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February 19, 2021

The Honorable Clark A. Ritchie, Chief Judge
Page County Circuit Court
116 South Court Street
Suite A
Luray, VA 22835-1200

Dear Chief Judge Ritchie,

A panel of three Justices in consultation with the Office of the Executive Secretary has approved your plans for the resumption of jury trials in the Circuit Court of Clarke County, the Circuit Court of Frederick County, and the Circuit Court of the City of Winchester. You may begin jury trials effective today, provided the jury trial is consistent with and in reasonable conformity with the plan. This approval is subject to a change in circumstances including failure to carry out the plan you have submitted.

The Supreme Court is aware that communities in Virginia are different and more importantly, courthouses are different. As we have reviewed proposed plans, our concerns were that major issues have been addressed and that users of the courthouse have knowledge of what is expected of them. An undertaking of this magnitude is likely to require changes to the plan as participants discover that some practices do not work well and need further consideration. Of course, the plans cannot be subject to significant changes every time there is a jury trial. Furthermore, the plan cannot recite the solution to every problem that may arise. We are now learning that "strict conformity" with the plan should not be expected in all of the details.

We also know that the plans will need to have some room for adjustments as we learn about how certain aspects of the plans work or don't work. This letter is not an Order. The various emergency orders forbidding jury trials until a plan is submitted to and approved by the Supreme Court are clearly orders. As we have learned, from time to time there will be deviations from strict conformity to the plan. If and when this is so, it is the presiding judge who must make the decision. If the deviation is substantial and is likely to reoccur, the locality may need to resubmit a plan for approval.

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The presiding judge must and does have the authority to make decisions that must be made to effectuate a trial. Should there be changes made to the plan that have long term significance, the plan should be modified and resubmitted.

Sincerely,



Donald W. Lemons

Plan for Safe Conduct of Jury Trials in the City of Winchester and Frederick County

In creating this plan, the presiding judges consulted with one another, Colin M. Greene, M.D., MPH, Lord Fairfax Health District Health Director, Meredith Davis, MPH, District Epidemiologist for the Lord Fairfax Health District, the local sheriffs, facilities managers, court reporter, departments of emergency services, attorneys, and clerks of court. The judges considered the resources and guidance provided by OES and the CDC, as well as relevant factors, including those set forth in paragraph 16 of the Supreme Court's Sixth Order Extending Declaration of Judicial Emergency in Response to Covid-19 Emergency.

1. Winchester-Frederick County Joint Judicial Center

A. Personal Protective Equipment

1. **Masks:** All individuals entering the courthouse will be required to have masks or facial shields that cover their noses and mouths. If individuals do not have their own masks, they will be provided by the locality's (Winchester or Frederick County respectively) department of emergency services. Facial shields will be provided by the maintenance department of the JJC. The CDC does not recommend the use of face shields as a substitute to masks. However wearing a mask may not be feasible in certain situations, e.g. for those who are deaf. Accordingly, for individuals who must wear a facial shield the CDC recommends either a hooded face shield or a face shield that wraps around the side of the wearer's head and extends below the chin. Face shields will be used in line with the CDC's guidance, including hand washing before putting on and after removing the face shield, using disposable face shields only one time before disposing of them according to manufacturer's instructions, and cleaning and disinfecting reusable face shields according to manufacturer instructions. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html#face-shields>.

The default is that all persons are wearing face masks at all times. In exceptional circumstances, for a limited amount of time, and only with the Court's permission, a person may be un-masked so long as they are 10 feet or more from all other persons. Wearing masks while speaking is important to stop the spread of the COVID-19 virus. All participants will be wearing masks at all times, except in exceptional, limited circumstances.

- a. Jurors will maintain social distancing of six feet at all times. Jurors will wear masks.
- b. Witnesses will maintain social distancing of six feet at all times. Witnesses will wear masks.
- c. Lawyers will maintain social distancing of six feet at all times. Lawyers shall remain behind a lectern or at counsel table during the course of

the trial and may not approach the bench, the jury, or the witness without leave of court for good cause shown. Lawyers will wear masks. If face coverings impair the ability of a lawyer and his client to communicate at counsel table (and alternative methods of communication such as note-writing, texting between devices, etc., are unavailable or insufficient), the Court will permit counsel whatever recesses are necessary for the purpose of facilitating private communication. The Court expects counsel to maintain social distancing with co-counsel and his or her client at all times.

- d. The judge will maintain social distancing of six feet at all times. The judge will wear a mask throughout the course of the trial. If the judge must remove his mask to be better understood, he will maintain 10 feet of distance between himself and others as required by VDH guidelines.
- e. All other participants, including those in the spectator/media courtroom will maintain social distancing of six feet and wear a mask at all times.

- 2. Gloves: Exhibits will not be published individually to the jury during the trial except under special circumstances. At any time that jurors come in contact with exhibits, including after closing argument in the jury room, jurors will be provided with disposable gloves for the handling of exhibits and be provided with specific instructions on the proper protective use of gloves. Such gloves will be provided by the locality's (Winchester or Frederick County respectively) department of emergency services.

B. Sanitation Procedure

1. All touchable surfaces in the courthouse will be cleaned at least daily using an approved List N disinfectant.
2. High-touch will be cleaned every two hours at a minimum. High-touch surfaces include but are not limited to: witness boxes, chairs, photographs and non-paper exhibits, doors to the building, restrooms (and stalls), courtrooms and jury rooms, tables, railings in stairwells, and elevator buttons.

C. Prescreen of Prospective Jurors

1. How the court and clerk will adapt the number of jury summonses to send out.
 - a. Juror turnout yield is usually in the ninetieth percentile. Normally thirty potential jurors are summoned for felony jury trials and twenty for misdemeanor and civil jury trials.
 - b. In order to adapt to retrieve a sufficient jury pool in light of COVID-19 concerns, for each felony jury trial, at least eighty jurors shall be summoned. For civil jury trials and misdemeanor appeals, at least thirty jurors will be summoned. The expected juror turnout yield is expected to remain in the ninetieth percentile.
2. Each jurisdiction has, throughout the Period of Judicial Emergency, continued to summon jurors as usual and leave a message on the jury answering machine that specific jury trials have been cancelled. The Clerk shall post the requirements of this plan on the website and send a prescreen questionnaire based on the VDH guidelines for screening, along with a description of the Court's efforts to mitigate the spread of COVID-19, to each of the potential jurors with the following questions (hereafter referred to as the **PRESCREENING QUESTIONS**):
Have you, within the previous fourteen days:
 - a. Traveled more than 100 miles from Winchester;
 - b. Been directed to quarantine, isolate, or self-monitor;
 - c. Been diagnosed with; have had contact with anyone who has been diagnosed with COVID-19; or have personally experienced fever, cough, or shortness of breath; or
 - d. Resided with or been in close contact with any person in the above-mentioned categories?
 - e. Have you been tested for COVID-19 and are awaiting test results?
 - f. Are you currently experiencing, or have you experienced in the last 14 days, a fever, cough, or shortness of breath that you cannot attribute to another health condition?
 - g. Within the last 14 days, have you had or do you currently have any of the following symptoms that you cannot attribute to another condition: fever or chills, cough, shortness of breath or difficulty breathing,

- fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, diarrhea?
- h. Do you currently have a fever of 100.4 or higher that you cannot attribute to another health condition?
 - i. Have you been in close proximity to anyone who was experiencing the above listed symptoms in the last 14 days?

- 3. The Clerk shall call to the attention of the presiding judge the name of any juror who answers any of the foregoing questions with a positive response for exclusion from jury duty. Juror excuses shall be liberally granted by the presiding judge. The clerk will continue to summon jurors to make up for the resultant loss of potential jurors.
- 4. Age 65 or above: the Health Director notes that the majority of COVID deaths in Virginia have been of persons over the age of 65. Accordingly, in addition to notice of the provisions of Virginia Code § 8.01-341.1 that persons over the age of 70 are statutorily exempt from jury service in all civil and criminal cases upon their request, the Clerk shall provide notice that all persons over the age of 65 will be exempt from jury service in all civil and criminal cases upon their request.
- 5. Those in high-risk categories as defined by the CDC will be excused from jury service. This includes those with: cancer, chronic kidney disease, chronic obstructive pulmonary disease, heart conditions, such as heart failure, coronary artery disease, or cardiomyopathies, immunocompromised state from solid organ transplant, severe obesity (BMI>40 kg/m²), pregnancy, sickle cell disease, smoking, type 2 diabetes mellitus. Further, the self-screening will inquire if the potential juror cares for someone at higher risk, if high-risk persons live in the individual's household, if the individual is a sole caretaker, if childcare is available, if the individual interacts with high risk persons for work and if the individual works in a long term care facility or other healthcare environment.

D. Paths of Travel, Social Distancing, and Remote Viewing

- 1. One at a Time: Only one jury trial will occur at a time at the JJC. Criminal jury trials will take precedence over civil jury trials. In general, as between Winchester and Frederick County, jury trials will be scheduled on a first come first served basis. The Clerks of the two circuit courts will routinely confer to maintain the unified jury trial docket. Should a scheduling conflict occur involving speedy trial or other time sensitive issues, the judges shall confer to resolve the conflict.
- 2. Courtroom 3A will be the site of the jury trial. Voir dire will be at the Star Building¹.

¹ The City of Winchester, as fiscal agent for the JJC, has leased space at the Star Building, across the street from the JJC, for jury selection. Effective March 1, 2021, the lease will be on a month to month basis. Should the Star

- a. The Jury will be seated in the gallery. Counsel tables will be arranged facing one another and perpendicular to the bench. Plaintiff or Commonwealth will be on the west and Defendant will be on the east. If face coverings impair the ability of a lawyer and client to communicate at counsel table (and alternative methods of communication such as note-writing, texting between devices, etc., are unavailable or insufficient) the Court will permit counsel whatever recesses are necessary for the purpose of facilitating private communication. The Court expects counsel to maintain social distancing with co-counsel and client at all times.
- b. Six foot social distancing will be maintained at all times. Gallery seating will be marked off with tape to assist in social distancing.
- c. In a criminal case, the victim will be seated in an appropriate location within courtroom 3A unless the court determines, in its discretion, pursuant to Virginia Code § 19.2-265.01 that the presence of the victim would impair the conduct of a fair trial.
- d. The JJC will provide a projector, screen, and microphones for use at the back of the courtroom. Counsel may stand at and speak from the back of the room during publication of an exhibit by projector or during their examination or cross-examination regarding such an exhibit. Any exhibit that can be published electronically by projecting will be. Otherwise, individual exhibits will be provided to each juror. If an exhibit cannot be reproduced or duplicated, it will be placed on a table and jurors will be allowed to walk to the table one at a time to view the exhibit. Gloves will also be provided and used in compliance with VDH and CDC guidelines.
- e. All jury trials are anticipated to be multi-day trials. In scheduling jury trials, counsel and the court will double any estimate they would otherwise have for the length of the trial.
- f. The courtroom will be appropriately arranged for six foot social distancing at all times and so that the jury, judge, counsel, criminal defendant, civil litigants, court reporter, clerk, bailiffs, and witnesses can see and hear. See attached diagram of the courtroom. Jury selection will begin at 8:00 a.m. on the first day of the trial. The presiding judge shall otherwise determine court hours for each day of the trial.
- g. Juries will include at least three alternates.
- h. Voir dire will be conducted at the otherwise vacant former Winchester Star building (Star Building) located across the street from the JJC at 2 North Kent Street, Winchester, VA. Strikes for cause shall be argued and ruled upon after voir dire of each panel. Jurors not struck for cause will be released and instructed to return at a designated time to the Star Building with a strict admonition not to discuss the case with anyone. Once a sufficient number of individuals free from strikes for cause have been identified to accommodate the requisite number of

Building no longer be available, comparable space with the same restrictions and cleaning requirements will be used.

- jurors for a trial plus three alternates, the remaining panels shall be released.
- i. The air handling (HVAC) unit that serves the courtrooms at the JJC is located in the penthouse. Pleated filters are changed quarterly by a contracted vendor.
 - j. At the Star Building, there are two air handling (HVAC) units serving the areas where jury assembly will take place. These filters are changed quarterly by the building owners contracted service provider.
 - k. Given the ample space for social distancing at the Star Building, witnesses may be briefly escorted into the Star Building in groups of no greater than 7 at a time, during voir dire, to determine if any of the potential jurors know them. Witnesses will always wear masks.. Alternatively, counsel may prepare a poster size picture or an electronic image of each witness for physical display or projector display during voir dire.
 - l. Recesses will occur at least every two hours for complete cleanup of high-touch surfaces and to permit jurors and participants to wash hands.
 - m. No sidebars will be conducted at the bench. The jury shall retire to the jury room when the judge considers any matters which would otherwise be taken up as a sidebar intended to be outside of the hearing of the jury.
 - n. Ample hand sanitizer will be placed throughout the courtroom, jury room, and remote viewing room.
 - o. Jurors will be provided multiple copies of the jury instructions at the time that the judge reads them aloud to them and when they retire to the jury room to deliberate.
 - p. Prior to the commencement of court each day, bailiffs will check the temperature of all persons entering the courthouse, including the judge, ask the **PRESCREENING QUESTIONS**, and inform the judge of anyone who answers yes or has a temperature of 100.4 F or greater. Such person shall be denied entry.
 - q. Each day of trial, the court will make the inquiry set forth in the “Prescreen of Prospective Jurors” of all persons entering the courthouse prior to entry using the **PRESCREENING QUESTIONS**. Those who answer yes to any question will be denied entry. Any person ever answering “yes” to the **PRESCREENING QUESTIONS** or having a fever of 100.4 or above will be denied entry. If the person prohibited from entering is a necessary party or witness, the court will make accommodations through Polycom, WebEx, or continuances.
3. Courtroom 3B will be the jury room.
 - a. Prior to every break, the jury will be instructed to maintain social distancing of six feet in the jury room and to wear masks or face shields. Courtroom 3B will be marked off with tape to ensure physical social distancing.

- b. Behind courtrooms 3A-3D, the JJC has three regular jury rooms with a total of four restrooms, each of which can only accommodate one person at a time. These restrooms shall be for the exclusive use of the jurors and shall be regularly cleaned throughout the trial in line with the cleaning protocols for the rest of the courthouse, with restrooms being cleaned as part of the daily cleaning of all surfaces in the courthouse, and high touch surfaces in the restrooms being cleaned every two hours.
 - c. Bailiffs, standing in the hallway between Courtroom 3B and the regular jury rooms shall monitor the jury room restroom usage to ensure that no line forms and that six foot social distancing is maintained when jurors are waiting to use the rest room.
 4. Courtroom 3D will be used for the other jurisdiction's regular criminal docket. If the jury trial is a civil one, courtrooms 3D and 3E will be used for each jurisdiction's regular criminal docket.
 5. Courtroom 3F or 3E will be the remote viewing room for the media and spectators. The JJC will provide a close circuit link to courtroom 3F or 3E to view the proceedings in courtroom 3A. No video or audio recordings shall be made of the proceedings other than the audio recordings made by the court reporter. Social distancing will be maintained in this room using and the room will be cleaned in line with the cleaning protocols in place for the courthouse generally. The rooms involved will be marked off with tape to assist in social distancing. Bailiffs and clerks will enforce social distancing. Everyone in courtroom 3F or 3E will maintain six foot social distancing and wear a mask at all times.
- E. Juror Check-In, Assembly, and Grouping will occur at the former Winchester Star Building.
 1. Jury selection will begin at 8:00 a.m. on the first day set for the trial. The presiding judge shall otherwise determine court hours for each day of the trial.
 2. Jury check-in, assembly and voir dire for all criminal and civil jury trials shall take place at the Star Building.
 3. Initial clean-up and regular cleaning of the space used by the courts at the Star Building will be arranged under the CARES Act with the City of Winchester as the fiscal agent in line with the cleaning protocols in place for the courthouse, including the cleaning of all surfaces once a day and the cleaning of high touch surfaces every two hours.
 4. The 3,856 square foot room (ceiling height of 16 feet) established for jury selection at the Star Building will be furnished with chairs for potential jurors by the City of Winchester. Spaces will be marked on the floor for the chairs to be socially distanced by at least 6 feet. Potential jurors are strictly prohibited from moving the chairs from their appointed spots.

5. Male and female restrooms are available immediately adjacent to the jury selection room at the Star Building. Additional restrooms are available if necessary at the JJC across the street.
6. Motions to strike jurors for cause will be taken up outside the presence of the potential jurors in another smaller, but capable of social distance space in the Star Building, to which the presiding judge, counsel, bailiffs, any criminal defendant, and the court reporter shall remove for that purpose. Upon the resolution of the motions to strike for each panel, the presiding judge, counsel, bailiffs, any criminal defendant, and the court reporter shall return to the jury panel room at the Star Building for the presiding judge to give further instruction.
7. Juries will include at least three alternates.
8. Tables will be set up at the Star Building for the judge, counsel, and a court reporter.
9. Bailiffs will check each potential juror's temperature. Each potential juror will be asked the **PRESCREENING QUESTIONS**. Any person answering yes to any of the **PRESCREENING QUESTIONS** will be denied entry and the Clerk shall immediately excuse any potential juror who answers yes to any screening question or with a temperature of 100.4 F or greater.
10. All stages of jury selection will take place at the Star Building. Doing so adds a layer of Covid protection to the potential jurors as they will not come in contact with other visitors to the JJC. Jurors who are not selected for a particular jury will not even need to enter the JJC. The jury will not be sworn until its arrival in courtroom 3A.
11. Potential jurors will be examined in panels with staggered reporting times.
12. For Winchester trials, the Winchester Sheriff's Office will provide weapons screening and security at the Star Building.
13. For Frederick County trials, the Frederick County Sheriff's Office will provide weapons screening and security at the Star Building.
14. Once the jury has been selected, the jury will be escorted across the street by the appropriate Sheriff's Office and through the private entrance into the JJC at the north side of the building. The jurors will be escorted to courtroom 3A where the trial will commence upon their swearing in.
15. Each morning of trial and after every luncheon recess, the jury will check-in at the Star Building. ²Once the jury is fully assembled, it will be escorted across the street by the appropriate Sheriff's Office and through the private entrance into the JJC at the north side of the building to the jury room (courtroom 3B).

² Should the Star Building no longer be available, check-in for selected jurors and alternates will take place after each recess at the north entrance to the JJC.

16. Food will not be provided to jurors. Jurors may bring their lunch but may not eat their lunch in the JJC. Jurors may leave the JJC for luncheon recesses.
17. The JJC has a very small elevator and a set of stairs near its north side entrance. Only one person will be allowed to use the elevator at a time. High-touch surfaces within the elevator will be cleaned/disinfected after each elevator use. High-touch areas within the stairwell will be cleaned/disinfected after each arrival and departure to the JJC by the jury.
18. Having a dedicated juror entrance to the JJC protects the jury from coming in contact with other visitors to the JJC. See OES “Guidance and Considerations for the Resumption of Jury Trials,” June 29, 2020, page 17, paragraph IV(B)(i)(3).
19. Each day of trial, bailiffs will check each juror’s temperature and ask the **PRESCREENING QUESTIONS**. The Clerk shall immediately inform the presiding judge if any juror who answers yes to any screening question or has a temperature of 100.4 F or greater and the juror will be denied entry.
20. For each felony jury trial, at least eighty jurors shall be summoned. For civil jury trials and misdemeanor appeals, at least thirty jurors will be summoned.
21. As there is ample space at the Star Building, witnesses may be lined up at the Star Building to determine if any of the potential jurors know them.
22. Jurors will wear masks during voir dire and at all times during trial. As previously mentioned, the Court expects to permit individual jurors to lower a face covering briefly if requested by counsel, while ensuring proper social distancing of at least 10-feet from all other persons.
23. Signs will be posted on each floor of the JJC, in the jury room (courtroom 3B), and in each restroom noting: that all persons are required to wear masks at all times, a social distance of 6 feet must be observed at all times, and that all persons must wash their hands at least every two hours.

F. Juror Excuse Based on COVID-19 Symptoms, Etc.

1. For potential jurors who seek to be excused prior to their appearance at court based on COVID-19 symptoms, exposure, and related health concerns, the potential juror shall provide to the Clerk a detailed oral request regarding their COVID-19 symptoms, exposure, and related health concerns. Such request shall include answering the **PRESCREENING QUESTIONS**. For Winchester trials, the Clerk of the Court for Winchester will be the contact person for all potential jurors, excusal requests, and the public. For Frederick County trials, the Clerk of the Court for Frederick County will be the contact person for all potential jurors, excusal requests, and the public.
2. Juror excuses shall be liberally granted by the presiding judge.

G. Procedures for Persons Developing Symptoms

1. Should someone involved in the trial or a person at the JJC or Star Building develop symptoms of Covid-19 or test positive for Covid-19. The known symptoms of Covid-19 are: Fever or chills; Cough; Shortness of breath or difficulty breathing; Fatigue; Muscle or body aches; Headache; New loss of taste or smell; Sore throat; Congestion or runny nose; Nausea or vomiting; and Diarrhea.
2. If a juror develops any of these symptoms or tests positive for Covid-19, they shall inform the bailiff, who shall immediately inform the presiding judge. The judge will immediately excuse the juror from further service on the jury. The judge shall then convene the parties outside the presence of the jury and hear any motions. The judge shall then invite the jury in and explain that the excused juror had symptoms associated with Covid-19. If a mistrial has been declared due to a now insufficient number of jurors, the jury shall be excused. If not, the jury trial will resume.
3. If a witness develops any of these symptoms or tests positive for Covid-19, they shall inform the attorney who called them, who shall immediately inform the bailiff, who shall inform the presiding judge. The judge will immediately excuse the witness from further attendance. The judge shall then convene the parties outside the presence of the jury and hear any motions. If the witness has been exposed to the courtroom, the judge will explain to all in attendance, including the jury, that an excused witness had symptoms associated with Covid-19. If a mistrial has been declared due to the now unavailability of material witness, the jury shall be excused. If not, the jury trial will resume.
4. If a clerk, court reporter, or bailiff serving in the jury trial develops any of these symptoms or tests positive for Covid-19, they shall inform the presiding judge. The judge will immediately excuse the clerk, court reporter, or bailiff from further attendance. The judge shall then convene the parties in the presence of the jury and explain that one of the court personnel had symptoms associated with Covid-19 and has been excused. Upon the replacement of the clerk, court reporter, or bailiff, the jury trial will resume.
5. If a person at the JJC develops any of these symptoms or tests positive for Covid-19 but has not been exposed to anyone involved with the trial, the jury trial will continue uninterrupted.
6. If a person at the JJC develops any of these symptoms or tests positive for Covid-19 and has been exposed to anyone involved with the trial, the judge will convene the parties outside the presence of the jury and evaluate the risk on the record and hear any motions.
7. If a lawyer or trial attending member of their staff develops any of these symptoms or tests positive for Covid-19, the lawyer shall immediately inform the bailiff, who shall inform the presiding judge. The judge will

immediately excuse the lawyer or member of their staff from further attendance. The judge shall then convene the parties outside the presence of the jury and hear any motions. The judge will explain to all in attendance, including the jury, that an excused lawyer or staff member had symptoms associated with Covid-19. If a mistrial has been declared due to the now unavailability of counsel, the jury shall be excused. If not, the jury trial will resume.

8. If the presiding judge develops any of these symptoms or tests positive for Covid-19, he shall immediately excuse himself from further attendance and notify another judge of this court. The judge so notified, or another judge designated by the chief judge of the circuit shall then convene the parties outside the presence of the jury and hear any motions. The judge shall then invite the jury in and explain that the excused judge had symptoms associated with Covid-19. If a mistrial has been declared, the jury shall be excused. If not, the jury trial will resume.
9. None of the above described events will cause the automatic shut- down of the JJC. If the JJC is shut down during the course of a jury trial, the judge will convene the parties by telephone or video conference, on the record, and assess the feasibility of continuing the trial at another courthouse within the circuit. The judge will hear and rule on any motions made.
 - a. The Clerk will alert jurors by telephone.
 - b. The other trial participants (as well as other judges in the courthouse) will be notified within 24 hours.
 - c. The Court will ponder relevant factors such as the availability of rapid-return test results, the use of alternates, the stage of trial, the length of the delay, and the continued availability of jurors and litigants.
 - d. This plan incorporates by reference the Department of Labor and Industry's Emergency Temporary Standards, including the disinfection protocols.
 - e. If a trial participant or courthouse employee becomes ill during trial, immediate steps will be taken to isolate the person until they can safely exit the building or have them isolate if they are out of the building when they become ill. All affected areas of the building will be sealed for 24 hours if possible and a third-party vendor employed by Clarke County will clean and sanitize all affected areas. 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. The Court will consult with the litigants, remotely if necessary, to determine if a continuance or mistrial will be necessary. Among factors to be considered will be the availability of test results in a timely manner, the uses of alternates, the stage of trial, the length of the delay and the continued availability of the jurors and litigants.

This Plan will take effect thirty days following its approval by a panel of the Virginia Supreme Court and remain in effect in accordance with orders from the Supreme Court of Virginia and will not be rescinded until any such order from the Supreme Court of Virginia.