

Virginia Bar Association
Old Dominion Bar Association
American Academy of Matrimonial Attorneys

Virginia Trial Lawyers Association
Virginia Association of Defense Attorneys
Family Law Coalition

Hon. Donald W. Lemons
Chief Justice
Supreme Court of Virginia
P.O. Box 1315
100 North Ninth Street
Richmond, VA 23219-1315

Re: Requested Clarification to paragraph 12 of Fourth Order

Dear Chief Justice Lemons:

On behalf of the members of our statewide bar associations we write to thank you for your recent Fourth Order Modifying and Extending Declaration of Judicial Emergency in Response to COVID-19 Emergency (the “Order”), and respectfully to request clarification of paragraph 12 of the Order related to jury trials.

Our request stems from numerous discussions among practitioners and bar leaders, which reveal that members of the bar currently have two different interpretations of paragraph 12 of the Order. Specifically, some members of the bar interpret the Court’s Order to mean that only civil and criminal jury trials set to occur between May 18 and June 7, 2020 are suspended and continued; other members interpret paragraph 12 of the Order to mean that all jury trials currently set, regardless of when they are presently scheduled to occur, are now suspended and continued generally until further notice from this Court permits them to be rescheduled. Practitioners favoring the latter interpretation also point to the unnumbered paragraph following paragraph 14 of the Order, wherein the Court discusses the lower courts transitioning to normal operating procedures, which presumably will take longer than the June 7th expiration of the Order, and the Court’s clear directive that the trial courts do not have the authority to include jury trials in their transition plans, as support for their interpretation.

Experienced trial attorneys have interpreted paragraph 12 of the Order differently, and so too might experienced trial judges around the Commonwealth, resulting in considerable inconsistency and uncertainty. Accordingly, we respectfully request that the Court issue an amended paragraph 12 to clarify the time period during which currently scheduled jury trials are suspended and continued, and whether trial courts can presently schedule jury trials if they are to occur after the period of suspension.

We thank you for your consideration of our request.

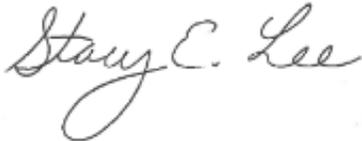
With Regards,



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cc: The Honorable S. Bernard Goodwyn
The Honorable William C. Mims
The Honorable Cleo E. Powell
The Honorable D. Arthur Kelsey
The Honorable Stephen R. McCullough
The Honorable Teresa M. Chafin