

MEMORANDUM

**FROM: CHIEF JUDGE J.D. BEANE
JUDGE ROBERT A. WATERS
JUDGE JASON A. WHARTON**

TO: WOOD COUNTY BAR & THE PUBLIC

RE: COVID-19 SAFETY PROCEDURES

The Judicial Emergency declared pursuant to various Administrative Orders from the Supreme Court of Appeals of West Virginia is currently set to end on May 15, 2020. In the most recent Order issued by the Chief Justice, the Supreme Court adopted protocols for the reopening of the Courts to in person hearings. In an effort to implement these protocols, effective **May 18, 2020**, the following precautions will be in place:

Inside the Courtroom:

1. The gallery of the courtroom is clearly marked with seats available. These seats are spaced so that the six foot social distancing requirement is maintained in all directions.
2. In order to maintain the social distancing requirement in the gallery certain rows will be roped off and will not be utilized.
3. There are two chairs at each counsel table. One chair is positioned at the end of the table along normal seating area. The other chair is located at the head of the table at the opposite end to maintain at least six feet. The layout of the courtroom does not permit any additional seating at counsel tables. Other parties or individuals necessary to assist you may be accommodated in other seating in the courtroom but will not be permitted at counsel table.
4. The jury box has seats within the box and seat(s) directly in front of the box to maintain social distancing.
5. All chairs and tables in the courtroom are marked with tape on the floor so that the social distancing measures required by the Supreme Court can be maintained and should not be moved.
6. The order of the Supreme Court requires that members of the public, attorneys, parties, and witnesses **MUST** wear masks or face-covering in the courtroom or judicial offices.
7. It is the responsibility of counsel to ensure that his or her clients and witnesses are aware of the mask requirements.
8. When addressing the court, counsel, or anyone directed to speak, may remove his/her mask.
9. Water pitchers and cups will not be provided on counsel tables. You may bring your own beverage to the courtroom with you.

Entering and Exiting:

1. In order to limit the potential spread of the coronavirus through exposure from touching surfaces, the door from the main lobby to the hallway outside the courtroom will remain open at all times. The side door to the courtroom will be opened and closed only by the bailiff.
2. If there are not sufficient seats outside of the courtroom which permit you to observe the recommended social distancing requirements, you should give your cellular number to court staff and wait outside or in your vehicle until such time as your hearing is called. If waiting outside the courthouse, you will be given a reasonable amount of time to enter the courtroom after being contacted.

Remote Appearances:

1. Until further notice, Judge Wharton and Judge Waters will provide counsel with Skype for Business invitations for each hearing so that some remote appearances may continue to occur.
2. If you wish to appear remotely for a hearing before Judge Beane, please notify the office and a Skype for Business invitation will be provided to you.
3. If you wish to appear remotely, or if a client needs to appear remotely, you must notify the Court of your intention prior to the hearing. If you choose to appear remotely, it is your obligation to make sure that you have the ability to consult with any client who may be appearing from another location, whether that be in the court or elsewhere.
4. The Court will permit the use of cellular telephones in the courtroom to consult with parties who may be appearing remotely. You may text or make voice calls.
5. If some individuals are appearing remotely and others are appearing in the courtroom, the Court will broadcast the audio and video within the courtroom through the A/V cart both on the pull down screen and at each counsel table. Under such circumstances, the video being transmitted from the courtroom will be of the witness stand if evidence is being taken.

Notice of Hearings:

1. If counsel is preparing a Notice of Hearing or Summons, the Notice or Summons must include language that face coverings are required pursuant to the Order of the West Virginia Supreme Court.

Occupancy Limitations:

1. The Court has been advised by the Mid-Ohio Valley Health Department that occupancy limits are currently in place for the courthouses. The Shaver Judicial Annex is limited to 34 members of the public at any one time. Employees of the Courthouse, Attorneys, Law Enforcement Officers, CPS workers, and CASA volunteers will not be considered in this calculation.

For your safety, counsel tables, doors, and conference rooms if used, will be cleaned after every hearing. This may result in a brief delay in being permitted to enter the courtroom.

If you are experiencing COVID-19 symptoms or if you are not permitted to enter the Judicial Annex and are scheduled to appear for Court, please call that court's office for further instruction.

If you have any questions, concerns, or suggestions, please call the judicial assistant for the division of the circuit court that you wish to speak with:

Chief Judge J.D. Beane	304-424-1756 or email kelly.toothman@courtswv.gov
Judge Robert A. Waters	304-424-1746 or email amanda.lucas@courtswv.gov
Judge Jason A. Wharton	304-424-1721 or e-mail amy.kunkel@courtswv.gov .

As we begin to hold in person hearings utilizing this protocol, the court is open to any suggestions that you may have to improve these procedures.