

ALEXANDRIA CIRCUIT COURT
INSTRUCTIONS FOR REMOTE MOTIONS DAY PRACTICE
Effective for the 7/22/2020 Motions Day and thereafter until further notice

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Mailbox information during Covid-19

Clerk of Court (original filings) Case.Intake@alexandriava.gov
Judges' Chambers (courtesy copies) CircuitCourtChambers@alexandriava.gov

Website information

Clerk of Court www.alexandriava.gov/ClerkofCircuitCourt
Judges' Chambers www.alexandriava.gov/CircuitCourt

1. SCHEDULE

Civil Motions Days are held the **second** and **fourth** Wednesdays of each month at 10:00 a.m., except for May. Please check the Judges' Chambers website to determine the change for the May schedule, if any.

During COVID-19, there will be two sessions for each Motions Day. The morning session will start at 10:00 a.m., and the afternoon session will start at 2:00 p.m.

2. REMOTE HEARINGS

During COVID-19, and unless an exception is permitted by the Court, all hearings will be heard remotely using Microsoft Teams. Microsoft Teams is a free download available at www.microsoft.com.

The virtual Motions Days hearings are intended to be similar to the pre-COVID Motions Days hearings and are open to everyone. The Microsoft Teams meeting invitation may be forwarded to anyone interested in attending the hearing.

Because the Motions Day hearing will be a virtual (remote) hearing, the moving party must confer with the non-moving party to obtain correct email addresses for all relevant parties, and the moving party must provide those email addresses to the Court.

3. MICROSOFT TEAMS MEETING INVITATION

Using the email addresses provided by moving counsel/party, the Court will email a Microsoft Teams meeting invitation two (2) days prior to the Motions Day.

The Court's email will include a link to the Microsoft Teams meeting and a telephone number to be used by those participants who do not have internet access in order for them to have audio access.

*** Any errors apparent to the parties at the time of the issuance of the Microsoft Teams invitation should be immediately brought to the attention of the Court. Originals shall be emailed to the Clerk of Court and opposing counsel/party; a courtesy copy shall be emailed to Judges' Chambers.

******* IF THE MOVING PARTY'S PRAECIPE OR NOTICE DOES NOT INCLUDE THE NON-MOVING PARTY'S EMAIL ADDRESS, IT SHALL BE THE RESPONSIBILITY OF THE MOVING PARTY TO FORWARD THE COURT'S EMAIL WITH THE MICROSOFT TEAMS MEETING INVITATION TO THE NON-MOVING PARTY.**

4. **WEBSITE OF CIRCUIT COURT JUDGES' CHAMBERS**

www.alexandriava.gov/CircuitCourt

The Microsoft Teams meeting link for each specific Motions Day (a separate link for each judge's 10:00 a.m. and 2:00 p.m. docket) and the Motions Day docket will be posted on the Circuit Court's website by 5:00 p.m. on the Tuesday prior to the Motions Day hearing. The Microsoft Teams meeting invitation may be forwarded to anyone interested in attending the hearing, including court reporters.

5. **TIME ALLOTMENT**

During Covid-19, motions are limited to 25 minutes per case. Argument time is 10 minutes per side, with 5 minutes for rebuttal. Time restrictions will be rigidly applied, and matters not resolved within 25 minutes will be continued, unless paragraph 8 below applies.

In cases requiring more than 25 minutes, counsel should call Judges' Chambers (703.746.4123) to schedule a hearing at a time certain. All parties must agree to have their case heard on the date certain. Such longer motions may be set on the 2:00 p.m. afternoon session on Motions Day if all parties agree and there is an available time slot.

After obtaining a date certain from Judges' Chambers, the proper praecipe or notice shall be filed. Originals shall be emailed to the Clerk of Court and opposing counsel/party; a courtesy copy shall be emailed to Judges' Chambers.

6. **DEADLINE TO FILE MOTION AND NOTICE FOR MOTIONS DAY**

Any party to a civil action who wishes to have a motion heard on Civil Motions Day must email the motion, and a praecipe or notice, to the Clerk of Court and opposing counsel/party, with a courtesy copy emailed to Judges' Chambers. **The deadline is 3:00 p.m. on the Friday two and one-half (2.5) weeks preceding the Motions Day.**

The motion must be filed by the deadline, or the praecipe or notice should indicate the motion was previously filed on [date] . Originals shall be emailed to the Clerk of Court and opposing counsel/party; a courtesy copy shall be emailed to Judges' Chambers.

All cases should be noticed for 10:00 a.m. Motions Day, unless special permission has been received from Judges' Chambers to notice the case for the 2:00 p.m. docket. The Court

will assign the cases to either the 10:00 a.m. session or the 2:00 p.m. session, which will be reflected on the Microsoft Teams meeting invitation.

Additional Requirements For Remote Hearings During COVID

The praecipe or notice must state (a) “The matter will be heard remotely via Microsoft Teams”; and (b) “Opposing counsel/party will receive an email from the Court two (2) days prior to the Motions Day hearing. The Court’s email will include a link to the Microsoft Teams meeting and a telephone number to be used by those participants who do not have internet access.”

Important Notes

- a. Any motion that is not timely filed, or fails to meet the criteria (language regarding remote hearing notice and information, exhibits, pleadings/documents, proposed order) will not be considered.
- b. All documents must be filed in the Clerk’s Office. During COVID-19, there are three methods to file documents with the Clerk of Court.
 - 1) U.S. Mail addressed to 520 King Street, Room 307, Alexandria, VA 22314
 - 2) Drop box in the vestibule of the Alexandria Courthouse, which is open from 8:00 a.m. to 4:00 p.m.
 - 3) (Least preferable) Emailed to Clerk’s office at case.intake@alexandriava.gov
- c. Courtesy copy is **required** to be emailed to Judges’ Chambers at CircuitCourtJudges@alexandriava.gov. This alerts the law clerks that the motion is being scheduled.
- d. The requirement to email a courtesy copy of the pleadings/documents to Judges’ Chambers does not mean the pleadings/documents are filed with the Clerk of Court. Judges’ Chambers will not be responsible for forwarding emails/pleadings/documents to the Clerk of Court. **A document is not deemed filed until it is received and file-stamped by the Clerk of Court’s office.**
- e. Specific Motions Day initial filing deadlines are shown below and are also posted on the Circuit Court’s website at www.alexandriava.gov/CircuitCourt. This chart will be updated as necessary.

| Date of MOTIONS DAY | Filing deadline is 3pm on |
|---------------------|---------------------------|
| Sept 23, 2020 | Friday, Sept 4, 2020 |
| Oct 14, 2020 | Friday, Sept 25, 2020 |
| Oct 28, 2020 | Friday, Oct 9, 2020 |
| Nov 11, 2020 | Holiday – no motions day |
| Nov 25, 2020 | Friday, Nov 6, 2020 |
| Dec 9, 2020 | Friday, Nov 20, 2020 |
| Dec 23, 2020 | Friday, Dec 4, 2020 |

7. **NOTIFY OPPOSING COUNSEL/PARTY**

The party setting a case for Motions Day must give at least two and one-half (2.5) weeks notice to all counsel of record and/or *pro se* parties. Counsel must take steps to insure that opposing counsel actually receives the motion no later than the Friday two and one-half (2.5) weeks **preceding** the Motions Day.

8. **ADDITIONAL REQUIREMENTS AND GUIDELINES**

A. **Motions Filed After The Initiating Motion**

Once a case has been placed on the Motions Day docket by the timely complete filing of a motion, either party may file additional motions up to, but not later than, one week prior to the Motions Day.

Additional motions must include a praecipe or notice including the date of the Motions Day, stating the matter will be heard virtually via Microsoft Teams, and stating the email addresses of all relevant parties to the hearing, and shall include exhibits (if any) and proposed orders(s). Motions to compel must include proper certification. See paragraph 12 below regarding motions to compel.

Originals shall be emailed to the Clerk of Court and opposing counsel/party; a courtesy copy shall be emailed to Judges' Chambers.

The deadline for filing additional motions is one week prior to the Motions Day.

FILING MULTIPLE MOTIONS DOES NOT INCREASE THE TIME PERMITTED FOR ARGUMENT OR REBUTTAL.

A party may argue as many motions as are properly on the docket, but must do so within the 25-minute time block provided. An opposing party's motion is entitled to an independent 25-minute time block. However, no single case will be heard for longer than 50 minutes total, unless specifically set on the 2:00 p.m. session through Judges' Chambers.

B. **Authorities from Foreign Jurisdictions**

Authorities from foreign jurisdictions must be attached to any motion.

C. **Evidence/Exhibits**

Any evidence, testimonial or documentary, anticipated to be relied on during the remote hearing, must be identified at the time the motion is filed. Specifically, this includes a list of anticipated witnesses, documents marked with exhibits labels, exhibits, and supplemental affidavits.

Originals shall be emailed to the Clerk of Court and opposing counsel/party; a courtesy copy shall be emailed to Judges' Chambers.

The deadline for filing evidence/exhibits, documents, and supplemental affidavits is the same deadline as for filing the motion (e.g., moving party's motion is due 2.5 weeks prior to Motions Day).

EVIDENCE SUBMITTED AFTER THE DEADLINE WILL NOT BE CONSIDERED.

D. Memoranda/Briefs

If memoranda or briefs are filed, notice and filing times shall be in compliance with Rule 4:15 of the Rules of the Supreme Court of Virginia.

Originals shall be emailed to the Clerk of Court and opposing counsel/party; a courtesy copy shall be emailed to Judges' Chambers.

The deadline for filing memoranda/briefs is the same date for filing the motion (e.g., moving party's motion is due 2.5 weeks prior to Motions Day).

E. Oppositions/Responses

Written oppositions to timely filed motions must be emailed to Clerk of Court and the opposing counsel/party, with a courtesy copy emailed to Judges' Chambers.

Only exhibits submitted with the opposition, at the time the opposition is filed, will be considered.

The deadline for filing oppositions/responses and any exhibits is 3:00 p.m. on the Friday preceding the Motions Day hearing.

OPPOSITIONS/RESPONSES SUBMITTED AFTER THE DEADLINE WILL NOT BE CONSIDERED.

F. Replies to Oppositions

Will not be considered by the Court.

G. Pleadings/Documents

Originals emailed to Clerk of Court at case.intake@alexandriava.gov

Courtesy copy emailed to Judges' Chambers at CircuitCourtChambers@alexandriava.gov

A DOCUMENT IS NOT DEEMED FILED UNTIL IT IS RECEIVED AND FILE-STAMPED BY THE CLERK OF COURT'S OFFICE.

H. Proposed Orders

The moving party shall submit a proposed order, clearly stating the relief sought, as well as any applicable Rule, statute or case on which the relief is to be based.

Originals shall be emailed to the Clerk of Court and opposing counsel/party; a courtesy copy shall be emailed to Judges' Chambers.

The deadline for filing proposed orders is the same deadline as for filing the motion (e.g., moving party's motion is due 2.5 weeks prior to Motions Day).

9. INTERPRETER SERVICES

If language services are needed, counsel/parties should email their request to Doralisa Pilarte at dpilarte@vacourts.gov, 703.746.4630.

The deadline for requesting an interpreter is 3:00 p.m. on the Friday one and one-half (1.5) weeks prior to the Motions Day hearing. It is the responsibility of the person requesting the interpreter to notify Interpreter Services if the case has been assigned to the 2:00 p.m. Motions Day session.

The interpreter request must include the following:

Case Number: _____
Case Name (Style): _____
Case Type: _____
Date and Time: _____
Language Needed: _____
For Whom: _____

Who is Submitting Request?

Name: _____
Email: _____
Telephone: _____

10. REMOVAL OF MOTIONS

For all motions, except Motions to Compel, if the moving party wishes to remove the case from the Motions Day docket, the following procedure applies:

The moving party shall submit an email to Judges' Chambers at CircuitCourtChambers@alexandriava.gov, clearly stating that the moving party no longer

wishes the matter to be heard on [date] Motions Day. The opposing counsel/party and the Clerk of Court should also receive the email removing the case from the Motions Day docket. NOTE: The email should not contain any reference to the motion being continued to a specific motions day. Rather, the moving party must re-notice the motion with the Clerk of Court by filing a new notice or praecipe.

If a motion is continued from one Motions Day to another by agreement of counsel or by the judge in open court or by conference call, a new praecipe or notice must be filed with the Clerk of Court at Case.Intake@alexandriava.gov.

The law clerks will remove all motions immediately upon receipt of the email and prior to printing the Motions Day docket.

The deadline for removing motions is 3:00 p.m. on the Monday prior to the Motions Day hearing.

11. GARNISHMENTS

Motions hearings involving garnishments in which the creditor's attorney does not have a valid email address for the debtor will be scheduled for an in-person hearing. Counsel shall note on the praecipe or notice that an in-person hearing is required, and also contact Judges' Chambers at CircuitCourtChambers@alexandriava.gov to request an in-person hearing.

12. MOTIONS TO COMPEL

Any motion to compel must include in the body of the motion certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without Court action, pursuant to Rules 4:12(a)(2), 4:12(d), or 4:15(b).

FAILURE TO INCLUDE SUCH CERTIFICATION WILL RESULT IN THE MATTER BEING EXCLUDED FROM THE DOCKET.

Once a Motion to Compel has been placed on the docket, the parties will be required to appear at the virtual hearing, regardless of whether or not the matter is resolved.

13. SET DATE MATTERS

At the motions day hearing, the Court will instruction counsel/parties to call Judges' Chambers (703.746.4123) to schedule the trial date.

14. SHOW CAUSE ORDERS RETURNABLE TO MOTIONS DAY

If the defendant/respondent does not appear remotely at the motions day hearing, the case shall be rescheduled unless the petitioner/movant can demonstrate that the

defendant/respondent was aware of the remote hearing and had the Microsoft Teams meeting link or call-in telephone number.

If the defendant/respondent appears remotely (with or without counsel), and no evidence other than testimonial evidence and/or exhibits filed at least 2.5 weeks prior to Motions Day is necessary, the case may proceed. If the hearing will take more than 25 minutes, the counsel/parties will be instructed to contact Judges' Chambers (703.746.4123) for a date certain.

For the following types of motions, counsel should take note:

15. **Disputes over the language of a proposed decree or order.**

Counsel shall confer and attempt to reach an agreement on the wording of the decree or order. Failing such agreement, or on before a date to be agreed upon between counsel but no later than fifteen (15) days after the date of the hearing at which the ruling was made, each counsel shall file with the Clerk his respective proposed decree or order and, if necessary, a *concise* written argument in support of the party's position. The order or decree should reflect the name of the appropriate judge. Both proposed orders or decrees shall be signed by both counsel of record, preserving objections as necessary and appropriate. The Court will enter the order it deems appropriate, mark the other order refused, and the Clerk shall send copies of the order entered to all counsel of record if counsel provides the Clerk with a self-addressed, stamped envelope.

16. **All routine discovery disputes including, but not limited to, motions to compel.**

Counsel shall confer and attempt to settle such disputes in accordance with the Rules of Court.

17. **Motions to amend pleadings.**

Counsel seeking leave to amend any pleading shall provide a copy of the proposed amendment to opposing counsel and the Court. In opposing such a motion, counsel should bear in mind that Virginia law requires such amendments to be liberally granted in the interest of justice.