

SUPREME COURT OF VIRGINIA

CHIEF JUSTICE
DONALD W. LEMONS

JUSTICES
S. BERNARD GOODWYN
WILLIAM C. MIMS
CLEO E. POWELL
D. ARTHUR KELSEY
STEPHEN R. McCULLOUGH
TERESA M. CHAFIN


SENIOR JUSTICES
CHARLES S. RUSSELL
LAWRENCE L. KOONTZ, JR.
LEROY F. MILLETTE, JR.



100 NORTH NINTH STREET
RICHMOND, VIRGINIA 23219-2334
(804) 786-6455
WWW.VACOURTS.GOV

CLERK
DOUGLAS B. ROBELEN
EXECUTIVE SECRETARY
KARL R. HADE
CHIEF STAFF ATTORNEY
K. LORRAINE LORD
REPORTER OF DECISIONS
KENT SINCLAIR
STATE LAW LIBRARIAN
GAIL WARREN

To: All Judges and Clerks

From: Chief Justice Donald W. Lemons


Date: April 10, 2020

Re: Electronic audio-visual and telephonic communication

Dear Judges & Clerks,

Karl Hade, Executive Secretary, Mike Riggs, IT Director and I have fielded numerous telephone calls and emails concerning the two Orders entered by the Court pursuant to Va. Code § 17.1-330. Like many of you, we are concerned about the growing backlog of your court dockets; however, we are more concerned about the safety of court personnel, litigants, and lawyers. We have had several courthouses shut down for cleaning and decontamination related to the COVID-19 Emergency. The two emergency orders entered by the Supreme Court included emphasis upon electronic audio-visual and telephonic communication consistent with the Governor's order regarding the number of people in a room and social distancing. In response to questions about what cases may be heard via remote access, hopefully, the guidance provided in this letter will assist judges, litigants, lawyers and court personnel during this difficult time.

- 1) To the extent authorized by law and with the consent of all parties, attorneys and witnesses, a court may, in the exercise of its sound discretion, conduct any civil or criminal matter by two-way electronic audio-visual communication system using a secure communication platform such as Polycom or WebEx, or by telephone.
- 2) With the consent of participants, courts may in the exercise of their sound discretion, conduct juvenile licensing ceremonies, by two-way electronic audio-visual communication system using a secure communication platform such as Polycom or WebEx, or by telephone. In any matter heard or considered and any ceremony conducted, either by secure two-way electronic audio-visual communication or by telephone, the court shall prohibit in person gatherings of 10 or more individuals at any remote site(s) or site(s) where social distancing cannot be enforced.

Steps to Use Teleconferencing Technology Safely

Karl Hade and Mike Riggs have also provided the following technical advice. Many of you have been inquiring about the use of remote video software to conduct hearings and provide for the safety of the parties during this Pandemic event. If interested in such a capability, we recommend that you take advantage of our licensing and technical support of WebEx for videoconferencing. You may contact webexsupport@vacourts.gov for product installation and technical assistance.

We do recognize that some of you have successfully used Zoom to hold online hearings. Our IT Department does **not** recommend the use of Zoom as there are documented security vulnerabilities when the product is not set up and used correctly.

Please see the following advisory from the FBI:

https://www.npr.org/2020/04/03/826129520/a-must-for-millions-zoom-has-a-dark-side-and-an-fbi-warning?utm_campaign=storyshare

However, if you have successfully used it in the past and would like to continue using it, please follow the recommended security practices described below:

NOTE: We do **not** license or have an IT support structure in place to assist Zoom users.

Security

Be sure your Zoom software client is up to date. Zoom is continually releasing updates that bolster security. To find the update option:

1. Open your Zoom client
2. Click the icon in the upper right corner with your picture or initials
3. Select **Check for Updates**

We recommend adding any or all of the following settings to your Zoom meeting to help secure your online session.

- Require Authentication
- Require a Meeting Password
- Enable a Waiting Room
- Limit Screen Sharing
- Limit Join Before Host
- Lock the Meeting once participants have arrived
- Identify Guests

Best Practices for Securing Your Virtual Meeting, click link below:

https://blog.zoom.us/wordpress/2020/03/27/best-practices-for-securing-your-virtual-classroom/?_ga=2.207261399.556140569.1586526810-1862707087.1586526810

Additional Recommendations:

- **Do not make meetings or classrooms public.** Require a meeting password or use the waiting room feature and control the admittance of guests.
- **Do not share a link to a meeting or classroom** on an unrestricted, publicly available social media post. Provide the link directly to specific people.
- **Do not use your personal Zoom ID for meetings,** but instead use the randomly-generated Zoom Meeting ID.