

Pandemic Continuity of Operations Planning: Reconstitution

Guide to Transitioning from Emergency to Routine Operations



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TABLE OF CONTENTS

1. Executive Summary	1
2. Guidelines for In-Person Courts Services - Transitioning to Routine Court Operations	3
3. What Courts Can Do Now: Building Court Capacity	6
4. Effective Caseflow/Workflow and Docketing Management	10
A. Using Effective Docketing to Increase Courts' Adjudicative Capacity	13
B. Implementing Segmented Dockets	16
Appendix	17
A. Signage.....	18
B. Forms and ADR Related Emails.....	21
C. Available Automated Court Technology.....	29

*Pandemic Continuity of Operations Planning:
Reconstitution*

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Executive Summary

Reconstitution

In continuity of operations planning, “reconstitution” is the phase of recovery in which a court transitions from emergency operating conditions back to normal. Full recovery and reconstitution of a court’s operations may take weeks or months and will occur gradually.

Recovery and reconstitution procedures should begin upon confirmation that the judicial emergency has ended. A court should designate individuals who will be responsible for ensuring coordination of recovery and reconstitution decisions with appropriate state and local authorities

In the current [2020 pandemic] emergency, considerations for courts as they begin reconstituting operations fall into two broad areas which must be addressed at the same time: (1) continuing reasonable steps to protect public health and (2) triaging cases for docketing. No single approach will be appropriate to every court; however, the resources in this guide are intended to assist courts in making an orderly transition.

Assumptions

The recommendations in this guide are made under the following assumptions:

- A. Reconstitution will be phased, and the progress of those phases is likely to vary around the state based upon local judicial resources, infection rates, and availability of sanitizing supplies, etc. rather than dates/elapsed time.
- B. Some provisions for restricting group sizes, maintaining physical distancing between persons, and cleaning surfaces at intervals will remain in place, possibly with some modifications, during reconstitution.
- C. Due to state budget constraints, there will be minimal resources for additional recall/substitute judges or clerical staff overtime.

Beginning with what has roughly been the court system’s status under the first three emergency orders entered by the Chief Justice, examples of phases during reconstitution might be (a) limited in-person contact is authorized for certain purposes and/or requires use of protective measures; (b) in-person contact is more broadly authorized; and (c) the coronavirus/COVID-19 no longer presents a significant risk to public health and safety.

Primary Considerations

The contents of this guide include recommendations that are general to all trial courts as well as ones that are specific to circuit, general district, and JDR district courts. Primary considerations that factor into the contents include:

1. In the interest of public health, how should courts control the number of persons in courtrooms and other courthouse spaces?
2. How can courts' capacities to process cases be gradually increased until the court can return to routine operation.
3. Given that workload and other conditions will vary by locality, what might circuits and districts do, particularly in multi-court jurisdictions, to reassign personnel to meet court needs?
4. Are there spaces within courthouses that can be used differently to meet public safety and case processing goals?
5. What data will assist court leaders in making decisions?
6. What options, including ADR and remote hearings, do courts have as case processing alternatives to in-person proceedings?

Section 2: Guidelines for In Person Court Services – Transitioning to Routine Court Operations

Judges, court personnel, and other stakeholders have worked diligently to carry out plans for alternative arrangements for conducting business during the COVID-19 outbreak. These include issuing advisories to the public, the bar, and court staff; providing platforms to support remote court appearances for attorneys and litigants; taking steps to ensure preservation of due process rights; preparing for potential backlogs as court operations gradually return to pre-pandemic levels; and coordinating with state and local health authorities for emergency planning. In transitioning from emergency court operations to those more in line with pre-pandemic court operations, the following guidelines are offered to help ensure the safety of litigants, staff, the bar, and the public during the transition. The following guidelines are provided as a reference for the local court team for consideration.

Guidelines

1. Physical distancing practices:

- a. In consultation with the local Sheriff’s department, establish policies and practices for physical distancing between litigants, staff, and members of the public. For additional information, see [Practicing Social Distancing During Covid-19](#).
Examples:
 - Limit the occupancy of spaces to ensure that adequate social distancing may be maintained through protocols such as directional floor and sidewalk marking, chair placement, and other structured spacing in areas where the public congregate.
 - Establish adequate distance between public view stations or terminals and employee workstations to create more distance between co-workers and between members of the public.
 - Stagger workstations so that they are six feet apart from one another and employees do not face one another.
- b. Provide clear communication and signage for physical distancing at building entrances and in areas where individuals may congregate, especially in courthouse lobbies, courtrooms, jury assembly room, clerk’s office counters, public restrooms, breakrooms, and public seating areas. (See Appendix A for signage examples).
- c. Consider using underutilized areas in the courthouse as waiting areas for the public. Parties may use these areas with chairs spaced in accordance with CDC guidelines.
- d. Be mindful while courtroom access will be limited at times, the court remains an open environment for members of the press and “court-watch” groups.
- e. Physical distancing discussions should include considerations of courtroom capacity, including judges and staff. Please note that while Governor Northam’s Executive Orders 53 and 55 do prohibit gatherings of over ten people, those orders do not apply to governmental operations.
- f. Limit large gatherings in courthouse and courtrooms.

2. Enhanced cleaning and disinfection practices:

- a. In consultation with local governing body, consider enhancement measures for the frequency of cleaning and disinfecting of high contact areas and hard surfaces including counters and payment systems, push/pull pads/door knobs/handles, tables/chairs, light switches, handrails, restrooms, floors, and equipment. Follow [CDC Reopening Guidance for Cleaning and Disinfection](#) and use an [EPA-approved disinfectant](#).
- b. To the extent tools or equipment must be shared, provide and instruct workers to follow CDC Reopening for Cleaning and use an [EPA-approved disinfectant](#), if available, to clean items before and after use.
- c. Train employees on best hygiene practices, including washing hands often with soap and water for at least 20 seconds. See [CDC training video](#). Post signs in public and employee restrooms. See [Virginia Department of Health \(VDH\) flyer](#).
- d. When developing staff schedules, consider options for additional short breaks to increase the frequency with which staff can wash hands with soap and water. Alternatively, consider providing alcohol-based hand rubs, if available, containing at least 60% alcohol so that workers can frequently sanitize their hands. (See [OESinet for information related to hand sanitizer](#).)
- e. Provide a place for litigants, staff, the bar, and the public to wash hands with soap and water or provide alcohol-based hand rubs containing at least 60% alcohol.

3. Enhanced workplace safety practices:

- a. In consultation with local officials, consider acquiring and installing safety guards – such as plexiglass screens – in areas of high public interaction with court employees.
- b. Limit the number of court visitors who may be present in a room or other enclosed space in a courthouse.
- c. Continue to request that court visitors who are in high-risk groups for the COVID-19 virus – such as those caring for a family member who is ill with the virus – refrain from entering the courthouse and conduct their business using remote access mechanisms. Post signage explaining the new safety practices to the public and encouraging their compliance with the practices. See Appendix A for sample signage.
- d. Where possible, encourage employees to wear cloth face coverings over their nose and mouth, except when that may inhibit the ability to communicate – for example, with a person who is deaf or hard-of hearing who is a lip reader. See [CDC Use of Cloth Face Coverings guidance](#) for more detailed information.
- e. Prior to a shift and on days employees are scheduled to work, the employees should self-monitor their symptoms such as by self-taking of temperature to check for fever before reporting to work. CDC considers a person to have a fever when he or she has a measured temperature of 100.4° F (38° C) or greater, feels warm to the touch, or gives a history of feeling feverish. Implement practices such as those described in [VDH Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers During Widespread Community Transmission](#) for examples of a screening questionnaire. A sample symptom monitoring log is available in this Interim Guidance.

- f. Instruct employees who are sick to remain at home and not report to work. If an employee becomes ill or presents signs of illness, follow [Center for Disease Control \(CDC\) What to Do if You Are Sick guidance](#). Refer all employees to the Judicial System's [Pandemic Flu Preparedness Leave Policy](#).
- g. Implement staggered shifts for both work periods and break periods. Consider cohort scheduling where groups of employees only work with employees in their group.
- h. Limit the number of employees in break rooms; stagger breaks to discourage gatherings.
- i. Keep in-person meetings as short as possible, limit the number of employees in attendance, and use physical distancing practices during meetings.

4. Support of Employee's Mental Health

The pandemic and resulting change in court operations have the potential for exacting a significant mental toll on employees. Supervisors should ensure that staff are aware of available resources and are able to access them in meaningful ways. Supervisors also should be alert to interpersonal situations that may arise among staff or between staff and court visitors as a result of heightened tensions. This is a partial list of resources that can help support employees during this stressful time.

- a. [Employee Assistance Programs](#): All health plans offered to state employees and their dependents have employee assistance programs (EAPs). Included are up to four sessions at no charge for such services as mental health, alcohol or drug abuse assessment, child or elder care, grief counseling and legal or financial services.
- b. [CommonHealth Virginia](#): This is the employee wellness program for the Commonwealth, with over 500 agencies participating. In response to the pandemic, they have started a [YouTube channel](#) to continue wellness education virtually.
- c. [Virginia Judges and Lawyers Assistance Program](#): This non-profit organization provides confidential, non-disciplinary help to lawyers, judges, law students, and other members of the legal community who are experiencing personal or professional impairment as a result of substance abuse or mental health issues. Their support groups throughout the state continue to meet virtually, and their blog, [The Beacon](#), is regularly updated with new resources.
- d. [Virginia Lawyers' Wellness Initiative](#): within the Office of the Executive Secretary of the Supreme Court of Virginia, the VLWI provides education to legal professionals and court staff on a variety of well-being topics, including [COVID-19 specific resources](#). Contact Margaret Hannapel Ogden, Wellness Coordinator (mogden@vacourts.gov), for more information about remote wellness education.

Section 3: What Courts Can Do Now: Building Court Capacity

There are functions that court leaders and staff can be doing now, even remotely, to build capacity for an eventual return to full operations. The list below includes information to consider when establishing plans, while simultaneously maintaining essential functions and continued use of remote proceedings.

Immediate Docket Management

1. Assemble a caseflow management team including judges, clerks, and relevant justice partners.
2. Establish a process for triaging and docketing cases to determine priority for further action.
3. Run and assemble CMS reports or reports available from the Judicial Planning department to determine:
 - a. Cases that do not have a “next action date” to assist in rescheduling continuances.
 - b. Cases that are pending to assist in creating dockets.
4. Review dockets with focus on caseloads. Ensure that appropriate cases have been rescheduled. Judges and other applicable court personnel meet to determine which case types, if any, take priority on the dockets. Devise a plan to dispose of these cases early in the restart process. Communicate with local bar as appropriate.

Note: For more detail on caseflow management, see Section 4 (pages 10 - 16) of this document.

5. Consider implementing blocked and/or segmented dockets to the degree that caseload and local conditions warrant.
6. Develop plan to assess options on an ongoing basis for addressing existing backlog of cases and potential influx of new cases.
7. Discuss the benefits of scheduling a regular conflict docket. A regular conflict docket could facilitate the handling of cases where a replacement judge is designated by the Chief Justice of the Supreme Court.
8. Continue to consider any alternative dispute resolution (ADR)/triage options and determine which options may be used to resolve cases or otherwise reduce backlogs.
9. Meet with or contact local and regional jails to review current list of defendants in custody and develop plan to address transport of incarcerated defendants or use of video remote technology.
10. Review to ensure all parties have been served proper notice of continuances and witnesses have been summoned.
11. Review Continuance Policy Information and Continuance Forms. If no written continuance policy exists, consider implementation of a written continuance policy and form for public use to request a continuance.
12. Consider ADR referral for civil cases, when appropriate, to mediator coordinators for online mediation (District Courts - See ADR emails dated April 15, 2020 and April 28, 2020 in Appendix B).

13. Consider methods of sending petitions and motions to mediators through email, using encryption procedures.
14. Consider attaching notices to summonses, witness subpoenas, notices of hearing and show causes which provide the following information:
 - Only parties and witnesses will be allowed in the courtroom and the number of persons allowed in the courtroom at the same time will be limited.
 - If you have been ill or are currently experiencing symptoms such as shortness of breath, cough, or a fever, or if you have been exposed to someone who has been diagnosed with the coronavirus, please contact the clerk's office to reschedule your hearing.
 - The court is conducting hearings by telephone and/or video conferencing. To request a remote hearing, please file a motion with the clerk's office.

Management of Staff

1. Review job assignment to determine any changes for staff.
 - a. Document the essential duties for each division.
 - b. Identify what non-essential but important duties should be the first items to be addressed when returning to full service and identify the remaining non-essential items that will bring the court back to full service.
 - c. Determine work schedules for the potential of working in shifts to manage workload.

Note: Due to budgetary constraints, courts will need to use current wage budget balances. The federal overtime provisions are contained in the Fair Labor Standards Act (FLSA). Unless exempt, employees covered by the Act must receive overtime pay for hours worked over 40 in a workweek at a rate not less than time and one-half their regular rates of pay. The Act does not require overtime pay for work on Saturdays, Sundays, holidays, or regular days of rest, unless overtime is worked on such days. In the Judicial System, all employees who work in the courts and are Grade 9 or below are considered non-exempt employees. These employees MUST be paid OT if they work more than 40 hours in a workweek. All court employees who are in Grade 10 or above are considered "exempt" employees and are not paid OT for working more than 40 hours in a workweek.

Note: Circuit Courts should contact their local human resources department for guidance.

2. Review approved vacation and leave schedules to ensure adequate staff coverage.
3. Review [pandemic leave policy](#) and [pandemic leave approval form](#) and recommend that employees follow [CDC guidance on If You Are Sick or Caring For Someone](#).

Technology

1. Determine types of cases and activities that can be conducted remotely.
 - a. Continue to explore and implement best practices for virtual courtrooms and videoconferencing of proceedings. Identify what types of equipment and services are necessary.
 - i. Laptops.
 - ii. Security for connections.
 - iii. Interpreter technology to maintain proper physical distance.

- b. Review all technology used to ensure that all equipment is operating properly and determine whether additional resources are needed to continue with remote hearings and activities.
- c. Review “Motion for Remote Hearing” for possible use. (See Appendix B for the form).
- d. Review technologies available to improve workflow efficiencies and to reduce in-person exchange of documents and information. (See Appendix C for suggested technology solutions.)
- e. Review *Opportunities for Electronic Interface with the Judicial System* which provides all the statutes in flow chart fashion.

Communication With the Public and Stakeholders

1. For courts using social media, review and update information and policies regularly and update recorded phone messages to keep information current.
2. Review current signage at the court for modification or development to promote the use of online resources and as a reminder to adhere to social distancing protocols in the courthouse. (See Appendix A for signage examples.)
3. Review court and caseflow policies that may have changed due to COVID-19 response to determine any need to revisit policies or revert to original policies. Consider the development of new or updated policies that contribute to the transitioning from emergency to normal operations. Communicate any changes to stakeholders.
4. To assist in handling customers when regular hearings resume, particularly movement between the court room and clerk’s windows, prepare a resource listing payment options.

Court Specific (Circuit, J&DR, General District)

Circuit Court

All criminal and civil jury trials have been suspended by the Supreme Court of Virginia.

1. Most criminal and civil trials have been suspended by the Supreme Court of Virginia through May 17, 2020. As of May 18, 2020, non-emergency criminal and civil bench trials may be held in-person if the Court determines it is safe to do so. These transition guidelines are intended to minimize the risk of the spread of COVID-19 when in-person hearings are held. All courts are encouraged to continue to conduct hearings using video conferencing, telephone, teleconferencing or any other means available that will minimize in-person proceedings.
2. Use Circuit Caseload, Hearing and Docketing Reports to help with the rescheduling of cases. See page 12 for listing of available reports.
3. Limit non-party, in-court observers. Establish a means of distancing persons in the gallery, such as requiring seating in different rows or at opposite ends of each row. Utilize areas of the courtroom that are not currently being used (i.e., work rooms) for witnesses or other parties that have been sequestered from the proceedings.

J&DR Court

1. Instead of contacting agencies on each case being scheduled or rescheduled (e.g., Commonwealth's Attorney, DCSE and DSS), consider sending one questionnaire or information sheet to the agency notifying them of changes to the dockets, i.e., overbooking and lengthier dockets, or added court days when the agency will be needed.
2. Use J&DR Caseload, Hearing and Docketing Reports to help with the rescheduling of cases. See page 12 for listing of available reports.
3. Limit non-party, in-court observers. Establish a means of distancing persons in the gallery, such as requiring seating in different rows or at opposite ends of each row. Utilize areas of the courtroom that are not currently being used (i.e., work rooms) for witnesses or other parties that have been sequestered from the proceedings.

General District Court

1. Use General District Caseload, Hearing and Docketing Reports to help with the rescheduling of cases. See page 12 for listing of available reports.
2. Discuss and, if appropriate, announce the available court dates for civil pleadings to large civil filers to assist with scheduling cases within the court's available dates.
3. Be mindful when acceptance of garnishments may commence.
4. If the court has not been releasing garnishment funds during the judicial emergency period, strategize how the court will release those funds in a timely manner.
5. Limit non-party, in-court observers. Establish a means of distancing persons in the gallery, such as requiring seating in different rows or at opposite ends of each row. Utilize areas of the courtroom that are not currently being used (i.e., work rooms) for witnesses or other parties that have been sequestered from the proceedings.

Section 4: Effective Caseflow / Workflow and Docket Management

General Considerations

During reconstitution, courts will face unusual case management challenges. Conditions during the transition from emergency conditions to a new “normal” will require that each court (re)prioritize its cases for attention and docketing. In addition to handling what might be a routine influx of new filings, courts may have to manage surges of new filings for some case types that have been delayed or caused by conditions under the first three emergency orders entered by the Chief Justice. Furthermore, many pending cases that had to be continued during the emergency may have to be rescheduled again. For best results, courts should consider seven fundamental elements of effective caseflow management as they triage and process cases.

While many of the following recommendations build on items set forth in Section 3, “What Courts Can Do Now,” in many instances additional information and insight is included in this discussion of active caseflow / workflow management principles.

1. Judicial Leadership and Commitment to Court Management

Judges, working with the Clerk of Court, form an important leadership and court management team for caseflow efforts.

- Judges and clerks have regularly scheduled meetings to discuss caseflow and workflow issues.

2. Consulting with Stakeholders

The creation and expansion of a caseflow-workflow management team should include the bar and other stakeholders. A partnership approach ensures continuity in implementation and a continuing commitment to best results.

- Expand caseflow / workflow management teams to include the bar and other court stakeholders.
- Consult regularly with other agencies regarding their plans for recovery to determine their ability to support the efforts of the court.
- Coordinate regularly with stakeholders to determine whether they may still be working remotely even though court may be running on-site operations (for example CCS & Pretrial Services).

3. Early and Continuous Control of Cases

Early court intervention is any substantive action taken by the court at the earliest meaningful point in the litigation process. The term "early" usually means court activity at the time of filing or arrest, or shortly thereafter. In the context of reconstitution after a judicial emergency, “early” may also mean as soon as a court knows the date(s) when the scheduling of hearings can resume. "Substantive action" is action that prepares a case for disposition or actually disposes of the case. For example, screening cases for complexity is a substantive action.

- Examine pending cases to determine which have been pending longest and may require more immediate attention.
- Implement a continuing process for triaging court cases—prioritizing based on case load / case type and other criteria (criminal, civil, drug court, forfeitures, etc.).
- Designate, if needed, a liaison between the courts and the attorneys to set hearings and to avoid duplicate contacts for the same calendar event.

4. Goals and Objectives for Case Processing

Setting goals and objectives is essential to caseflow and workflow management. Courts should articulate specific caseflow challenges to identify needed resources and time for case processing and to provide a basis for evaluating the effectiveness of caseflow and docket changes. The process of setting goals and objectives accomplishes three things. First, it forces those designing or proposing change to articulate the purpose of the effort. Second, it provides a basis for identifying the resources and time needed to implement the change. Finally, and perhaps most importantly, it provides the basis for evaluating the success of the program or procedure.

- Obtain and review available reports to determine if a court can (a) extend docket hours during existing court days or (b) schedule additional dockets when there is extra capacity to do so.
- Establish goals and objectives for clearing cases continued during the judicial emergency and scheduling new filings that occur after the judicial emergency has ended.
- Implement segmented or blocked dockets for each judge based on individual case type needs. In creating segmented dockets, determine the number of cases and litigants in each segment and the number of segments or blocks needed per day. For more information, see “Implementing Segmented Dockets” below.
- Set case / hearing cutoff counts for all dockets, segmented or blocked.

5. Date Certainty and Credibility

Event date certainty exists when a court event occurs on the first date scheduled. Achieving event date certainty should be a primary goal of each court’s caseflow-workflow process. When the court sets clear expectations for attorneys that events will be heard as scheduled, the attorneys are more likely to be prepared when the event is finally held.

- Inform parties during hearings of the date of the next scheduled event.
- Explain the court’s continuance policy.

6. Identifying and Monitoring Meaningful Events

"Meaningful events" are those activities scheduled or initiated by the court that either move a case to disposition or dispose of it.

- Implement court policy to explain needed preparation for all parties for future scheduled hearings and/or events.

7. Control of Continuances

To achieve date certainty and meaningful events, courts must control their dockets. As a general rule, courts are encouraged to grant continuances for good cause only. By necessity, the prevailing continuance policy during the judicial emergency has obviously been more lenient. Nevertheless, in order to achieve effective court operations as soon as possible, courts should reevaluate their continuance policies and carefully consider explaining them to members of the bar and to other stakeholders.

- Review the court’s pre-emergency continuance policy.
- Review any continuance policy changes adopted during the judicial emergency.
- Determine what adjustments to the continuance policy will be appropriate moving forward during the recovery to respond to changing conditions as courts transition to normal operations.
- If needed or desired, require a request in writing for a continuance or rescheduling of a case instead of accepting continuance requests via telephone.

8. Using caseload, hearings and docketing reports

The Departments of Judicial Planning and Judicial Services have created a set of special use reports based upon data needs and feedback from District and Circuit Court clerks and staff. These reports are meant to provide useful information as courts docket during recovery. They include caseload reports, hearings reports and docketing reports.

To request reports and receive assistance using them, courts may contact the Department of Judicial Planning at judicialplanning@vacourts.gov.

I. Caseload Reports

1. Filing Trends Report
2. Filing Daily Averages (three-year average)
3. Disposition Trends Report
4. Age of Pending Caseload Report

II. Hearings Reports

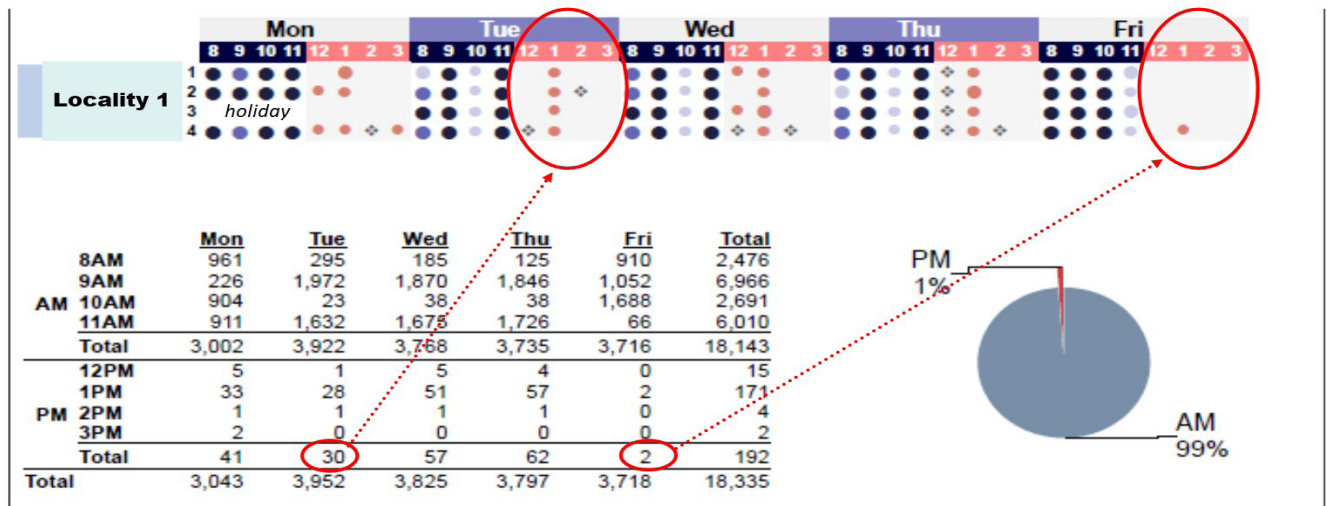
5. Hearings by Day of Week
6. Hearings Per Case
7. Hearings Per Judge
8. Hearing Daily Averages (three-year average)
9. Hearing Daily Averages (2019 average)

III. Docketing Reports

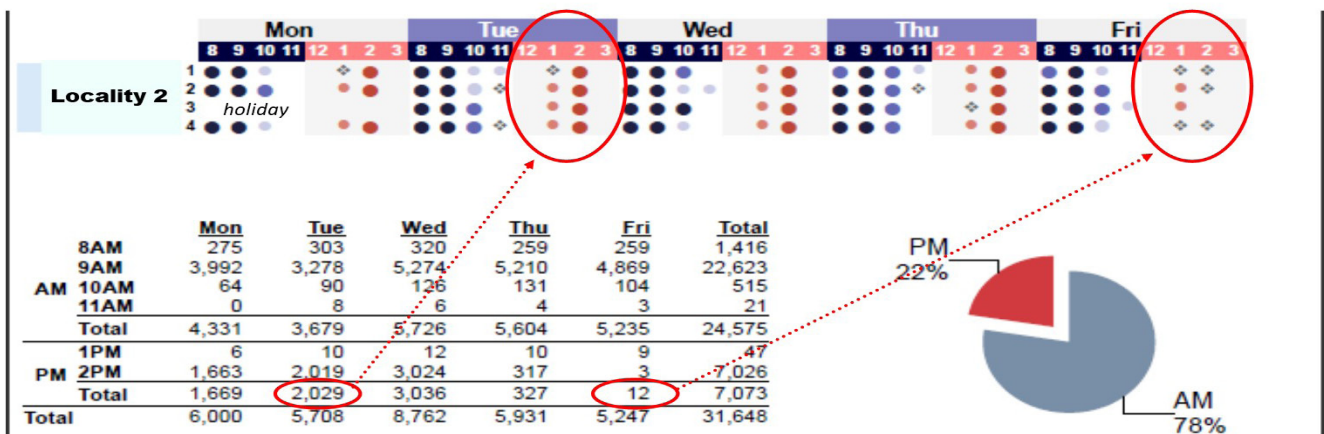
10. Hearing Times Scheduled – “Dot” Report
11. Hearings Scheduled by Day (with Courtroom detail)
12. Hearings Scheduled by Defendant in Custody
13. Hearings Scheduled by Case Type
14. Hearings Scheduled by Complainant Name

Using Effective Docketing to Increase Courts' Adjudicative Capacity

In the interest of both public health and reducing any case backlogs, courts should review their calendars to determine where they may have open time in which to schedule additional dockets. Below are two sample "Dot" reports showing scheduled hearings in sample general district courts. In the first, the court is scheduling 99% of its hearings in the morning. Even if its afternoon cases are contested, there should be ample time in which additional afternoon dockets could be scheduled.




In the second "Dot" report below, the imbalance between morning and afternoon dockets is not as pronounced; however, comparing the hearing numbers for each day of the week, there appears to be considerable time on Thursday and Friday afternoons in which additional dockets might be scheduled.



Other reports examine how hearings are distributed between mornings and afternoons for each day of the week. These reports display how 2019 hearings were distributed. These reports also indicate how the courts' 2019 total hearing number compares with that for 2010, when most courts had fewer judges and clerks. The comparison with 2010 might suggest that Locality 1 has additional capacity for hearing cases. For these reports, courts may contact the Department of Judicial Planning as needed.


Virginia General District Courts Hearings Overview

2019 Hearings, % AM/PM, % of Hearings by Day of Week

	2019 Hearings	% VS 2010	% AM Hearings	% PM Hearings	Mon AM	Mon PM	Tue AM	Tue PM	Wed AM	Wed PM	Thu AM	Thu PM	Fri AM	Fri PM
 Locality 1	165,562	-1%	99%	1%	18%	0.2%	19%	0.4%	19%	0.3%	17%	0.3%	26%	

Virginia General District Courts Hearings Overview

2019 Hearings, % AM/PM, % of Hearings by Day of Week


	2019 Hearings	% VS 2010	% AM Hearings	% PM Hearings	Mon AM	Mon PM	Tue AM	Tue PM	Wed AM	Wed PM	Thu AM	Thu PM	Fri AM	Fri PM
 Locality 2	350,184	5%	73%	27%	14%	6.6%	13%	8.0%	15%	10.4%	16%	1.1%	14%	0.3%

Implementing Segmented Dockets

Definition

A “segmented” docket is one in which a specific number of cases (x) are called for discrete intervals during a day (e.g., x cases called at 9 a.m., x cases called at 9:30, x cases called at 10, etc.), in contrast to a mass or “cattle call” docket in which all cases set for hearings on a given day are called at the same time (e.g., 9:00 a.m. or 1 p.m.). Under normal operating conditions, segmented dockets are recommended as a best practice because they reduce waiting time and inconvenience for the public and enhance the dignity of all court proceedings. During a pandemic emergency in which there may be restrictions upon the number and spacing of persons who may be gathered in a courtroom, segmented dockets are essential to protecting the health of the public and court personnel. The number of cases and time intervals appropriate to docket segments will vary by case type and other conditions and should be determined by court leaders, with reference to objective case data and in consultation with relevant stakeholders.

The following image shows samples of a general district court transitioning from mass dockets to highly segmented dockets.

SAMPLE CRIMINAL DOCKETS					
General District Courts of Virginia					
Summons Time for Litigants	Mass Dockets			Highly Segmented Dockets	
	Sample 1	Sample 2	Sample 3	Sample 4	Sample 5
8:30 A.M.			Arraignments	Arraignments	Arraignments
9:00 A.M.	Arraignments Misdemeanors Felony Prelim. Higs	Arraignments Misdemeanors Felony Prelim. Higs	Misdemeanors - Grouped by Officer	Misdemeanors - Uncontested - Plea Agreements	Misdemeanors - General
9:30 A.M.					
10:00 A.M.			Felony Prelim. Higs - Grouped by Officer	Misdemeanors - Contested	Misdemeanors - Bad Checks - Game and Inland Fisheries
10:30 A.M.					- Alcoholic Beverage Control - Code Compliance - Animal Control Cases
11:00 A.M.			Felony Prelim. Higs - Grouped by Officer	Misdemeanors - Contested	
11:30 A.M.					
12:00 P.M.	LUNCH	LUNCH	LUNCH	LUNCH	LUNCH
1:00 P.M.		Misdemeanors Felony Prelim. Higs	Misdemeanors - Grouped by Officer	Felony Prelim. Higs.	Felony Prelim. Higs. - Grouped by Officer
1:30 P.M.					
2:00 P.M.			Misdemeanors - Grouped by Officer	Felony Prelim. Higs.	Misdemeanors - General
2:30 P.M.					
3:00 P.M.			Misdemeanors - Grouped by Officer	Felony Prelim. Higs.	Show Causes - 18.2-271.1 ASAP Revocation - 19.2-306 Suspended Sentence
3:30 P.M.					- 19.2-358 Failure to Pay Fines/Costs - 18.2-456 Failure to Complete Comm. Service

While public health protocols still apply, courts should segment dockets with the maximum number of cases that can be safely called during intervals of 30 or 60 minutes based upon case types, expected numbers of participants, whether matters are contested, etc. See the following examples:


SEGMENTED DOCKET
General District Court/Judge: _____

Summons Time for Litigants: **TUESDAY**

SEGMENTED DOCKET
General District Court/Judge: _____

Summons Time for Litigants: **MONDAY**

Summons Time for Litigants	Scheduled Case Types/Events	No. of Cases
8:00 A.M.		
8:30 A.M.		
9:00 A.M.		
9:30 A.M.		
10:00 A.M.		
10:30 A.M.		
11:00 A.M.		
11:30 A.M.		
12:00 P.M.		
12:30 P.M.		
1:00 P.M.		
1:30 P.M.		
2:00 P.M.		
2:30 P.M.		
3:00 P.M.		
3:30 P.M.		
4:00 P.M.		
4:30 P.M.		

SEGMENTED DOCKET 

General District Court/Judge: COURT/JUDGE

Summons Time for Litigants	MONDAY	
	Scheduled Case Types/Events	No. of Cases
8:00 A.M.		
8:30 A.M.	Administrative Time	
9:00 A.M.	Misdemeanor Criminal Trials-Block A Officers	X
9:30 A.M.	and Citizen Warrants	
10:00 A.M.	Advisements, Bond Hearings, Motions, Guilty Pleas	X
10:30 A.M.	Misdemeanor Criminal Trials-Block B Officers	X
11:00 A.M.	and Citizen Warrants	
11:30 A.M.	Bad Checks (Week 2,4) Overflow and	X
12:00 P.M.	Scheduled Misdemeanor Trials (Week 1,3,5)	
12:30 P.M.	Lunch	
1:00 P.M.	Contested Civil Cases Previously Scheduled	X
1:30 P.M.	at Docket Call	
2:00 P.M.	Contested Civil Cases Previously Scheduled	X
2:30 P.M.	at Docket Call	
3:00 P.M.	Contested Civil Cases Previously Scheduled	X
3:30 P.M.	at Docket Call	
4:00 P.M.	Overflow and	
4:30 P.M.	Administrative Time	

*Pandemic Continuity of Operations Planning:
Reconstitution*

**Guide to Transitioning from Emergency to Routine
Operations**

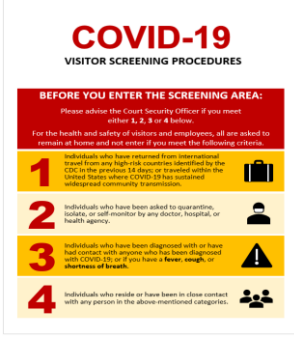
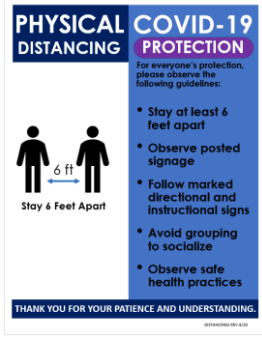

Appendix



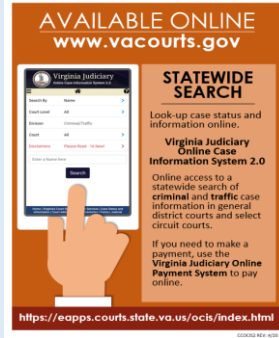
Appendix A



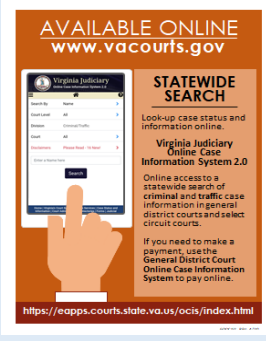
Signage

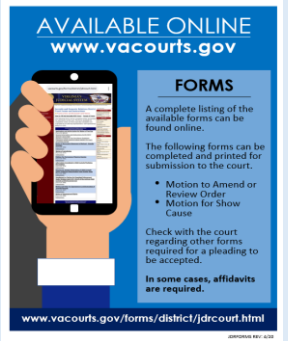

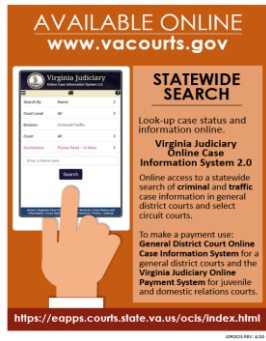
SAMPLE COURT SIGNAGE

Select the hyperlink to print that version of the sign. This document can also be found on the OESinet under [Quick Reference Materials](#).

COVID-19		
 <p>COVID-19 VISITOR SCREENING PROCEDURES</p> <p>BEFORE YOU ENTER THE SCREENING AREA: Please advise the Court Security Officer if you meet either 1, 2, 3 or 4 below.</p> <p>For the health and safety of visitors and employees, all are asked to remain at home and not enter if you meet the following criteria.</p> <ol style="list-style-type: none"> Individuals who have returned from international travel from any high-risk countries identified by the CDC in the previous 14 days or returned within the United States where COVID-19 has sustained widespread community transmission. Individuals who have been asked to quarantine, isolate, or self-monitor by any doctor, hospital, or health agency. Individuals who have been diagnosed with or have had contact with anyone who has been diagnosed with COVID-19 or if you have a fever, cough, or shortness of breath. Individuals who reside or have been in close contact with any person in the above-mentioned categories. 	 <p>PHYSICAL DISTANCING COVID-19 PROTECTION</p> <p>For everyone's protection, please observe the following guidelines:</p> <ul style="list-style-type: none"> Stay at least 6 feet apart Observe posted signage Follow marked directional and instructional signs Avoid grouping to socialize Observe safe health practices <p>THANK YOU FOR YOUR PATIENCE AND UNDERSTANDING.</p>	 <p>WHILE IN THE BUILDING.. PLEASE OBSERVE THE FOLLOWING:</p> <ul style="list-style-type: none"> Stay 6 feet apart Observe posted signage Follow displayed instructions Avoid grouping to socialize Observe safe health practices <p>THANK YOU FOR YOUR PATIENCE AND UNDERSTANDING.</p>
<p>SCREENING</p>	<p>PHYSICAL DISTANCING</p>	<p>SAFE PRACTICES</p>
<p>English</p> <p>Spanish</p>	<p>English</p> <ul style="list-style-type: none"> Color Grayscale <p>Spanish</p> <ul style="list-style-type: none"> Color Grayscale 	<p>English</p> <ul style="list-style-type: none"> Color Grayscale <p>Spanish</p> <ul style="list-style-type: none"> Color Grayscale

CIRCUIT COURTS		
 <p>AVAILABLE ONLINE www.vacourts.gov</p> <p>FORMS</p> <p>A complete listing of the available forms can be found online.</p> <p>Many forms can be completed and printed for submission to the court.</p> <ul style="list-style-type: none"> Criminal Civil Deed Fiduciary <p>Check with the court regarding other available forms.</p> <p>www.vacourts.gov/forms/circuit/home.html</p>	 <p>AVAILABLE ONLINE www.vacourts.gov</p> <p>PAYMENTS</p> <p>Making your payment online is just a few clicks away!</p> <p>Online access to case and payment information for circuit courts.</p> <p>Cases may be searched using name or case number.</p> <p>Virginia Judiciary Online Payment System</p> <p>www.vacourts.gov</p>	 <p>AVAILABLE ONLINE www.vacourts.gov</p> <p>STATEWIDE SEARCH</p> <p>Look-up case status and information online.</p> <p>Virginia Judiciary Online Case Information System 2.0</p> <p>Online access to a statewide search of criminal and traffic case information in general district courts and select circuit courts.</p> <p>If you need to make a payment, use the Virginia Judiciary Online Payment System to pay online.</p> <p>https://eapps.courts.state.va.us/ocis/index.html</p>
<p>FORMS</p>	<p>PAYMENTS</p>	<p>SEARCH</p>
<p>English</p> <ul style="list-style-type: none"> Color Grayscale <p>Spanish</p> <ul style="list-style-type: none"> Color Grayscale 	<p>English</p> <ul style="list-style-type: none"> Color Grayscale <p>Spanish</p> <ul style="list-style-type: none"> Color Grayscale 	<p>English</p> <ul style="list-style-type: none"> Color Grayscale <p>Spanish</p> <ul style="list-style-type: none"> Color Grayscale

GENERAL DISTRICT COURTS		
		
FORMS	PAYMENTS	SEARCH
<p>English</p> <ul style="list-style-type: none"> • Color • Grayscale <p>Spanish</p> <ul style="list-style-type: none"> • Color • Grayscale 	<p>English</p> <ul style="list-style-type: none"> • Color • Grayscale <p>Spanish</p> <ul style="list-style-type: none"> • Color • Grayscale 	<p>English</p> <ul style="list-style-type: none"> • Color • Grayscale <p>Spanish</p> <ul style="list-style-type: none"> • Color • Grayscale

JDR COURTS		
		
FORMS	PAYMENTS	SEARCH
<p>English</p> <ul style="list-style-type: none"> • Color • Grayscale <p>Spanish</p> <ul style="list-style-type: none"> • Color • Grayscale 	<p>English</p> <ul style="list-style-type: none"> • Color • Grayscale <p>Spanish</p> <ul style="list-style-type: none"> • Color • Grayscale 	<p>English</p> <ul style="list-style-type: none"> • Color • Grayscale <p>Spanish</p> <ul style="list-style-type: none"> • Color • Grayscale

APPENDIX B

**FORMS AND
ADR RELATED EMAILS**

MOTION FOR REMOTE HEARING

Commonwealth of Virginia – rev. 04/16/2020

Case No. _____

Page: 1 of ____

Circuit Court General District Court Juvenile & Domestic Relations District Court

It is the responsibility of the requesting party to ensure:

All parties and witnesses agree to a remote hearing AND have the ability to connect in the manner requested.

Case Names:

Petitioner/Plaintiff

Defendant/Respondent

Address

Address

Address

Address

Telephone Number

Telephone Number

Remote Mechanism Requested:

Telephonic

WebEx – Best used with a personal computer

Polycom Virtual Meeting Rooms – Best used with other Polycom video equipment

Hearing Date Information

Case currently set for _____

Request hearing date. List attorneys’/parties’ available dates:

Reason for remote hearing request: _____

Witnesses to be called: _____

Other parties to be called: _____

Parties appearing remotely: All _____

Evidence to be presented: None Documents Pictures Objects _____

Interpreter/Other Special Needs: None Yes – Explain _____

Requesting Party: _____ Petitioner/Plaintiff Defendant/Respondent
 Attorney Self-represented

COURT USE ONLY

ORDER

Granted Denied Other _____

Judge _____ Entered _____

Contact Information for ALL Remote Participants

MOTION FOR REMOTE HEARING-Addendum

Commonwealth of Virginia – rev. 04/16/2020

Case No. _____

Page: ____ of ____

<input type="checkbox"/> Witness <input type="checkbox"/> Other _____ Name _____ Address _____ _____ Phone _____ Email _____	<input type="checkbox"/> Witness <input type="checkbox"/> Other _____ Name _____ Address _____ _____ Phone _____ Email _____
<input type="checkbox"/> Witness <input type="checkbox"/> Other _____ Name _____ Address _____ _____ Phone _____ Email _____	<input type="checkbox"/> Witness <input type="checkbox"/> Other _____ Name _____ Address _____ _____ Phone _____ Email _____
<input type="checkbox"/> Witness <input type="checkbox"/> Other _____ Name _____ Address _____ _____ Phone _____ Email _____	<input type="checkbox"/> Witness <input type="checkbox"/> Other _____ Name _____ Address _____ _____ Phone _____ Email _____
<input type="checkbox"/> Witness <input type="checkbox"/> Other _____ Name _____ Address _____ _____ Phone _____ Email _____	<input type="checkbox"/> Witness <input type="checkbox"/> Other _____ Name _____ Address _____ _____ Phone _____ Email _____

CONFIDENTIAL INFORMATION – PLACE IN SEALED ENVELOPE

PAYMENT OPTIONS FORM

GENERAL DISTRICT COURT

Name

Case No.

You have been ordered to pay a fine and/or court costs, as follows:

Fine
Costs

Total Due

Please DO NOT attempt to pay this in person today.

You may pay these fines/costs by one of the following methods.

① Pay ONLINE

Go to www.vacourts.gov

Click on *Pay Traffic Ticket and Other Offenses* on Quick Links and follow instructions.

② Pay by MAIL

Mail payment to:

Please write name and case number on check or money order.

③ Pay by TELEPHONE with CREDIT CARD

Call ()
between 8:00 a.m. and 4:00 p.m.
Monday thru Friday

④ Pay in PERSON or setup a PAYMENT PLAN

Please contact the Clerk's office at () if you wish to set up a payment plan or pay in person. We will prepare your paperwork before you come to the courthouse and advise you of the best time to arrive.

DUE DATES: Payment in full is due within **40 days** of today.
If received after 40 days, **interest** accrues, and case will be sent to **collection**.
Thank you for your cooperation during these unprecedented times.

ADR referral for civil cases, when appropriate, to mediator coordinators for online mediation (District Courts - ADR emails dated April 15, 2020 and April 28, 2020).

From: Larence Lubigan <llubigan@vacourts.gov>
Sent: Wednesday, April 15, 2020 4:22 PM
Subject: Distance Mediation Guidance for District Courts

Dear General District Court Judges and Clerks,

This email is for General District courts that have referred cases to mediation in the past year or so. To ensure that parties in GDC cases have continued access to mediation during the COVID-19 pandemic, many certified mediators are offering online mediation.

Mediation already supports access to justice as an early opportunity for parties to resolve their own disputes. Distance/online mediation expands that access, empowering parties to choose the most convenient time and location for their participation. Transportation is not necessary to reach the courthouse or the mediator's office and hours need not be lost from work. Stress and anxiety may be lower when parties participate in mediation from a familiar, comfortable space, physically removed from the adversary in their case.

Since in-person non-emergency court proceedings are currently suspended, referring cases to distance/online mediation may help reduce your docket volume when the courts return to normal operation. Remember online options are available when ALL parties agree to participate this way. Using digital platforms as well as by phone, mediators can continue to mediate court-referred cases without infringing on social distancing protocol. During this judicial emergency, you may want to consider expanding your referral of cases so that disputes can be resolved as soon as possible and resuming docket volumes can be less overwhelming.

Please consider the following measures to support and maintain distance/online mediation:

- 1) Accept scanned or electronic signatures on mediated agreements (instead of "wet" signatures).
- 2) Some courts have instituted a requirement for witnessing or notarizing party signatures to a mediated agreement. Accept e-notary documents or consider waiving the requirement for notarization.
- 3) Use email to transmit orders of referral and case information that minimize coordinators' contact with the courthouse. Use email to receive mediation paperwork (including invoices, DC-40s) that minimize the coordinator/mediator's contact with the courthouse.
- 4) Ensure mediators receive all available contact information to reduce impediments to reaching the parties.
- 5) Provide billing codes for telephone interpreters. Remind mediators to turn in Order of Referral (DC-400) copies for these cases to OES's Foreign Language Services at languages@vacourts.gov.
- 6) Consider mediation referrals for cases that have not been docketed due to calendar uncertainty.

- 7) Use form DC-400 to refer GDC cases to distance/online mediation. A judge can refer verbally from the bench; in any other circumstance, the DC-400 is required.
- 8) To the best of your ability, provide GDC mediators with suitable continuance dates for assessing party compliance.

If the mediator(s) currently serving your court are not planning to mediate online, please contact Dispute Resolution Services at 804-371-6063 ([Sally Campbell](#)) or 804-371-6064 ([Mandy Sarkissian](#)). We can help you identify online mediators in other localities who can mediate cases for you.

Several OES departments are supporting mediation service continuity during the judicial emergency. If there's any way we can assist your mediation programs, please don't hesitate to contact us: Sally Campbell, spcampbell@vacourts.gov, 804-371-6063 or Mandy Sarkissian, msarkissian@vacourts.gov, 804-371-6064.

If you have suggestions or questions about the distance/online mediation opportunity, please let us know.

We are here to help you serve the public during this unprecedented event.

Sarah P. "Sally" Campbell
Dispute Resolution Services Manager
Department of Judicial Services
Office of the Executive Secretary
Supreme Court of Virginia
(804) 371-6063 (Phone)
(804) 786-4760 (Fax)
spcampbell@vacourts.gov

Jody D. Hess
General District Court Services Manager
Department of Judicial Services
Office of the Executive Secretary
Supreme Court of Virginia
434-724-2897
434-724-2631 (fax)
jdhess@vacourts.gov

Lerence M. Lubigan
Administrative Support
Division of Dispute Resolution Services
Department of Judicial Services
Office of the Executive Secretary
Supreme Court of Virginia
100 North 9th Street, 3rd Floor
Richmond, VA 23219
(804)692-0375
(804)786-4760 (fax)
llubigan@vacourts.gov

From: Larence Lubigan <llubigan@vacourts.gov>
Sent: Tuesday, April 28, 2020 11:04 AM
Subject: Distance Mediation Guidance for District Courts

Dear General District Court Judges and Clerks,

This email is for GD courts that have not referred cases to mediation recently, never had a mediator available, or have not needed mediation services.

During the COVID-19 pandemic, many certified mediators have begun to offer “distance” mediation (online or by telephone). Mediation already supports access to justice as an early opportunity for parties to resolve their own disputes. Distance mediation expands that access, empowering parties to choose a time and space convenient for them to participate in the mediation session. No transportation is necessary to reach the courthouse or the mediator’s office. Hours need not be lost from work. Stress and anxiety may be lower when parties participate in mediation from a familiar, comfortable space, physically removed from the adversary in their case.

Distance mediation options are available when ALL parties agree to participate in this way. Mediators are trained to explain participation options before any mediation takes place.

Since most court proceedings are currently suspended, referring cases to distance mediation may help reduce your docket volume once the courts return to normal operation. Using digital platforms as well as by phone, mediators can mediate court-referred cases without infringing on social distancing protocol. Consider referring cases to distance mediation now so that disputes can be resolved as soon as possible and resuming docket volumes can be less overwhelming.

Please consider the following measures to support distance mediation:

- 1) Accept scanned or electronic signatures on mediated agreements (instead of “wet” signatures).
- 2) Some courts using mediation have instituted a requirement for witnessing or notarizing party signatures to a mediated agreement. Instead, accept e-notary documents or do not require notarization or witnessing.
- 3) Use email to transmit orders of referral and case information to minimize a mediator’s contact with the courthouse. Use email or mail to receive mediation paperwork (including invoices) to minimize the mediator’s contact with the courthouse.
- 4) Ensure mediators receive all available contact information to reduce impediments to reaching the parties.
- 5) Provide mediators billing codes for telephone interpreters. Remind mediators to turn in Order of Referral (DC-400) copies for these cases to OES’s Foreign Language Services at languages@vacourts.gov.
- 6) Consider mediation referrals for cases that have not been docketed due to calendar uncertainty.

7) Use form DC-400 to refer GDC cases to distance mediation. A judge can refer verbally from the bench; in any other circumstance, the DC-400 is required.

8) To the best of your ability, provide GDC mediators with suitable continuance dates for assessing party compliance.

Several OES departments are supporting mediation service continuity during the judicial emergency. We can help you identify distance mediators in other localities who can mediate cases for your court. Please don't hesitate to contact Sally Campbell, spcampbell@vacourts.gov, 804-371-6063 or Mandy Sarkissian, msarkissian@vacourts.gov, 804-371-6064 for assistance.

If you have suggestions or questions about the distance mediation opportunity, please let us know. We are here to help you serve the public during this unprecedented pandemic event.

Thank you!

Sarah P. "Sally" Campbell
Dispute Resolution Services Manager
Department of Judicial Services
Office of the Executive Secretary
Supreme Court of Virginia
(804) 371-6063 (Phone)
(804) 786-4760 (Fax)
spcampbell@vacourts.gov

Jody D. Hess
General District Court Services Manager
Department of Judicial Services
Office of the Executive Secretary
Supreme Court of Virginia
434-724-2897
434-724-2631 (fax)
jdhess@vacourts.gov

APPENDIX C

AVAILABLE AUTOMATED COURT TECHNOLOGY

Available Automated Court Technology

This document outlines automated court technology available to all court levels, with limitations to court level noted. These applications will help reduce traffic inside the courthouse, minimize public interaction with the public, and increase case processing productivity.

GDIS Queues – The General District Imaging System Queues allow staff in one part of the building to send cases w/ notes to another area of the building electronically. This is primarily intended for courtroom clerks to send files digitally to the staff working the payment counter in the clerk's office.

GD Public Search – The General District Public Search Terminals reduce the number of people coming to the counter and reduces the time needed to retrieve a copy of a document if a printer is networked behind the counter.

VIPNET – Virginia Interactive Payment Network allows defendants to prepay pay fines, costs for traffic and criminal cases as well as fines, costs and restitution for cases concluded in the general district courts. [VIPNET](#) may be accessed on the Virginia Judicial System Website.

DEFS – The District eFiling System is used by the Division of Child Support Enforcement (DCSE) and enables the filing agency to create, attach, and submit documents electronically to the J&DR Court. From the Court user's perspective, much of the existing data entry and imaging workflow is now eliminated. A [FAQ document](#) can be found on the intranet under the DJS Quick Reference Material section.;

JSVS – The Juvenile Secure Viewing System provides secure remote access to J&DR case images for Division of Child Support Enforcement (DCSE) and Court Service Unit (CSU/DJJ) users, amongst others. JSVS reduces foot traffic in the Clerk's Office and reduces the need to provide paper copies of documents to those agencies.

VJOPS – The Virginia Judiciary Online Payment System allows the public to pay fees, fines, costs and restitution online for cases before the JDR Courts and pay fines, costs and restitution online for traffic and criminal cases disposed of in the circuit courts. [VJOPS for JDR Cases](#) and [VJOPS for Circuit Cases](#) may be accessed on the Virginia Judicial System Website.

eRecording – The eRecording module allows courts that utilize the Commonwealth of Virginia Electronic Recordation System (COVERS) to receive electronically recorded documents into the system. Documents submitted electronically will be placed in a queue within COVERS and allows for vendors (i.e. SimpliFile & CSC) to submit documents to the court at any time. An [overview of the eRecording module](#) can be found on the intranet under the DJS Quick Reference Material section.

SRA – Unverified Access – The unverified access to search land recordings online allows system subscribers to view the records which the court is currently processing.

OCRA – The Officer of the Court Remote Access is a subscriber/fee-based system allowing subscribers to view case file images in the Circuit Imaging System (CIS) online, reducing traffic in the clerk’s office.

CC Public Search – The Circuit Public Search Terminals reduce the number of people coming to the counter, reduces the time needed to retrieve a copy of a document, and enables staff to assign confidential civil cases for viewing to authorized parties.

DARS – The Digital Appellate Record System allows the circuit court that utilizes the Circuit Imaging System (CIS) to compile and transmit appeals digitally to the Court of Appeals and Supreme Court of Virginia.

DCA – The District Court Appeals module allows the circuit court who has entered into an [agreement](#) with the Chief Judge of the respective general district court to receive digitally imaged appealed and certified cases from the general district court. A [Quick Reference Guide to DCA](#) can be found on the intranet under the DJS Quick Reference Material section.

VJEFS – The Virginia Judiciary Electronic Filing System allows members of the Virginia State Bar and their designated staff, allows to electronically file most civil cases in circuit court. VJEFS may be used to track case submissions, receive status and other notifications by email, request service of process, and calculate and pay fees online. From the Court user’s perspective, much of the existing data entry and imaging workflow is now eliminated.

can be found on the Virginia Judicial System website.

Interest or Questions

If you have interest or questions related to any of the aforementioned available technology, please contact us immediately at rmsteam@vacourts.gov for imaging application information or the respective court teams at gdteams@vacourts.gov, jdrteam@vacourts.gov, or circuiteam@vacourts.gov or call (804) 371-2424.