2. Hand sanitizer and hand sanitizer stations are located throughout the building. Hand sanitizer will also be available in the jury room, at each counsel table, the witness stand, the Clerk's station and the bench. The hand sanitizer used must be at least 70% alcohol or some other substance approved for use by the CDC.
- 3. Frequent breaks (at least every two hours) will be taken to allow for the opportunity for handwashing and cleaning of frequently touched surfaces. Disposable gloves will be available in the jury room and on the witness stand for use as needed. Jurors and witnesses using the gloves will be further instructed that when they are finished, they should remove the gloves by pulling from the top of the glove farthest from the fingers, turning them inside out, and placing them in the trash can. Hand sanitizer shall be used immediately after the removal of the gloves.
- 4. All seating, tables, and other surfaces shall be cleaned and wiped down at the beginning of the day before anyone is admitted as well as at the end of each day after the close of proceedings.
- 5. Frequently touched surfaces throughout the building, such as door handles and railings, shall be cleaned and wiped down every two hours. The elevator will be cleaned and disinfected at the start of each day and any high-touch surfaces within the elevator will be cleaned at least every two hours throughout the day.

6. Chairs, benches, and other seating will be cleaned and wiped down by custodial staff before another juror, member of the public, or any other person may sit there.
7. All restrooms shall be cleaned thoroughly at the beginning of the day before anyone is admitted and at the end of each day after the close of proceedings. Any touched surfaces shall be wiped down after each use. Jurors will utilize the two public restrooms on the second floor. The restrooms and that portion of the second floor will be closed to the public during jury trials to ensure adequate social distancing. Members of the public will still be able to utilize the public restrooms on the first floor of the building. Restrooms are to be used by only one person at a time. Signs shall be posted indicating that only one person may be in the restroom at a time.
8. After a witness testifies, the witness chair, the microphone and all touched surfaces surrounding it shall be cleaned and wiped down before another witness testifies.
9. Any podium used will be wiped down before another person may use it.
10. The City Sheriff's Office has purchased sanitizing equipment, a "mister". This equipment will be utilized during all recesses. The product used in the mister is EPA approved.

Juror Pre-Screening

1. Prior to coming to Court, jurors will be provided information on self-screening. A letter and self-check questions will be sent to potential jurors to alert them to the process. (See **Exhibits 1-3**). A copy of the self-check questionnaire and the approved jury plan will also be posted on the Court's website and information on finding that information will be included with juror summonses. A summary of precautions being taken for COVID-19 will be sent to the jurors either with their summons or with the questionnaire.
2. The self-check questions will contain the CDC's listing of symptoms and will include the following:
 - a. Have you travelled internationally within the last 14 days?
 - b. Within the last 14 days, have you experienced a fever, cough, or shortness of breath?
 - c. Within 14 days of the trial date have you experienced:
 - i. Fever or chills

- ii. Cough
 - iii. Shortness of breath or difficulty breathing (other than from a pre-existing condition)
 - iv. Fatigue
 - v. Muscle or body aches
 - vi. Headache
 - vii. New loss of taste or smell
 - viii. Sore throat
 - ix. Congestion or runny nose
 - x. Nausea or vomiting
 - xi. Diarrhea
- d. In the past 14 days, have you been in close proximity to anyone who was experiencing any of the above listed symptoms?
 - e. In the past 14 days, have you been directed to quarantine, isolate, or self-monitor?
 - f. In the past 14 days, have you been diagnosed with, resided with, or had contact with anyone who has been diagnosed with COVID-19?
 - g. Have you been tested for COVID-19 and are you awaiting test results?
3. The letter and self-check questionnaire will also include a discussion of high-risk individuals, pursuant to the CDC's website on high-risk individuals and will include the following:
- a. Do you have a condition that makes you at higher risk for complications from the COVID-19 virus? (Such as high blood pressure, chronic lung disease, diabetes, obesity, asthma, liver disease, chronic kidney disease, heart conditions, etc.)
 - b. Are you over the age of 65?
 - c. Do you care for someone considered to be at higher risk?
 - d. Do high-risk individuals live in your household?
 - e. Are you a sole caretaker?
 - f. Is childcare available?
 - g. Do you interact with high-risk people for work?
 - h. Do you work in a long-term care facility or other healthcare environment?

If any individual responds affirmatively to these questions, they may be excused or deferred from serving.

4. Proposed jurors will be contacted by the Sheriff's Office regarding their responses to the self-check questionnaire in advance of the trial date. Any individual responding affirmatively to any of the screening questions will be excused from serving. Proposed jurors will be required by the Clerk to provide a valid email address or mobile telephone number for emergency/urgent message purposes.
5. A link to this plan and the Clerk's telephone number [(540) 332-3874] will be provided to prospective jurors with their summons. They will be instructed to contact the Clerk with any questions or concerns. Health-related excuses from jury duty will be liberally granted. Excuses of any kind will be granted to jurors for good cause and jurors may defer service to a later date if they are in a high-risk category or take care of someone who is in a high-risk category.

Arrival and Entry

1. Public access to the Staunton Circuit Court is through the secured front entrance of the courthouse. This would include attorneys, parties, witnesses, the media, and members of the public. Circuit court staff (the judge, administrative assistant, law clerk, Clerk's office staff, and Sheriff's Office staff) may enter by a separate side handicapped accessible entrance or by the main front entrance. There is a separate rear entry for the General District Court staff (the judge, Clerk's office staff).
2. For jury trials, jurors will be directed to report to the side handicapped entrance and their entry and exit will be kept separate from the general public to maximize social distancing. Juries will be selected from multiple smaller pools drawn from the larger venire and shall be directed to appear at the courthouse for the jury selection process at staggered report times. Prospective jurors will be called in small groups of no more than 24. Each small pool will report to the entrance on the side of the building for screening at the designated time frame for their particular group.

3. At that side entrance, the Sheriff's office will set up a checking station for potential jurors. The ground will be marked so that persons awaiting entry may maintain social distancing of at least 6 feet. The door will remain open for touchless entry and air flow.
4. There is a separate exit route for those not admitted into the building that does not cross the path of those coming up to or waiting for the check-in station.
5. At the check-in station and at the main entrance of the courthouse, potential jurors and others seeking entrance will have their temperature checked and will be asked the following questions by the bailiffs:
 - a. Have you travelled outside the United States in the last 14 days?
 - b. Have you been directed, instructed, or requires by any medical professional or agency or any governmental authority to quarantine or isolate in the last 14 days?
 - c. Have you tested positive for or been diagnosed with COVID-19 in the last 14 days?
 - d. Have you experienced a fever, cough, or shortness of breath within the last 14 days?
 - e. Have you resided with or been in close contact with any person in any of the above four categories?

The court will be informed of anyone answering in the affirmative to any of these questions, or whose temperature is above 100.2, and such persons will not be allowed in the building. If the person turned away is a party, a necessary witness, or an attorney, their case will be continued upon request.

6. Persons will also be asked: Are you feeling ill at the present time, or have you within the last 14 days experienced a persistent headache, sore throat, other unexplained body aches, chills, fatigue, new loss of taste or smell, congestion or runny nose, nausea or vomiting, diarrhea, or respiratory problems?

The Court will be informed of anyone answering in the affirmative and that person shall not be allowed in the building unless they have tested negative for COVID-19 after the onset of symptoms, completed any directed period of self-isolation or quarantine, or have been examined by a physician and diagnosed with something other than COVID-19. Such persons shall be denied entry to the courthouse, and if such person is a juror then they will be deferred or excused. The Sheriff shall also refuse to admit anyone who appears ill or is exhibiting any of the

above symptoms, even if the person indicates he or she is feeling well. Both the Judge and counsel will be notified of anyone who is a party to a case, an attorney, or a necessary witness who is denied entry.

7. If the Court or Clerk's Office becomes aware of someone exhibiting such symptoms, they shall bring that to the attention of the bailiff immediately. All such excluded persons shall be excused from appearing for their cases and, if they are parties or necessary witnesses, continuances will be granted upon request.
8. Those jurors not approved for entry will be asked to leave by the alleyway beside the building and no persons will be standing in the alleyway or blocking that method of egress from the check-in area.
9. Accommodations will be made for any individual who is required for the trial, but denied entry (such as witnesses, experts, etc.) Technologies such as WebEx or Polycom will be utilized, if possible, for said person to be present in the courtroom.
10. The presiding judge will consider any requests to be excused from jury service and will determine any accommodations needed.
11. Once approved for entry, each person entering the courthouse must apply hand sanitizer, which will be provided at the check-in station. No one will be admitted without a mask covering their mouth and nose. If they do not have a mask, one will be provided to them. If a person refuses to wear a mask, even if they have a physician's letter or other obvious reason why they should be excused from this rule, they will not be allowed to enter. If any excluded person is a necessary witness, the party calling that person may seek to have the witness appear by video and must make and necessary arrangements for the witness to appear by Polycom, WebEx, or other similar platform or system.
12. Persons shall wait for check-in, at a spacing of 6 feet apart, at spots marked by the bailiffs.
13. Once inside the building, jurors will be directed by the bailiffs into the main courtroom in a socially distanced manner and will be seated in the gallery at least 6 feet from each other, again at spots marked by the bailiffs,
14. Masks will be worn in the building at all times unless leave is granted by the court to remove them while testifying or arguing a case, or to communicate with counsel. Attorneys, court reporters, court clerks and bailiffs shall be required to wear face masks

and they must be worn continuously throughout the proceedings and only removed briefly in exceptional circumstances approved at the discretion of the judge. If a participant is given leave to briefly remove their mask, they must be 10 feet from any other individual in the courtroom while their mask is removed. The press and members of the public must wear their masks continuously in order to remain.

15. Parties will be given a time to report to the courthouse prior to the juror report times.

They will enter through the main courthouse entrance and will be screened there before entry. Their screening at the main entrance follows the same process and procedures described above. Witnesses are to wait outside or at a location nearby that is away from the courthouse, but where they may be reached by the attorneys or the Court when it is time for them to appear. They will enter through the main entrance and be subject to the same screening process outlined above. Attorneys will be responsible for making arrangements for where their witnesses will be located while waiting to be called and will ensure they have correct contact information to notify said witnesses when it is time for them to testify.

16. On jury trial days, only court staff will use the elevator except for those with a medical need or for security reasons, as approved or directed by the bailiffs or the Court.

Elevators will be marked with signage to indicate this policy and the bailiffs will ensure those entering the building are aware of this change. Markings and signage denote social distancing in the stairwell, which is large and open. Bailiffs will assist in directing jurors where they need to go in a socially distanced manner.

Jury Selection and Voir Dire

1. The Court will summons more jurors than normal for each case. The number summonsed and the selection of alternates will be determined by the Court, after conferring with counsel, based on the nature of the case and the scheduled length of the trial.
2. An additional day will be added onto the normal scheduling of each jury trial in order to accommodate the additional time requirements involved in the jury selection process.
3. *Voir dire* and Jury selection will take place in the main courtroom. Questions will be asked of the entire group of jurors who may be safely seated in the courtroom gallery as

set forth above. Seating capacity for jurors in the gallery, maintaining social distancing guidelines, is 24.

4. Any jurors not selected for cause will be excused and will depart in a socially distanced manner from the courthouse. Those selected to move on to the final pool will be given instructions to report back to the courtroom at a specified time. They will exit in a socially distanced manner and will need to check-in and be re-screened in the same manner described above on their return. The gallery of the main Courtroom will be cleaned and disinfected between pools. Any seating area must be disinfected before another person is seated there. All highly touched areas will be cleaned at a minimum of every two hours.
5. Tape or other markers will be placed on the floor to show the paths of travel into and out of the courtroom, and down the stairs and out of the building.
6. Up to 20 jurors in each subsequent staggered pool will be staged in the auxiliary courtroom. Socially distanced seating capacity for that room is 20 and seating will be marked with the juror's number. Bailiffs will direct jurors to their seats. Veniremen will be socially distanced and will maintain social distancing each time they enter or exit the courtroom. (See Exhibit 4)
7. Seating and high touch areas in the auxiliary courtroom will be cleaned before and after usage as a juror staging area. Seating and high touch areas in the main courtroom will be cleaned before and after each juror group.
8. Each staggered group will proceed through the qualification process in the main courtroom with the same process and procedures followed as outlined above until the needed number of qualified jurors is obtained. Once that occurs, any remaining jurors in the staggered jury pool may then be excused from appearing and will be so notified by the Clerk or her designee.
9. All seating and high-touch areas in the auxiliary and main courtrooms will be cleaned before the designated qualified jurors are scheduled to return. Said jurors will need to proceed through the check-in and screening process outlined above and will be seated in socially distant assigned slots in the gallery of the main courtroom. Attorneys will exercise their peremptory strikes and then any jurors struck will be excused and exit the courthouse in a socially distanced manner.

10. Jurors selected to sit on the jury, as well as alternates, will sit either where they sat during *voir dire*, or where the bailiff instructs them to sit. No one shall sit in a seat where another juror has sat before it is cleaned.
11. An offsite facility with a large auditorium (VSDB) has offered the use of their building for *voir dire* and jury selection. If the attorneys request to move *voir dire* to the remote location, especially for a multi-day trial, the Court will consider doing this. If both counsel or parties agree, the Court will grant the joint request to move *voir dire* and jury selection to the alternate location. If one counsel or party requests the move to an alternate location and the other counsel or party objects, the Court will conduct a hearing on whether there is good cause to conduct *voir dire* at the alternate location. If the *voir dire* and jury selection are moved, the procedures to be followed and precautions taken will be the same as if such were conducted in the courtroom.

Conduct of Trial

1. The Court will schedule a pre-trial conference with counsel to be held at least two working days in advance of any jury trial. This conference may be conducted by telephone or other remote means. Counsel will be expected to have conferred in advance of the pretrial conference to discuss stipulations, witnesses, exhibits, instructions and any other outstanding pretrial matters. At that conference, the Court will review this jury trial plan, discuss how that plan will be implemented, the obligations of counsel, the nature of the evidence to be presented and how it will be handled (electronically, copies for each juror, etc.), public seating, and for civil trials whether counsel would agree to proceed with less than 7 jurors if necessary. In appropriate civil cases, and in an effort to lessen the number of jurors required for trial, the Court may discuss the availability of three-person jury trials as contemplated by Va. Code Ann. §8.01-359(D) and summary jury trials as contemplated by Va. Code Ann. §8.01-576.2. All parties will be expected to certify at the pretrial conference that the case is ready for trial and that they have read, understand, and will comply with this plan.
2. All exhibits will be pre-marked in the anticipated order of presentation, but they do not have to be offered in that order. Copies of photographic or documentary exhibits, with the

pre-marked numbers, shall be given to opposing counsel (or pro se party) at trial when such are offered, but counsel are encouraged to exchange such exhibits prior to trial by agreement.

3. Exhibits will be published electronically whenever possible. Counsel shall work with the Sheriff's Office and the Commonwealth's Attorney to obtain access to and be able to use the video equipment. If that is not possible, then the preferred method will be for individual copies of exhibits to be provided to the jurors. If any exhibits require handling by jurors, each juror will be provided protective gloves and hand sanitizer and will be instructed on their proper use while handling the exhibit.
4. Resources such as WebEx/Polycom and the use of legal pads to facilitate confidential communications between lawyers, clients, witnesses, and other necessary participants will be encouraged. Recesses will be granted as necessary to facilitate such communication.
5. The trial in criminal cases will be conducted with the jury seated in the gallery in socially distant designated seating. Jurors will keep the seats they had during *voir dire*, to the extent possible, but may be moved forward to open seating in order to see and hear better. Jurors will not be moved to seating that has not been cleaned first. The witness stand will be turned to face the jury. Counsel tables will remain to either side of the witness stand. If a court reporter is present, they may be seated along the bench or in the jury box. (See **Exhibits 5 and 6**)
6. For civil jury trials, jurors will sit in the jury box with additional chairs added to facilitate social distancing. Jurors will have designated seats to ensure appropriate social distancing. The set-up of the courtroom will be able to remain as normal, but counsel will not be permitted to use the podium in front of the jury box to address the jurors. (See **Exhibits 5 and 7**) Jury selection will occur as described above.
7. Attorneys will remain 6 feet from witnesses, or 10 feet if either is permitted to lower their masks.
8. Witnesses shall remain away from the building until the time nears for them to be called to testify. Counsel should arrange for their next witness to be called to wait in one of the two waiting rooms in the hallway outside the courtroom. Only one witness shall be permitted in a witness room at a time unless guidelines and social distancing of 6 feet

allows for additional witnesses. Witnesses will enter the building through the main court entrance and be subject to the check-in procedures described above. They will be directed by the bailiffs to the witness room they are to use. Any seating and surface areas in the witness room will be cleaned before and between witnesses.

9. Witnesses will be allowed to appear by video where both parties agree. In some instances, the Court may allow such video testimony over objection for health reasons or other good cause. The Court may allow appearance of a party by video if neither party objects. Depositions may be used in lieu of live testimony where agreed.
10. During the trial, if the Court needs to confer with counsel outside the presence of the jury, rather than having the jury leave the courtroom, the judge and counsel may enter the regular jury room (or auxiliary courtroom for civil juries) to handle any sidebars while remaining socially distanced. The jury will remain seated in the courtroom. If there is not a court reporter to record the proceeding, the judge at some point in the proceedings, by agreement of counsel, will put on the record outside the presence of the jury the matters raised, arguments set forth, and rulings made.
11. The Court will provide frequent breaks during the course of the trial to encourage hand washing, hand sanitizing, and other protective measures. Breaks will occur at least once every two hours. Jurors in civil jury trials will utilize the jury room for breaks since there will be sufficient space for social distancing. Jurors in criminal cases will use the second-floor public restrooms and the auxiliary courtroom for breaks. The end of the second-floor hallway will be closed to the public during jury trials in order to facilitate social distancing for jurors. Markings for appropriate social distancing will be placed in each room, along with signage with detailed reminders. Surfaces will be cleaned before and after jurors utilize those areas.
12. The Court will break for lunch for an hour period each day. Jurors will leave the courthouse for lunch and will be allowed to depart in a socially distanced manner. Jurors will return to the courthouse at a designated time following lunch and will go through the same procedure for entry as they did initially. During the lunchbreak, the courtroom and other areas utilized during the trial will be cleaned, in addition to the regularly scheduled cleaning and sanitizing already being performed.

13. Criminal defendants in custody shall be moved outside the presence of the jury or in a manner so as not to reveal their custody status to the jurors. The jury may have to be removed to the auxiliary courtroom at times in order to accomplish this.
14. Throughout the trial, the main courtroom doors will remain open to limit contact with surfaces and assist airflow. The doors may be closed briefly to facilitate movement of criminal defendants in custody so as not to reveal their custody status to the jurors or when placing things on the record outside the presence of the jury.

Jury Deliberation

1. At the conclusion of the trial, juries of less than twelve will utilize the regular jury room for deliberations as marked for social distancing. There are two individual single person bathrooms within the jury room. (See Exhibit 8) The jury room and bathrooms will be cleaned and sanitized before the jurors enter the room and after proceedings are concluded for the day.
2. Juries in criminal trials will deliberate in the auxiliary courtroom with access to second floor bathrooms to allow for sufficient social distancing. (See Exhibit 4) Only one person will be permitted in each public bathroom at a time. This portion of the court building will be closed to the public during criminal jury trials to ensure the safety of the jurors and adequate social distancing. The auxiliary courtroom and bathrooms will be cleaned and sanitized before jurors are asked to retire there.
3. Jurors will be directed to maintain social distancing and Health Department guidelines regarding exhibits and instructions. Any photos, documents, or tangible evidence may be placed on a table at the beginning of the deliberations so that jurors may approach the table to examine or review the evidence one at a time. Jurors will be instructed that they are to remain masked and hand sanitizer will be available for their use. Gloves will be provided and shall be worn by jurors when handling exhibits. Jurors will be further instructed that when they are finished, they should remove the gloves by pulling from the top of the glove farthest from the fingers, turning them inside out, and placing them in the trash can in the jury room. Hand sanitizer shall be used immediately after the removal of the gloves. A copy of the jury instructions will be provided for each juror.

4. Bailiffs will be stationed outside the room utilized by the jury to protect the secrecy of the deliberations, prevent anyone from entering, and to assist jurors when they need to visit the restroom.

Procedures for Illness During Trial

1. If any trial participant, attorney, juror, witness, court employee, or member of the public associated with or involved in the trial becomes ill during the course of the trial, immediate steps will be taken to isolate the person until they can safely exit the building. If the person is away from the building when they become ill, they will not be re-admitted to the building.
2. In the event an infection develops during the trial, all potentially affected areas of the building will be sealed for 24 hours if possible, and the City of Staunton will promptly provide personnel to clean and sanitize all affected areas. All cleaning protocols required by the VDH and established in the ETS will be followed. This includes, where feasible, sealing affected areas and thereafter cleaning and disinfecting with products which satisfy the ETS.
3. The Court will work with the Clerk of Court and the bailiffs to try to identify anyone who may have had close contact with the ill individual in the court building. Close contact is defined as being within 6 feet for at least 15 minutes. All persons who had close contact for an extended time, as defined by the CDC, will be notified of their possible exposure and urged to contact their health care provider or VDH for further instructions. If it is a juror who has become ill, the Clerk will notify the other jurors by email or telephone of the situation. If another person in the courthouse (not a juror or trial participant) is the one who becomes ill, whether the jury is notified will be left to the discretion of the Court, after consultation with counsel and the Clerk. If the ill individual is not involved in or associated with the trial and located in a different part of the building, with no close contact with trial participants, the Court will not require jurors or others to be notified unless there appears to be a specific reason and good cause to do so, but may raise such issue with counsel. Any notifications to jurors will be made by the Clerk or her designee.

4. If it is someone associated with the trial who is ill, the Court will consult with the litigants, remotely if necessary, to determine whether the trial may continue or if a continuance or mistrial is necessary. Factors to be considered include, the availability of rapid test results, the use of alternates, the stage of the trial, the length of the delay, and the continued availability of the jurors and litigants.
5. If the courthouse needs to be closed during a jury trial, all parties (including jurors) will be notified by an email, phone call, and/or text message by the Clerk or her designee with information about the closure, the time frame, and the resumption of the trial.
6. All participants, including lawyers, parties, court reporters, and jurors involved in multi-day jury trials will be advised by the Court before adjournment each day to continue monitoring themselves for symptoms, to take their temperatures, and to not return to the courthouse if they have symptoms. If they become aware of any potential issues with their health or exposure to COVID-19 while away from the court building, they will be advised to call and notify the Clerk [(540) 332-3874] and not to return in person to the court building unless and until they are directed to do so.
7. If any participant (including jurors, bailiffs, and court staff) tests positive for COVID-19, within 24 hours the Court will notify all persons who may have been exposed to the individual consistent with the requirements of the ETS-Infectious Disease Prevention, promulgated by the Department of Labor and Industry (16 VAC 25-220). All notified persons will be urged to contact their healthcare provider or the VDH for further instructions.
8. The Court will admonish all potential jurors, attorneys, parties, and others to act as if others in the courtroom do have the virus and conduct themselves accordingly. If proper social distancing and mask usage is maintained, this would mean persons normally would not be within six feet of anyone else in the courtroom for 15 minutes and therefore not in close contact.

Public Access

1. In conducting a jury trial, the presiding judge will 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 will 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.

2. Since *voir dire* will take place in civil and criminal jury trials with jurors seated in the gallery, members of the public and the press will not be able to sit in those seats and maintain social distancing requirements. Accordingly, two additional seats will be positioned in a socially distanced manner at the rear of the main courtroom. Seating will be based on considerations pursuant to Virginia Code §19.2-11.01 and Rule 2:615 and thereafter on a first come, first serve basis. **(See Exhibit 5)**
3. Members of the press or public utilizing such seats will be required to wear masks at all times.
4. These seats will be cleaned every two hours and, when anyone leaves the seat, before anyone else is seated there.
5. In civil jury trials, following *voir dire* and once the jury is seated in the jury box, members of the press and public may be seated in the 24 designated socially distanced seats in the benches in addition to the 2 chair additions at the rear of the courtroom. All seating and high touch surfaces will be cleaned at a minimum of every two hours. Seating will be based on a first come, first serve basis pursuant to the requirements as outlined above. All seating will be cleaned when anyone leaves a seat and before anyone else is seated in that seat. **(See Exhibit 5)**
6. In criminal jury trials, following *voir dire* and once the jury is seated in the gallery, members of the press and public may be seated in the three additional seats in the last row at the rear of the courtroom. This means there will be five total public/media seats for trial, and they will be utilized in the manner as outlined above. **(See Exhibit 5)** All seating will be cleaned when anyone leaves a seat and before anyone else is seated in the seat.

Implementation and Review

The Court has considered the many factors and risks involved in seating a jury and conducting a jury trial. While absolute safety cannot be guaranteed, every effort has been made to implement elevated precautions to protect those involved in the court process. The Court

recognizes that jurors are summonsed to appear and therefore the Court finds a higher degree of care is required. It is hoped that these additional steps will provide reassurance to all involved in this process and will allow jurors to render fair and impartial verdicts without undue concern for their own safety and well-being.

A copy of this plan shall be posted in the Courthouse upon approval from the Supreme Court of Virginia and a link to an electronic version will be posted on the Staunton Circuit Court Clerk's website. Jury trials may resume within 30 days, or later, following receipt of approval of this plan. Criminal defendants, especially incarcerated defendants, will be given preference on the docket. This may mean the required continuation of civil matters.

In recognition of the ongoing pandemic and changing circumstances in the Commonwealth and Staunton area, the Court will continue to monitor information from the VDH, the CDC, and other resources listed herein and to adjust this plan as circumstances may require. Even with approval of the plan, no jury trial will be held if the Court believes the current conditions make the proposed safeguards insufficient. If changes to the plan are required, a revised version will be submitted for approval.

Respectfully Submitted,

Anne F. Reed, Judge
City of Staunton

EXHIBIT 1
Letter to Jurors

TWENTY-FIFTH JUDICIAL CIRCUIT OF VIRGINIA

ANNE F. REED, JUDGE
STAUNTON CIRCUIT COURT
GEORGE M. COCHRAN JUDICIAL CENTER
113 EAST BEVERLEY STREET
STAUNTON, VIRGINIA 24401



STAUNTON
PHONE (540) 332-3870
FAX (540) 332-3873

COUNTIES

ALLEGHANY, AUGUSTA, BATH
BOTETOURT, CRAIG, HIGHLAND AND ROCKBRIDGE

CITIES

BUENA VISTA, COVINGTON
LEXINGTON, STAUNTON AND WAYNESBORO

Dear Prospective Juror:

You have been selected to potentially serve as a juror during the term of January 2021. This letter outlines some of the steps we have taken to try and address health and safety issues during the COVID-19 pandemic and will give you an idea of what to expect.

If selected as a potential juror, you will be contacted by someone from the Staunton City Sheriff's Office regarding jury duty. They will go over your "Self-Check" questionnaire with you, which includes questions related to high-risk individuals per the Center for Disease Control (CDC) website. You will also be asked to provide a valid email address or mobile telephone number for emergency/urgent message purposes.

Please plan on arriving at the Staunton Circuit Court at the specific time you are noticed to appear. You will **NOT** be going through the main entrance. In order to insure adequate social distancing, prospective jurors are asked to report to the side handicapped accessible entrance off of New St. There will be a check-in station there and you will be screened for security. Prospective jurors are being given staggered arrival times to reduce the number of people awaiting entry. The sidewalk will be marked off showing the appropriate distance to wait to allow for social distancing. At the check-in station, Staunton City Sheriff Office personnel will ask you a series of questions as recommended by the CDC. Your temperature will be checked with a handheld or mounted thermometer upon your entrance to the courthouse. You are required to wear a face covering that covers your nose and mouth. If you do not have a mask, one will be provided for you. You will be asked to make use of the hand sanitizer station when you enter the building.

Next, you will follow the directions of the bailiffs and ascend to the second floor in a socially distanced manner. You will see signage and markings throughout the building to assist you. You will be directed by a bailiff where you need to go and you will be checked in, equipped with additional PPE as necessary, and await the convening of Court. Social distancing and mask wearing must be practiced at all times.

More potential jurors are summonsed than actually serve. Prospective jurors will be placed in socially distanced seating in the courtroom for the question and answer portion of the jury selection process known as *voir dire*. Any jurors not selected will be excused to exit the courthouse in a socially distanced manner and will be discharged. Due to space limitations in the courthouse, it may be necessary to do the jury selection process in stages. If that occurs, you may be directed to leave the courthouse in a socially distanced manner but return at a later specified time for the remainder of the *voir dire*. If that occurs, when you return at the specified time, you will need to enter through the same side handicapped accessible entrance and be re-screened before you may enter the building again.

Once a jury is selected, those jurors will remain in the courtroom for the trial. The courthouse will have been sanitized prior to your arrival. It will also be cleaned and disinfected during breaks and after the jury is discharged for the day. All high touch surfaces throughout the building are cleaned every two hours during the day.

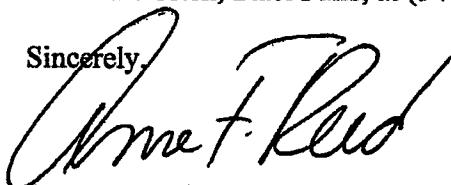
Please feel free to bring any PPE you desire. We will have masks, gloves, and hand sanitizer available for each juror. Each juror will be seated at least six feet apart. If selected to serve as a juror, you will be allowed to depart the court building each day for lunch. Upon your return from lunch, you will go through the same security screening measures you experienced during your initial entry.

If you are selected to serve on a jury for a criminal trial, you will be seated in the main gallery of the courtroom for the duration of the trial and jury deliberations will take place in the auxiliary courtroom on the same floor, which will be marked for social distancing. The second-floor restrooms will be closed to public use and will be reserved for jurors. They will be marked for usage by one person at a time. The bathrooms will be cleaned and sanitized at the beginning and end of each day and high touch surfaces will be cleaned at regular intervals throughout the day. If you are selected to serve on a jury for a civil trial, you will be seated in and around the regular jury box and will deliberate in the regular jury deliberation room. That room contains two single occupant bathrooms and the room will be marked to show appropriate social distancing. Regardless of whether the trial is criminal or civil, jurors seating will be designated and you will utilize that seat throughout the trial.

The attorneys, parties, witnesses and court personnel will be wearing face coverings and other PPE. Please understand these procedures are implemented for your protection.

Thank you for serving in this very important judicial system function. Jury trials are a vital part of our judicial system and each party is entitled to a fair and impartial jury. We appreciate your willingness to serve, especially during this difficult time. Should you have any concerns or questions, please contact the Circuit Court Clerk, Staci Falls, at (540) 332-3874.

Sincerely,



Anne F. Reed, Judge

EXHIBIT 2

COVID-19 Risk Factor Assessment

COVID-19 RISK FACTOR ASSESSMENT

Our screening process also includes the following questionnaire. According to the Centers for Disease Control (CDC), some individuals are at a higher risk of serious illness or complications from COVID-19. (For more information, please go to: <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>) Your answers will help us better understand your health risks and needs. If you answer yes to any of these questions, please contact the Clerk of Court (540) 332-3874 or the Sheriff's Office (540) 332-3880 to report all affirmative answers and receive further instructions.

- | | | |
|---|------------|-----------|
| 1. Are you over the age of 65? | YES | NO |
| 2. Do you have a condition that makes you at higher risk for COVID-19 virus? (including but not limited to high blood pressure, chronic lung disease, diabetes, obesity, asthma, liver disease, severe obesity, chronic kidney disease, heart conditions, etc.) | YES | NO |
| 3. Do you care for someone or people who are higher risk? | YES | NO |
| 4. Does someone or do people at higher risk live in your household? | YES | NO |
| 5. Are you the sole caretaker of a child? | YES | NO |
| If yes, do you have no childcare available to you? | YES | NO |
| 6. Do you interact with high-risk people for work? | YES | NO |
| 7. Do you work in a long-term care facility or other healthcare environment? | YES | NO |

EXHIBIT 3
COVID-19 Self-Check

COVID-19 SELF-CHECK QUESTIONNAIRE

Your health and well-being are important and we are committed to providing a safe environment in the Staunton Circuit Court. Anyone coming into the courthouse will be screened and a part of our screening process includes this questionnaire. If you answer **YES** to any of these questions within fourteen days of the trial date you are summonsed for, do **NOT** come to the courthouse. You must **IMMEDIATELY** contact the Clerk of Court (540) 332-3874 or the Sheriff's Office (540) 332-3880 to report all affirmative answers and receive further instructions.

Within the last 14 days:

1. Have you had close contact, without the use of appropriate PPE, with someone who is currently sick with suspected or confirmed COVID-19?

YES **NO**

2. Have you travelled outside of the country/internationally?

YES **NO**

3. Have you experience, or are you experiencing, any of the following (other than from a pre-existing non-COVID diagnosis):

a. Fever?	YES	NO
b. Chills?	YES	NO
c. Cough?	YES	NO
d. Shortness of breath?	YES	NO
e. Difficulty breathing?	YES	NO
f. Fatigue?	YES	NO
g. Muscle or body aches?	YES	NO
h. Headaches?	YES	NO
i. New loss of taste or smell?	YES	NO
j. Sore throat?	YES	NO
k. Congestion or runny nose?	YES	NO
l. Nausea or vomiting?	YES	NO
m. Diarrhea?	YES	NO

4. Have you been in close proximity to anyone who was experiencing any of the above listed symptoms?

YES NO

5. Have you had a temperature at or above 100 degrees?

YES NO

6. Have you experienced loss of taste or smell that you cannot attribute to another health condition?

YES NO

7. Have you, or a co-worker, or a member of your immediate family been directed to quarantine, isolate, or self-monitor?

YES NO

8. Have you been diagnosed with, or had contact with anyone who has been diagnosed with COVID-19, or resided with someone who has been diagnosed with, or had contact with someone who has been diagnosed with COVID-19?

YES NO

Do you believe that your health or that of a relative or person with whom you reside may be endangered by you serving on a jury?

YES NO

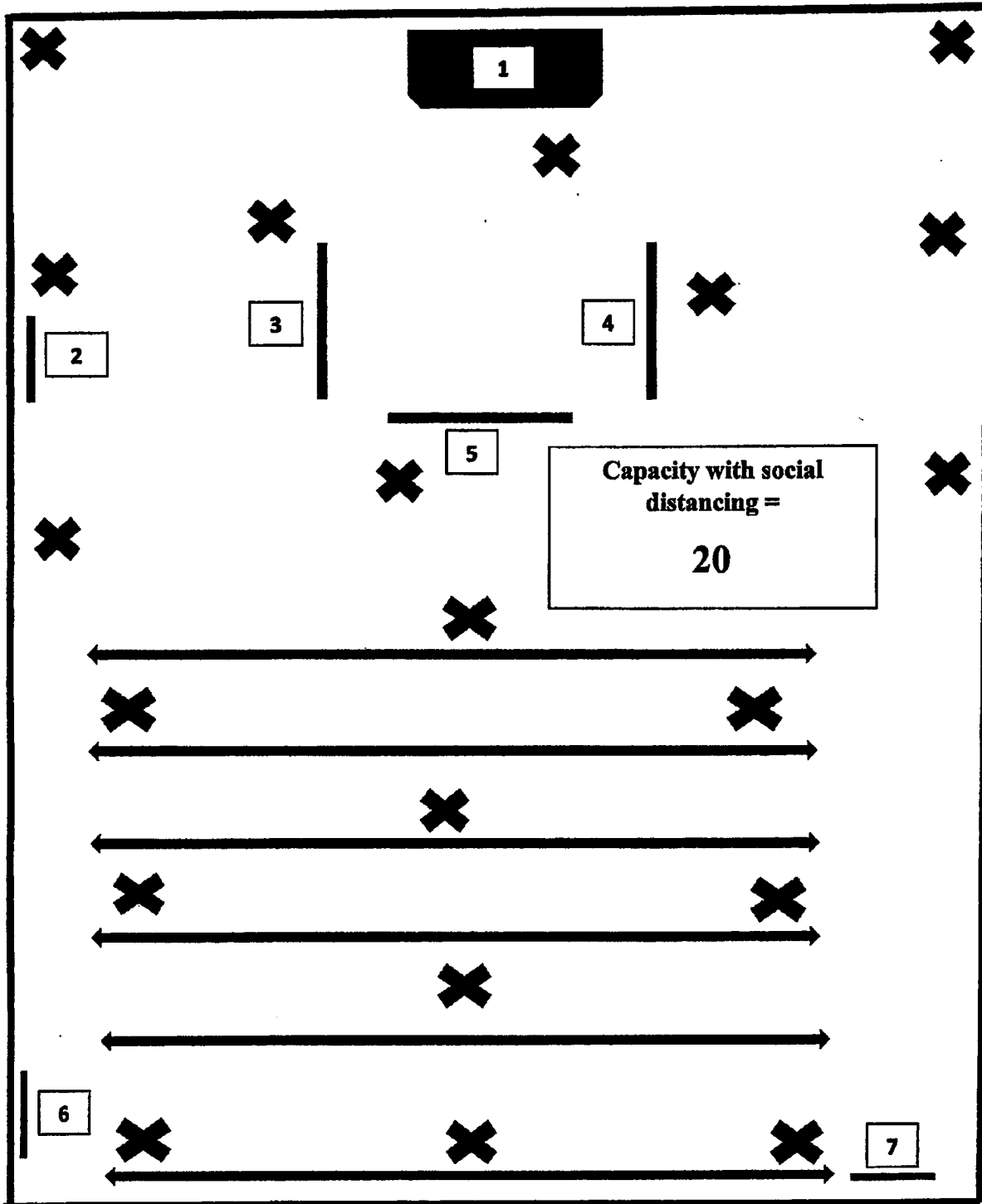
Have you been tested for COVID-19 and are awaiting results?

YES NO

EXHIBIT 4

Diagram – Auxiliary Courtroom

Auxiliary Courtroom



****Diagram not to scale**

Key: 1 – Bench 2 – Doorway 3 – Counsel Table
 4 – Counsel Table 5 – Counsel Table 6 – Doorway
 7 – Doorway Arrows – Bench Seating

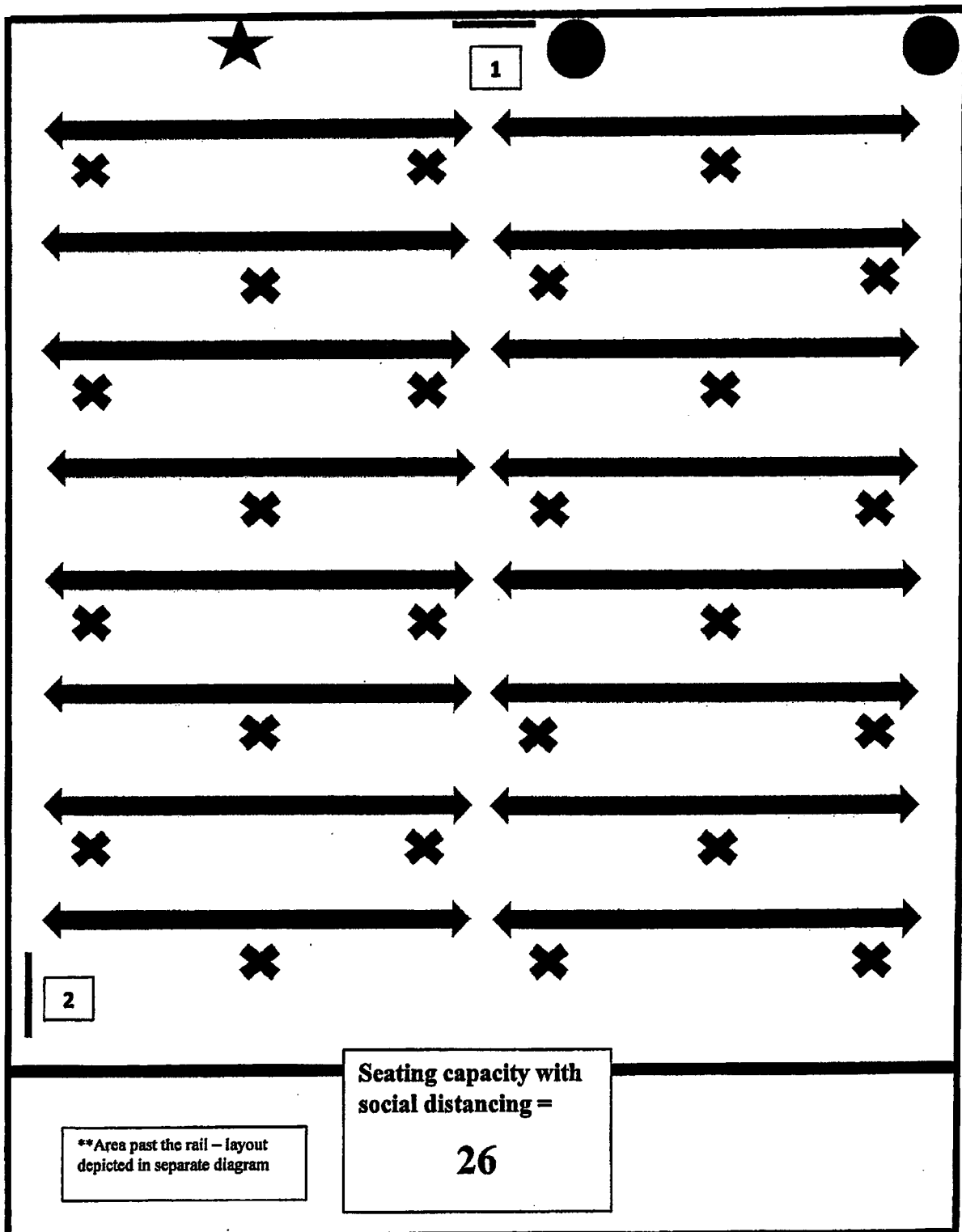
X – Denotes socially distanced (at least 6 feet) designated seating.

This courtroom will be used for juror staging for *voir dire* and for jury deliberations in criminal jury trials.

EXHIBIT 5

**Diagram – Main Courtroom
Gallery**

Main Courtroom - Gallery



****Diagram not to scale**

Key: 1 – Rear emergency exit door 2 - Main Doorway Star – Bailiff Seating
 Circle – Public/Media Seating Arrows – Bench seating
 X – Denotes socially distanced (at least 6 feet) designated seating.

****For civil jury trials, this seating format will be used for *voir dire*, but during trial 26 of the seats in the gallery may be used for members of the public/media.**

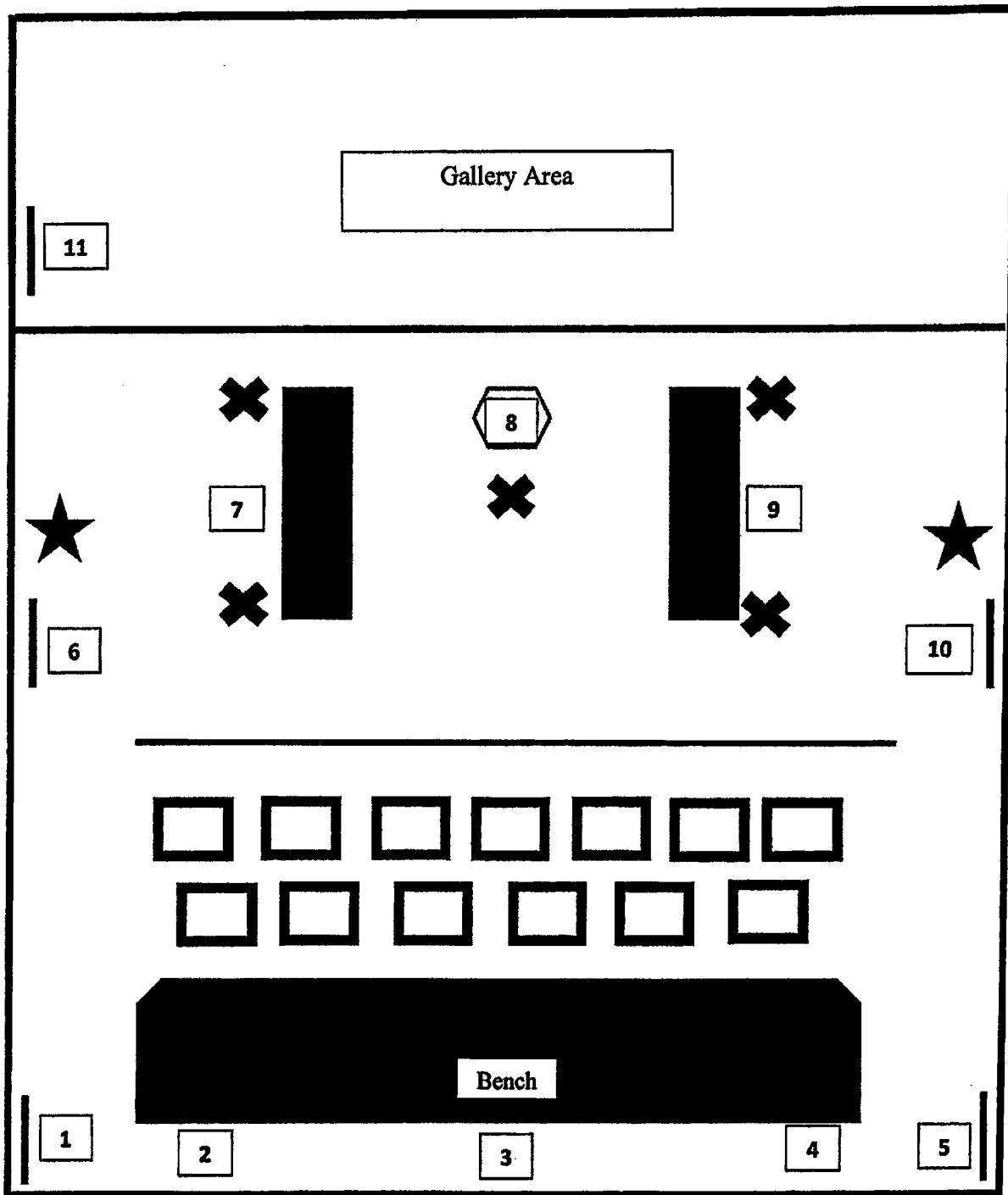
****For criminal jury trials, this seating format will be used for *voir dire* and for the jury during the trial. Jurors and alternates selected will be seated in the rows closest to the front. Three additional seats on the last row will be made available for public/press access once the jury is selected.**

EXHIBIT 6

Diagram – Main Courtroom

Criminal Jury Setup

Main Courtroom – Criminal Jury Setup



****Diagram not to scale**

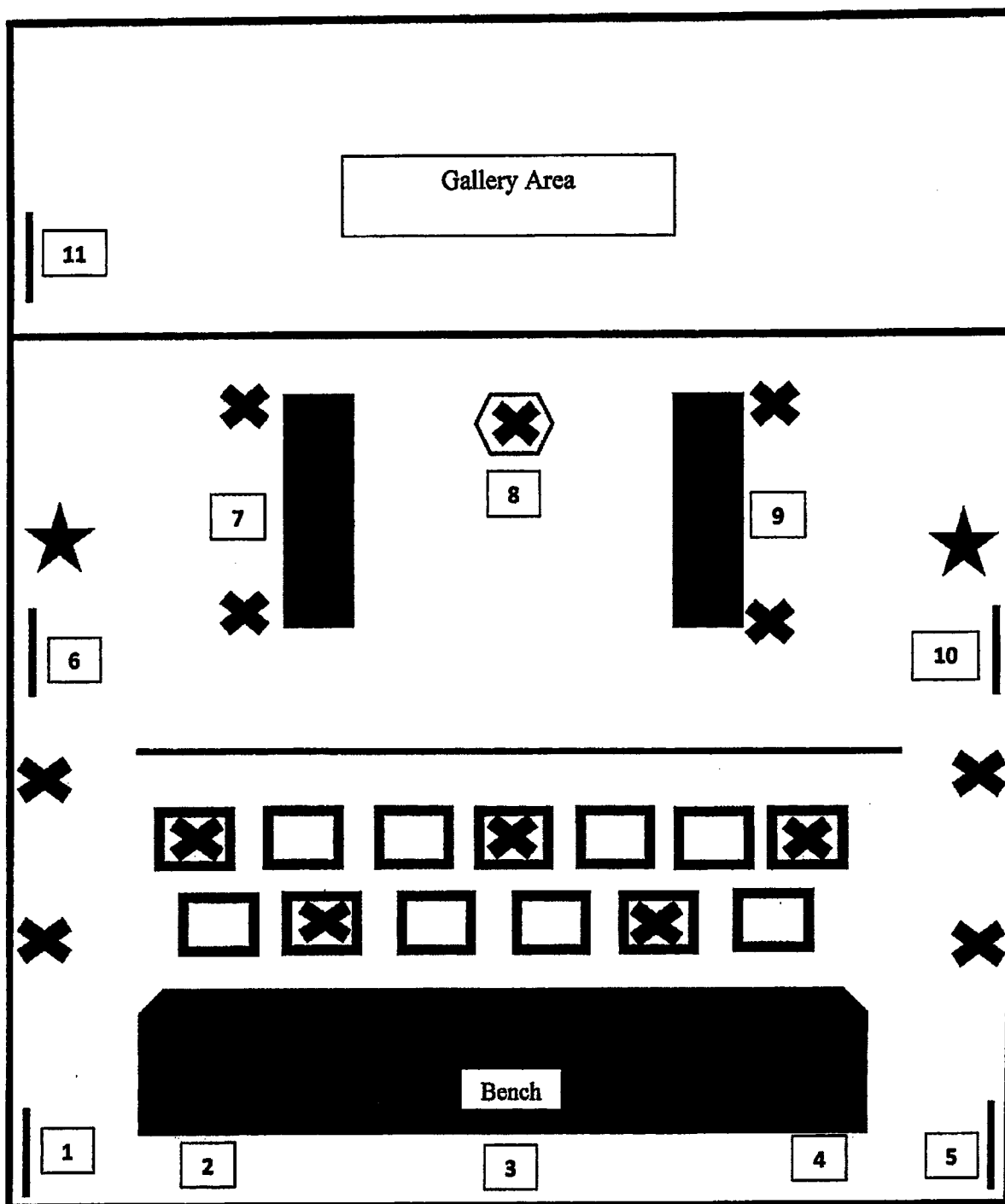
Key:

1 – Door from chambers	2 – Law clerk/court reporter	3 – Judge
4 – Clerk	5 – Technology closet	6 – Doorway to Jury Room
7 – Counsel table	8 – Witness stand	9 – Counsel table
10 – Entry to Holding Cell	11 – Main courtroom doorway	Star – Bailiff Station
X – Denotes socially distanced (at least 6 feet) designated seating. Boxes are jury box seating.		

EXHIBIT 7

Diagram – Main Courtroom Civil Jury Setup

Main Courtroom – Civil Jury Setup



****Diagram not to scale**

Key:

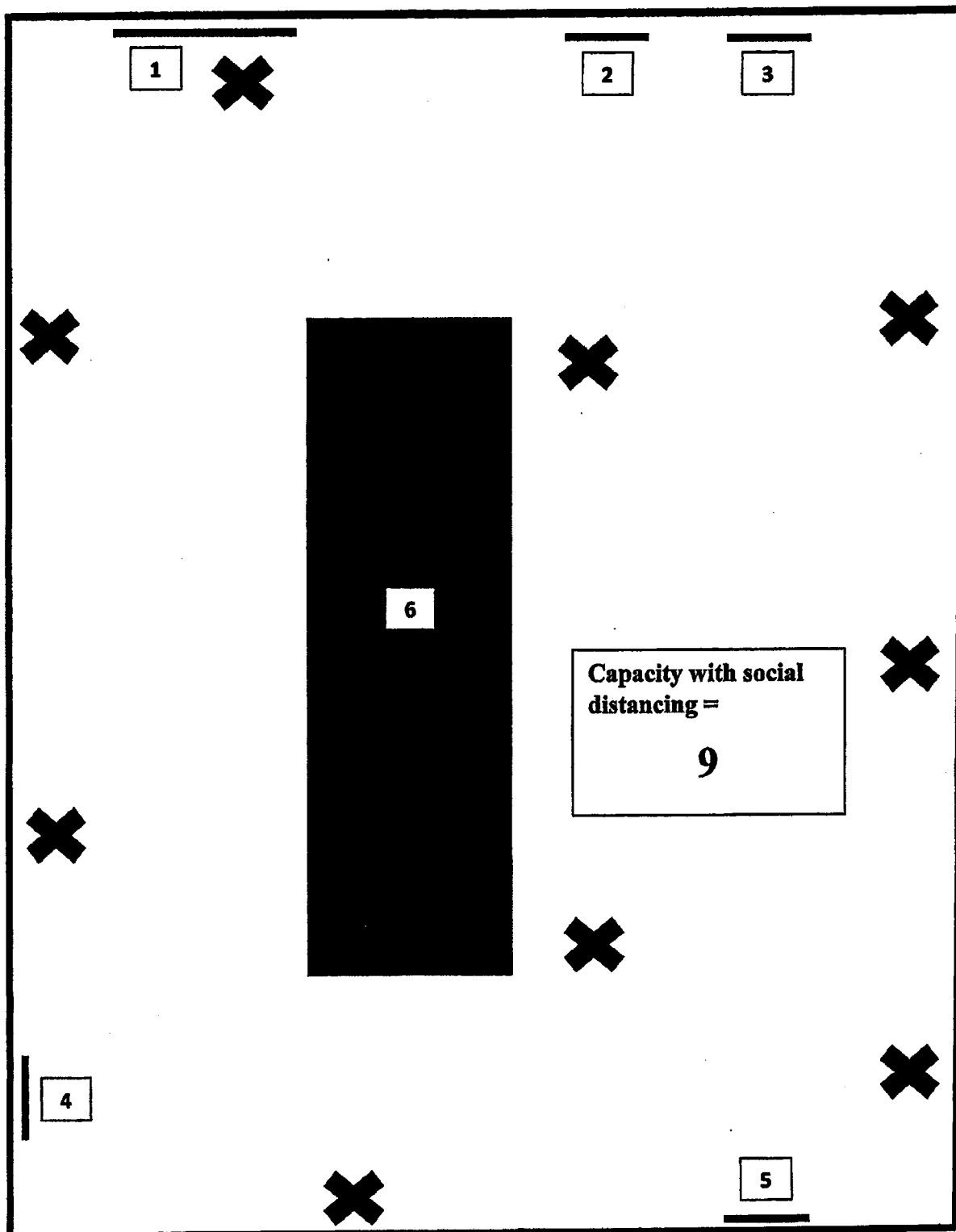
1 – Door from chambers	2 – Law clerk/court reporter	3 – Judge
4 – Clerk	5 – Technology closet	6 – Doorway to Jury Room
7 – Counsel table	8 – Witness stand	9 – Counsel table
10 – Entry to Holding Cell 11	11 – Main courtroom doorway	Star – Bailiff Station

X – Denotes socially distanced (at least 6 feet) designated seating. Boxes are jury box seating.

EXHIBIT 8

Diagram – Jury Deliberation Room Civil Jury

Jury Deliberation Room (Civil Jury Trials)



****Diagram not to scale**

Key: 1 – Locked Storage Closet

2 – Restroom

3 – Restroom

4 – Doorway

5 – Doorway

6 – Table

X – Denotes socially distanced (at least 6 feet) designated seating. All other chairs will be removed.