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DONALD W. LEMONS

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LEROY F. MILLETTE, JR.

SUPREME COURT OF VIRGINIA



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To: **General District Court Judges and Clerks**
From: **Chief Justice Donald W. Lemons**
Date: **April 23, 2020**
Re: **Processing garnishments during the pendency of Judicial Emergency**

Dear Judges and Clerks,

It has been brought to my attention that some courts may still be processing new garnishments during the pendency of the judicial emergency first declared by Order dated March 16, 2020. That first Order suspended all non-emergency court proceedings for a period of twenty-one days. On March 27, 2020, the Court entered an Order extending the judicial emergency. That Order clarified that "routine proceedings, including but not limited to non-emergency: . . . issuance of garnishments . . . shall be continued during the period this Order is in effect." The third Order dated April 22, 2020, continues this prohibition.

I write to clarify two things.

- 1) General district courts should not be issuing new garnishments during the period of judicial emergency.
- 2) For garnishments issued before or after March 16, 2020, where a garnishment exemption is requested, that hearing should be considered an emergency hearing and should be heard either by electronic audio-visual or telephonic communication or by telephone. Any requests for leave to participate in such hearings by telephone should be liberally granted.

Thank you for your patience and diligence during these extraordinary times as we all work together to maintain access to justice while minimizing harm to ourselves and our fellow Virginians.

Respectfully,

A handwritten signature in blue ink that reads "Donald W. Lemons".

Donald W. Lemons