

In its continued effort to promote the administration of justice in the Richmond area and to facilitate cooperation between the bench and the bar, the Administration of Justice Committee recently concluded its annual interviews with the **Honorable Judges for the Counties of Hanover and Henrico**. As in years past, the Judges were gracious with their time and spoke with candor to Committee members regarding technology, dockets, communication and preparation.

The Honorable J. Overton Harris
Hanover Circuit Court

Judge Harris continues to appreciate the civility and professionalism of those who practice before the Court. Judge Harris encourages all practitioners to review the local rules, especially Local Rule 4. Continuances, even those agreed up by counsel, are rarely given when trial starts within 30 days or less. Judge Harris also advised counsel to schedule the appropriate amount of time for hearings and other matters. Judge Harris said that the Court fills its schedule and follows it closely. For example, if the litigants schedule a hearing on a matter that will take two hours for a thirty-minute time slot, the Court will likely have to continue the hearing to another date after the allotted time has expired. For domestic relations cases, Judge Harris encourages counsel to engage a court report, when feasible. The ability to read a transcript of final arguments by counsel significantly helps the Court when drafting letter opinions.

Hanover Circuit Court has resumed bench trials with new protocols in place for the health and safety of litigants, attorneys, court staff and the public. It has been an adjustment for all involved but has been going well due to the efforts of court staff and the patience of attorneys and litigants. These recent bench trials will likely be an indicator for how jury trials will proceed once approval is granted. Given the strict protocols that are in place, bench trials have taken longer than usual. Once jury trials resume, Judge Harris believes that jury trials will take substantially longer than initially scheduled. For example, Judge Harris believes that a jury trial that would normally take one day will now take two days.

At the time of the interview, Hanover Circuit Court had not yet returned to having jury trials since they were suspended due to COVID-19. Judge Harris said that Hanover Circuit Court had submitted its plan to resume jury trials but was awaiting approval from the Virginia Supreme Court. Hanover Circuit Court, which currently has two courtrooms, is giving consideration to building a third courtroom that would be larger and better equipped to function during a pandemic. This would be a large undertaking that would take substantial funds and possibly years to see to fruition.

As of September 2020, the first available trial dates were at least five months out. Judge Harris believes that once jury trials resume that Hanover Circuit Court will be able to catch up on the backlog of cases that were continued due to COVID-19. Trials are being scheduled on a first-come, first-served basis.

The Honorable David B. Caddell
Hanover General District Court

Judge Caddell provided an update following a year of unprecedented changes brought on by the COVID-19 Pandemic. Judge Caddell and Judge Campbell would like to commend the bar and highlight the collegiality, professionalism, and preparedness of its members.

The Court has adapted well to the COVID-19 pandemic and has implemented policies to ensure efficiency while prioritizing matters that require more immediate attention. The COVID-19 procedures are evident when walking into the Courthouse. Of note, if a party or attorney arrives at the Courthouse and is not permitted entrance because of a temperature check, or otherwise, the Clerk will issue a notice identifying the parties' new hearing or trial date. The Court remains flexible with continuances in the event of an exposure. When docketing cases, the Court is taking appropriate measures to limit the number of people in the courtroom. As a result, when scheduling trials during the pandemic, it is helpful for the Court to be provided with information regarding the number of witnesses the parties anticipate participating in the hearing or trial.

Also new this year for the Court is an e-summons program being piloted by the Ashland Police Department and Hanover County Sheriff's Office for traffic cases. The e-summons program is designed to make the summonses easier to read and assist clerks in processing traffic summonses. Judge Caddell and Judge Campbell would like to remind attorneys to always file a notice of appearance for any kind of case: traffic, civil, or criminal. This request not only assists the Judges, but is extremely helpful to the Clerk's Office in docketing matters, specifically traffic dockets and civil return dates.

Otherwise, the Court continues to operate two courtrooms, with Judge Campbell presiding every day and Judge Caddell presiding as follows: a civil docket every Monday; a criminal docket in the mornings of the third, fourth, and fifth Tuesdays; a civil docket in the afternoons of the third, fourth and fifth Tuesdays; a criminal docket on Thursday and Friday mornings; and will hear both criminal and civil matters, including motions, on Thursday and Friday afternoons.

As in the past, the Commonwealth Attorney's Office does not get involved with traffic matters unless they specifically opt-in or the Officer requests them to do so. If a continuance is needed, defense attorneys should seek a continuance directly with the Clerk's Office after working with the Officer's available dates. With respect to continuances in criminal matters, defense attorneys should work with the Commonwealth Attorney's Office and file an agreement with the Clerk's Office.

Lastly, in civil matters, the Court continues to generally sign agreed orders. If a disagreement arises that requires a hearing, counsel should coordinate an agreed date and submit a motion and notice of hearing with the Clerk's Office for docketing. Also, to maintain efficiency, the Court wishes to remind counsel that when arguing a default judgment motion, bring evidence of debts and documentation necessary to support the default judgment.

The Honorable Shannon O. Hoehl
Hanover Juvenile & Domestic Relations District Court

Judge Hoehl expressed that she has always been happy with the bar and found its attorneys to be cordial to each other and polite to the court. She shared her thanks for the lawyers generally being so well prepared and considerate.

The Hanover Juvenile and Domestic Relations court has been fortunate in that COVID-19 has not impacted its docket. The new courthouse is equipped with courtrooms that are sufficiently large so that everyone can maintain social distancing and, because cases are set by the hour, the parties are able to limit or eliminate contacts with others. Additionally, Judge Hoehl prefers in-

person appearances to video conferencing but will take a meeting by Webex or another platform approved by the Supreme Court if requested. She has not received any requests for video hearings, likely because of the courtroom's spacious layout, but regularly grants requests for telephone hearings.

During hearings, if the parties can maintain social distancing, masks may be removed. Judge Hoehl remarked that it is often difficult for attorneys to sit six feet away from their clients. If they do so, then if the attorney speaks with the client then she or the other party will likely hear the attorney-client communication. Witnesses sometimes remove their masks, which Judge Hoehl said is helpful in that everyone is better able to evaluate the witness with their mask removed.

The Court's goal is to set cases not more than three months following the pretrial hearing for contested cases, to have the pretrial hearing within 30 days of filing, and to enter final orders rather than temporary ones. If a party requests an emergency hearing and provides adequate support for that emergency hearing, then the court will grant the request. If the Court denies the request for an emergency hearing, then a Guardian ad Litem (GAL) will be appointed. The GAL may then separately petition the court for an emergency hearing, if the GAL understands that an emergency does exist.

Attorneys who wish to serve as a GAL must also be on the Hanover Juvenile and Domestic Relations District Court's court-appointed list. Attorneys are assigned a duty day and the Court does not know if criminal defendants will need counsel or if a GAL will be appointed on any given day. Accordingly, the attorney should expect to keep that day open or find a replacement attorney. Attorneys whose offices are located in Hanover County are typically preferred by the Court, both because attorneys are sometimes asked to appear in Court the same day as their appointment with little advance notice, and because a Hanover location is typically more convenient for client meetings.

Judge Hoehl offers an annual stakeholder meeting at which attorneys who serve as GAL, court appointed counsel, and people from state agencies can offer meaningful input in the Court's operation. This meeting is on hold because of COVID-19 but, will be scheduled when the meeting can be held in person.

The Honorable James S. Yoffy
Henrico Circuit Court

Judge Yoffy continues to appreciate the civility and professionalism of those who practice before the Court. Judge Yoffy stated Henrico Circuit Court is blessed with a strong group of Court appointed lawyers. The civil litigators are also excellent, and attorneys are generally knowledgeable and prepared.

Judge Yoffy warned counsel to schedule the appropriate amount of time for hearings and other matters. Judge Yoffy stated that "stacking" of issues was not permitted. There should be a Notice of Hearing for every issue and issues should not be added on to a hearing date unless approved by the Court. Judge Yoffy stated it was important for counsel to be on time or at least call the Court if they were running late.

Judge Yoffy cautioned counsel about filing last minute Motions in Limine. Judge Yoffy does not like to keep a jury waiting while the parties argue last minute motions.

Judge Yoffy was very proud of the fact that Henrico Circuit Court was one of the first jurisdictions to be approved for jury trials during the COVID pandemic. At the time of our meeting, Henrico had already successfully held several jury trials. There are new protocols to protect jurors and counsel. During trials, all participants wear face coverings, except witnesses while testifying and jurors during voir dire. Judge Yoffy said that Henrico has not had an issue with people not reporting for jury duty and that the Court hoped to clear the criminal backlog by the end of the year and start civil trials in November.

Judge Yoffy wants to make sure it is known that a lot of credit for Henrico Circuit Court being able to start jury trials should go to Judge Wallerstein who created the plan.

During the continued COVID pandemic, the Court is more flexible with doing hearings by telephone or Zoom if the parties agree and if they do not agree a motion can be filed. The Court is generally inclined to grant those motions.

Judge Yoffy encouraged younger attorneys to seek out and try to find an older attorney to shadow. Judge Yoffy wanted everyone to know that Henrico Circuit Court is open for business!

The Honorable John K. Honey, Jr.
Henrico General District Court

Judge Honey wishes to commend the local bar for its outstanding efforts, flexibility, civility, and resolve as the Henrico General District Court has implemented changes to operations and procedures during the pandemic. The judges, lawyers, clerks, other courthouse staff, Commonwealth's attorneys, and sheriff's office have worked together to ensure the administration of justice continues during this unprecedented time.

The Court now has an order in effect requiring every courthouse visitor to wear a mask. If a medical condition frustrates wearing a mask, then a face shield is permitted. Courtroom visitors are restricted to only parties, their lawyers, or their witnesses. No family members or observers are allowed. Visitors will have their temperature checked and will be asked COVID-19-related questions upon entry to the courthouse. If a party is denied entry to the courthouse after a temperature check and questioning, then the Court will continue that party's case. The Court is advising lawyers to wear a mask, to show up on time, and to avoid the courthouse if you are experiencing COVID-19 symptoms.

Judge Honey reports that the Court is quite busy with criminal, traffic, and civil matters after navigating COVID-19 and addressing a backlog of cases. The backlog of cases due to the pandemic and related shutdowns now has been fully addressed. To maintain social distancing protocols, the Court has limited the amount of cases it hears per courtroom and has staggered the dockets to spread out cases. The Court is only hearing 30 cases for criminal and traffic matters and 40 cases for civil matters per docket. For example, the criminal docket is now spread across all five courtrooms with each one hearing six cases (or 30 cases total). The Court discovered this system is much more efficient and will be implementing this change permanently.

On the criminal side, video conferences have been implemented for arraignments, pleas, continuances, and bond motions if the defendants sign a waiver form agreeing to a virtual appearance. If the defendant agrees, probable cause trials are also conducted by video conference.

The Court asks lawyers to provide early notice if a case will be tried in person so the Court can arrange transportation for incarcerated defendants. The Court encourages lawyers to advise their clients about the benefits of conducting criminal matters via video conference during the pandemic. The Court is setting criminal trials about 90 days out and asks lawyers to let it know if their clients will waive preliminary hearings so those matters can be addressed expeditiously.

On the civil side, video conferences have also been implemented if all of the parties agree. The Court also has added extra dockets for unlawful detainees to keep those matters moving efficiently.

The Court is in the process of creating a mental health docket and plans to submit that paperwork soon. The Henrico Police Department already has a mental health unit that works closely with Henrico Mental Health. If all major stakeholders work together on this new mental health endeavor, the Court hopes it will better address mental health issues in the community by offering an alternative to incarceration. The Court is always looking for community members to obtain treatment as an alternative to incarceration.

In sum, the year has been a trying one for the Henrico General District Court as the pandemic has forced all major stakeholders to refocus on the fundamentals of proper legal representation and the administration of justice. The stakeholders, however, have risen to the occasion in a spirit of resiliency and cooperation that is encouraging. The Court has been impressed with the general level of preparedness and professionalism of regular practitioners and encourages the bar to maintain this high standard.

The Honorable Margaret W. Deglau
Henrico Juvenile & Domestic Relations District Court

Judge Deglau commends the local bar's response to the unprecedented issues created by COVID-19 and the resulting restrictions designed to stop the spread of the virus. Specifically, Judge Deglau appreciates that the local bar has worked to settle cases that should be settled so that the court maintains the ability to hear those cases that must be tried.

Judge Deglau anticipates that COVID-19 restrictions will continue for the indefinite future, which means that all persons entering the courthouse must wear a mask. If any person is unable to wear a mask, the court requires that person to wear a face shield while in the building. To comply with social distancing requirements, only certain people are permitted to enter the court for trial as a matter of course, including law enforcement officials, summonsed witnesses, parties, and attorneys. If a trial witness appears at the courthouse but has not received a summons to appear, that witness will not be permitted entry unless and until a determination is made by the court that the person is a necessary witness. To ensure entry of your witnesses and avoid difficulty in this regard, Judge Deglau advises counsel to summons any necessary witness to trial.

Judge Deglau notes that the bar has successfully transitioned to conducting judicial settlement conferences by videoconferencing. Due to the success of increased settlement conferences during the last year, she anticipates that the court will order more matters to settlement conferences moving forward. Judge Deglau expects that the court will continue to make use of videoconferencing technology after COVID-19 restrictions are lifted. She observes that expert

witnesses testifying by WebEx as opposed to in-person greatly reduces the cost to litigate and we should expect the court to continue with its expanded use of technology in a post-COVID-19 world.

Judge Deglau advises that the judges in this court are making more regular use of pre-trial scheduling orders and she advises attorneys to review those orders exceptionally carefully as many contain mandatory filing deadlines that, if missed, could lead to case dismissal or exclusion of evidence.

Judge Deglau is excited that all open positions in the clerk's office are currently filled; however, she notes that illness or mandatory quarantines due to suspected COVID-19 exposure reduce the staffing levels in the clerk's office at times. Due to social distancing requirements and the requirement that court files remain within the vision of the clerk's office personnel when reviewed by the public, there are situations when the clerk's office may ask attorneys seeking to review a court file to return at a later time to limit the number of individuals in the clerk's office at any one time. Judge Deglau asks that the bar continue to demonstrate patience with the clerk's office during these unusual times.