

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TIMOTHY BERNARD TANNER,

Defendant.

§
§
§
§
§
§
§
§
§

NO. 3:19-CR-245-M

**DEFENSE'S MOTION FOR CONTINUANCE OF TRIAL
AND PRETRIAL DEADLINES**

TABLE OF CONTENTS

TABLE OF AUTHORITIES	iv
ARGUMENT	1
I. The Dallas Division of the Northern District of Texas stands at the peak of a dire public health emergency	1
II. The denial of a continuance would be an abuse of Discretion	11
A. Trial at the local peak of a deadly, highly contagious pandemic would impair the defendant’s right to effective of assistance of counsel	12
B. Trial at the local peak of a deadly pandemic would deprive the defendant of trial before a fair cross-section of the community.	17
C. Trial at the local peak of a deadly pandemic would compromise the defendant’s right to meaningful confrontation.	22
D. Trial at the local peak of a deadly pandemic would compromise the defendant’s right to compulsory process, to present evidence, and to testify.	23
E. Trial at the local peak of a deadly pandemic would compromise the defendant’s right to be present and to be judged without the effect of a prejudicial face-covering.	26
F. Trial at the local peak of a deadly pandemic would compromise the defendant’s right to be trial by an impartial jury and to be free of coercive verdicts.	28
G. Trial at the local peak of a deadly pandemic would compromise the defendant’s right to be free of coercive pressure to plead guilty.	29
H. Trial at the local peak of a deadly pandemic would violate the defendant’s due process right to the exercise of reasonable care toward the health and safety of persons confined by state action.	30
III. Assuming that its discretion is not constrained by its duty to provide a fair trial and protect the health of participants, this Court should nonetheless exercise its discretion in favor of a continuance.	31
IV. A continuance would not prejudice the government.	31

V. Conclusion32

Certificate of Conference34

Certificate of Defendant’s Consent34

Certificate of Service34

Table of Authorities

Cases	Page(s)
<i>Brady v. United States</i> , 397 U.S. 742 (1970)	29
<i>Burdine v. Johnson</i> , 262 F.3d 336 (5th Cir. 2001) (en banc)	13
<i>California v. Green</i> , 399 U.S. 149 (1970)	22
<i>Chambers v. Florida</i> , 309 U.S. 227 (1940)	29
<i>Chambers v. Mississippi</i> , 410 U.S. 284 (1973)	23
<i>Coy v. Iowa</i> , 487 U.S. 1012 (1988)	22
<i>Deck v. Missouri</i> , 544 U.S. 622 (2005)	26
<i>DeShaney v. Winnebago County Dep’t of Social Services</i> , 489 U.S. 195 (1989).....	30
<i>Dickerson v. Alabama</i> , 667 F.2d 1364 (5th Cir. 1982)	11
<i>Duren v. Missouri</i> , 439 U.S. 357 (1976)	17
<i>Estelle v. Williams</i> , 425 U.S. 501 (1976)	26
<i>Freeman v. Ferguson</i> , 911 F.2d 52 (8th Cir.1990)	30
<i>Geders v. United States</i> , 425 U.S. 80 (1976)	14
<i>Gregory v. City of Rogers, Ark.</i> , 974 F.2d 1006 (8th Cir. 1992) (en banc)	30
<i>Jones v. Phyfer</i> , 761 F.2d 642 (11th Cir. 1985)	30
<i>Jordan v. Massachusetts</i> , 225 U.S. 167 (1912)	28
<i>Kercheval v. United States</i> , 274 U.S. 220 (1927)	29
<i>United States v. Kimbrough</i> , 69 F.3d 723, 731 (5th Cir. 1993).	12
<i>Kirby v. Illinois</i> , 406 U.S. 682 (1972)	12
<i>Machibroda v. United States</i> , 368 U.S. 487 (1962)	29
<i>Maine v. Moulton</i> , 474 U.S. 159 (1985)	16
<i>Maryland v. Craig</i> , 497 U.S. 836 (1990)	22
<i>Mattox v. United States</i> , 156 U.S. 237 (1896)	22
<i>Montejo v. Louisiana</i> , 556 U.S. 778 (2009)	12
<i>Morris v. Slappy</i> , 461 U.S. 1 (1983)	17
<i>Perry v. Leeke</i> , 488 U.S. 272 (1989)	12
<i>Powell v. Alabama</i> , 287 U.S. 45 (1932)	13
<i>Rock v. Arkansas</i> , 483 U.S. 44 (1987)	23
<i>Romero v. State</i> , 173 S.W.3d 502 (Tex.Crim.App.2005)	22

Smith v. Robbins, 528 U.S. 259 (2000) 12

State v. Long, 499 A.2d 264 (N.J. 1985) 21

Tanner v. United States, 483 U.S. 107 (1987) 28

Taylor v. Illinois, 484 U.S. 400 (1987) 23

Ungar v. Sarafite, 376 U.S. 575 (1964) 1, 17

United States v. Cronin, 466 U.S. 648 (1984) 13

United States v. DeJesus-Castaneda, 705 F.3d 1117 (9th Cir. 2013) 22

United States v. El-Mezain, 664 F.3d 467 (5th Cir. 2011) 22

United States v. Fossler, 597 F.2d 478 (5th Cir. 1979) 28

United States v. Hemmingson, 157 F.3d 347 (5th Cir. 1998) 17

United States v. Kennedy, 548 F.2d 608 (5th Cir.1977) 17

United States v. Kimmel, 777 F.2d 290 (5th Cir. 1985) 29

United States v. McDonald, 620 F.2d 559 (5th Cir. 1980) 15

United States v. Mendoza, 522 F.3d 482 (5th Cir. 2008) 15

United States v. Rhodes, 631 F.2d 43 (5th Cir. 1980) 28

United States v. Roberson, 496 Fed. Appx. 390 (5th Cir. 2012) 27

United States v. Ross, 58 F.3d 154 (5th Cir. 1994) 11

United States v. Sahley, 526 F.2d 913 (5th Cir. 1976) 11

United States v. Snarr, 704 F.3d 368 (5th Cir. 2013) 21

Waley v. Johnston, 316 U.S. 101 (1942) 29

Walker v. Johnston, 312 U.S. 275 (1941) 29

Washington v. Texas, 388 U.S. 14 (1967) 23

Weatherford v. Bursey, 429 U.S. 545 (1977) 14

Wells v. Walker, 852 F.2d 368 (8th Cir.1988) 30

Statutes

28 U.S.C. § 1861 17

28 U.S.C. § 1867 17

United States Constitution

U.S. Const. Amend. VI 22-23

Miscellaneous

Aaron Thomas, *Why I don't feel safe wearing a face mask. I'm a Black man living in this world. I want to stay alive, but I also want to stay alive*, Boston Globe (April 5, 2020), available at <https://www.bostonglobe.com/2020/04/05/opinion/why-i-dont-feel-safe-wearing-face-mask/>, last visited May 15, 2020. 27

Anchordoqui LA, Chudnovsky EM. *A physicist view of the airborne infection*. Cornell University website. (Mar. 30, 2020), available at <https://arxiv.org/abs/2003.13689>, last visited May 15, 2020. 5

Adriana Rodriguez, *Should we all wear face masks to fight coronavirus? CDC says no, guidelines remain unchanged*, USA Today, (March 31, 2020)(quoting Executive Director Dr. Mike Ryan), available at <https://www.usatoday.com/story/news/health/2020/03/31/coronavirus-masks-n-95-surgical-diy-should-we-all-wearing-one/5093429002/> last visited May 15, 2020..... 7

Centers for Disease Control and Prevention, *Cases in the U.S.* (May 15, 2020), available at <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>, last visited May 17, 2020 1, 10

Centers for Disease Control and Prevention, *What You Need To Know About Coronavirus Disease 2019 (COVID-19)*, CDC (2020), available at <https://www.cdc.gov/coronavirus/2019-ncov/downloads/2019-ncov-factsheet.pdf>, last visited May 15, 2020. 2, 3

Centers for Disease Control and Prevention, *What Healthcare Personnel Should Know about Caring for Patients with Confirmed or Possible Coronavirus Disease 2019 (COVID-19)*, (Mar. 12, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/hcp/caring-for-patients-H.pdf>. 5

Center for Disease Control and Prevention, *Airborne Infection Isolation Room (AIIR)*, (Nov 5, 2015), <https://www.cdc.gov/infectioncontrol/guidelines/isolation/glossary.html>. 5, 6

Centers for Disease Control and Prevention, *Recommendation Regarding the Use of Cloth Face Coverings, Especially in Areas of Significant Community-Based Transmission* (Apr. 3, 2020), available at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html>, last visited May 15, 2020..... 4

Centers for Disease Control, *COVID-19 in Racial and Ethnic Minority Groups*, (April 22, 2020) available at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html>, last visited May 14, 2020. 18-19

Chandini MacIntyre et al, *COVID-19, shortages of masks and the use of cloth masks as a last resort*, *BMJ Open* (March 30, 2020), available at <https://bmjopen.bmj.com/content/5/4/e006577.responses#COVID-19-shortages-of-masks-and-the-use-of-cloth-masks-as-a-last-resort>, last visited May 15, 2020. 6

Chris Ciaccia, *Coronavirus Can Remain in Air for 3 Hours, Live on Plastic for Days, New Study Says*, (Mar. 12, 2020), <https://www.foxnews.com/health/coronavirus-live-plastic-stainless-steel-for-up-to-3-days>. 4

Coronavirus Disease 2019 (Covid-19) Situation Report – 46, World Health Org, at p. 2 (2020), https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200306-sitrep-46-covid-19.pdf?sfvrsn=96b04adf_2. 3

Cory Shaffer, *An Ohio Judge Determined to Hold a Trial, A Defendant Removed from the Courtroom with Coronavirus Symptoms Illustrate Perils of Pandemic-era Trials*, (May 1, 2020), <https://www.cleveland.com/court-justice/2020/05/an-ohio-judge-determined-to-hold-a-trial-a-defendant-removed-from-the-courtroom-with-coronavirus-symptoms-illustrate-perils-of-pandemic-era-trials.html>, last visited May 11, 2020. 9

Dallas County Health and Human Services 2019 Novel Coronavirus (COVID-19) Press Releases, available at <https://www.dallascounty.org/covid-19/judge-press-releases.php>, last visited May 18, 2020. 2, 4

George Back, *Andrew Cuomo on 'selfish' New Yorkers not wearing masks: 'I just don't get it'*, Yahoo Entertainment (May 7, 2020), available at <https://sports.yahoo.com/andrew-cuomo-on-selfish-new-yorkers-not-wearing-masks-i-just-dont-get-it-074031942.html>, last visited May 15, 2020. 28

Graham Readfearn, *What Happens to People’s Lungs When They Get Coronavirus*, The Guardian, (Mar. 24, 2020), <https://www.theguardian.com/world/2020/apr/01/what-happens-to-peoples-lungs-when-they-get-coronavirus-acute-respiratory-covid-19> 2

Harold Pashler, *Dual-task interference in simple tasks: Data and theory*, Psychological Bulletin, 116(2), 220–244 (1994), abstract available <https://psycnet.apa.org/doiLanding?doi=10.1037%2F0033-2909.116.2.220>, last visited May 14, 2020. 14

Jury Plan for the Northern District of Texas, as Amended June 2008, Art. VI (2008), available at http://www.txnd.uscourts.gov/sites/default/files/orders/misc/MiscOrder5_11209Jury.pdf, last visited May 14, 2020. 19

Lidia Morawska and Junji Cao, U.S. National Library of Medicine National Institutes of Health, *Airborne Transmission of SARS-CoV-2: the World Should Face the Reality* (Apr. 10, 2020), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7151430/>, last visited May 15, 2020. 6

Lizzie Presser, *A Medical Worker Describes Terrifying Lung Failure From COVID-19 — Even in His Young Patients*, ProPublica, (Mar. 21, 2020), <https://www.propublica.org/article/a-medical-worker-describes--terrifying-lung-failure-from-covid19-even-in-his-young-patients>. 2

Lu J, Gu J, Li K, Xu C, Su W, Lai Z, et al, *COVID-19 Outbreak Associated with Air Conditioning in Restaurant, Guangzhou, China, 2020*. EMERG INFECT DIS. 2020 Jul (Apr. 2, 2020), available at https://wwwnc.cdc.gov/eid/article/26/7/20-0764_article, last visited May 15, 2020 5

Mark Hugo Lopez, et al, *Financial and health impacts of COVID-19 vary widely by race and ethnicity*, Pew Research Center (May 5, 2020)(“There are sharp racial and ethnic differences in personal experiences with COVID-19 and in concerns about spreading or catching the virus.”), available at <https://www.pewresearch.org/fact-tank/2020/05/05/financial-and-health-impacts-of-covid-19-vary-widely-by-race-and-ethnicity/> , last visited May 14, 2020. 17

Neeltje van Doremalen, et. al, *Aerosol and Surface Stability of SARS-CoV-2 as Compared with SARS-CoV-1*, New England J. Med., (March 17, 2020), available at <https://www.nejm.org/doi/full/10.1056/NEJMc2004973>, last visited May 15, 2020. 4

Northern District of Texas Special Order 13-5 (March 13, 2020), available at <http://www.txnd.uscourts.gov/sites/default/files/documents/COVID19.pdf>, last visited May 15, 2020. 8, 10

Parkland Website, *Parkland welcomes donations of personal protective equipment*, available at <https://www.parklandhospital.com/ppe-donations>, last visited May 15, 2020. 6

Dr. Ramananda Ningthoujam, *COVID 19 can spread through breathing, talking, study estimates*, Curr Med Res Pract (May 8, 2020), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7205645/>, last visited May 15, 2020. 4

Ryan Lizza and Daniel Lippman, *Wearing a mask is for smug liberals. Refusing to is for reckless Republicans* (May 1, 2020), available at <https://www.politico.com/news/2020/05/01/masks-politics-coronavirus-227765>, last visited May 17, 2020. 27

Santarpia JL, Rivera DN, Herrera V, et al, *Transmission potential of SARS-CoV-2 in viral shedding observed at the University of Nebraska Medical Center* (published online Mar. 26, 2020), available at <https://doi.org/10.1101/2020.03.23.20039446>, last visited May 15, 2020. 5

Severe Outcomes Among Patients with Coronavirus Disease 2019 (COVID-19) — United States, February 12–March 16, 2020, CDC, at tbl. (2020), https://www.cdc.gov/mmwr/volumes/69/wr/mm6912e2.htm?s_cid=mm6912e2_w. 3

Tian-Yuan Xiong et al., *Coronaviruses and the Cardiovascular System: Acute and Long-Term Implications*, European Heart Journal, at 1 (2020). 2

University of Texas COVID-19 Modeling Consortium, COVID-19 Mortality Projections for US States and Metropolitan Areas, Deaths Per Day for Dallas-Fort Worth-Arlington, Input = Texas, Dallas-Fort Worth-Arlington (May 15, 2020), <https://covid-19.tacc.utexas.edu/projections/>, last visited May 15, 2020. 3

Will Weissert and Jonathan Lemire, *Face masks make a political statement in era of coronavirus*, Associated Press, (May 7, 2020), available at <https://apnews.com/7dce310db6e85b31d735e81d0af6769c>, last visited May 15, 2020..... 7

ARGUMENT

Defendant, **TIMOTHY BERNARD TANNER**, by his appointed counsel, Assistant Federal Public Defender Michael Kawi, hereby moves this Court for an order continuing the trial and related dates set in this case and for a finding of excludable time under the Speedy Trial Act as found in Title 18, United States Code, §§ 3161, *et seq.* In support of this request, counsel states the following:

I. The Dallas Division of the Northern District of Texas stands at the peak of a dire public health emergency.

We are under siege. The rapid spread of a deadly infectious agent, the novel coronavirus, COVID-19, is killing and maiming us, and it is devastating our economy. And the vast scale of disruption occasioned by the virus makes clear understanding of its effects on social and economic consequences difficult.

More than 1.4 million people in America have contracted the disease since February and we have lost 87,315 lives.¹ Over the past two weeks Dallas County has seen between 199 to 253 new cases and ten new hospitalizations *each day*.² Dr. Phillip Huang, Dallas county's health and human services director, said "The state and county have not seen a sustained 14-day drop in new cases –

¹ See Centers for Disease Control and Prevention, Cases in the U.S. (May 15, 2020), available at <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>, last visited May 17, 2020.

² See Dallas County Health and Human Services 2019 Novel Coronavirus (COVID-19) Press Releases, available at <https://www.dallascounty.org/covid-19/judge-press-releases.php>, last visited May 18, 2020.

a key benchmark the White House recommended states begin to re-open.”³ As of May 18, 2020, 177 people have died of the disease in Dallas County.⁴ There is no vaccine.⁵

COVID-19 causes intense pain, and recent research suggests that, in addition to the short-term risk of death posed by COVID-19, contracting the virus can lead to other serious long-term medical conditions, including cardiovascular disease and permanent reduction of lung function.⁶ As one respiratory physician explained, COVID-19 causes the lungs to “become filled with inflammatory material” and to be “unable to get enough oxygen to the bloodstream.”⁷ This leads to acute respiratory distress syndrome, in which fluid displaces the air in the lungs, and a sensation akin to drowning.⁸ The available data from the Centers for Disease Control shows that, in total, 20.7 to 31.4 percent of people who tested positive for COVID-19 require hospitalization, 4.9 to

³ See Sue Ambrose, Holly Hacker, Anna Kuchment, *As More Texas Businesses Open Health Experts Watch and Wait*, The Dallas Morning News (May 17, 2020), available at <https://www.dallasnews.com/news/public-health/2020/05/17/as-more-texas-businesses-open-health-experts-watch-and-wait/>, last visited May 18, 2020.

⁴ See Dallas County Health and Human Services 2019 Novel Coronavirus (COVID-19) Press Releases, available at <https://www.dallascounty.org/covid-19/judge-press-releases.php>, last visited May 18, 2020.

⁵ See Centers for Disease Control and Prevention, What You Need To Know About Coronavirus Disease 2019 (COVID-19), CDC (2020), available at <https://www.cdc.gov/coronavirus/2019-ncov/downloads/2019-ncov-factsheet.pdf>, last visited May 15, 2020.

⁶ See Tian-Yuan Xiong et al., *Coronaviruses and the Cardiovascular System: Acute and Long-Term Implications*, European Heart Journal, at 1 (2020).

⁷ See Graham Readfearn, *What Happens to People’s Lungs When They Get Coronavirus*, The Guardian, (Mar. 24, 2020), <https://www.theguardian.com/world/2020/apr/01/what-happens-to-peoples-lungs-when-they-get-coronavirus-acute-respiratory-covid-19>.

⁸ See Lizzie Presser, *A Medical Worker Describes Terrifying Lung Failure From COVID-19 — Even in His Young Patients*, ProPublica, (Mar. 21, 2020), <https://www.propublica.org/article/a-medical-worker-describes--terrifying-lung-failure-from-covid19-even-in-his-young-patients>.

11.5 percent require admission to the ICU, and 1.8 to 3.4 percent die.⁹ The World Health Organization estimates that the mortality rate is higher—between 3 and 4 percent.¹⁰

But there may be some good news. A model produced by the University of Texas COVID-19 Modeling Consortium estimates a 52% probability that Dallas, Fort Worth and Arlington area will see its COVID-19 numbers peak in the next two weeks.¹¹ Of course, models can only offer probabilities, and their accuracy depends on the validity of their assumptions – this model could well be wrong. But it is a product of careful study and learned minds, and it tells us that while June 1, 2020 is, objectively, the most dangerous time to hold a jury trial, the risks may quickly begin to diminish thereafter.

A jury trial at the local peak of the pandemic poses enormous public health risks. The virus can survive on external surfaces, and can hence spread by touch.¹² But it also spreads -- perhaps primarily spreads -- through the movement of airborne droplets emitted each time someone coughs,

⁹ See *Severe Outcomes Among Patients with Coronavirus Disease 2019 (COVID-19) — United States, February 12–March 16, 2020*, CDC, at tbl. (2020), https://www.cdc.gov/mmwr/volumes/69/wr/mm6912e2.htm?s_cid=mm6912e2_w.

¹⁰ *Coronavirus Disease 2019 (Covid-19) Situation Report – 46*, World Health Org, at p. 2 (2020), https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200306-sitrep-46-covid-19.pdf?sfvrsn=96b04adf_2.

¹¹ See University of Texas COVID-19 Modeling Consortium, COVID-19 Mortality Projections for US States and Metropolitan Areas, Deaths Per Day for Dallas-Fort Worth-Arlington, Input = Texas, Dallas-Fort Worth-Arlington (May 15, 2020), <https://covid-19.tacc.utexas.edu/projections/>, last visited May 15, 2020.

¹² See Centers for Disease Control and Prevention, What You Need To Know About Coronavirus Disease 2019 (COVID-19), CDC (2020), available at <https://www.cdc.gov/coronavirus/2019-ncov/downloads/2019-ncov-factsheet.pdf>, last visited May 15, 2020.

laughs, or speaks,¹³ all of which can be expected to occur in a jury trial. People can carry the virus without exhibiting symptoms,¹⁴ so there is every reason to believe that substantial numbers of the trial's participants may be COVID-19 positive.

Indeed, there is special reason to fear the spread of the virus at Mr. Tanner's trial. The wife and infant son of lead defense counsel began to exhibit symptoms of COVID-19 in recent weeks, including shortness of breath and fever. While lead counsel's wife mercifully tested negative, no test was available for the baby. Counsel cannot definitively exclude the possibility of his own exposure; counsel attempted to schedule a test for himself through a remote appointment with a health care professional and was informed he did not qualify for a test at that time.

Ameliorative tools – distancing, masks, and increased airflow – guarantee nothing. The virus can almost certainly spread beyond six feet, especially in air-conditioned environments. It survives in the air for up to three hours,¹⁵ and moves more than 6 feet away from an infected person in indoor environments. A study published by physicists at Cornell University states: “we cannot find a good justification for a stationary 6-foot separation in a situation when people spend [a] long

¹³ See Dr. Ramananda Ningthoujam, *COVID 19 can spread through breathing, talking, study estimates*, Curr Med Res Pract (May 8, 2020), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7205645/>, last visited May 15, 2020.

¹⁴ Centers for Disease Control and Prevention, *Recommendation Regarding the Use of Cloth Face Coverings, Especially in Areas of Significant Community-Based Transmission* (Apr. 3, 2020), available at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover.html>, last visited May 15, 2020

¹⁵ Chris Ciaccia, *Coronavirus Can Remain in Air for 3 Hours, Live on Plastic for Days, New Study Says*, (Mar. 12, 2020), <https://www.foxnews.com/health/coronavirus-live-plastic-stainless-steel-for-up-to-3-days>; see also Neeltje van Doremalen, et. al, *Aerosol and Surface Stability of SARS-CoV-2 as Compared with SARS-CoV-1*, New England J. Med., (March 17, 2020), available at <https://www.nejm.org/doi/full/10.1056/NEJMc2004973>, last visited May 15, 2020.

time together in a room.”¹⁶ The authors explain that movement of air molecules in a room can follow complex patterns, affected by “the location of air conditioners, radiators, windows, and all items in the room, as well as on people producing vortices by moving around.”¹⁷ Importantly, the physicists conclude that these complex patterns “in the air can make a location far away from the source of droplets *more dangerous* than the location 6 feet away.”¹⁸

Other studies support the same conclusion. A study by the University of Nebraska Medical Center detected the virus in air samples greater than 6 feet away from infected patients, and even in air samples obtained from hallways outside the patients’ rooms.¹⁹ Another study indicated that air conditioning can spread the virus farther than anticipated within an indoor space.²⁰

Masks do offer more protection than distancing. But in addition to wearing facemasks, the CDC recommends that hospitals place COVID-19 patients in Airborne Infection Isolation Rooms (AIIRs), which captures the air and expels it outside the building.²¹ These heightened measures to

¹⁶ Anchordoqui LA, Chudnovsky EM. *A physicist view of the airborne infection*. Cornell University website. (Mar. 30, 2020), available at <https://arxiv.org/abs/2003.13689>, last visited May 15, 2020.

¹⁷ *Id.*

¹⁸ *Id.* (emphasis added).

¹⁹ See Santarpia JL, Rivera DN, Herrera V, et al, *Transmission potential of SARS-CoV-2 in viral shedding observed at the University of Nebraska Medical Center* (published online Mar. 26, 2020), available at <https://doi.org/10.1101/2020.03.23.20039446>, last visited May 15, 2020.

²⁰ See Lu J, Gu J, Li K, Xu C, Su W, Lai Z, et al, *COVID-19 Outbreak Associated with Air Conditioning in Restaurant, Guangzhou, China, 2020*. EMERG INFECT DIS. 2020 Jul (Apr. 2, 2020), available at https://wwwnc.cdc.gov/eid/article/26/7/20-0764_article, last visited May 15, 2020

²¹ See Centers for Disease Control and Prevention, *What Healthcare Personnel Should Know About Caring for Patients with Confirmed or Possible Coronavirus Disease 2019 (COVID-19)*, (Mar. 12, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/hcp/caring-for-patients-H.pdf>. “AIIRs are single-patient rooms equipped with negative air pressure relative to the surrounding areas, and with

direct airflow—in addition to masks—suggests a risk of spreading the virus throughout buildings occupied by infected individuals.²²

Further, the most widely available form of facial covering – a cloth mask such as a towel or bandana – does not work as effectively as a surgical mask.²³ It does not yet appear that surgical masks are widely available to the general population – even Parkland Hospital, Dallas County’s main public hospital, still solicits surgical mask donations.²⁴ Perhaps most critically, masks do not prevent the spread of the virus when they are improperly used, which should be expected in a lay population unused to surgical protocols. As the Executive Director of the World Health Organization Emergencies Programme explained:

There is no specific evidence to suggest that the wearing of masks by the mass population has any particular benefit. ... In fact, there’s some evidence to suggest

a minimum of 6 air changes per hour (12 air changes per hour are recommended for new construction or renovation). Air from these rooms should be exhausted directly to the outside or be filtered through a high-efficiency particulate air (HEPA) filter directly before recirculation.” Center for Disease Control and Prevention, *Airborne Infection Isolation Room (AIIR)*, (Nov 5, 2015), <https://www.cdc.gov/infectioncontrol/guidelines/isolation/glossary.html>.

²² See also Lidia Morawska and Junji Cao, U.S. National Library of Medicine National Institutes of Health, *Airborne Transmission of SARS-CoV-2: the World Should Face the Reality* (Apr. 10, 2020), (arguing that increased measures should be taken to ensure adequate ventilation within buildings given likelihood that COVID-19 spreads by air), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7151430/>, last visited May 15, 2020.

²³ See Chandini MacIntyre et al, *COVID-19, shortages of masks and the use of cloth masks as a last resort*, *BMJ Open* (March 30, 2020)(“...the physical barrier provided by a cloth mask may afford some protection, but likely much less than a surgical mask or a respirator.”), available at <https://bmjopen.bmj.com/content/5/4/e006577.responses#COVID-19-shortages-of-masks-and-the-use-of-cloth-masks-as-a-last-resort>, last visited May 15, 2020.

²⁴ Parkland Website, *Parkland welcomes donations of personal protective equipment*, available at <https://www.parklandhospital.com/ppe-donations>, last visited May 15, 2020.

the opposite in the misuse of wearing a mask properly or fitting it properly or taking it off and all the other risks that are otherwise associated with that.²⁵

Finally, there is the matter of willful non-compliance. Resistance to masks, social distancing protocols and stay-at-home orders has become an ideological movement.²⁶ Some people simply will not wear masks in public. And the Court can expect those willing to venture to jury duty will be more likely than the average citizen to disregard distancing and mask protocols. People who take the virus seriously will stay home.

Put simply, the risk of infection to the trial's participants is very high. But it is not merely the participants in a trial who may be endangered. Jury trials are places of community gathering and verbal exchange. If the jury system serves its function – rendering judgment based on a fair cross-section of the community – it will bring together strangers from all parts of the Division. This gives the virus access to wholly new lines of flight, transgressing any limitations it may have encountered in our more usual social networks. The decision to convene a jury trial thus implicates the rights and lives not merely of its participants, but of all of their loved ones, and anyone with whom they may come into contact.

²⁵ See Adriana Rodriguez, *Should we all wear face masks to fight coronavirus? CDC says no, guidelines remain unchanged*, USA Today, (March 31, 2020)(quoting Executive Director Dr. Mike Ryan), available at <https://www.usatoday.com/story/news/health/2020/03/31/coronavirus-masks-n-95-surgical-diy-should-we-all-wearing-one/5093429002/> last visited May 15, 2020

²⁶ See Will Weissert and Jonathan Lemire, *Face masks make a political statement in era of coronavirus*, Associated Press, (May 7, 2020)(“While most other protective measures like social distancing get broad bipartisan support, Democrats are more likely than Republicans to say they’re wearing a mask when leaving home, 76% to 59%, according to a recent poll by The Associated Press-NORC Center for Public Affairs Research.”), available at <https://apnews.com/7dce310db6e85b31d735e81d0af6769c>, last visited May 15, 2020

For these reasons, the Court wisely continued all jury trials until May 1, 2020.²⁷ This matched the virtually unanimous conclusion of federal district courts around the country: that a jury trial in the current era endangers the lives of everyone involved, and poses a serious risk to the health of the general population. Those districts that have continued jury trials until after June 1, 2020 include:²⁸

- The District of Colorado
- The District of Columbia
- The Northern District of Florida
- The Southern District of Florida
- The Middle District of Georgia
- The District of Hawaii
- The Northern District of Illinois
- The Northern District of Indiana
- The Southern District of Indiana
- The Southern District of Iowa
- The Eastern District of Louisiana
- The Middle District of Louisiana
- The Western District of Louisiana

²⁷ See Northern District of Texas Special Order 13-5 (March 13, 2020), available at <http://www.txnd.uscourts.gov/sites/default/files/documents/COVID19.pdf>, last visited May 15, 2020.

²⁸ See Composite Exhibit A, *District Court Orders Continuing Jury Trials to Various Dates After June 1, 2020*.

- The District of Maine
- The Eastern District of Missouri
- The Western District of Missouri
- The Eastern District of New York
- The Southern District of New York
- The District of North Dakota
- The Western District of Oklahoma
- The Western District of Pennsylvania
- The District of Rhode Island
- The District of South Carolina
- The District of South Dakota
- The Western District of Texas
- The District of Utah
- The Western District of Virginia
- The Western District of Washington
- The Western District of Wisconsin

The outlier decision of an Ohio judge to hold a jury trial over defense objection proved disastrous.²⁹ The defendant was rushed to the hospital with symptoms of the coronavirus. Needless to say, it did not conclude to verdict.

²⁹ See Cory Shaffer, *An Ohio Judge Determined to Hold a Trial, A Defendant Removed from the Courtroom with Coronavirus Symptoms Illustrate Perils of Pandemic-era Trials*, (May 1, 2020),

The conditions that led this Court to continue all jury trials have, by every objective measure, worsened, not improved. Special Order 13-5 observed that on the date of the order there were “more than 1,600 confirmed cases in the United States,” and “several confirmed cases within the Northern District of Texas.”³⁰ Today, there are 1,435,098 cases in the United States³¹ and 7,250 cases in Dallas County.³²



Dallas County COVID-19 Health Guidance for the Public

<https://www.cleveland.com/court-justice/2020/05/an-ohio-judge-determined-to-hold-a-trial-a-defendant-removed-from-the-courtroom-with-coronavirus-symptoms-illustrate-perils-of-pandemic-era-trials.html>, last visited May 11, 2020.

³⁰ See Northern District of Texas Special Order 13-5 (March 13, 2020), available at <http://www.txnd.uscourts.gov/sites/default/files/documents/COVID19.pdf>, last visited May 15, 2020.

³¹ See Centers for Disease Control and Prevention, Cases in the US, CDC (2020), available at <https://www.cdc.gov/coronavirus/2019-ncov/cases-updates/cases-in-us.html>, last visited May 17, 2020.

³² See <https://www.dallascounty.org/covid-19/>, last visited May 17, 2020.

Dallas County still assesses itself at the highest risk level (red).³³ It recommends avoiding all group gatherings, including religious services and funerals.³⁴ Taking this guidance seriously calls on the Court to postpone the trial. “You can’t drag people down to the courthouse and make them sit together for days at a time,” Texas Supreme Court Chief Justice Nathan Hecht said in an interview today. “It’s just too dangerous.”³⁵

II. The denial of a continuance would be an abuse of discretion.

The decision to grant or deny a continuance is committed to the sound discretion of the trial court.³⁶ But the court can abuse that discretion if denying the continuance causes a party “serious prejudice.”³⁷ In some cases, a continuance may be necessary to preserve constitutional rights of the defendant.³⁸ In other cases, the equities may weigh so heavily in favor of continuance as to make a contrary decision arbitrary, and a violation of due process.³⁹

Under the utterly unprecedented circumstances of the present moment, a continuance is necessary: to preserve the defendant’s rights effective assistance of counsel, including pre-trial

³³ See Exh. B, Dallas County COVID-19 Health Guidance for the Public.

³⁴ See Exh. B.

³⁵ See Nate Raymond, *Texas Prepares for a Pandemic First: a Jury Trial by Zoom*, U.S. News & World Report (May 18, 2020), available at <https://www.usnews.com/news/top-news/articles/2020-05-18/texas-prepares-for-a-pandemic-first-a-jury-trial-by-zoom>, last visited May 18, 2020.

³⁶ See *United States v. Sahley*, 526 F.2d 913, 918 (5th Cir. 1976); *United States v. Ross*, 58 F.3d 154, 158-159 (5th Cir. 1994); *United States v. Kimbrough*, 69 F.3d 723, 731 (5th Cir. 1993).

³⁷ *Ross*, 58 F.3d at 158-159; *Kimbrough*, 69 F.3d at 731.

³⁸ See *Sahley*, 526 F.2d at 918, see *Dickerson v. Alabama*, 667 F.2d 1364, 1369 (5th Cir. 1982).

³⁹ See *Ungar v. Sarafite*, 376 U.S. 575, 589 (1964).

preparation, trial performance, and midtrial consultation with counsel, to be tried entirely on properly admitted evidence; to be tried by a fair cross-section of the community; to meaningful confrontation; to compulsory process; to an impartial jury that can reasonably be expected to hear the evidence with the appropriate attention, and to be free of coercive verdicts; to be free of coercive pressure to plead guilty; and to the exercise of reasonable care for the safety of those endangered by state action. Finally, if the decision to grant a continuance is not compelled by the defendant's constitutional protections, the present circumstances create at least a strong case for the exercise of discretion to delay the trial.

A. Trial at the local peak of a deadly, highly contagious pandemic would impair the defendant's right to effective of assistance of counsel.

Defendants enjoy a right to the assistance of counsel at all critical stages of a criminal proceeding.⁴⁰ Both the trial itself and the post-indictment period before trial constitute critical stages.⁴¹ When defendants suffer the impairment of counsel by a state-created barrier, they need not show that the inadequate performance affected the outcome – they need only show that such barriers affected counsel's performance.⁴² And in some circumstances, the effective performance

⁴⁰ See *Montejo v. Louisiana*, 556 U.S. 778, 786 (2009).

⁴¹ See *Kirby v. Illinois*, 406 U.S. 682, 688 (1972) (right to counsel attaches “at or after the time adversary judicial proceedings have been initiated against him”).

⁴² See *Smith v. Robbins*, 528 U.S. 259, 287 (2000) (“various kinds of state interference with counsel's assistance’ can warrant a presumption of prejudice.”)(internal quotations omitted); *Perry v. Leeke*, 488 U.S. 272 (1989)(recognizing that while most claims of ineffectiveness require a showing of prejudice, “direct governmental interference with the right to counsel is a different matter.”).

of counsel is so unlikely as to amount to the functional equivalent of a complete denial of counsel.⁴³ In these cases, reversal is automatic.⁴⁴

Trial under the current circumstances would destroy the defendant's right to counsel in multiple ways, and would constitute both the state interference with the duties of counsel and the constructive denial of counsel altogether.

1. Trial on June 1, 2020 would so compromise counsel's trial performance as to constitute a complete denial of counsel; it would also destroy any meaningful right to mid-trial attorney-client consultation.

Trial in a setting that gravely threatens his or her own physical well-being – as well as that of his or her client and family -- amounts to the constructive denial of counsel.⁴⁵ Conducting a jury trial always requires immense and sustained focus. Under the best of circumstances, even a simple criminal trial presents innumerable moving parts that require the full, rapt attention of one or more attorneys. And if an attorney stumbles on any point, such a misstep may rightfully become scrutinized on appellate review, in habeas petitions, and even bar complaints.

Unfortunately, even skilled and experienced trial attorneys would find it impossible to maintain the necessary sustained focus in the current environment. At the peak of a deadly pandemic, every step an attorney takes, every pen he or she picks up, every person that wants to converse, and every cough he or she hears, could mean infection with a deadly virus. And he or she will also be seriously concerned about who will be exposed to the virus when he or she leaves court

⁴³ See *United States v. Cronin*, 466 U.S. 648 (1984); *Burdine v. Johnson*, 262 F.3d 336, 347 (5th Cir. 2001) (en banc).

⁴⁴ See *Cronin*, 466 U.S. at 659.

⁴⁵ See *Powell v. Alabama*, 287 U.S. 45, 53 (1932)(demand that counsel try a capital case on short notice and under thinly veiled threat of mob violence effectively deprived defendants of counsel).

each day. Preserving Mr. Tanner's rights, moreover, will require some effort to put on the record at least the most serious occasions of such distractions.

Quite apart from the question of divided attention,⁴⁶ trying the case under COVID-19 protocols will undermine counsel's ability to perform other basic functions. Counsel – like the jury, and judge – probably will not understand all of the testimony of masked witnesses, and will certainly be unable to evaluate their demeanor. Nor will counsel be able to judge the reactions of jurors or the Court. Communication with co-counsel, witnesses, and paralegals will be impaired.

Most critically, counsel will have to choose between his or her own safety and consultation with the defendant, who faces years in prison. The defendant possesses an unqualified right to consult with his attorney throughout his trial.⁴⁷ Indeed, that right prevails over even very weighty concerns of trial administration, such as the witness sequestration rule.⁴⁸

The current setting burdens this right in several ways. The efficacy of attorney-client consultation diminishes at a distance. If the defendant and counsel can hear each other at this distance, they probably cannot speak privacy, as contemplated by the Sixth Amendment.⁴⁹ And because such conversations cannot be conducted safely, privately, and effectively, they will inevitably be conducted less frequently than necessary. Nor, of course, could such consultations be

⁴⁶ See Harold Pashler, *Dual-task interference in simple tasks: Data and theory*, Psychological Bulletin, 116(2), 220–244 (1994), abstract available <https://psycnet.apa.org/doiLanding?doi=10.1037%2F0033-2909.116.2.220>, last visited May 14, 2020.

⁴⁷ See *Geders v. United States*, 425 U.S. 80 (1976).

⁴⁸ See *Geders*, 425 U.S. at 88-92.

⁴⁹ See *Weatherford v. Bursey*, 429 U.S. 545, 554 n. 4 (1977).

safely conducted at shorter distances. As discussed above, six feet offers no guarantee of personal safety from the virus, but conversations at shorter distances pose even greater dangers.

Conceivably, the Court could recess the trial each time the defendant and his counsel wished to confer, to permit a private conversation. This would exact a massive toll on the trial's efficiency, and likely generate frustration and resentment by jurors toward the defendant. Further, it would call heightened attention to the defendant's conferences with his lawyer, and increase the risk that the jury draws factual inferences of guilt from his behavior at counsel table. The defendant's consultation with his lawyer,⁵⁰ like his conduct at counsel table generally,⁵¹ constitute improper bases for conviction.

Headsets are no answer to this problem. Interpreter headsets work well, but only because the headset wearer can easily identify the speaker – only the voice of the interpreter can be heard in the headset. In a socially distanced trial, all voices come through the headset, so there is no way to know who is speaking. And the defendant and counsel would have to use more than one set, one to converse with the trial's public participants, one to converse with each other. Some means would be required to alert counsel to put on the defense-conference headset in the midst of the rest of trial. It just isn't going to work.

2. Trial on June 1, 2020 would effectively deprive the defendant of the right to counsel in the period of pretrial preparation.

The Supreme Court has recognized:

⁵⁰ See *United States v. McDonald*, 620 F.2d 559, 564 (5th Cir. 1980).

⁵¹ See *United States v. Mendoza*, 522 F.3d 482, 491 (5th Cir. 2008).

that the assistance of counsel cannot be limited to participation in a trial; to deprive a person of counsel during the period prior to trial may be more damaging than denial of counsel during the trial itself.⁵²

A June 1, 2020 setting would compromise several important forms of pre-trial preparation.

First, counsel cannot reasonably make strategic decisions without basic knowledge about how it will be conducted. While the summons discloses some detail about the *voir dire* process, counsel remains wholly in the dark about the trial process itself.

Trial attorneys should be expert in the rules and procedures that govern the trial. Without a detailed recitation of the trial protocols, the defense can neither prepare evidence for the trial or challenge its processes. Cross-examination strategies, for example, may depend on whether a witness will be wearing a mask. Counsel cannot responsibly decide how much evidence to present without knowing how uncomfortable or fearful the jury will be when hearing it. Nor can the defense know how to display its exhibits or demonstrative aids without knowing where and how the jury will sit, or what technology is available. Further, witnesses cannot be prepared without being able to tell them how they will testify: in a mask, over closed circuit TV, at the far side of the room. Most critically, the defendant's own choice to testify may well be affected by the Court's decision about whether he is going to do so in a mask.

There is also the question of how discussions at the bench will occur during the trial. Oftentimes during a trial the parties need to discuss a matter out of earshot of the jury and those discussions take place huddled at the bench. Will the jury be excused each time a discussion needs to occur with the Court so the parties may remain some distance from each other?

⁵² *Maine v. Moulton*, 474 U.S. 159, 170 (1985).

Pretrial consultation has also been affected. Counsel cannot converse with the defendant or the defense witnesses live, in face-to-face confrontation, in order to judge his demeanor for possible testimony.

Put simply, the assistance of counsel that the defendant would receive in these circumstances would not be what the constitution demands. Denial of the continuance would represent an “unreasoning and arbitrary ‘insistence upon expeditiousness in the face of a justifiable request for delay.’”⁵³ It would therefore violate the constitution.

B. Trial at the local peak of a deadly pandemic would deprive the defendant of trial before a fair cross-section of the community.

The Sixth Amendment and 28 U.S.C. §1861 *et seq.* (the Jury Selection Act) guarantee the parties trial before a fair cross-section of the community. In order to show a violation of the statute:

a defendant must prove a “substantial failure” to comply with its provisions. A substantial failure is one that destroys the “random nature or objectivity of the selection process.”⁵⁴

To show a Sixth Amendment violation, the defendant must show that 1) “the group alleged to be excluded [from the jury system] is a ‘distinctive’ group in the community,” (2) “the representation of this group in venires from which juries are selected is not fair and reasonable in relation to the number of such persons in the community,” and (3) “this underrepresentation is due to systematic exclusion of the group in the jury selection process.”⁵⁵

⁵³ *Morris v. Slappy*, 461 U.S. 1, 11–12, (1983) (citing *Ungar*, 376 U.S. at 589).

⁵⁴ *United States v. Hemmingson*, 157 F.3d 347, 358 (5th Cir. 1998)(internal citations omitted, quoting 28 U.S.C. § 1867(a), and *United States v. Kennedy*, 548 F.2d 608, 612 (5th Cir.1977).

⁵⁵ *Duren v. Missouri*, 439 U.S. 357, 364 (1976).

Jury summonses issued during the peak of the pandemic probably cannot produce a lawful cross-section of the community. Neither the coronavirus nor the economic dislocation it has occasioned have affected the community uniformly. Some portions of our Division have suffered higher infection rates, and experience greater risks of serious illness or death than have others.⁵⁶ Nor is fear of the virus uniform along ethnic or racial lines.⁵⁷ Because of significant racial and ethnic differentials in access to health insurance,⁵⁸ different racial and ethnic groups within our community may feel greater vulnerability to the virus in the event it is contracted.

As to the economic effects, some segments of our community have experienced elevated rates of occupational dislocation, and graver risks to family finances upon losing a job or paycheck.⁵⁹ Further, some ethnic and racial groups have higher concentrations of employment in

⁵⁶ See Centers for Disease Control, *COVID-19 in Racial and Ethnic Minority Groups*, (April 22, 2020), (“The effects of COVID-19 on the health of racial and ethnic minority groups is still emerging; however, current data suggest a disproportionate burden of illness and death among racial and ethnic minority groups.”), available at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html>, last visited May 14, 2020.

⁵⁷ See Mark Hugo Lopez, et al, *Financial and health impacts of COVID-19 vary widely by race and ethnicity*, Pew Research Center (May 5, 2020)(“There are sharp racial and ethnic differences in personal experiences with COVID-19 and in concerns about spreading or catching the virus.”), available at <https://www.pewresearch.org/fact-tank/2020/05/05/financial-and-health-impacts-of-covid-19-vary-widely-by-race-and-ethnicity/>, last visited May 14, 2020.

⁵⁸ See Exh. C, Declaration of Dr. Rogelio Saenz.

⁵⁹ See *id.* (“Job and wage losses due to COVID-19 have hit Hispanic adults the hardest.... Most black and Hispanic Americans do not have financial reserves to cover expenses in case of an emergency.”), available at <https://www.pewresearch.org/fact-tank/2020/05/05/financial-and-health-impacts-of-covid-19-vary-widely-by-race-and-ethnicity/>, last visited May 14, 2020.

critical industries.⁶⁰ Women are also concentrated in these industries.⁶¹ Finally, the age structure of each ethnic and racial grouping in our community varies significantly.⁶² As such, the virus's disruption of childcare arrangements will certainly affect different ethnic and racial groupings differently. These differences will almost certainly manifest themselves in differential response rates to summons.

The magnitude and breadth of social and economic change in the virus's immediate wake of the virus is absolutely vast. Predictions about the precise ways that the virus will skew summons response rates are therefore dangerous. Certainly, however, the group of people who answer the summons will not resemble that produced by this Court's pre-virus jury selection plan, which was carefully calibrated to produce a fair-cross section of the community.⁶³

After reviewing the effect of COVID on Latino and African-American communities, and analyzing demographic and sociological data particular to the Dallas Division of the Northern District of Texas, Dr. Rogelio Saenz opines that convening a jury at the peak of the COVID-19

⁶⁰ See Centers for Disease Control, *COVID-19 in Racial and Ethnic Minority Groups*, (April 22, 2020) ("The risk of infection may be greater for **workers in essential industries** who continue to work outside the home despite outbreaks in their communities...Nearly a quarter of employed Hispanic and Black or African American workers are employed in service industry jobs compared to 16% of non-Hispanic whites. Hispanic workers account for 17% of total employment but constitute 53% of agricultural workers; Black or African Americans make up 12% of all employed workers, but account for 30% of licensed practical and licensed vocational nurses."), available at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html> last visited May 14, 2020. (emphasis in original).

⁶¹ See Exh. C

⁶² See *id.*

⁶³ See Jury Plan for the Northern District of Texas, as Amended June 2008, Art. VI (2008), available at http://www.txnd.uscourts.gov/sites/default/files/orders/misc/MiscOrder5_11209Jury.pdf, last visited May 14, 2020.

pandemic will tend to exclude African American and Latino jurors.⁶⁴ As to African Americans, this opinion stems in part from their high rates of mortality and from the particular causes of deaths associated with the virus.⁶⁵ In the case of Latinos, this opinion comes from that group's overrepresentation among persons who have contracted the COVID-19 virus. As to both groups, it is due to the lack of insurance coverage, and to higher rates of health anxiety, of economic dislocation, precarity, and anxiety, and of participation in essential industries.⁶⁶ These factors, combined with an age structure that magnifies the impact of disrupted childcare arrangements, conspire to produce a reduced degree of individual mobility among Latino and African American residents of the Dallas Division.⁶⁷ Convening a jury in the midst of the pandemic is therefore likely to produce an unrepresentative sample of the Dallas Division.⁶⁸

That suffices to show a violation of both the statute and the constitution. As far as the statute is concerned, the act of sending summons at the peak of a pandemic “destroys the random nature” of jury selection. A jury summons issued for service on a major religious holiday observed by a plurality of the community would not produce a “random” selection of its residents. Nor would a summons issued for the peak of a pandemic that affects its largest ethnic group more severely than its white residents. The Jury Selection Act requires a continuance.

⁶⁴ *See id.*

⁶⁵ *See id.*

⁶⁶ *See id.*

⁶⁷ *See id.*

⁶⁸ *See id.*

Applying the *Duren* standards for a constitutional violation likewise shows that the Sixth Amendment favors a continuance. As discussed above, the issuance of a summons for jury duty on June 1, 2020 will likely skew the venire by large margins along multiple cognizable cleavages. Further, the unequal probabilities for jury service among each group will result from systemic, rather than random, factors. The decision to convene a jury trial in this short moment of intense social dislocation represents a “procedure[] in the jury selection process that work(s) to exclude class members.”⁶⁹

Finally, even if every cognizable group in the Division had the same probability of jury selection, COVID-19 notwithstanding, it would still violate the Sixth Amendment and the Jury Selection Act to convene a jury on June 1, 2020. If we can predict nothing else about jury selection in a pandemic, one thing is almost certain: *the response rate will be abnormally low*. Because an adequate sample size is essential to random selection, this fact alone will “destroy the random nature” of the selection process. Further, it will significantly increase the likelihood that the responding population underrepresents *someone*, and hence increase the likelihood of a homogenous or statistically outlying jury. This is not a fair cross-section.⁷⁰

C. Trial at the local peak of a deadly pandemic would compromise the defendant’s right to meaningful confrontation.

⁶⁹ *United States v. Snarr*, 704 F.3d 368, 385 (5th Cir. 2013).

⁷⁰ *See State v. Long*, 499 A.2d 264, 272 (N.J. 1985) (a system that produces homogenous venires does not produce a fair cross-section, even if each resident has an equal chance of service).

The constitution guarantees the defendant the right to confront witnesses against him.⁷¹ An essential component of that right is:

the opportunity, not only of testing the recollection and sifting the conscience of the witness, but of compelling him to stand face to face with the jury in order that they may look at him, and judge by his demeanor upon the stand and the manner in which he gives his testimony whether he is worthy of belief.⁷²

Compelling witnesses to testify in a face covering would obviously impair the jury's capacity to judge the witnesses' facial expressions and demeanor when "standing face to face" and "looking at" the witnesses.

In some cases, courts have permitted witnesses to testify in facial covering to protect their safety.⁷³ But in those cases, the witnesses feared retaliation, and no alternative measure could assure their safety.⁷⁴ Thus, facial coverings furthered an important government interest and did not render the testimony unreliable.⁷⁵ Here, by contrast, nothing more is at stake than a delay in the trial date – unmasked testimony will be perfectly safe after the pandemic. Further, if the witnesses cannot be understood, their testimony – as comprehended by the jury – is not reliable.

⁷¹ See U.S. Const. Amend. VI.

⁷² *Mattox v. United States*, 156 U.S. 237, 242 (1896); accord *Maryland v. Craig*, 497 U.S. 836, 845 (1990); *Coy v. Iowa*, 487 U.S. 1012 (1988); *California v. Green*, 399 U.S. 149 (1970).

⁷³ See *United States v. DeJesus-Castaneda*, 705 F.3d 1117, 1120 (9th Cir. 2013); *Romero v. State*, 173 S.W.3d 502, 503-505 (Tex.Crim.App.2005); see also *Craig*, 497 U.S. at 851 (closed circuit testimony); *United States v. El-Mezain*, 664 F.3d 467, 491-494 (5th Cir. 2011)(pseudonymous witness).

⁷⁴ See *DeJesus-Castaneda*, 705 F.3d at 1120; *Romero*, 173 S.W.3d at 503-505; *El-Mezain*, 664 F.3d at 491-494.

⁷⁵ See *DeJesus-Castaneda*, 705 F.3d at 1120; *Romero*, 173 S.W.3d at 503-505; see also *Craig*, 497 U.S. at 850 (recounting this test).

Finally, the right of confrontation may be drained of its value even if the witnesses do not testify in coverings. If the jury finds that government witnesses appear nervous or concerned about their answers, this fact may have little probative value in a pandemic. Large numbers of the trial participants will be scared to be in public during a deadly infection, a matter wholly independent of the truth of their testimony. A continuance is necessary to protect the core of the defendant's confrontation right.

D. Trial at the local peak of a deadly pandemic would compromise the defendant's right to compulsory process, to present evidence, and to testify.

The Sixth Amendment promises Mr. Tanner “compulsory process for obtaining witnesses in his favor.”⁷⁶ “Few rights are more fundamental than that of an accused to present witnesses in his own defense.”⁷⁷ Moreover, “the right is a fundamental element of due process of law.”⁷⁸ These rights carry special force when the defendant himself seeks to testify.⁷⁹ The defendant's right to testify overcomes even strong public policy concerns about the reliability of evidence, and may defeat even less than absolute prohibitions on giving testimony.⁸⁰ That right arises from dignitary concerns – the *personal* nature of the right to be heard “in his own words” -- and not solely on constitutional protections against unreliable verdicts.⁸¹

⁷⁶ U.S. Const. Amend. VI.

⁷⁷ *Taylor v. Illinois*, 484 U.S. 400, 408 (1987); accord *Chambers v. Mississippi*, 410 U.S. 284, 302 (1973).

⁷⁸ *Taylor*, 484 U.S. at 409; accord *Washington v. Texas*, 388 U.S. 14, 19 (1967).

⁷⁹ See *Rock v. Arkansas*, 483 U.S. 44, 49-52 (1987).

⁸⁰ See *Rock*, 483 U.S. at 56-62.

⁸¹ *Id.* at 52.

Trial at the peak of a pandemic would undermine this complex of fundamental rights. Assuming defense investigators can make service of subpoenas, the pandemic creates a serious risk of witness non-compliance. And if defense witnesses do appear, the jury cannot evaluate their credibility, whether positively or negatively, if they testify in facial coverings.

If nothing else, the need to testify in facial coverings will seriously abridge the defendant's right to be heard. This is true in a literal sense – early experience with speaking through facial coverings suggests that it is often incomprehensible. But it is also true in another sense -- the jury will not be able to see and evaluate Mr. Tanner's face when he testifies. Speech is more than expulsion of sound waves; it is a full presentation of the self, especially through facial expression. Accordingly, a defendant compelled to testify behind a mask is no more heard “in his own words” than one compelled to deliver testimony in writing.

Upon learning that the Court intended to conduct Mr. Tanner's trial on June 1, the defense reached out to our three listed witnesses as well as the defendant to gather information relevant to this decision. Through those conversations the defense learned that Mr. Tanner is socially distancing as much as possible, however he and his wife care for his disabled brother and his wife's elderly mother. To do this they are in regular close contact with these vulnerable individuals. Mr. Tanner also suffers from asthma, which according to the CDC places him in a class of persons more vulnerable to COVID-19.⁸²

On a scale of 1-10 (1 being no fear and 10 being extreme fear) Mr. Tanner reports a fear level of 8 and reports that if he were compelled to come into the courthouse his fear level on that

⁸² See Centers for Disease Control and Prevention, People with Moderate to Severe Asthma, CDC (2020), available at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/asthma.html>, last visited May 15, 2020.

same scale of exposing other people in his household to the virus would be a 10. He believes that every time anyone sneezes or coughs he would be nervous.

Tara Paris, Mr. Tanner's wife and a listed defense witness, shares his issue of being a caretaker for her elderly mother. On a scale of 1-10 (1 being no fear and 10 being extreme fear) Ms. Paris reports a fear level of 9 and reports that if she were compelled to come into the courthouse her fear level on that same scale of exposing other people in her household or the loved ones she cares for to the virus would be a 9.

She believes that she will appear nervous in Court due to the COVID-19 pandemic and believes based on her elevated level of fear that it is possible she would not be able to focus on her testimony.

Listed defense witness Denzel Green is 51 years old and lives with his 55 year old fiancé. His fiancé suffers from the autoimmune disease lupus. His fiancé has been extremely concerned for her health since the beginning of the pandemic. Immune deficiencies are specifically listed by the CDC as a risk factor for contracting COVID-19.⁸³

Listed defense witness Von Roberson is 47 years old and lives with his wife who is 50 years old. On a scale of 1-10 (1 being no fear and 10 being extreme fear) Mr. Roberson reports a fear level of 9 and reports that if he were compelled to come into the courthouse his fear level on that same scale of exposing other people in his household to the virus would be a 10. He believes that he will appear nervous in Court due to the COVID-19 pandemic and believes based on his elevated level of fear that it is possible he would not be able to focus on his testimony.

⁸³ See Centers for Disease Control and Prevention, If You Are Immunocompromised, Protect Yourself from COVID-19, CDC (2020), available at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/immunocompromised.html>, last visited May 15, 2020.

Causing witnesses to testify in a state of fear significantly prejudices Mr. Tanner. Two of the three listed witnesses are so afraid of local and global events that they believe they would appear nervous in front of the jury while testifying and may not be able to focus on their testimony. This could lead the jury to unfairly determine that they are not credible; this would not be an issue if the Court grants this motion to continue so that the trial can take place when the participants are not fearful during their appearances in Court.

Causing Mr. Tanner to appear in Court while nervous about issues unrelated to his guilt or innocence prejudices him as well. Jurors will observe him while the trial is proceeding and if he appears nervous they could unfairly interpret that as consciousness of guilt.

E. Trial at the local peak of a deadly pandemic would compromise the defendant's right to be present and to be judged without the effect of a prejudicial face-covering.

Ultimately, the defendant will either attend the trial in a mask or without one. Neither option is fair to him. Due process requires courts to consider whether the appearance of the defendant will prejudice the jury, and to take care to avoid such prejudice.⁸⁴ Thus, defendants may not be tried in prison garb,⁸⁵ nor in shackles barring clear threats to the safety or good order of the proceedings.⁸⁶ Our culture very frequently associates masks with villainy. Train bandits, Hannibal Lecter, and Klansman, figures now etched into the contemporary American subconscious, all wear masks. Indeed, this Court has even held that wearing a bandana may contribute to reasonable suspicion.⁸⁷

⁸⁴ See *Estelle v. Williams*, 425 U.S. 501 (1976).

⁸⁵ See *Williams*, 425 U.S. at 505.

⁸⁶ See *Deck v. Missouri*, 544 U.S. 622 (2005).

⁸⁷ See *United States v. Roberson*, 496 Fed. Appx. 390, 393-394 (5th Cir. 2012)(unpublished).

The prejudicial effect of facial covering may be even more serious for African-Americans like Mr. Tanner,⁸⁸ as anyone who lived through the “hoodie” debate after Travon Martin may recall. Even aware of the reasons, the defendant’s presentation to the jury in a facial covering is dehumanizing and prejudicial. And there may well be a segment of the population that dislikes not merely the mask but the people who wear them.⁸⁹

Alternatively, Mr. Tanner’s presence without a mask could prejudice the jury against him, inviting inferences that he is selfish and reckless towards the lives of others. Some jurors may agree with New York Governor Andrew Cuomo, a major public figure in the country’s COVID-19 response, who said publically that mask refusal “is insensitive, it is arrogant, it is self-destructive, it is disrespectful to other people.”⁹⁰ The Court should wait until a time that it does not have to make this choice.

F. Trial at the local peak of a deadly pandemic would compromise the defendant’s right to be trial by an impartial jury and to be free of coercive verdicts.

⁸⁸ See Aaron Thomas, *Why I don’t feel safe wearing a face mask. I’m a Black man living in this world. I want to stay alive, but I also want to stay alive*, Boston Globe (April 5, 2020), available at <https://www.bostonglobe.com/2020/04/05/opinion/why-i-dont-feel-safe-wearing-face-mask/>, last visited May 15, 2020.

⁸⁹ See Ryan Lizza and Daniel Lippman, *Wearing a mask is for smug liberals. Refusing to is for reckless Republicans* (May 1, 2020)(“On the right, where the mask is often seen as the symbol of a purported overreaction to the coronavirus, mask promotion is a target of ridicule, a sign that in a deeply polarized America almost anything can be politicized and turned into a token of tribal affiliation.”), available at <https://www.politico.com/news/2020/05/01/masks-politics-coronavirus-227765>, last visited May 17, 2020.

⁹⁰ George Back, *Andrew Cuomo on 'selfish' New Yorkers not wearing masks: 'I just don't get it'*, Yahoo Entertainment (May 7, 2020), available at <https://sports.yahoo.com/andrew-cuomo-on-selfish-new-yorkers-not-wearing-masks-i-just-dont-get-it-074031942.html>, last visited May 15, 2020.

The Supreme Court “has recognized that a defendant has a right to a tribunal both impartial and mentally competent to afford a hearing.”⁹¹ Moreover, the jury should be reasonably attentive.⁹² And it cannot be coerced into rendering a premature verdict.⁹³

A trial on June 1, 2020 cannot be accomplished consistently with these principles. Jurors will not likely devote their full attention to the testimony and evidence while they worry about their safety and that of loved ones. Nor can they be expected to remain neutral in these circumstances, free of any resentment toward the prosecution for bringing the case, or, more likely, the defendant for insisting on a jury trial. Finally, when the jury returns for deliberations, the Court should not be surprised by a quick verdict to terminate the proceedings. Other than avoiding service through *voir dire* or simple non-compliance with a summons, which should both be expected as jurors seek to avoid potentially deadly exposure to the virus, the speed of the verdict will be the one way that jurors can control the duration of their viral exposure. In deciding whether a verdict is coerced, “the real question is whether the jury was required to deliberate an unreasonable length of time or for unreasonable intervals or was threatened with the prospect of such unreasonably lengthy deliberations.”⁹⁴ In the midst of a pandemic, nearly any amount of time is “an unreasonable length of time.”

G. Trial at the local peak of a deadly pandemic would compromise the defendant’s right to be free of coercive pressure to plead guilty.

⁹¹ *Tanner v. United States*, 483 U.S. 107, 126 (1987); *Jordan v. Massachusetts*, 225 U.S. 167, 176 (1912).

⁹² *See United States v. Rhodes*, 631 F.2d 43, 46 (5th Cir. 1980)(“Jurors should be instructed that they should carefully listen to the evidence and not allow their note taking to distract them.”).

⁹³ *See United States v. Fossler*, 597 F.2d 478, 485 (5th Cir. 1979).

⁹⁴ *United States v. Kimmel*, 777 F.2d 290, 295 (5th Cir. 1985).

The choice between trial and plea of guilty must be made entirely voluntarily, and without any threats or promises of unlawful action.⁹⁵ Scheduling a trial on June 1, 2020 would undermine the voluntary character of this choice in two ways.

First, denial of the continuance undermines the value of the jury trial as a means for obtaining exoneration or acquittal upon less than proof beyond a reasonable doubt. Even if the government fails to present proof beyond a reasonable doubt, Mr. Tanner may be convicted for improper reasons: because defense counsel is too distracted to mount an effective cross-examination, because the jury lacks the accumulated wisdom and experience of a diverse cross-section, because the jury cannot see a witness smirk beneath his mask, because a crucial defense witness ignores a subpoena rather than risk his or her life to the virus, because the jury feels prejudice toward the defendant because he is or is not wearing a mask, because the jury is too distracted to notice the holes in the government's case, because the jury resents Mr. Tanner's insistence on a trial, or because the last hold-out juror surrenders her honest convictions to get out of a hot zone.

Second, denial of the continuance would force the defendant to choose between his right to trial and his personal safety. The decision to waive trial by jury is not voluntary if the trial could result in death or permanent lung damage to the defendant or another participant.

H. Trial at the local peak of a deadly pandemic would violate the defendant's due process right to the exercise of reasonable care toward the health and safety of persons confined by state action.

⁹⁵ See *Brady v. United States*, 397 U.S. 742, 748 (1970); *Machibroda v. United States*, 368 U.S. 487, 493 (1962); *Waley v. Johnston*, 316 U.S. 101, 104 (1942); *Walker v. Johnston*, 312 U.S. 275, 286 (1941); *Chambers v. Florida*, 309 U.S. 227 (1940); *Kercheval v. United States*, 274 U.S. 220, 223 (1927).

The due process clause “imposes a duty on state actors to protect or care for citizens when the state affirmatively places a particular individual in a position of danger the individual would not otherwise have faced.”⁹⁶ Due process imposes a duty on state actors to protect or care for citizens in two situations: first, in custodial and other settings in which the state has limited the individuals' ability to care for themselves; and second, when the state affirmatively places a particular individual in a position of danger the individual would not otherwise have faced.⁹⁷ The government violates an individual's right to due process when it (1) “affirmatively place[s] [the] individual in danger,” or (2) by “acting with ‘deliberate indifference to [a] known or obvious danger.’”⁹⁸

Barring a plea of guilty, Mr. Tanner is compelled to attend his own trial, as surely as he will be required to reside in a prison if convicted. And as argued above, the trial, however conducted, and certainly if conducted in a way that respects any of Mr. Tanner's procedural rights, will expose him to a serious risk of contracting the virus. Failure to continue the trial will deprive him of the due process right to physical security in the face of state-created danger.

III. Assuming that its discretion is not constrained by its duty to provide a fair trial and protect the health of participants, this Court should nonetheless exercise its discretion in favor of a continuance.

⁹⁶ *Gregory v. City of Rogers, Ark*, 974 F.2d 1006, 1010 (8th Cir. 1992) (en banc).

⁹⁷ *Wells v. Walker*, 852 F.2d 368, 370 (8th Cir.1988); *see also DeShaney v. Winnebago County Dep't of Social Services*, 489 U.S. 195 (1989); *Freeman v. Ferguson*, 911 F.2d 52, 55 (8th Cir.1990).

⁹⁸ *Jones v. Phyfer*, 761 F.2d 642 (11th Cir. 1985) (a constitutional right to protection by the state exists when there is a showing that the victim faces a special danger distinguishable from that of the public at large).

If the foregoing does not establish an abuse of discretion in denying the continuance, it at least provides a strong reason to exercise discretion in its favor. Further, the COVID-19 crisis has interrupted trial preparation and disrupted the lives of lead and co-counsel, just as it has disrupted the lives of people throughout the Dallas Division. Lead counsel's preparation has been interrupted by the terrifying prospect of his wife and baby carrying the virus. Both lead and co-counsel are parents of young children, and perform work and childcare at the same time and place. Beginning March 16, 2020, the Federal Defender for the Northern District of Texas ordered its employees to telecommute to work in order to comply with CDC guidance. As such, the resources and infrastructure of the Federal Defender have all been compromised or unavailable for about two months. The same crises afflicting the community have visited the households of defense counsel, and they make a continuance appropriate.

IV. A continuance would not prejudice the government.

The government's case consists of a single patrol officer for the factual allegations, an interstate commerce nexus witness whose testimony could be given by anyone available to examine the firearm in question; and video footage. The officer is locally employed as is the nexus witness. The video footage has already been electronically stored in multiple locations so it cannot be lost.

Therefore, the government would suffer no prejudice if the trial were held at a later date. Even if the government might suffer some prejudice, it would be overwhelmingly outweighed by the risk of harm to the public and participants were the trial held in the near future.

V. Conclusion

We are living through historic events. The novel coronavirus will be a threat to every citizen in the world until a vaccine can be mass-produced and disseminated. This may take some time, and

certainly it is conceivable that there are some cases that will need to be tried before a jury before that day comes. But Mr. Tanner's case is not among them. To protect the safety of the public and the participants, this case must be continued.

WHEREFORE, Defendant requests that his trial be continued for a period of at least sixty days, or as the Court might otherwise direct, and that the concomitant pretrial deadlines set forth in the Court's prior scheduling order be similarly continued.

Respectfully submitted,

JASON D. HAWKINS
Federal Public Defender
Northern District of Texas

/s/ Michael W. Kawi

MICHAEL W. KAWI

LEAD COUNSEL

Assistant Federal Public Defender

Northern District of Texas

Florida Bar No. 100276

525 Griffin Street, Suite 629

Dallas, Texas 75202

Phone 214-767-2746

michael_kawi@fd.org

/s/ Jason D. Hawkins

JASON D. HAWKINS
FEDERAL PUBLIC DEFENDER
Northern District of Texas
Texas Bar No. 00795763

/s/ John M. Nicholson

JOHN M. NICHOLSON
FIRST ASSISTANT
Assistant Federal Public Defender
Northern District of Texas
Texas Bar. No. 24013240

/s/ Kevin Joel Page

KEVIN JOEL PAGE
APPELLATE SUPERVISOR
Assistant Federal Public Defender
Northern District of Texas
Texas Bar. No. 24042691

/s/ Stephanie E. Inman

STEPHANIE E. INMAN
CO-COUNSEL
Assistant Federal Public Defender
Northern District of Texas
Texas Bar. No. 24101012

CERTIFICATE OF CONFERENCE

I certify that on May 11, 2020, I conferred with AUSA John Boyle and learned that the government is opposed to this request.

/s/ Michael W. Kawi

MICHAEL W. KAWI

CERTIFICATE OF DEFENDANT'S CONSENT

I certify that on May 18, 2020, I spoke directly with the defendant, Mr. Timothy Tanner and, after explaining the reason for filing this motion, Mr. Tanner agreed with the filing of this motion and all requests made therein.

/s/ Michael W. Kawi

MICHAEL W. KAWI

CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2020, I electronically filed the foregoing document using the Court's CM/ECF system, thereby providing service on attorneys of record.

/s/ Michael W. Kawi

MICHAEL W. KAWI

**IN THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF
COLORADO**

**CONTINUATION OF TRIALS
THROUGH JULY 6, 2020**

**DISTRICT COURT GENERAL ORDER
2020-8**


The Court continues to monitor the ongoing COVID-19 pandemic. In order to provide additional information to litigants and prospective jurors, this General Order modifies certain dates in General Order 2020-6. The justification for this General Order is the same as for General Orders 2020-3 and 2020-6. It is

ORDERED that all civil and criminal trials scheduled to commence now through July 6, 2020 before any district or magistrate judge in any courthouse in the District of Colorado are CONTINUED subject to further order of the presiding judicial officer.

All other terms of General Order 2020-3, and those modified by General Order 2020-6, continue to remain in effect through May 29, 2020.

Dated at Denver, Colorado this 6th day of May, 2020.

BY THE COURT

A handwritten signature in blue ink, appearing to read 'Philip A. Brimmer', is written over a horizontal line.

PHILIP A. BRIMMER
Chief United States District Judge

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

APR 27 2020 PM5:30
FILED - USDC - BPT - CT

IN RE:
COURT OPERATIONS UNDER THE EXIGENT
CIRCUMSTANCES CREATED BY COVID-19

SUPERSEDING
GENERAL ORDER

WHEREAS, the President of the United States has declared a national emergency, and the Governor of the State of Connecticut has declared a public health emergency throughout the State;

WHEREAS, the U.S. Centers for Disease Control and Prevention has advised people to take precautions in light of the COVID-19 virus (coronavirus) outbreak, and has noted that the best way to prevent illness is to avoid being exposed to the virus, through, among other means, social distancing;

AND

WHEREAS, the District Court continues to review its operations to identify measures that will help slow the spread of the virus by minimizing contact between persons, while at the same time preserving its core mission of serving the public through the fair and impartial administration of justice;

IT IS HEREBY ORDERED, **effective immediately and through June 15, 2020**, that:

- 1) All in-court (in-person) civil and criminal proceedings scheduled to commence on or before June 15, 2020, before any district or magistrate judge in any courthouse in the District of Connecticut shall be CONTINUED pending further Order of the Court, with the exceptions and under the procedures noted in paragraphs 2 and 3 below;
- 2) During this period, the District Court will handle, in court or by video conference, presentment of new arrests, detention hearings, grand jury returns, and civil matters requiring a prompt hearing under Fed. R. Civ. P. 65; in addition, each district or magistrate judge may, in his or her discretion, choose to handle other matters in court (as opposed to continuing the matter or handling it via video or teleconference) whenever the judge considers it to be in the interests of justice to do so, after giving due consideration to the public health risks presented by in-court appearances; each judge will notify the parties through the CM/ECF system whether a particular proceeding assigned to that

judge and scheduled to occur on or before June 15, 2020, will take place as scheduled and, if so, whether the proceeding will occur in court or through remote communication (i.e., video or telephone conference);

3) Because the grand jury performs an essential service that can safely be performed in a courtroom without anyone breaching social distancing, the U.S. Attorney's Office may conduct grand jury proceedings in person beginning May 18, 2020. Until further order of the Court, grand jury proceedings will take place only in the New Haven courthouse. All grand jurors shall observe appropriate social distancing and shall wear masks while present in the courthouse. Additional precautions shall be undertaken as necessary to promote safety and encourage grand juror participation.

4) During this period, staff in the Clerk's Office will continue to telework to the maximum extent possible consistent with serving the needs of the public, except that limited staff will be present at the Clerk's office at each seat of court to process filings and answer telephonic questions from the public during normal business hours. Telework policies applicable to judges' chambers will be decided by each judge;

5) With regard to criminal trials, due to: the public health risks associated with summoning groups of jurors who would be required to sit in close proximity to each other during jury selection, trial, and deliberations; the Court's reduced ability to obtain an adequate spectrum of jurors due to the public's perceptions of the risks associated with jury service; and the effect of the above public health recommendations on the availability of counsel and Court staff to be present in the courtroom; the time period of the continuances implemented by paragraph 1 of this Superseding General Order will be excluded under the Speedy Trial Act. The Court specifically finds that the ends of justice served by ordering the continuances outweigh the best interests of the public and each defendant in a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A); and

6) The Bankruptcy Court will issue additional orders that relate specifically to the Bankruptcy Court.

The District of Connecticut courthouses (including the facilities at 157 Church Street, New Haven) remain open for business. Court staff not physically present at the courthouse are equipped to work remotely, and will work normal hours during each business day. Staff in the Clerk's Office are available by telephone, mail will be received, and paper filings can be made at the entrance to each courthouse. Electronic filings may still be made through the CM/ECF system. The public is encouraged to continue utilizing Court services while following all applicable public health guidelines.

The following General Orders are superseded by this Order:

3/11/20 In re: Court Operations Under the Exigent Circumstances Created by COVID-19;

3/11/20 In re: Restriction on Visitors to Courthouses, to the extent that order restricts access to courthouses by persons who have visited various locations within the past 14 days;

3/16/20 COVID-19 Order Re: Court Matters;

3/16/20 COVID-19 General Order Re: Probation, Compliance Hearings, & Attorney Admissions, to the extent that order suspends Compliance Review Hearings;

3/24/20 COVID-19 Jury Suspension Order;

3/24/20 COVID-19 Hearing Continuation Order; and

4/2/20 Superseding General Order Re: March 24, 2020 Jury Suspension Order.

SO ORDERED:

s/Stefan R. Underhill

Dated: April 27, 2020
Bridgeport, CT

Stefan R. Underhill
Chief United States District Judge

FILED

APR - 2 2020

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia**

IN RE: EXTENSION OF POSTPONED
COURT PROCEEDINGS IN STANDING
ORDER 20-9 AND LIMITING COURT
OPERATIONS IN EXIGENT
CIRCUMSTANCES CREATED BY THE
COVID-19 PANDEMIC

Standing Order No. 20-19 (BAH)

Chief Judge Beryl A. Howell

ORDER

Upon consideration of current circumstances relating to the ongoing Coronavirus Disease 2019 (COVID-19) pandemic, including the ongoing circumstances set out in this Court's prior Standing Order, *In Re: Court Operations In Exigent Circumstances Created By The Covid-19 Pandemic*, Standing Order No. 20-9 (BAH) (March 16, 2020), ¶¶ (a)–(f), and supplemented by: (g) the “stay-at-home” orders issued by the Mayor of the District of Columbia and the Governors of Maryland and Virginia on March 30, 2020, which orders require residents to remain at home unless engaged in essential activities, reflecting the seriousness of the pandemic in this region as of this date¹; (h) an announcement by the President of the United States, on March 29, 2020, that social distancing guidelines will remain in effect at least until the end of April²; and (i) other restrictions placed on public gatherings and the closing of all non-essential businesses by the

¹ *Stay Home DC*, OFFICE OF THE MAYOR OF THE DISTRICT OF COLUMBIA, <https://coronavirus.dc.gov/stayhome> (last visited Apr. 1, 2020); *As COVID-19 Crisis Escalates in Capital Region, Governor Hogan Issues Stay at Home Order Effective Tonight*, OFFICE OF THE GOVERNOR OF MARYLAND, <https://governor.maryland.gov/2020/03/30/as-covid-19-crisis-escalates-in-capital-region-governor-hogan-issues-stay-at-home-order-effective-tonight/> (last visited Apr. 1, 2020); *Temporary Stay at Home Order Due to Novel Coronavirus (COVID-19)*, OFFICE OF THE GOVERNOR OF THE COMMONWEALTH OF VIRGINIA, [https://www.governor.virginia.gov/media/governorviriniagov/executive-actions/EO-55-Temporary-Stay-at-Home-Order-Due-to-Novel-Coronavirus-\(COVID-19\).pdf](https://www.governor.virginia.gov/media/governorviriniagov/executive-actions/EO-55-Temporary-Stay-at-Home-Order-Due-to-Novel-Coronavirus-(COVID-19).pdf) (last visited Apr. 1, 2020).

² *Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak*, OFFICE OF THE PRESIDENT OF THE UNITED STATES, <https://www.whitehouse.gov/presidential-actions/proclamation-declaring-national-emergency-concerning-novel-coronavirus-disease-covid-19-outbreak/> (last visited Apr. 1, 2020).

Mayor of the District of Columbia and other local jurisdictions, reflecting the seriousness of the need to combat the community spread of the virus; it is hereby **ORDERED**:

1. **Court Operations.** The U.S. District and Bankruptcy Courts for the District of Columbia will remain OPEN but with LIMITED OPERATIONS to support essential functions in criminal, civil and bankruptcy matters in a manner to ensure public safety, public health and welfare, with additional details regarding Clerk's Office operations described, *infra* in paragraph 8. The criminal duty Magistrate Judge will continue to conduct proceedings, including initial appearances in this Court following arrest and detention hearings, as necessary, utilizing videoconferencing and teleconferencing capabilities for detained defendants, as authorized by this Court's Standing Order, *In Re: Use Of Video Teleconferencing And Teleconferencing For Certain Criminal And Juvenile Delinquency Proceedings*, Standing Order No. 20-17 (March 29, 2020).
2. **Jury Trials and Grand Jury Sessions and Impanelments.** All civil and criminal petit jury selections and jury trials scheduled to commence before **June 11, 2020**, and grand jury sessions and impanelments scheduled before that date, are POSTPONED and CONTINUED pending further Order of the Court.
3. **Speedy Trial Act Exclusion For Postponed Criminal Trials.** In Standing Order 20-09, this Court found that, due to the exigent circumstances created by the COVID-19 pandemic and, in particular, the Court's reduced ability to obtain an adequate spectrum of prospective jurors due to juror concerns regarding health and safety, the time period from **March 17, 2020 through May 11, 2020** would be excluded in criminal cases, under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, because the ends of justice served by the continuances needed to protect public health and safety and the fair trial rights of

the defendant outweighed the best interests of the public and any defendant's right to a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A). *See* Standing Order 20-09, ¶ 3.

Due to the seriousness of the ongoing situation, as detailed in (a) through (i) above, and because failure to postpone jury trials until at least **June 11, 2020** would likely make continuation of the case impossible or result in a miscarriage of justice, *see* 18 U.S.C. § 3161(h)(7)(B)(i), the Court now finds that the additional time period from **May 11, 2020 through June 11, 2020**, is also excluded under the Speedy Trial Act as the ends of justice served by the continuances to protect public health and safety and the fair trial rights of the defendant outweigh the best interests of the public and any defendant's right to a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A). The presiding Judge in any criminal case for which a trial is postponed under this Order may make any additional findings and exclude additional time, as necessary and appropriate, regarding the scheduling of any new date for trial.

4. **Other Proceedings.** All other civil, criminal and bankruptcy proceedings in this Court, including court appearances, non-jury trials, hearings, settlement conferences, and misdemeanor, traffic and petty offense dockets, scheduled to occur before **June 1, 2020** are POSTPONED and will be scheduled for a later date, unless the presiding Judge in an individual case issues an order after the date of this Order directing that a particular proceeding will be held by teleconference or videoconference on or before **June 1, 2020**.

5. **Speedy Trial Act Exclusion for Postponed Proceedings Other than Trial in Criminal Cases.** In Standing Order 20-09, this Court found that due to the exigent circumstances created by the COVID-19 pandemic, the time period from **March 17, 2020 through April 17, 2020** would be excluded in criminal cases, under the Speedy

Trial Act, 18 U.S.C. § 3161 *et seq.*, as the Court found that the ends of justice served by the continuances to protect public health and safety outweighed the best interests of the public and any defendant's right to a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A). *See* Standing Order 20-09, ¶ 5. Due to the considerations (a) through (i) above, and because failure to postpone criminal case proceedings other than trials until at least **June 1, 2020** would likely make continuation of the case impossible or result in a miscarriage of justice, *see* 18 U.S.C. § 3161(h)(7)(B)(i), the Court finds, as to criminal proceedings further postponed under paragraph 4, that the time period from **April 17, 2020 through June 11, 2020** also will be excluded as the Court finds that the ends of justice served by these additional continuances to protect public health and safety outweigh the best interests of the public and any defendant's right to a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A). The presiding Judge in any criminal case for which a proceeding is postponed under this Order may make additional findings and exclude additional time, as necessary and appropriate, regarding the new date for such proceeding.

6. **Speedy Trial Act Exclusion For Filing of Indictments.** Due to the considerations (a) through (i) above, which makes it “unreasonable to expect return and filing of [an] indictment within the period specified in section 3161(b),” 18 U.S.C. § 3161(h)(7)(B)(iii), and the unavailability of a grand jury in this district arising from the suspension of grand jury sessions in the interest of public health and safety, *see supra* ¶ 2 and Standing Order 20-9, ¶ 4, the 30-day time period for filing an indictment, under 18 U.S.C. § 3161(b), which previously had been TOLLED for the time period from **March 17, 2020 through April 17, 2020** by Standing Order 20-09, is **further TOLLED until June 11, 2020**. *See also* 18 U.S.C. § 3161(h)(7)(A). To ensure that this finding applies

solely to those criminal cases in which the government intends to seek an indictment, the government shall file bi-weekly status reports in all criminal matters in which an indictment is delayed due to the absence of a sitting grand jury. If, after initiating a criminal case by obtaining a complaint, the government determines that it does not intend to seek an indictment, the government shall immediately file a motion to dismiss the pending complaint.

7. **Statute of Limitations Unaffected.** This Order does not toll any applicable statute of limitations.
8. **Limited Clerk's Office Operations.** The operations of the Clerk's Office are continuing but have been limited to support essential functions in criminal, civil and bankruptcy matters in a manner that ensures public safety, public health and welfare. Limited operations are as follows, with further details and updates available on the Court's website:
 - a. **Public Access.** The public has no access to the Clerk's Office intake counters or public terminals inside the courthouse.
 - b. **Electronic Filing Ongoing.** Electronic filing through the Federal Judiciary's Case Management/Electronic Case Filing (CM/ECF) system is available.
 - c. **Filings by Pro Se (Self-Represented) Litigants.** *Pro Se* litigants may submit filings to the Court either (1) by sending the filing via email to the Court's email address: dcdml_intake@dcd.uscourts.gov; or (2) by date-stamping and depositing papers in drop boxes located at the entrance to the Courthouse.
 - d. **Sealed and Emergency Filings.** Sealed submissions in criminal cases and emergency or sealed filings in civil cases may be submitted via email to the Court for prompt

docketing. Further information about the specific email addresses to be used may be found on the Court's website.

- e. Payments. Cash payments will not be accepted by the Court during this period of limited operations, with only credit cards and personal checks accepted as payment methods. Restitution payments may be made online by following the procedures outlined at: <https://www.dcd.uscourts.gov/payment-information>. Payments in bankruptcy matters should be made in accordance with General Order No 2020-2, *In re: Proving Further Direction What are the Acceptable Forms of Payments in Bankruptcy Cases and Proceedings in Light of the District Court's Standing Order No. 20-09*, March 18, 2020 (SMT).
- f. Certificates of Good Standing. Certificates of good standing for attorneys will continue to be provided. Requests should be submitted electronically in accordance with directions posted on the Court's website.
- g. Attorney Admissions. Attorney admission ceremonies scheduled through June 15, 2020 are cancelled. Petitions for admission to the bar of this Court will continue to be accepted via PACER and will be processed by the Motions Judge without the need for an in-person hearing referenced in Local Civil Rule 83.8(d). Applicants are permitted to swear to the oath required by Local Civil Rule 83.8(e) in writing. Further information, including the written oath form and the monthly deadlines for submission of petitions for admission, may be found on the Court's website at: <https://www.dcd.uscourts.gov/attorney-admissions-and-renewal-information>. Any applicant, who had previously been scheduled for the hearing and ceremony on April 6, 2020, should submit a written oath form to attorney_admissions@dcd.uscourts.gov

by April 10, 2020 for the completed petition to be considered by April 30, 2020. The dates for submission of completed petitions for admission in May and June remain unchanged. *See*

<https://www.dcd.uscourts.gov/sites/dcd/files/2020%20Atty%20Adm%20Dates.pdf>.

9. **Further Orders.** Further orders addressing court operations in the exigent circumstances created by the COVID-19 pandemic will be issued as circumstances warrant.

SO ORDERED.

Date: April 2, 2020



Beryl A. Howell

BERYL A. HOWELL
Chief Judge

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA**

**IN RE: COURT OPERATIONS
UNDER THE EXIGENT
CIRCUMSTANCES
CREATED BY COVID-19**

Case No. 4:95mc40111

ADMINISTRATIVE ORDER

The Centers for Disease Control and Prevention have warned of the threat represented by the outbreak and spread of coronavirus (COVID-19) in the United States. The World Health Organization labelled COVID-19 a global pandemic and the President of the United States and Florida Governor Ron DeSantis have declared a public health emergency throughout the United States and the State of Florida, respectively. According to these and other public health experts, social distancing measures are the most effective way to combat the rapid spread of COVID-19 and prevent illness.

In consideration of the serious health crisis facing the nation and the State of Florida from COVID-19 and in an effort to maintain the orderly administration of justice, the Court has determined that it is necessary and in the interest of public safety and justice, to take proactive measures to slow the spread of the virus and

protect the health and safety of litigants, counsel, Court staff, grand jurors, petit jurors, witnesses, and the public through the following measures.

1. As part of the Northern District of Florida's Continuity of Operations Plan, all Court staff have been directed to telework and all Court locations within the Northern District of Florida have been closed to the public, except for those individual who are required to attend in-person hearings, trials, or necessary matters before the Court. *See* N.D. Fla. Case No. 4:95-mc-40111, ECF Doc. 343.
2. To protect the health and safety of all occupants, those who are required to attend in-person hearings, trials, or other necessary matters before the Court, are required to practice social distancing measures. Visitors may not congregate in public lobbies and must maintain at least a six-foot distance from others while inside or waiting to enter or exit courthouses. Public elevator use is restricted to a single adult passenger at a time.
3. Judges are strongly encouraged to conduct court proceedings by telephone or video conferencing when practicable.
4. Although Court facilities are closed to the public, the Court's electronic filing system continues to accept filings and the Clerk's Office continues to accept

paper filings through the mail. Clerk's Office staff also continue to answer telephone calls from jurors, attorneys, and the public.

5. All jury trials in the Northern District of Florida that are scheduled to occur between May 1, 2020, and June 30, 2020, are continued. The Court may issue other orders concerning future continuances as necessary and appropriate.
6. All trial specific deadlines in criminal cases scheduled to begin before July 1, 2020, are continued pending further Order of the Court. Individual judges may continue trial-specific deadlines in civil cases as necessary.
7. Individual judges presiding over criminal proceedings may take such actions consistent with this Order as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties.
8. The Court is cognizant of the right of criminal defendants to a speedy and public trial under the Sixth Amendment and the particular application of that right in cases involving defendants who are detained pending trial. Any motion by a criminal defendant seeking an exception to this Order in order to exercise that right should be directed to the District Judge assigned to the matter in the first instance; provided, however, that any motion seeking an exception that would require jurors to be summoned for a jury trial must be filed no later than June 1, 2020.

9. The time period of any continuance entered as a result of this Order shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as the Court finds that the ends of justice served by taking that action outweigh the interests of the parties and the public in a speedy trial. Absent further Order of the Court or any individual judge, the period of exclusion shall be from May 1, 2020, through June 30, 2020. The Court may extend the period of exclusion as circumstances may warrant. This Order and period of exclusion are incorporated by reference as a specific finding pursuant to 18 U.S.C. § 3161(h)(7)(A) in the record of each pending case where the Speedy Trial Act applies. *See Zedner v. United States*, 547 U.S. 489, 506-07 (2006). The period of exclusion in this Court's prior Administrative Orders on this subject are likewise incorporated by reference as a specific finding pursuant to 18 U.S.C. 3161(h)(7)(A) in the record of each pending case where the Speedy Trial Act applies.

10. All Central Violations Bureau (CVB) initial appearances scheduled for the Pensacola, Panama City and Gainesville Divisions on June 17, 2020, are rescheduled. All CVB initial appearances for the Pensacola Division will be held at 8:30 a.m. on July 15, 2020, CVB initial appearances for the Panama City Division will be held at 1:30 p.m. on July 15, 2020, and CVB initial

appearances for the Gainesville Division will be held at 10:00 a.m. on July 26, 2020.

11. All naturalization ceremonies in the Northern District of Florida are suspended through June 30, 2020.

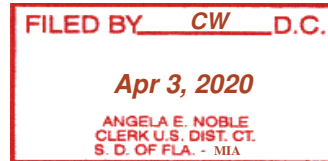
The Court recognizes that this situation continues to evolve and will issue additional Administrative Orders as necessary based on recommendations from other federal and state government and health officials.

DONE AND ORDERED this 7th day of May, 2020.

s/ Mark E. Walker
Chief United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2020-24



IN RE: CORONAVIRUS PUBLIC EMERGENCY

THIRD ORDER CONCERNING JURY TRIALS AND OTHER PROCEEDINGS

This Order is issued in conjunction with Administrative Orders 2020-21 and 2020-18 which limited in-court appearances and continued all jury matters.

THEREFORE, the United States District Court for the Southern District of Florida hereby issues the following Order:

1. The United States Courthouses in Miami, Fort Lauderdale, West Palm Beach, Fort Pierce, and Key West, including Bankruptcy Court and Probation, will remain open for business, with reduced staffing, to a level to maintain essential operations, consistent with Administrative Order 2020-20 and subject to the following limitations.
2. All jury trials in the Southern District of Florida scheduled to begin on or after March 30, 2020, are continued until July 6, 2020. The Court may issue other Orders concerning future continuances as necessary and appropriate.
3. All trial-specific deadlines in criminal cases scheduled to begin before July 6, 2020, are continued pending further Order of the Court. Individual judges may continue trial-specific deadlines in civil cases in the exercise of their discretion.
4. Individual judges presiding over criminal proceedings may take such actions consistent with this Order as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties.

5. The Court is cognizant of the right of criminal defendants to a speedy and public trial under the Sixth Amendment, and the particular application of that right in cases involving defendants who are detained pending trial. Any motion by a criminal defendant seeking an exception to this Order in order to exercise that right should be directed to the District Judge assigned to the matter in the first instance; provided, however, that no such exception may be ordered without the approval of the Chief Judge after consultation with the Court.

6. The time period of any continuance entered as a result of this Order shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as the Court finds that the ends of justice served by taking that action outweigh the interests of the parties and the public in a speedy trial. Absent further Order of the Court or any individual judge, the period of exclusion shall be from March 30, 2020, to July 6, 2020. The Court may extend the period of exclusion as circumstances may warrant. This Order and period of exclusion are incorporated by reference as a specific finding pursuant to 18 U.S.C. § 3161(h)(7)(A) in the record of each pending case where the Speedy Trial Act applies. *See Zedner v. United States*, 547 U.S. 489, 506–07 (2006). The period of exclusion in this Court’s prior Administrative Orders on this subject (2020-20 and 2020-18) are likewise incorporated by reference as a specific finding pursuant to 18 U.S.C. § 3161(h)(7)(A) in the record of each pending case where the Speedy Trial Act applies.

7. Individual judges may continue to hold hearings, conferences, and bench trials in the exercise of their discretion, consistent with this Order.

8. Judges are strongly encouraged to conduct court proceedings by telephone or video conferencing where practicable.

9. Criminal matters before Magistrate Judges, such as initial appearances, arraignments, detention hearings, and the issuance of search warrants, shall continue to take place in the ordinary course.

10. All grand jury sessions in the Southern District of Florida are continued until July 6, 2020, pending further Order of the Court. The Court may issue other Orders concerning future continuances as necessary and appropriate.

11. The Court is cognizant of the right of criminal defendants to a speedy and public trial under the Sixth Amendment, and the particular application of that right in cases involving defendants who are detained pending trial. Although the Speedy Trial Act requires an information or indictment charging an individual with the commission of an offense to be filed within thirty days from the date on which such individual was arrested or served with a summons in connection with such charges, the period of any continuance of grand jury sessions shall be excluded under the Speed Trial Act, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iii). The Court finds that the ends of justice served by taking this action outweigh the interests of the parties and the public in a speedy trial because the continuance of grand jury sessions in this district renders it unreasonable to expect the return and filing of an indictment within the period set forth in 18 U.S.C. § 3161(b). Absent further Order of the Court or any individual judge, the period of exclusion shall be from March 26, 2020 to July 6, 2020. The Court may extend the period of exclusion as circumstances may warrant. This Order and period of exclusion are incorporated by reference as a specific finding pursuant to 18 U.S.C. § 3161(h)(7)(A) in the record of each pending case where the Speedy Trial Act applies. *See Zedner v. United States*, 547 U.S. 489, 506–07 (2006).

12. All judicial naturalization ceremonies in the Southern District of Florida are suspended through July 1, 2020.

13. The Clerk's Office, Probation, the Bankruptcy Court, and all other Court services shall remain open with reduced staffing, at a level to maintain essential operations, consistent with Administrative Order 2020-20.

This Order shall remain in effect until further Order of the Court.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida, this 3rd day of April, 2020.


K. MICHAEL MOORE
UNITED STATES CHIEF DISTRICT JUDGE

c: Honorable Ed Carnes, Chief Judge, Eleventh Circuit
All Southern District Judges, Bankruptcy and Magistrate Judges
James Gerstenlauer, Circuit Executive, Eleventh Circuit
Ariana Fajardo Orshan, United States Attorney
Gadyaces Serralta, United States Marshal
Michael Caruso, Federal Public Defender
Angela E. Noble, Court Administrator • Clerk of Court
Joe Falzone, Clerk, Bankruptcy Court
Katherine Koonce, Chief Probation Officer
Library

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA

IN RE: *
*
*
COVID-19 PUBLIC HEALTH AND SAFETY * STANDING ORDER 2020-07
*
*
*

**STANDING ORDER EXTENDING JURY TRIAL MORATORIUM
BECAUSE OF NATIONAL EMERGENCY**

On March 16, 2020, this Court issued a standing order that among other things established a temporary moratorium on all jury trials until May 16, 2020 because of the COVID-19 (coronavirus) pandemic. See Middle District Standing Order 2020-01 as amended by Standing Order 2020-02. That order, which has been entered in all pending criminal cases, granted a continuance in all criminal cases from March 17, 2020 through May 16, 2020, specifically excluding that period from the Speedy Trial Act calculations. Since the issuance of that order, Congress enacted the Coronavirus Aid, Relief, and Economic Security Act, H.R. 748 (the CARES Act), which authorizes the Judicial Conference of the United States to provide the Chief Judges of the United States District Courts authority to permit identified criminal proceedings by video or audio conference. And on March 29, 2020, the Judicial Conference

of the United States determined that "emergency conditions due to the national emergency declared by the President have materially affected and will materially affect the functioning of the federal courts generally." Based upon these findings and pursuant to the CARES Act, this Court entered another standing order on March 30, 2020 that authorized the judges of this district to conduct hearings by telephone and video conference. That order was based upon the specific finding that because of the circumstances giving rise to the national emergency, the appearance of persons live at the courthouse for court proceedings would place the public health and safety in serious jeopardy. See Standing Order 2020-03. That order is effective for ninety days from the date it was entered unless extended by the Court.

The national emergency declared by the President regarding COVID-19 remains in effect. The conditions that authorized this Court's previous standing orders regarding COVID-19 persist. Holding jury trials continues to pose a substantial risk of harm to the health and safety of summonsed jurors, witnesses, parties, court personnel and members of the public. Jury trials cannot be conducted remotely. This health and safety risk will continue beyond the end of the Court's present jury trial moratorium which is scheduled to terminate on May 16, 2020. The Court therefore finds it necessary and appropriate to extend this moratorium until July 13, 2020.

With regard to criminal proceedings, the Court finds that the right of defendants in criminal cases and the public to a speedier trial during this extended moratorium is substantially outweighed by the public interest of protecting the health and safety of defendants, the case participants, court employees, jurors, and the public, which can only be protected by this moratorium on jury trials. The ends of justice require this continuance. Accordingly, the time period of the continuance shall be extended so that it is now March 17, 2020 to July 13, 2020, and this period shall be excluded under the Speedy Trial Act, 18 U.S.C. §3161(h)(7)(A). Although this order shall have the effect of continuing all jury trials during this period, any defendant in a criminal case shall have the right to file a motion for a speedier trial, which shall be considered and decided by the judge assigned to the defendant's case.

The Court also extends Standing Order 2020-03 to correspond with today's findings and directives such that the provisions of that order shall remain in effect until July 13, 2020, unless otherwise ordered by the Court. All previous standing orders shall remain in effect except to the extent that certain provisions are inconsistent with today's order.

The Clerk shall docket today's order in every criminal case presently pending and that shall become pending prior to July 13, 2020 in this district.

This 1st day of May, 2020

S/Clay D. Land

CLAY D. LAND
CHIEF UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

IN RE: DISTRICT OF HAWAII
RESPONSE TO COVID-19
EMERGENCY

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
Apr 16, 2020
SUE BEITIA, CLERK

**APRIL 16, 2020 TEMPORARY GENERAL ORDER REGARDING
DISTRICT OF HAWAII RESPONSE TO COVID-19 EMERGENCY**

Given the ongoing COVID-19 pandemic and public health emergency, including the continued need to protect the public, court employees, and counsel from being exposed to the COVID-19 virus, and with the agreement of all of the judges of the United States District Court for the District of Hawaii, this Temporary General Order supersedes the court's March 23, 2020 "Temporary General Order Regarding District of Hawaii Response to COVID-19 Emergency." The court orders as follows:

Restrictions on Court Proceedings:

- All civil and criminal trials scheduled to commence before June 15, 2020 before any district or magistrate judge are CONTINUED;
- With respect to criminal trials, each presiding judge assigned to any trial scheduled to commence before June 15, 2020 will make appropriate findings and enter an order tolling time under the Speedy Trial Act; that is, although all judges agree that no trials can be held before June 15, 2020, each presiding judge will make the individual findings required by the Speedy Trial Act. For trials scheduled to commence before June 15, 2020, counsel should meet and attempt to reach a stipulation as to a new trial date and tolling time under the Speedy Trial Act. For criminal trials scheduled to commence on or after June 15, 2020, counsel should confer as to whether the currently scheduled trial date is realistic given the time needed to prepare for trial and the ongoing pandemic.
- All civil hearings, including settlement conferences, scheduled before June 15, 2020 will either be conducted telephonically or will be taken off the court's calendar pursuant to Local Rule 7.1. Each presiding district or

magistrate judge retains the discretion to determine that a hearing in any particular civil matter is essential, and thus require that the parties appear in court;

- The court will continue to conduct certain criminal proceedings as set forth in this court's March 30, 2020 Order Authorizing the Use of Telephonic Hearings Pursuant to the CARES Act. Non-essential criminal matters will be continued until a date after June 15, 2020. For example, most change of plea hearings, sentencing hearings and motions to suppress can be continued. Again, a presiding judge retains the discretion to proceed with a hearing in any particular criminal matter, by telephone, video, or in court;
- Should any hearings be conducted in the courthouse, the court will implement prudent measures to reduce the number of people in a courtroom, and to maintain a six-foot distance between individuals, to the extent possible;
- Filings will continue to be processed in civil and criminal cases via the CM-ECF electronic system and by mail. Paper documents will be received in the drop box located outside the courthouse. Payments will be processed via credit card utilizing Pay.gov. Payments by check or money order will be accepted by mail or the courthouse drop box. Cash payments will NOT be accepted during this period of exigent circumstances; and
- Until further notice, in both civil and criminal matters, no courtesy copies of filings are to be provided to chambers unless specifically ordered by a presiding judge.

Restrictions on Entry to the Courthouse:

The United States District Court for the District of Hawaii is closed to the public until June 15, 2020, with the following accommodations to permit public and media access to court proceedings that would otherwise be open to the public:

First, civil and criminal hearings will be conducted on a toll-free teleconference line, and that teleconference line will be available to members of the public and the media, to the extent practicable. Dial-in information will be available on each case's individual docket on PACER, and further instructions can be found on the court's website. Members of the public and media are strictly prohibited from recording or broadcasting any hearing, in whole or in part, in any

fashion. Further restrictions are set forth on the court's website, www.hid.uscourts.gov, and may change from time to time.

Second, any member of the public or media may request access to the courthouse to attend a particular in-court hearing. Seating will be limited—courtrooms will only be able to accommodate a limited number of people in order to maintain social distancing. Counsel for defendants in a criminal case may also request to be given access to the courthouse for a particular in-court hearing. The presiding judge has the final, discretionary authority to grant or deny any specific request to appear in person, and to limit the number of persons entering the courthouse. The United States Marshals Service may also deny entry to any person considered a risk to carry the COVID-19 virus. Instructions on how to request permission to enter the courthouse can be found on the court's website. Further, anyone requesting entry to the courthouse is reminded of the various State of Hawaii and City and County of Honolulu restrictions on travel and Stay at Home Orders.

ORDERED ON BEHALF OF THE COURT:

DATED: Honolulu, Hawaii, April 16, 2020.



/s/ J. Michael Seabright
J. Michael Seabright
Chief United States District Judge

In Re District of Hawaii Response to COVID-19 Emergency; April 16, 2020 Temporary General Order Regarding District of Hawaii Response to COVID-19 Emergency

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
THIRD AMENDED GENERAL ORDER 20-0012**

April 24, 2020

IN RE: CORONAVIRUS COVID-19 PUBLIC EMERGENCY

Given the public health emergency arising from the COVID-19 pandemic, and consistent with guidance and orders from federal executive authorities, the State of Illinois, and local governments, it is hereby ORDERED:

Amended General Order 20-0012, entered on March 17, 2020; General Order 20-0014, entered on March 20, 2020; and Second Amended General Order 20-0012, entered on March 30, 2020, are vacated and superseded by this Third Amended General Order. To protect the public health and welfare, the United States District Court for the Northern District of Illinois hereby orders, effective April 24, 2020:

Court Remains Open

1. This Court remains open and accessible, subject to the limitations and procedures set forth below.

Civil Cases

2. Amended General Order 20-0012 extended by 21 days all deadlines, in all civil cases and Executive Committee matters, whether set by the court, the Federal Rules of Civil Procedure, or the Local Rules. Second Amended General Order 20-0012 extended all deadlines in civil cases and Executive Committee matters by an additional 28 days. Those extensions were subject to the exceptions set forth in Paragraph 2 of Second Amended General Order 20-0012. This Third Amended General Order extends all deadlines in civil cases and Executive Committee matters by an additional 28 days. This further extension is subject to the following exceptions:

- a) This Third Amended General Order does **not** affect the rights to or deadlines concerning any **appeal** from any decision of this Court in a civil case. That is, the deadlines for filing a notice of appeal in a civil case remained in place and had to be followed to preserve appellate rights. The Court invited parties to move under Appellate Rule 4(a)(5)(A) for an extension of time to appeal. If a timely extension motion is filed, then the Court deems that good cause exists for the extension given the public health emergency. Parties should note that any extensions of the appeal deadlines in civil cases are subject to the limits imposed by Appellate Rule 4(a)(5)(C), and that the Court cannot grant a second extension under Appellate Rule 4(a)(5).
 - b) This Third Amended General Order does **not** grant an extension of any deadlines imposed by Civil Rules 50(b) or (d), 52(b), 59(b), (d), or (e), or 60(b). See Fed. R. Civ. P. 6(b)(2).
 - c) For good cause, the presiding judge may—on the judge’s own motion or on a party’s motion—extend, shorten, or revoke the 28-day extension granted by this Third Amended General Order 20-0012, or any extension granted by Amended General Order 20-0012 or Second Amended General Order 20-0012.
3. Civil case hearings, bench trials, and settlement conferences scheduled for on or before May 29, 2020 are stricken, to be re-set by the presiding judge to a date on or after June 1, 2020. Any party may request, by motion to the assigned judge, that a telephonic hearing or settlement conference (by remote means) be conducted prior to May 29, 2020. Any such request shall specify the need and time urgency for the telephonic hearing or conference. This exception is not intended to invite requests for routine status hearings.
 4. Civil jury trials scheduled for on or before June 26, 2020 are stricken, to be re-set by the presiding judge to a date on or after June 29, 2020.

5. In any civil case (other than Social Security disability appeals, cases involving an unrepresented person in custody, and Multi-District Litigation tag-alongs) where no docket entry or order has been posted by the assigned judge since March 16, 2020, the parties shall file a joint written status report by May 18, 2020. The report, which shall be as concise as possible, shall address: (a) the progress of discovery; (b) the status of briefing on any unresolved motions; (c) settlement efforts. In addition, the report shall: (d) provide an agreed proposed schedule (or alternative proposals) for the next 45 days; (e) provide an agreed proposed revised discovery and dispositive motion schedule (or alternative proposals) in cases where the current schedule needs revision; (f) request any agreed action that the Court can take without a hearing; and (g) state whether the parties believe a telephonic hearing with the judge is necessary and time urgent, and, if so, identify the issue that warrants discussion. Before preparing and filing a report, the parties should consult the assigned judge's webpage for any further guidance; for example, a judge may wish to relieve the parties of the obligation to file a status report in that judge's cases, or some identifiable sub-set of cases.

Criminal Cases

6. The Court recognizes and respects the right of criminal defendants, particularly those in pretrial detention, to a speedy and public trial under the Sixth Amendment. That said, the public health emergency requires that the following procedures be implemented in criminal cases:
 - a) All criminal case proceedings, whether in the Eastern or Western Division, that cannot be continued will be conducted in the Eastern Division by emergency district judges designated by the Chief Judge.
 - b) Grand juries shall continue to meet, with reasonable limits on grand jury sessions imposed by the Court in consultation with the U.S. Attorney's Office.

- c) Under Criminal Rule 4.1, a judge may review by reliable electronic means, rather than in person, a complaint, application for search warrant or trap/trace/pen register, application for wiretap, or application for any other warrant or order.
- d) Under Section 15002(b)(1) of the CARES Act, Pub. L. 116-136, 134 Stat. 281, the Chief Judge of this Court authorizes the use of videoconferencing, or teleconferencing if videoconferencing is not reasonably available, for the following proceedings, so long as the defendant gives written or verbal consent after consultation with counsel:
 - i. Detention hearings under 18 U.S.C. § 3142;
 - ii. Initial appearances under Criminal Rule 5;
 - iii. Preliminary hearings under Criminal Rule 5.1;
 - iv. Waivers of indictment under Criminal Rule 7(b);
 - v. Arraignments under Criminal Rule 10;
 - vi. Probation and supervised release revocation hearings under Criminal Rule 32.1;
 - vii. Pretrial release revocation hearings under 18 U.S.C. § 3148;
 - viii. Appearances under Criminal Rule 40;
 - ix. Misdemeanor pleas and sentencings under Criminal Rule 43(b)(2); and
 - x. Juvenile proceedings under Title 18, Chapter 403, except for contested transfer hearings, juvenile delinquency adjudication, or trial proceedings.
- e) A defendant who does not object to detention shall, before the scheduled detention hearing, notify the emergency judge orally (through counsel) or in writing that the defendant has no objection to detention. The decision to not object is without prejudice to the defendant's right to later challenge detention and seek pretrial release.

- f) All supervised release revocation hearings scheduled for on or before May 29, 2020 are continued and will be rescheduled by the presiding judge to a date on or after June 1, 2020, unless the defendant, defense counsel, the United States Probation Office, or the United States Attorney's Office notifies the emergency judge that a hearing before June 1, 2020 is necessary.
- g) All plea hearings and sentencing hearings scheduled to begin on or before May 29, 2020 are continued and will be rescheduled by the presiding judge to a date on or after June 1, 2020, unless the defendant, defense counsel, or the United States Attorney's Office notifies the emergency judge that circumstances justify holding the plea or sentencing hearing before June 1, 2020. If the parties agree to invoke Section 15002(b)(2)(A) of the CARES Act to conduct a felony plea hearing or felony sentencing hearing by videoconferencing or teleconferencing, they shall notify the emergency judge, who will consult with the Chief Judge and the presiding judge regarding the findings required by Section 15002(b)(2)(A). Felony plea hearings and felony sentencing hearings may be held remotely by teleconferencing only if videoconferencing is not reasonably available.
- h) The court finds that the period of any continuance entered from the date of this Third Amended General Order through June 15, 2020 as a result of this Order shall be excluded under the Speedy Trial Act, 18 U.S.C. §3161(h)(7)(A). The court finds that the ends of justice served by the exclusion of time outweigh the interests of the parties and the public in a speedy trial given the need to protect the health and safety of defendants, defense counsel, prosecutors, court staff, and the public by reducing the number of in-person hearings to the greatest extent possible. This period of exclusion extends for 14 days beyond the resumption of criminal hearings on June 1, 2020, because each judge will

require a reasonable time to review and to reset case schedules after June 1, 2020.

- i) Criminal jury trials scheduled for before June 26, 2020 are stricken, to be reset by the presiding judge to a date on or after June 29, 2020. This continuance is necessary because criminal jury trials require: (i) the gathering of a large number of persons in the Jury Department; (ii) at least 12 jurors seated in the courtroom to hear evidence; (iii) 12 jurors to deliberate in the jury room; and (iv) five to six weeks' notice in advance of trial to summon jurors. The advance-notice requirement makes any earlier date impractical because it is not known what large-gathering guidelines will be in place. Social-distancing guidelines might render juror participation difficult or unsafe, including during juror check-in and jury selection. For these same reasons, in cases impacted by this trial continuance, the Court excludes time under the Speedy Trial Act through June 29, 2020, because the ends of justice outweigh the interests of the parties and the public in a speedy trial.
- j) All other criminal hearings, including bench trials, scheduled for on or before May 29, 2020 are stricken, to be re-set by the presiding judge to a date on or after June 1, 2020.
- k) The prior Amended and Second Amended General Orders extended by 21 days and then by an additional 28 days all deadlines, including motions, briefing, and discovery deadlines, whether set by the court, the Federal Rules of Criminal Procedure, or the Local Rules. To the extent that governing statutes and rules allow, this Third Amended General Order extends all deadlines in criminal cases by an additional 28 days. The presiding judge, on a case-by-case basis and for good cause, may extend, shorten, or revoke any extension granted by this Third Amended General Order. The parties are cautioned that the prior versions of

General Order 20-0012 did **not** affect the rights or deadlines concerning any **appeal** from any decision of this Court, except as noted in those General Orders; nor did the prior versions affect any deadlines under Criminal Rule 35. See Fed. R. Crim. P. 45(b)(2). Likewise, except as noted in this Third Amended General Order, this Order does **not** affect the rights to or deadlines concerning any **appeal** from any decision of this Court or any action requested under Criminal Rule 35. Thus, the deadlines for filing a notice of appeal or seeking relief under Criminal Rule 35 remain in place and must be followed to preserve appellate rights. If the prior Amended General Orders extended an appeal deadline, no further extensions are permitted. See Fed. R. App. 4(b)(4). For appeal deadlines that have arisen after March 30, 2020, on its own motion and pursuant to Appellate Rule 4(b)(4), and in light of the public health emergency, the Court (i) finds that good cause exists in every criminal case to extend the time to appeal for 30 days from the expiration of the time otherwise prescribed in Appellate Rule 4(b), and (ii) extends the appeal deadline in those criminal cases by 30 days.

Emergency Relief in Any Case or from this Order

7. Any party may seek emergency relief in any case or from this Second Amended General Order. In addition to filing the emergency motion in the case in which emergency relief is sought, the party must file the motion in Case No. 20-cv-01792, which is a docket created to receive emergency motions filed under this Second Amended General Order. The emergency motion must be filed (i) electronically via CM/ECF if possible or (ii) for non-e-filers, via email as outlined in Paragraph 13. If neither CM/ECF nor email is available to a party, then the party may deposit the emergency motion in a courthouse drop-box or mail the motion as provided in Paragraphs 9 or 10, but parties are warned

that mail is not being processed on a regular basis. The emergency motion will be considered as soon as practicable by the presiding judge, an emergency judge, or the Chief Judge.

8. For an emergency matter, as defined by Local Rule 77.2(a)(3), that arises during business hours (Monday through Friday 7:00 a.m. through 6:00 p.m.), the party shall send an e-mail describing the emergency to Emergency_Judge@ilnd.uscourts.gov. The Clerk will monitor the mailbox and send a response. If an emergency matter arises outside of business hours, the party shall call (312) 702-8875, leave a message describing the emergency, and provide a return telephone number. The Clerk will return the call.

Clerk's Office and Filing Options

9. The District Court Clerk's Office in the Dirksen United States Courthouse in Chicago, Illinois, is closed to public entry through May 29, 2020. Filings in the Eastern Division may be: (1) electronically filed via CM/ECF; (2) deposited in the drop-box in the lobby of the Dirksen Courthouse during business hours; or (3) mailed to the U.S. District Court Clerk's Office, 219 South Dearborn Street, 20th Floor, Chicago, IL 60604, although mail is not being processed on a regular basis. If a filing is mailed by a prisoner, the traditional "mail box" rule shall govern its filing date. Given the public health emergency and the current inability of the Clerk's Office to process mail in the ordinary course, if a filing is mailed by a non-prisoner, the filing date shall be deemed to be the postmark date, subject to any party's right to move that a different date be used. No in-person deliveries of any kind may be made to a judge's chambers or to the Clerk's Office.
10. The District Court Clerk's Office in the Stanley J. Roszkowski United States Courthouse in Rockford, Illinois, is closed to public entry through May 29, 2020. Filings in the Western Division may be: (i) electronically filed via CM/ECF; (ii) deposited in the drop box located on the 2nd floor of the Roszkowski United States Courthouse during

business hours; (iii) mailed to U.S. District Court Clerk's Office, 327 South Church Street, Rockford, IL 61101, although mail is not being processed on a regular basis; or (iv) deposited in the drop box in the lobby of the Dirksen Courthouse during business hours. If a filing is mailed by a prisoner, the traditional "mail box" rule shall govern its filing date. Given the public health emergency and the current inability of the Clerk's Office to process mail in the ordinary course, if a filing is mailed by a non-prisoner, the filing date shall be deemed to be the postmark date, subject to any party's right to move that a different date be used. No in-person deliveries of any kind may be made to a judge's chambers or to the Clerk's Office.

Suspension of Local Rules 5.2(f) and 5.3(b)

11. The Court suspends Local Rule 5.2(f), which requires in many instances that paper courtesy copies of filings be delivered to the judge, through June 1, 2020. This means that no courtesy copies may be submitted for filings made through June 1, 2020.
12. Although parties may continue to file non-emergency motions, the Court suspends Local Rule 5.3(b), which otherwise requires that all motions be noticed for presentment. For non-emergency motions, no motion may be noticed for presentment on a date earlier than June 1, 2020. For notices of presentment on and after June 1, 2020, **parties must consult each judges' presentment schedule** because the Court likely will operate on a modified motion-hearing schedule that alternates the days on which judges will hold a motion call.

Email Filing Option for Pro Se Parties

13. The Court suspends through May 29, 2020 the prohibition against pro se parties emailing their filings to the Clerk's Office. From now through May 29, 2020, the Court will accept filings from pro se litigants via email that comply with these requirements: (i) the filing must be in PDF format; (ii) the filing must be signed s/ [filer's name] or bear a handwritten signature; (iii) the email must be sent to [Temporary_E-](#)

Filing@ilnd.uscourts.gov; (iv) the email must state the party's name, address, and phone number; (v) for existing cases, the email's subject line must read: "Pro Se Filing [Insert Your Case Number]", and for new cases, the email's subject line must read: "Pro Se Filing in New Case". E-mails that do not comply with these requirements will not be reviewed and will not be considered a proper filing.

Suspension of Public Gatherings

14. All public gatherings are suspended through June 8, 2020 at both the Everett McKinley Dirksen U.S. Courthouse in Chicago and the Stanley J. Roszkowski U.S. Courthouse in Rockford. This includes, but is not limited to, group tours and visits, moot courts and mock trials, bar group meetings, seminars, and naturalization ceremonies. Also suspended are Second Chance reentry court proceedings, SOAR Court, Veterans Treatment court proceedings, and Petty Offense (CVB) proceedings. Notwithstanding this suspension, court proceedings allowed by another provision of this Order may take place.

Additional Provisions

15. This Third Amended General Order does not affect the authority of judges to enter orders in any civil or criminal cases. The parties **must consult** individual judges' websites for any modifications to the case-management requirements of this Order.
16. The Court will vacate, amend, or extend this Third Amended General Order no later than May 26, 2020.
17. The Clerk of Court shall distribute this Third Amended General Order: by electronic service on all registered CM/ECF users; by electronically posting the Order on the Court's public website; by making printed copies available at the entrances of the Dirksen and Roszkowski Courthouses. In addition, the Clerk of Court shall send a copy of this Order, either electronically or by mail, to the Illinois Department of Corrections (IDOC), all IDOC prison or detention facilities, the Illinois Department of Human Services

Division of Mental Health Treatment and Detention Facility, and all county jails in this District; the warden, sheriff, or director of each **prison**, jail, or detention facility is directed to use reasonable means to notify persons incarcerated or detained therein of this Order and to allow access to this Order. In addition, the Clerk of Court shall docket this Order in each open civil case (with the exception of Multi-District Litigation tag-along cases) and each open criminal case. Printed copies will not be mailed to non-CM/ECF users due to the heavy burden such mailings would place on the Clerk's Office.

ENTER:

FOR THE COURT:

A handwritten signature in black ink, appearing to read "Robert O. Pacheco", written in a cursive style. The signature is positioned above a horizontal line.

Chief Judge

Dated at Chicago, Illinois this 24th day of April 2020

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

IN RE: COURT OPERATIONS UNDER THE
EXIGENT CIRCUMSTANCES CREATED BY
COVID-19 AND RELATED CORONAVIRUS

General Order No. 2020-14

GENERAL ORDER

This Order EXTENDS General Order 2020-05, General Order 2020-06, General Order 2020-07, and General Order 2020-10. To the extent this Order differs from General Order 2020-05, General Order 2020-06, General Order 2020-07, and General Order 2020-10, this Order supersedes and replaces those Orders.

The Court continues to monitor the status of the COVID-19 pandemic in the United States of America and specifically within the Northern District of Indiana. The Court continues to consider guidance from a variety of sources including the Centers for Disease Control and Prevention as well as federal, state, and local public health authorities.

Based on the information available to date, including the estimated number of persons infected currently with COVID-19 and the number of cases projected to occur in the immediate future, the Court REAFFIRMS the following findings made in General Order 2020-05:

1. The gatherings of people in close proximity to one another that occur during Court operations presents substantial health risks to the public;
2. It is not possible to summon a pool of potential jurors and conduct a jury trial in a manner that does not expose potential jurors, counsel, court staff, and litigants to substantial and unacceptable health risks, specifically, the danger of becoming infected with COVID-19;
3. Such risks may be significantly mitigated by temporarily modifying Court operations;
and
4. Good cause exists to implement temporary changes to Court operations.

Therefore, it is hereby ORDERED that the following provisions of General Order 2020-10 are EXTENDED, with some modification, from June 1, 2020, through and including at least **July 1, 2020**, in all of the Court's divisions:

1. All jury trials scheduled to begin before July 1, 2020, are **continued** and will be rescheduled by the presiding judge to a date after **July 1, 2020**.
2. In criminal proceedings:
 - a. For all **in-person** plea colloquies and sentencing hearings scheduled to begin before **July 1, 2020**, the assigned District or Magistrate Judge will proceed in accordance with General Order 2020-08 and Section 15002 of the CARES Act. On a case-by-case basis and at the discretion of the assigned District or Magistrate Judge, plea colloquies and sentencing hearings may proceed in person after consultation with counsel and the United States Marshal Service.
 - b. Grand juries in the Northern District of Indiana remain continued until after **May 15, 2020**. The Court will impose reasonable limits on grand jury meetings thereafter in consultation with the U.S. Attorney's Office.
 - c. To the extent criminal proceedings may be conducted via phone or videoconference in accordance with General Order 2020-08 and Section 15002 of the CARES Act, in-person proceedings may be converted to telephonic or videoconference proceedings by the assigned District or Magistrate Judge after consultation with counsel. On a case-by-case basis and at the discretion of the assigned District or Magistrate Judge, criminal proceedings may be conducted in person after consultation with counsel and the United States Marshal Service.

General Order 2020-07 further addresses criminal proceedings held before the Magistrate Judges in light of the closing of court facilities under the exigent circumstances created by the COVID-19 pandemic.
 - d. For criminal trials and other criminal matters, delay caused by the continuances implemented by this General Order will be **excluded** under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A), as the Court specifically finds that the ends of justice served by ordering the continuances outweigh the best interests of the public and any defendant's right to a speedy trial.
3. In civil proceedings: All in-person civil court proceedings will be converted to telephonic or videoconference proceedings. Case-by-case exceptions to conduct non-

jury, in-person proceedings will be at the discretion of the assigned District or Magistrate Judge after consultation with counsel.

4. Counsel are encouraged to bring to the attention of the Court any concerns related to personal health issues, or the health issues of vulnerable family members. Counsel may do so simply by alerting the Court, via email to the chambers of the judicial officer presiding over a scheduled hearing and copying opposing counsel. In doing so, counsel need not disclose the precise nature of any medical condition, only that they, or a family member with whom they have regular contact, are of an age, or have medical conditions, that place them at an increased risk for COVID-19 complications.
5. All naturalization ceremonies are **canceled**. If an individual meets the criteria set forth in 8 U.S.C. § 1448(c) as qualifying for an expedited judicial oath administration ceremony, and if that individual is seeking a name change pursuant to 8 U.S.C. § 1448(e), the Court will make arrangements for naturalization of that individual by a judicial officer.
6. All non-core public events, such as continuing legal education programs, school visits, tours, and ceremonial functions, are **canceled**.

The Court further REAFFIRMS General Order 2020-06 and General Order 2020-07 and ORDERS that the divisional locations of the United States District Court for the Northern District of Indiana, including the United States Bankruptcy Court and the United States Probation Office for the Northern District of Indiana, REMAIN CLOSED TO THE PUBLIC.

United States Marshals Service (“USMS”) law enforcement personnel and USMS-Deputized contract Court Security Officers shall deny building access to individuals who may be infected with COVID-19 or otherwise appear to pose a public health risk. Any individuals, including law enforcement officers, but not employees of the tenants of the courthouses in the Northern District of Indiana, who are seeking to enter courthouses within the Northern District of Indiana will be required to answer the following questions:

- **Have you been diagnosed with COVID-19?**
- **Have you been in close contact with and/or exposed to someone confirmed with having or who is being evaluated for COVID-19?**
- **Have you recently visited an area that is subject to quarantine because of COVID-19 infection?**
- **Are you experiencing symptoms of fever, dry cough, shortness of breath, tiredness, chills, shaking with chills, muscle pain, headaches, sore throat, new loss of taste or smell?**

- **Have you been asked to self-quarantine by any doctor, hospital, or health agency?**
- **Have you travelled outside the United States within the last 14 days?**
- **Do you reside with or have you had close contact with someone who has travelled outside the United States within the last 14 days?**

Persons who answer “yes” to any of the above questions will be denied courthouse access. Persons who exhibit symptoms of illness potentially indicating COVID-19 infection will be denied courthouse access. USMS law enforcement personnel and USMS-Deputized Court Security Officers have the authority to deny courthouse access to persons who otherwise reasonably appear to present a health risk. Those denied access will be provided information regarding the appropriate individual or entity to contact as listed on Attachment A to this General Order.

Law enforcement officers will have access to the courthouses when and where necessary as directed by the Court or by a federal law enforcement agency.

For those persons without access to the Court’s electronic filing system, all filings for the District Court and Bankruptcy Court matters must be submitted via United States Mail to the relevant divisional mailing address.

Dated this 6th day of May 2020.

/s/ Theresa L. Springmann
Theresa L. Springmann, Chief Judge

/s/ William C. Lee
William C. Lee, Judge

/s/ James T. Moody
James T. Moody, Judge

/s/ Robert L. Miller, Jr.
Robert L. Miller, Jr., Judge

/s/ Philip P. Simon
Philip P. Simon, Judge

/s/ Joseph S. Van Bokkelen
Joseph S. Van Bokkelen, Judge

/s/ Jon E. DeGuilio
Jon E. DeGuilio, Judge

/s/ Holly A. Brady
Holly A. Brady, Judge

/s/ Damon R. Leichty
Damon R. Leichty, Judge

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

IN THE MATTER OF:
CONTINUED COURT OPERATIONS UNDER
THE EXIGENT CIRCUMSTANCES CREATED BY
COVID-19 AND RELATED CORONAVIRUS

GENERAL ORDER

On March 13, 2020, March 20, 2020, and April 13, 2020, the United States District Court for the Southern District of Indiana issued General Orders regarding Court operations in light of the ongoing COVID-19 pandemic. These orders, among other things, continued all jury trials, cancelled all naturalization ceremonies, and discussed delays caused by criminal trial continuances with respect to the Speedy Trial Act. To the extent this Order differs from previous orders of the Court on this subject, this Order supersedes and replaces those prior orders.

I. Court Operational Status

All proceedings except civil and criminal trials and naturalization ceremonies continue. Civil proceedings continue according to the deadlines set out in each case's scheduling order, which deadlines remain in effect, with conferences and hearings occurring by telephone or video teleconference as necessary. Many criminal proceedings continue by video teleconference when permitted by law, including initial hearings, detention hearings, plea hearings, and sentencing hearings. The Probation Office continues to monitor individuals in the community under its supervision and perform all of its core functions.

II. The Pandemic's Impact on Court Operations

As set forth in the April 13, 2020, Order, the Court continues to consider guidance from a variety of sources including the Centers for Disease Control and Prevention (CDC), federal, state, and local public health authorities, and the Administrative Office of the United States Courts, to determine what operations are appropriate given the health risks caused by the pandemic in each of the Court's four divisions.

Based on that guidance, the Court makes the following findings:

- 1) Full court operations cannot be resumed at this time without presenting substantial health risks to the public;
- 2) In the immediate future, it will not be possible to summon a pool of potential jurors and conduct a jury trial in a manner that does not expose potential jurors, counsel, court staff, and litigants to substantial and unacceptable health risks, specifically, the danger of becoming infected with COVID-19;
- 3) For an extended time, it is likely that a significant number of potential jurors may request that their service on a jury be deferred or excused for reasons related to COVID-19;
- 4) The aforementioned effects of COVID-19 may be significantly mitigated by temporarily modifying Court operations; and
- 5) Good cause exists to implement temporary changes to Court operations.

III. In-Person Proceedings

The Court's current operational status will remain in place until **at least June 15, 2020**. Other than jury trials, civil and criminal proceedings shall continue to proceed by telephone or video teleconference as ordered in any particular case. No in-person proceedings shall occur until **June 15, 2020**, except under emergency circumstances as ordered in a particular case. This date is subject to change, depending upon the state of the COVID-19 pandemic in each of the Court's four divisions.

IV. Jury Trials

It is hereby ORDERED that, effective immediately in all of the Court's divisions:

- A. All jury trials are **continued** through and including at least **July 20, 2020**;
- B. Pursuant to Section 15(a) of the Court's Plan for the Random Selection of Grand and Petit Jurors and 28 U.S.C. § 1866(c)(1), the Clerk, under supervision of the Court, may temporarily excuse any person summoned for jury service upon a showing of undue hardship or extreme inconvenience, for such a period as the Court deems necessary, at the conclusion of which such person either will be summoned again for jury service or the name of such person will be reinserted into the qualified jury wheel for selection. Through and including **August 24, 2020**, upon a person's written request, the Clerk, through the Jury Administrators, shall temporarily excuse for undue hardship or extreme inconvenience any potential juror who:
 1. At the time of request has ongoing symptoms of COVID-19 or tests positive for COVID-19;
 2. Is in a category deemed at high risk of COVID-19 infection by the CDC or federal, state, or local public health authorities;
 3. Is quarantined due to exposure to a person testing positive for COVID-19;
 4. Is caring for a family member or other dependent with symptoms of COVID-19 or who has tested positive for COVID-19; or
 5. Is a healthcare professional whose current employment is essential to the care and/or treatment of patients occasioned by the COVID-19 pandemic.

V. Speedy Trial Act

- A. Upon a finding that the facts and circumstances of the case and measures outlined in this General Order support a continuance as serving the ends of justice and protection of the public; and
- B. Upon particularized findings in the case that a continuance serves the ends of justice, and such action outweighs the best interest of the public and the defendant to a speedy trial,

Any delay of a criminal trial in conjunction with this Order shall be excluded under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A).

Particularized reasons for delay may include, but are not limited to: the

aforementioned health risks to jurors, court personnel, counsel and parties; significant difficulties in defense counsel's ability to meet with a client; and difficulties in trial preparation caused by the inability to support the necessary close contact with witnesses.

VI. Naturalization Ceremonies

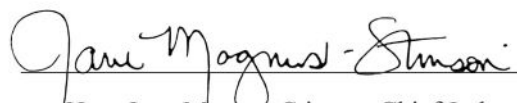
Through and including at least **June 15, 2020**, all Court-officiated naturalization ceremonies are **cancelled**. If an individual meets the criteria set forth in 8 U.S.C. § 1448(c) as qualifying for an expedited judicial oath administration ceremony, and if that individual is seeking a name change pursuant to 8 U.S.C. § 1448(e), the Court will arrange for naturalization of the individual by a judicial officer.

This Order does not affect the Court's previous grant of authority to United States Citizenship and Immigration Services to administer the Oath of Allegiance in compliance with statute, notwithstanding the Court's exclusive jurisdiction as specified in 8 U.S.C. § 1421.

IT IS SO ORDERED.

For the Court,

Date: 5/12/2020



Hon. Jane Magnus-Stinson, Chief Judge
United States District Court
Southern District of Indiana

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA


IN THE MATTER OF PANDEMIC CAUSED JURY TRIAL CONTINUANCES	ORDER Public Administrative Order No. 20-AO-____8____-P
--	--

This administrative order is being issued in response to the recent outbreak of the Coronavirus Disease (COVID-19) in the Southern District of Iowa. This order is consistent with recent directives from the Iowa Supreme Court and those of neighboring federal districts. It extends the moratorium on trials previously entered in Public Administrative Order 20-AO-3-P.

To combat the spread of the disease, given the severity of the risk posed to the public, Court staff, and other Court agencies, and considering the public health recommendations from the Centers for Disease Control and Prevention ("CDC"), the following order will be implemented within the Southern District of Iowa.

All civil and criminal jury trials currently set in the Southern District of Iowa from now until July 6, 2020 are continued pending further order. The postponement of these cases will be assessed by the Court in mid to late June to determine whether further postponement is appropriate. The time between the date of this administrative order and the new trial date shall be excluded from consideration of the Speedy Trial Act's requirement of a trial within seventy days from arraignment. Specifically, the Court finds that the ends of justice served by these continuances outweigh the best interests of the public and the defendants to a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

DATED this 8th day of April, 2020.



JOHN A. JARVEY, Chief Judge
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA



FILED
By: Clerk's Office, Southern District of Iowa
11:33 am, Apr 08 2020

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

**COVID-19
GENERAL ORDER NO. 20-6
April 24, 2020**

This order is being issued in continued response to the recent outbreak of the Coronavirus Disease (COVID-19) in the United States, the State of Louisiana and specifically New Orleans, Louisiana. The World Health Organization has declared that COVID-19 qualifies as a global pandemic, having spread across more than 190 countries and territories with more than 861,000 confirmed cases in the United States and 25,739 (as of this order) in Louisiana. New Orleans, where the Eastern District of Louisiana federal courthouse is located, continues to lead the state with 6,263 coronavirus cases in Orleans Parish.

The President of the United States, Governor of the State of Louisiana, and the Mayor of the City of New Orleans have declared a public health emergency throughout the country, State and the City, respectively in response to the spread of COVID-19; and

The Centers for Disease Control and Prevention (CDC) and other public health authorities have recommended social distancing as a means of limiting further community spread of COVID-19; and

The State of Louisiana has issued a Stay at Home Order directing all Louisiana residents to shelter at home and limit movements outside of their homes beyond essential needs;

Accordingly, to combat the spread of the disease, given the severity of risks posed to the public, Court staff, and other Court agencies, and considering the public health recommendations from the CDC, the undersigned as Chief Judge of the United States District

Court for the Eastern District of Louisiana hereby issues the following order, which amends COVID-19 General Order 20-2 to extend certain deadlines addressed therein:

1. All civil and criminal jury trials currently suspended until May 1, 2020 are hereby further suspended until August 1, 2020 and will be reset by each presiding judge. Those continuances do not continue any pending deadlines other than the trial dates. Attorneys should contact the presiding judges in their continued cases if they seek to modify such other deadlines.
2. With respect to other matters requiring in-person appearances, including bench trials, hearings, conferences or other proceedings in either civil or criminal matters between the date of this order and August 1, 2020, counsel must contact the presiding judge's chambers to determine whether and how the matter will proceed.
3. For reasons given above and below, all grand jury proceedings in this District are suspended until August 1, 2020, subject to change upon motion from the government and further orders of the Court.
4. With regard to criminal matters, due to the Court's reduced ability to obtain an adequate spectrum of jurors and the effect of the recommendations from the above public health organizations on the ability of counsel and Court staff to be present in the courtroom, the time period of the postponements implemented by this administrative order will be excluded under the Speedy Trial Act, as the Court specifically finds that the ends of justice served by ordering the postponements outweigh the best interest of the public and any defendant's right to a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A).
5. All events involving the Court or scheduled to be held in the courthouse that are not case-specific, including, but not limited to, continuing legal education courses, public tours, Inns of Court meetings, and naturalization ceremonies conducted by the Court, which are scheduled to occur between May 1, 2020 and August 1, 2020, are hereby cancelled and will be rescheduled when appropriate.

The public is encouraged to use online Court resources for the Court <http://www.laed.uscourts.gov> or contact the Court by telephone with any questions. The District Court Clerk's Office Intake Unit may be reached at (504) 589-7674 and the Pro Se Unit may be reached at (504) 589-7751.

This order will remain in effect until further order of the Court.

IT IS ORDERED.

New Orleans, Louisiana, this 24th day of April, 2020.



NANNETTE JOLIVETTE BROWN
CHIEF JUDGE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

IN RE: ADMINISTRATIVE ORDER
NO. 2020-7

PANDEMIC RELATED CURTAILED OPERATIONS

AMENDED ADMINISTRATIVE ORDER

The following specific provisions of the Court's Pandemic Order set forth in Administrative Order 2020-1, 2020-2, 2020-3, and 2020-5 are amended as follows:

1. All civil and criminal trials (bench and jury) be and are hereby postponed to a date, to be determined by the presiding Judge, after June 30, 2020. This postponement does not affect any other pending deadlines other than the pre-trial conference and trial dates. Parties seeking to modify other deadlines must do so by written motion. Contact information for District Court is available at: <http://www.lamd.uscourts.gov/>. Contact information for Bankruptcy Court is available at: <https://www.lamb.uscourts.gov/>.
2. All in-court civil evidentiary hearings and other in-court hearings and proceedings requiring personal appearances, on the dockets of the United States District Court and the United States Bankruptcy Court, set between the date of this Order and June 30, 2020 are hereby postponed, to be reset by, and at the discretion of, the presiding Judge.

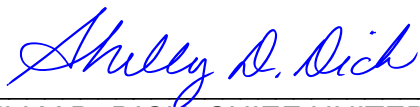
7. In-court re-arraignments and sentencing hearings, on the docket of the United States District Court, set between the date of this Order and June 30, 2020 are hereby postponed, to be reset by, and at the discretion of, the presiding Judge.

12. No in-person filings will be accepted by the Clerk of the District Court through June 30, 2020 or until further order of this Court. Filings in sealed matters which are required to be filed conventionally (in-person) pursuant to administrative procedures shall be filed 1) by facsimile to (225) 389-3501 or 2) by sending an electronically signed pleading in PDF format via encrypted or secure email (if available) to sealedwb@lamd.uscourts.gov. Non-sealed pleadings and sealed pleadings that are not required to be filed conventionally pursuant to administrative procedures should not be submitted to this email box and must be submitted for filing through CM/ECF. Electronic filing via the CMECF system will be fully functional and help desk support will be available. Online resources are available at <http://www.lamd.uscourts.gov/>, via email at cmecfhelpdesk@lamd.uscourts.gov or via telephone at (225) 389-3552. For guidance on filings in Bankruptcy Court please consult the Bankruptcy Court's website at <https://www.lamb.uscourts.gov/>

This Order does not supersede or modify any other provisions of this Court's previously issued Pandemic related Orders.

SO ORDERED this 1st day of May, 2020.

FOR THE COURT:



SHELLY D. DICK, CHIEF UNITED STATES DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA

APR 15 2020
TONY R. MOORE, CLERK
BY _____ DEPUTY

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

**FOURTH SUPPLEMENTAL ORDER REGARDING
COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES
CREATED BY THE COVID-19 PANDEMIC**

On March 16, 2020, this court entered an Order recognizing the exigent circumstances created by the COVID-19 pandemic and continued all civil and criminal jury trials until May 1, 2020. On March 17, 2020, this court entered a First Supplemental Order restricting public access to our intake counters in our offices located in Alexandria, Lafayette, Lake Charles, Monroe and Shreveport until May 1, 2020.

The Court reiterates and adopts the findings on this matter contained in the prior orders. The Court further finds that the pandemic continues and indeed may not have reached its peak in the United States. The Centers for Disease Control and Prevention (CDC) and other public health authorities continue to recommend social distancing as a means of limiting further community spread of COVID-19.

Due to the Court's reduced ability to obtain an adequate spectrum of jurors and due to the reduced availability of attorneys and Court staff to be present in courtrooms because of the public health considerations described above, the time period of the continuances implemented by this Order are excluded under the


Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A). The Court finds that the ends of justice served by ordering these continuances outweigh the best interests of the public and each defendant's right to a speedy trial. In fact, the best interests of the public are served by these continuances.

In light of these findings and recommendations, the Court orders the following:

1. All civil and criminal **jury trials** scheduled to begin on any date from now through July 1, 2020, are continued, to a date to be reset by each presiding judge. All other hearings, conferences and/or proceedings are subject to the discretion of the individual judge presiding over the proceeding.

Unless extended, modified or rescinded, this Order will expire on July 1, 2020.

THUS DONE AND SIGNED, in Shreveport, Louisiana, and effective this
14th day of April, 2020.



S. MAURICE HICKS, JR.
CHIEF JUDGE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

In Re:)
)
COURT OPERATIONS UNDER)
THE EXIGENT CIRCUMSTANCES)
CREATED BY THE COVID-19) GENERAL ORDER 2020-5
CORONAVIRUS & RELATED)
PANDEMIC PRECAUTIONS)

GENERAL ORDER

This General Order is the fifth issued in response to the recent outbreak of Coronavirus Disease 2019 (COVID-19) in accordance with the *Pandemic/Infectious Disease Plan for the United States District Court for the District of Maine (March 2020)*.¹ This General Order addresses Court operations beginning on May 1, 2020, upon the expiration of General Order 2020-2. It complements General Order 2020-4, which implemented the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) in the District of Maine. Accordingly, as of May 1, 2020, there will be two General Orders in effect: General Order 2020-4 and General Order 2020-5.

The Court hereby adopts and incorporates the findings made in the first four General Orders as to the threat to public health and safety presented by the COVID-19 pandemic. The Court further finds that the national emergency declared by President Donald J. Trump and the state of emergency declared by Maine Governor Janet T. Mills remain in effect.

¹ The first General Order continued all civil and criminal (grand and petit) jury selections and jury trials through April 30, 2020, subject to further extension. *See* General Order 2020-1 (D. Me. Mar. 13, 2020). The second General Order superseded and replaced the first General Order. *See* General Order 2020-2 (D. Me. Mar. 18, 2020). It addressed the scope of in-court operations and related matters including jury (grand and petit) matters, scheduling and deadlines in criminal and civil cases, and the availability of telephone conference and video teleconference proceedings. *See id.* The third General Order complemented the second General Order. *See* General Order 2020-3 (D. Me. Mar. 25, 2020). It provided for the use of telephonic hearings in criminal cases, including changes of plea and sentencing hearings in certain cases. *See id.* The fourth General Order partially superseded the second General Order and fully superseded the third General Order. *See* General Order 2020-4 (D. Me. Mar. 31, 2020). It authorizes video conferencing and telephone conferencing, under certain circumstances and with the consent of the defendant, for various criminal case events during the COVID-19 pandemic. *See id.*

Accordingly, to protect public health and safety, and to reduce the size of public gatherings and unnecessary travel, it is ORDERED:

A. Schedule of Courthouse Operations. The Edward T. Gignoux Courthouse in Portland and the Margaret Chase Smith Courthouse in Bangor will be open Monday through Friday for operations authorized by this General Order as follows:

1. The Clerk's Office will be open by appointment only. Staff in the Clerk's Office will be available by telephone. The Clerk's Office's in-person intake window will be closed. Persons filing documents in person will be directed to leave such documents at a designated drop-off point in the Court at a designated time.
2. Persons wishing to request permission to attend a scheduled court hearing, schedule an appointment to file documents in person with the Clerk of Court, or obtain additional information or guidance, should call or email the Clerk's Office:

- a. Portland Clerk of Court: (207) 780-3356,
usdc_emergency@med.uscourts.gov
- b. Bangor Clerk of Court: (207) 945-0575,
usdc_emergency@med.uscourts.gov

B. Filing of Documents. Attorneys and registered self-represented parties may continue to file documents with the court electronically through CM/ECF, or in paper in accordance with the schedule set forth in Paragraph A.

C. In-Court Judicial Operations. In accordance with the preceding schedule, in-court judicial operations at the Edward T. Gignoux Courthouse in Portland, Maine, and the Margaret Chase Smith Courthouse in Bangor, Maine, are restricted to:

1. The receipt, filing and docketing of documents in all criminal and civil cases;
2. Teleconference and video teleconference proceedings;
3. Administrative functions deemed essential by the Chief Judge or the Clerk of Court of the District of Maine;
4. Maintenance of equipment and property;
5. Other activities required to protect public health and safety; and
6. Such other matters approved by the Chief Judge of the District of Maine.

D. Employee Teleworking. Unless otherwise directed by a supervisor, all court employees will telework during regular business hours.

E. In-Court Proceedings. No in-court proceedings will be held.

F. Telephone Conference and Video Teleconference Proceedings. This General Order does not affect or restrict any previously scheduled telephone or video conference or hearing. Individual judges may consider warrant requests and hold conferences, hearings, and civil bench trials by telephone conference or video teleconference as they deem necessary and appropriate.

G. Juries.

1. All civil and criminal jury selections and jury trials scheduled to commence in the District of Maine in May and June, 2020, are CONTINUED.
2. All grand jury proceedings scheduled to be held in the District of Maine in May 2020 are CONTINUED. Due to the unavailability of a grand jury in this District in May 2020, the 30-day time period for filing an indictment

is tolled as to each defendant until this General Order terminates. *See* 18 U.S.C. § 3161(b).

- H. Continuances in Criminal Cases. For every continuance entered in a criminal case pursuant to this General Order or a prior General Order, the time period of the continuance will be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), subject to the entry of an order addressing the same by the presiding Judge in each case. The Court finds that the ends of justice served by taking such action outweigh the interests of the parties and the public in a speedy trial. The presiding Judge may extend or modify the period of exclusion as circumstances may warrant.
- I. Deadlines in Criminal and Civil Cases. This General Order does not contain a general extension or suspension of any court deadlines. A party who desires the extension or suspension of a deadline in a criminal or civil case should file a written motion in accordance with the applicable rule or rules.
- J. Applications for Admission to the Bar of this Court. Applications for admission to the Bar of this Court will be considered without a hearing. Each applicant for admission to the Bar of this Court must:
1. File with the Clerk an application on a form to be furnished by the Clerk.
 2. Pay the attorney admission fee of \$181.00 to the Clerk's Office. Checks should be made payable to "Clerk, U.S. District Court."
 3. The application shall include the Applicant's Maine state bar number and a certification that the Applicant has read and will comply with the Local Rules of this Court.
 4. The application must be filed with a letter from the Applicant's sponsor, who must be a member of the Bar of this Court, moving for the Applicant's admission and stating the reasons why admission is appropriate. Upon filing of the application and the letter, the Court will review the materials and act on the application. If the application is granted, the Applicant must

then file a signed Oath of Admission with the Court to complete admission to the Bar.

5. Applications should be sent to:

- a. Portland: Clerk, U.S. District Court, 156 Federal St., Portland, ME 04101
- b. Bangor: Clerk, U.S. District Court, 202 Harlow St., 3rd Floor, Bangor, ME 04401

K. Effectiveness; Termination. This General Order takes effect at 11:59 p.m. on May 1, 2020. It fully supersedes General Order 2020-1, General Order 2020-2, and General Order 2020-3. General Order 2020-4 remains in full force and effect. Unless terminated earlier or extended, this General Order shall remain in effect until 11:59 p.m. on June 30, 2020.

SO ORDERED this 29th day of April, 2020.

/s/ Jon D. Levy
CHIEF U.S. DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

IN RE:)
COURT OPERATIONS RESTRICTIONS)
ON JURY TRIALS DUE TO COVID-19)
)

ORDER

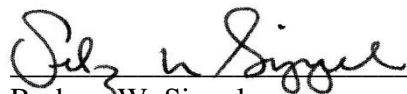
WHEREAS the United States District Court for the Eastern District of Missouri recognizes the need to take continued measures and precautions in order to reduce the spread of the COVID-19 virus;

NOW THEREFORE, the Court hereby amends previous orders relating to jury trials as follows:

All civil and criminal jury trials scheduled to begin through July 5, 2020, are continued and shall be rescheduled by the presiding judge to a date on or after July 6, 2020.

In criminal cases, the Court finds that the time period of any continuance entered from the date of this Order through July 5, 2020, as a result of this Order shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as the Court finds that the ends of justice served by taking that action outweigh the interests of the parties and the public in a speedy trial, given the need to protect the health and safety of defendants, their counsel, prosecutors, court staff, and the public by reducing the number of in-person hearings to the fullest extent possible, and due to the inability of the Court to ensure that a fair cross-section of jurors is available during the specified time.

SO ORDERED this 7th day of May, 2020.



Rodney W. Sippel
Chief United States District Judge

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI**

IN RE:

COURT OPERATIONS UNDER THE EXIGENT
CIRCUMSTANCES CREATED BY THE OUTBREAK
OF CORONAVIRUS DISEASE (COVID-19)

GENERAL ORDER

This General Order is being issued in response to the recent outbreak of Coronavirus Disease (COVID-19) throughout the United States and supersedes the Court's General Order dated March 24, 2020. The United States District Court for the Western District of Missouri continues to closely monitor the outbreak of COVID-19, including guidance from the Centers for Disease Control and Prevention ("CDC"). The CDC's guidance includes multiple types of mitigation strategies for communities with local COVID-19 transmission, with such strategies generally aimed at reducing or avoiding exposure to infected individuals.

In consideration of the pandemic resulting from the COVID-19 virus and to reduce the congregation of large numbers of people in courthouses, all in-person proceedings scheduled between today and May 17, 2020 are continued and all jury trials scheduled between today and July 6, 2020 are continued. It is further hereby ORDERED that:

1. Effective immediately, all civil jury trials scheduled to commence before any district or magistrate judge in the Western District of Missouri between today and July 6, 2020 are hereby CONTINUED;
2. All cases set on the June 1, 2020 Joint Criminal Jury Trial Docket, where no motion for continuance has been filed, are hereby CONTINUED to the Joint Criminal Jury Trial Docket of July 6, 2020. In granting this continuance, the Court finds that health concerns related to COVID-19 dictate that gatherings of people be limited, which counsels against summoning jurors for jury service. Moreover, prospective jurors may be reluctant to jeopardize their health and appear under these circumstances, which will hamper the Court's ability to ensure that a fair cross

section of the community is summoned. These realities negatively impact the fair administration of justice and the rights of defendants; those interests and concerns, coupled with the public health interests at stake, outweigh the interests of each defendant's right to and the public's interest in a speedy trial. Accordingly, pursuant to 18 U.S.C. § 3161(h)(7)(A), the time period of continuances through July 17, 2020 shall be excluded when computing the time within which trial must commence.

3. All grand jury proceedings in the Western District of Missouri are hereby CONTINUED through July 6, 2020, and the time for returning an indictment specified in 18 U.S.C. § 3161(b) is extended to July 10, 2020. In granting these extensions, the Court concludes that the ends of justice and best interests of the public outweigh the interests of defendants in a timely indictment. Health concerns related to COVID-19 dictate that gatherings of people must be limited, which counsels against convening a grand jury. Similarly, grand jurors may be reluctant to appear under these circumstances, which will hamper the Court's ability to ensure that a fair cross section of the community participates in the grand jury proceeding and will negatively impact the fair administration of justice. Accordingly, pursuant to 18 U.S.C. § 3161(h)(7)(A), the time period of this extension shall be excluded when computing the time within which an indictment must be filed.
4. All non-emergency criminal and civil hearings scheduled between today and May 17, 2020 are CONTINUED. However, criminal matters before magistrate judges, such as initial appearances, arraignments, detention hearings, and the issuance of warrants, will continue to take place;
5. Individual judges may continue to hold such hearings, conferences, and bench trials in the exercise of their discretion as may be necessary and appropriate to ensure the fairness of the proceedings and to preserve the rights of the parties;
6. This Order does not impact any case-specific deadlines in civil cases; individual judges may continue case-specific deadlines in civil cases in the exercise of their discretion;
7. This Order does not affect the Court's consideration of criminal or civil motions

that can be resolved without oral argument;

8. All bankruptcy hearings and trials scheduled through May 17, 2020, will be conducted by telephone or continued based on the circumstances and in the discretion of the judge;
9. All courthouses and offices in the Western District of Missouri will remain open for business. However, the public counters at all locations are closed to the public through May 17, 2020. The building lobbies are open Monday-Friday, 8:00 a.m. to 4:30 p.m. These hours are subject to change without notice. Drop boxes are available in each courthouse for public filings. Any filing deposited in a drop box will be collected and dated/filed on Mondays and Thursdays. Electronic filings may still be made through CM/ECF. For current information on Court operation, please consult the Court's website at <https://www.mow.uscourts.gov/>; and
10. This General Order is effective immediately.

IT IS SO ORDERED.

DATE: April 20, 2020

/s/ Beth Phillips
BETH PHILLIPS, CHIEF JUDGE
UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

IN RE:
CORONAVIRUS/COVID-19 PANDEMIC

**ADMINISTRATIVE ORDER
NO. 2020-15**

FURTHER CONTINUANCE OF JURY TRIALS AND
EXCLUSION OF TIME UNDER THE SPEEDY
TRIAL ACT

-----X

ROSLYNN R. MAUSKOPF, Chief Judge

On March 13, 2020, the President of the United States issued a proclamation declaring a National Emergency in response to the Coronavirus Disease-2019 ("COVID-19") pandemic pursuant to the National Emergencies Act (50 U.S.C. § 1601, *et seq.*). In addition, by Executive Order No. 202 issued March 7, 2020, the Governor of New York declared a State disaster emergency for the entire State of New York as a result of documented cases of COVID-19, and, in addition, took a number of steps to prevent the spread of COVID-19, including, but not limited to: banning mass gatherings in the state; encouraging residents to remain at home, limit all non-essential travel, and limit personal contact; and closing all non-essential businesses. By Executive Order No. 202.18, issued April 16, 2020, the Governor has extended these measures through at least May 16, 2020.

The COVID-19 pandemic has had and will continue to have an extraordinary impact on this District. As of the date of this order, there were over 147,000 confirmed cases of COVID-19, and over 8600 fatalities due to the virus, in the boroughs of New York City and the counties of Long Island that comprise the Eastern District of New York. These account for over 60 percent of all cases and fatalities in both New York State and New York City; approximately 20 percent of all cases and fatalities in the United States; and approximately five percent of all cases and fatalities in the world.¹ Estimates by health authorities indicate that the incidence of infection is likely greater among the community than the number of cases confirmed, and a significant number of new cases, hospitalizations, and fatalities, while declining from their peak, are continuing daily.

The current and continuing public health crisis has caused and will continue to cause significant disruption throughout this District, including but not limited to: restrictions on travel; significant reductions in mass transit and concerns about its safe use; the continued closure of offices, schools, and other public and private institutions and facilities; and

¹ Data available from <https://covid19tracker.health.ny.gov/views/NYS-COVID19-Tracker/NYSDOHCOVID-19Tracker-Map?%3Aembed=yes&%3Atoolbar=no&%3Atabs=n>; <https://coronavirus.jhu.edu> (last visited April 20, 2020).

displacement of district residents.

The current and continuing public health crisis has had and will continue to have profound and material impacts on court operations due to the inability of court staff, attorneys, and others to appear at our courthouses, and in order to limit in-person contact and prevent the spread of COVID-19, including, but not limited to: the reduction or suspension of certain court operations, including suspension of summoning jurors for both petit and grand jury service, which cannot be conducted remotely; restrictions on the movement of defendants to and from detention facilities; severely limited telephone phone and video communication between defendants in custody, their attorneys, and the court; and the need to conduct proceedings remotely, using video and telephone conferencing, including conducting criminal proceedings pursuant to the CARES Act as set forth in Administrative Order 2020-13. In addition, after a canvass of individual grand jurors who currently sit in this District, none of the grand juries currently sitting in the District will be able to muster a quorum prior to May 15, 2020.

By Administrative Orders 2020-06 and 2020-11, in light of the exigent circumstances created by the COVID-19 pandemic and in order to protect public health, reduce the size of public gatherings and travel, and prevent the spread of the virus, the following actions, among others, were ordered: all civil and criminal jury trials to be held in this District and scheduled to begin before April 27, 2020 were continued pending further order of the court; the time period between March 16, 2020 and April 27, 2020 was excluded under the Speedy Trial Act for all criminal cases and for the filing of indictments; and the time in which a preliminary hearing must be held pursuant to Rule 5.1(a) between March 18, 2020 and April 27, 2020 was extended until 60 days after the initial appearance.

Upon consideration of the current situation relating to the serious, ongoing public health emergency in this District created by the COVID-19 pandemic, and in order to continue to protect public health, limit the size of public gatherings and travel, and prevent the spread of the virus, it is HEREBY ORDERED:

1. The United States District Court for the Eastern District of New York will remain open, but with limited operations in both Brooklyn and Central Islip to support essential functions in criminal and civil matters, and in a manner to ensure the safety, health and welfare of the public and court staff, and to promote the precautions set forth in both national and state orders.
2. All civil and criminal petit jury selections and jury trials scheduled to commence between April 27, 2020 and June 15, 2020, and all grand jury selections scheduled before June 15, 2020, are continued pending further Order of the Court.
3. Compliance with all trial-specific deadlines in civil and criminal cases shall be at the discretion of the assigned judges.
4. Individual judges presiding over civil and criminal proceedings may take such actions consistent with this Order as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties. Judges are strongly encouraged to

conduct court proceedings by telephone or video conference where practicable, including pursuant the CARES Act as set forth in Administrative Order 2020-13, and to adjourn matters or deadlines, or stay litigation, where in-person meetings, interviews, depositions, or travel would be necessary to prepare for any such proceedings. No in-person bench trials or evidentiary hearings may be scheduled without consultation with the Chief Judge.

5. The Court is cognizant of the right of criminal defendants to a speedy and public trial under the Sixth Amendment, and the particular application of that right in cases involving defendants who are detained pending trial. Any motion by a criminal defendant seeking an exception to this order in order to exercise that right should be directed to the District Judge assigned to the matter in the first instance; provided, however, that no such exception may be ordered without consultation with the Chief Judge.
6. Due to the ongoing exigent circumstances created by the COVID-19 pandemic as outlined herein, including the Court's reduced ability to obtain an adequate spectrum of jurors due to concerns regarding health and safety, and the effect of the above public health restrictions and recommendations on the ability of jurors, defendants, counsel, witnesses, and court staff to safely travel and be present in court, the time period from April 27, 2020 to June 15, 2020 is hereby excluded under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, for all trials and other conferences and proceedings in criminal cases, as the Court finds that the ends of justice served by such continuances to protect public health and safety outweigh the best interests of the public and the defendant in a speedy trial pursuant to 18 U.S.C. § 3161(h)(7)(A). These same concerns, as well as the unavailability of a grand jury sitting in this District arising from the inability to muster a quorum prior to May 15, 2020, and the suspension of the selection of new grand jurors, make it "unreasonable to expect return and filing of [an] indictment within the period specified in section 3161(b)." 18 U.S.C. § 3161(h)(7)(B)(iii). As such, the 30-day time period for filing an indictment under 18 U.S.C. § 3161(b), which previously had been tolled through April 27, 2020 by Administrative Order 2020-06, is further tolled until May 15, 2020. *See also* 18 U.S.C. § 3161(h)(7)(A).
7. The assigned judge in any criminal case for which a trial or other conference or proceeding is postponed or continued under this Order may make any additional findings and exclude additional time, as necessary and appropriate, in scheduling any new date for any trial or other conference or proceeding in a criminal case.
8. Due to the ongoing exigent circumstances created by the COVID-19 pandemic as outlined herein, in all criminal matters in which a magistrate judge must conduct a preliminary hearing pursuant to Federal Rule of Criminal Procedure 5.1 on or between April 27, 2020 and June 15, 2020, the time for such hearing set forth in Rule 5.1(c) is further extended to no later than 60 days after the initial appearance of the defendant.
9. Initial appearances and arraignments shall continue to take place in the ordinary course, or where practicable or necessary, be conducted remotely pursuant to procedures established by the Court, including pursuant to the CARES Act as set forth in

Administrative Order 2020-13. Detention and bail review proceedings shall be scheduled with the approval of the assigned District Judge or Duty Magistrate Judge.

10. The Clerk's Office, the District Executive's Office, Pre-Trial Services, the Probation Department, and all other District Court services continue to operate under modified hours and procedures.
11. All Administrative Orders related to the COVID-19 pandemic shall continue in force and effect by their terms. Further orders addressing court operations in the exigent circumstances created by the COVID-19 will be issued as circumstances warrant.

SO ORDERED.

Dated: Brooklyn, New York
April 21, 2020



ROSLYNN R. MAUSKOPF
Chief Judge

20mc196
Judge McMahon

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

.....X

IN RE: CORONAVIRUS/COVID-19 PANDEMIC

M-10-468 (CM)

.....X

THIS MATTER RELATES TO: Extension of Time
Under the Speedy Trial Act

STANDING ORDER

.....X

McMahon, C.J.:

WHEREAS, the President of the United States has declared a national emergency, and the Governor of New York has banned mass gatherings throughout the state in response to the spread of the coronavirus and COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention and other public health authorities have advised the taking of precautions to reduce the possibility of exposure to the virus and slow the spread of the disease; and

WHEREAS, the Governor of the State of New York has extended the expiration of the state's shelter-in-place and non-essential travel ban Executive Order from April 27, 2020 until May 16, 2020; and

WHEREAS, as a precautionary measure for the health of both inmates and

Executive Branch personnel, the United States Bureau of Prisons is not permitting pre-trial detainees to travel off their housing units, and the United States Marshal Service will not produce pre-trial detainees to the courthouse for the conduct of proceedings; and

WHEREAS, in light of the above, neither court staff nor attorneys nor parties to litigation are able to appear at the courthouses until such time as the shelter-in-place order has been lifted at the earliest;

NOW, THEREFORE in order to protect public health, and in order to reduce the size of public gatherings and allow attorneys, litigants and court staff to comply with the Governor's Executive Order, thereby reducing travel, the United States District Court for the Southern District of New York issues the following order:

1. The Daniel Patrick Moynihan United States Courthouse in Manhattan, The Charles L. Bricant United States Courthouse in White Plains, and United States Courthouse in Poughkeepsic will remain open for business, but subject to limitations and with most staff working remotely. The Thurgood Marshall Courthouse in Manhattan is closed for Southern District of New York operations, and is subject to the order of the United States Court of Appeals for the Second Circuit for appellate operations.

2. All civil and criminal jury trials are continued pending further order of the court (*see* Third Standing Order relating to the suspension of jury trials, dated April 20, 2020).

3. Compliance with all trial-specific deadlines in civil and criminal cases shall be at the discretion of the presiding judge.

4. Individual judges presiding over civil and criminal proceedings may take such actions consistent with this order as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties.

5. Existing grand juries will continue in operation.

6. The time period of any continuance entered as a result of this order shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as the Court finds that the ends of justice served by taking that action outweigh the interests of the parties and the public in a speedy trial. Absent further order of the Court or any individual judge, the period of exclusion shall be from April 27, 2020 to June 15, 2020. The Court may further extend the period of exclusion as circumstances may warrant.

7. The Court is cognizant of the right of criminal defendants to a speedy and public trial under the Sixth Amendment, and the particular application of that right in cases involving defendants who are detained pending trial. Any motion by a criminal defendant seeking an exception to this order in order to exercise that right should be directed to the District Judge assigned to the matter in the first instance; provided, however, that no such exception may be ordered without the approval of the Chief Judge after consultation with the assigned judge.

8. Individual judges may continue to hold hearings, conferences,

and bench trials in the exercise of their discretion, consistent with this order.

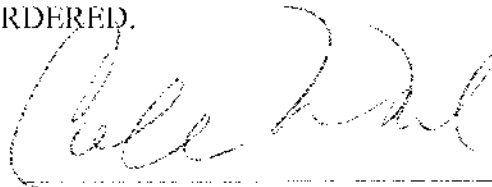
9. Judges are strongly encouraged to conduct court proceedings by telephone or video conferencing where practicable.

10. Criminal matters before Magistrate Judges, such as initial appearances, arraignments, detention hearings, and the issuance of search warrants, shall take place in the ordinary course using remote procedures.

11. The Clerk's Office, the District Executive's Office, Pre-Trial Services, Probation, the Bankruptcy Court, and all other Court services shall remain open pending further order of the Court, but with most staff working remotely.

Entered this 20th day of April, 2020

IT IS SO ORDERED.



Chief Judge

outweigh the best interests of the public and of the criminal defendants under 18 U.S.C. § 3161(h)(7)(A). Absent further order of the Court or any individual judges, the period of exclusion shall be from **March 16, 2020**, to **July 3, 2020**. The Court may extend the period of exclusion as circumstances may warrant.

6. Pursuant to Section 15002(b)(1) of the CARES Act, H.R. 748, the Chief Judge authorizes the use of video conferencing, or telephone conferencing if video conferencing is not reasonably available, for all events listed in Section 15002(b) of the legislation:
 - a. Detention Hearings under Section 3142 of title 18, United States Code.
 - b. Initial Appearances under Rule 5 of the Federal Rules of Criminal Procedure.
 - c. Preliminary Hearings under Rule 5.1 of the Federal Rules of Criminal Procedure.
 - d. Waivers of Indictment under Rule 7(b) of the Federal Rules of Criminal Procedure.
 - e. Arraignments under Rule 10 of the Federal Rules of Criminal Procedure.
 - f. Probation and Supervised Release Revocation Proceedings under Rule 32.1 of the Federal Rules of Criminal Procedure.
 - g. Pretrial Release Revocation Proceedings under Section 3148 of title 18, United States Code.
 - h. Appearances under Rule 40 of the Federal Rules of Criminal Procedure.
 - i. Misdemeanor Pleas and Sentencings as described in Rule 43(b)(2) of the Federal Rules of Criminal Procedure.
 - j. Proceedings under chapter 403 of title 18, United States Code (commonly known as the “Federal Juvenile Delinquency Act”), except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings.

Pursuant to Section 15002(b)(2), the Chief Judge further specifically finds that felony pleas under Rule 11 of the Federal Rules of Criminal Procedure and felony sentencings under Rule 32 of the Federal Rules of Criminal Procedures cannot be conducted in person in this district without seriously jeopardizing public health and safety. As a result, if a judge in an individual case finds, for specific reasons, that a felony plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice, the judge may, with the consent of the defendant after consultation with counsel, use video conferencing, or teleconferencing if video conferencing is not reasonably available, for the felony plea or sentencing in that case. Judges may also use this authority for equivalent events in juvenile cases as described in Section 15002(b)(2)(B).

Pursuant to Section 15002(b)(3) of the legislation, this authorization will remain in effect until **June 28, 2020**, unless terminated earlier. If emergency conditions continue to exist 90 days from the entry of this order, the Chief Judge will review this authorization and determine whether to extend it.

7. Grand jury proceedings in this District will resume in June. Due to the unavailability of a grand jury in the District, the 30-day time period for filing an indictment or information is hereby tolled as to each defendant during the time period between **March 4, 2020**, and **May 31, 2020**, pursuant to 18 U.S.C. §§ 3161(b) and 3161(h)(7)(A). The Court finds that the ends of justice served by taking such action outweigh the best interest of the public and any defendant's right to a speedy trial. Therefore, the time periods between **March 4, 2020**, and **May 31, 2020**, are excluded under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A), and will not be considered in determining if an Indictment or Information is filed within the time limits as set forth in 18 U.S.C. § 3161(b).
8. Please consult the District Court's Website at www.ndd.uscourts.gov for current information.
9. This order supercedes the Court's Administrative Orders issued on April 20, 2020. The Court will vacate, amend, or extend this order no later than **June 28, 2020**.

Dated: May 12, 2020, at 8:00 a.m.

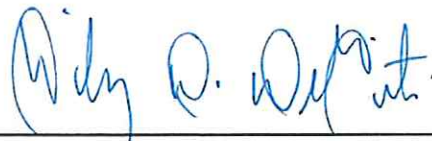
/s/ Peter D. Welte
Peter D. Welte, Chief Judge
United States District Court

c. The Governor of the State of Oklahoma has issued an Executive Order directing that persons over the age of 65 or with underlying health conditions stay home, which will impact the Court's ability to obtain a fair cross-section of the public for jury service; and

d. The Governor's Executive Order may also affect the availability of counsel, witnesses, and court staff.

e. Therefore, the period of delay resulting from continuances implemented as a result of this Order will be excluded under the Speedy Trial Act, as the Court specifically finds that the ends of justice served by ordering continuances outweigh the best interests of the public and each defendant to a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

ENTERED FOR THE COURT this 6th day of May, 2020.



TIMOTHY D. DeGIUSTI
Chief United States District Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE: ADMINISTRATIVE ORDER)
 CONCERNING JURY TRIALS) Misc. No. 2:20-mc-394-MRH
 AND CERTAIN OTHER)
 PROCEEDINGS RELATIVE TO)
 COVID-19 MATTERS)
)

**ADMINISTRATIVE ORDER
(UPDATED AS OF APRIL 16, 2020)**

WHEREAS, public health authorities have advised, and continue to advise, public and private agencies to continue to take necessary and appropriate precautions to reduce the possibility of exposure to novel coronavirus (“COVID-19”) and slow the spread of the disease; and

WHEREAS, jury selection in this District frequently involves large jury venire pools, often consisting of many individuals in the age category identified by the Centers for Disease Control and Prevention as being particularly at risk, along with many individuals being required to travel extensively and from a distance for such service; and

WHEREAS, there is currently in place a “stay at home” directive from the Governor of the Commonwealth of Pennsylvania relative to travel outside of the home and the gathering of groups in public settings; and

WHEREAS, circumstances regarding school closures in the Commonwealth of Pennsylvania for the balance of the school year coupled with mandated on-line education will increase the impact on the ability of parents summoned for jury service during the next period of time to so serve without substantial hardship; and

WHEREAS, the process of responding to jury summonses and service on juries by those employed in essential public functions, including in healthcare operations, would create a serious impact on the capacity of persons so employed and summoned to serve, increasing substantially the likelihood of the need to summon ever-larger jury venire pools for potential service and diminishing the representative nature of the pool of summoned jurors; and

WHEREAS, the fragility of the current employment situation of many of those who would be summoned in the near term for jury service would increase the likely severe hardship on those so summoned, impacting the ability to generate representative jury pools of those that could actually serve without such significant hardship, and at the same time substantially increasing the need for ever-larger pools of summoned jurors, generating the gathering of larger groups of individuals: and

WHEREAS, the detention centers where this District's federal detainees are resident have limited for health safety reasons the movement of detained individuals from and then back to those facilities, and have also severely limited, or in some cases prohibited, physical visitation of counsel with those detained in those facilities for purposes of consultation and trial preparation, and the timing of their return to full and open operations and the terms of such remain materially uncertain; and

WHEREAS, the on-going limitations on reasonably available COVID-19 testing and contact tracing protocols increases the uncertainty of the current and near-term health status of summoned jurors and other necessary trial participants; and

WHEREAS, as a public institution committed to the sound administration of equal justice under law, this Court believes that it should continue to take reasonable and prudent

actions to further that mission consistent with public health needs and the health needs of trial and proceeding participants;

NOW, THEREFORE, in order to continue to further public health and safety, the health and safety of Court personnel, counsel, litigants, other case participants, jurors, and the general public and in order to reduce the number of gatherings necessarily attendant to trial jury selection in all divisions of this Court, to permit for the effective trial preparation of counsel for jury trials and other proceedings, to take into consideration the necessary lead time for the effective issuance of a sufficient number of juror summons in conformity with the Court's Jury Plan, and in order to minimize travel by participants in Court proceedings, (particularly travel by public conveyance), by virtue of the direction of the Board of Judges, and the provisions of 28 U.S.C. §§ 137(a), 139 and 452, the United States District Court for the Western District of Pennsylvania hereby issues the following Order, in furtherance of the above and the Court's similar Order of March 13, 2020:

1. This Court, and the United States Courthouses in Pittsburgh, Johnstown, and Erie, will remain open for the conduct of official business, subject to the following provisions.

2. All civil and criminal jury selections and jury trials in the Western District of Pennsylvania scheduled to begin on or before **June 12, 2020** are continued pending further Order of the Court. The Court may issue further Orders concerning future general or specific continuances as may be deemed necessary and appropriate. All such continued jury selections and trials will be reset by further Order of the assigned judicial officer.

3. All trial-specific or other deadlines in all civil and criminal cases remain in effect unless modified by further Order of the Court or by Order of the assigned judicial officer. It is the sense of the Court that its judicial officers will continue to apply the principles of flexibility and

accommodation to reasonable requests for filing or scheduling adjustments necessitated by reasonable fact-based travel, health or safety concerns or directives of public health officials.

4. Aside from ordering a jury trial to begin on or before June 12, 2020, the judicial officer presiding over any action or proceeding may take such further actions consistent with this Order as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the substantial rights of the parties.

5. The Court is cognizant of the trial, procedural, and substantive rights of all litigants, and also particularly of the rights of criminal defendants to a speedy and public trial under the Sixth Amendment (and the particular application of that right in cases involving defendants who are detained pending trial). Any request by a criminal defendant or the United States in a criminal proceeding, or of a party to any civil action, seeking relief from this Order is to be directed to the Chief Judge via a Motion filed at Misc. No. 20-mc-394-MRH, with a copy of such Motion being filed as a Notice on the case-specific docket and notice of such filing also being provided directly to the Chambers of the Chief Judge. Any such request for relief will be resolved by the Chief Judge or his designee.

6. The time period of March 13, 2020 through June 12, 2020 shall be “excluded time” under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as the Court finds that the ends of justice served by taking that action substantially outweigh the interests of the parties and the public in a speedy trial. Therefore, in continuation of the Court’s Administrative Order of March 13, 2020 on these matters (which excluded the time from March 13, 2020 through April 26, 2020), the period of time from March 13, 2020 to June 12, 2020 is considered to be excluded time in *all* criminal proceedings in this Court pursuant to U.S.C. § 3161(h)(7)(A), the Court specifically finding and concluding that the ends of justice served by taking such actions and by such delay materially

outweigh the best interests of the public and the defendants in a speedy trial in *all* such pending cases, because, at least, the health and safety circumstances caused by COVID-19 make it necessarily and equally highly unlikely that a jury can be empaneled in *any* criminal cases under the current public health circumstances and under the present directives and orders of relevant local, state and federal health and governmental authorities. Specifically, the Court further finds and concludes that such exclusion is necessary in *all* cases to assure that as to cases going to trial, a full, unhindered, continuously serving jury venire and seated jury in every case, which is central to the sound administration of justice, is available. Such exclusion of time is further and also necessary in cases not yet set for trial, and in those cases previously set for trial but continued by this or other Order, in order to address the current actual, and reasonably anticipated future, profound difficulties or impossibility in defense counsel quickly and effectively communicating with or visiting with detained clients (including those detained in locales under a declared state of emergency and/or where access to jails or detention centers for physical counsel visits is limited and in some cases prohibited with no currently anticipated date for resumed “normal” operations) for the purposes of trial preparation and consultation between client and counsel, along with the inherent delay in the scheduling and rescheduling of criminal trials as a consequence of the exclusion period herein and as contained in prior Orders of this Court. The Court may by further Order extend or modify the period of exclusion as circumstances may warrant, and the assigned judicial officer may by Order also do so relative to any specific proceeding.

7. Individual judicial officers may hold hearings, conferences, sentencings, change of plea hearings, and bench trials in the exercise of their sound discretion, consistent with the principles of this Order and the other Administrative Orders of this Court, and after such reasonable consultation with counsel as they may deem appropriate. Such proceedings may be

held via video/telephone conference as permitted by law, or at the appropriate time in person if such becomes appropriate in the then-existing circumstances as to Court operations and as to public health and safety considerations and directives and advisories from relevant public health authorities (including as to the limitation for health and safety reasons on the movement of detained persons to and from detention centers), and as those matters may evolve.

8. All judicial officers are encouraged to continue to conduct proceedings by telephone or video conferencing wherever in their judgment doing so is practicable in a given case and on terms as permitted by law, and to take reasonable measures to avoid the necessity of out-of-town travel (especially by public conveyance) of any litigant, counsel or the public. In furtherance of this Court's Alternative Dispute Resolution ("ADR") Policies and Procedures, the designated ADR neutral in any proceeding is hereby authorized to permit participation in any ADR proceeding via video and telephone conference, if in their judgment such will be effective and doing so will minimize travel (especially by public conveyance) by any participant. All judicial officers are encouraged to continue to minimize the need for the personal physical appearance of a detained person at any proceeding for the protection of the health of such detained person, counsel and the public, unless such personal physical appearance is otherwise appropriate and required by law.

9. Criminal matters before Magistrate Judges, such as initial appearances, arraignments, detention hearings, and the issuance of search warrants, shall continue utilizing such procedures as they or the Court may direct which are consistent with the tenor of this Order. Central Violations Bureau proceedings may be conducted, rescheduled or continued at the direction of the Chief Magistrate Judge.

10. Grand juries shall meet as may be directed by further Order of the Court.

11. Formal proceedings of the Court's RISE, Veterans', and BRIDGES Court Programs are held in abeyance until further Order. The respective "special court" teams and the Probation Office may, at their election, conduct informal sessions and/or supervision via video or teleconference as they deem appropriate.

12. Non-case related meetings and events scheduled to occur at a Court facility prior to June 12, 2020 shall be rescheduled to a later date via the appropriate Court office. The Clerk's Office, Probation Office, and all other Court offices and services shall otherwise remain open subject to further Order of the Court. The Chief Judge of the Bankruptcy Court for this District shall enter such Orders as she deems appropriate for the conduct of that Court's business.

13. This Order amends and updates this Court's Administrative Order of March 13, 2020 on these matters.

s/ Mark R. Hornak
Mark R. Hornak
Chief United States District Judge

April 16, 2020

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

**THIRD GENERAL ORDER REGARDING
CONTINUITY OF OPERATIONS DURING CORONAVIRUS PANDEMIC**

This General Order regarding the continuity of operations is the third issued in response to the recent outbreak of Coronavirus Disease 2019 (COVID-19). By [General Order](#) dated March 19, 2020, the Court found that because of the threat to public health and safety presented by public gatherings, the Court is unable to safely summons and convene an adequate cross-section of jurors as there is uncertainty as to the ability of parties, counsel, witnesses, court staff, and judges to attend criminal and civil trials.

.In light of the continued guidance from the Centers for Disease Control and other health authorities that employers should attempt to minimize exposure between employees and the public and to consider the public health and safety when scheduling group or public events, the Court finds that:

1. All civil and criminal petit jury selection and trials are continued to July 2020. There will be no jury selection or trials during May or June 2020. The Court finds that the ends of justice served by ordering the continuance of all criminal petit juries outweighs each defendant's right to and the public's interest in speedy trial. Therefore, the time period of the continuances implemented by this General Order will be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), subject to the entry of an order addressing the same by the presiding judge in each case.

2. All grand jury proceedings are continued. There will be no grand juries in May or June 2020. Due to the unavailability of a grand jury in this District during the pendency of this General Order, the 30-day time period for filing an indictment is tolled as to each defendant until this General Order terminates. *See* 18 U.S.C. § 3161(b).

This order and all other aspects of this Court's March 19, 2020 order will remain in effect until June 30, 2020, unless terminated earlier. At such time, if emergency conditions continue to exist, the Court will determine whether to extend it.

IT IS SO ORDERED.

May 6, 2020

By the Court:

/s/ John J. McConnell Jr., Chief Judge

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

IN RE: COURT OPERATIONS IN RESPONSE TO COVID-19))))	<i>Amended Standing Order</i> Misc. Number: 3:20-mc-139
--	------------------	--

Due to the continuing and evolving COVID-19 national public health emergency and the resulting necessary modifications of court operations, the Court finds it appropriate to amend the March 16, 2020 Standing Order (*see* Misc. No. 3:20-mc-00105-RBH) to extend various continuance dates and account for subsequent Standing Orders that have been issued (*see* Misc. No. 3:20-mc-00122-RBH; Misc. No. 3:20-mc-00129-RBH).¹ Accordingly, the Court issues the following order, effective immediately:

1. All civil and criminal jury selections, jury trials, and roster meetings scheduled to commence through July 5, 2020, are CONTINUED (i.e., postponed) pending further order of the Court.
2. All grand jury proceedings scheduled through July 5, 2020, are CONTINUED, unless otherwise ordered by the Chief Judge.
3. Existing deadlines in civil cases, whether set by the court or by the Federal Rules of Civil Procedure or Local Rules, are not further extended by this Order. Any judge has the inherent authority to extend any deadlines in his or her cases. This Order does not toll any applicable statutes of limitation.
4. Unless otherwise ordered by the Presiding Judge, all civil matters scheduled for an in-court appearance through July 5, 2020, are CONTINUED, unless the matter is resolved by the court without a hearing, or can be addressed via video or telephone conferencing where practical.

As for criminal proceedings, on April 2, 2020, pursuant to the CARES Act (H.R. 748), the Court entered a Standing Order Regarding Video Teleconferencing and Telephone Conferencing (*see* Misc. No. 3:20-mc-00129-RBH), which allows certain criminal proceedings to occur by video or telephone conferencing if a criminal defendant consents. Where a statute or rule requires a defendant's presence within a certain time, and where video or telephone conferencing cannot be accomplished (i.e., failure of a defendant to consent or otherwise), then applicable initial criminal proceedings are to be conducted in person to satisfy constitutional and statutory requirements. Other criminal proceedings are continued until July 5, 2020.

5. Individual judges presiding over criminal proceedings may take such actions as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties.

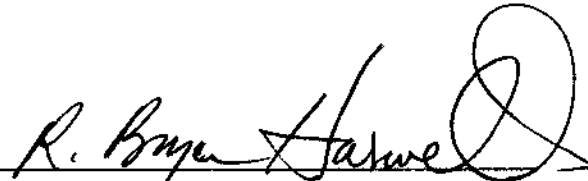
¹ The Court incorporates the public health concerns previously summarized in the March 16, 2020 Standing Order.

6. Due to the Court's reduced ability to obtain an adequate spectrum of jurors and the above-referenced public health considerations associated with criminal jury trials and grand jury proceedings, the time period of the continuances implemented by this Standing Order will be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A). The Court finds that the ends of justice served by ordering these continuances outweighs the best interest of the public and each defendant's right to speedy indictment or trial. The Court may extend the period of exclusion as circumstances may warrant.
7. Case-by-case exceptions to the continuances provided herein may be ordered for non-jury matters by the Presiding Judge after consultation with counsel, such as emergency civil and criminal matters. To the extent possible, judges should stagger their court hearings as much as possible to minimize the number of people coming into the courthouses.
8. This order does not affect the Court's consideration of civil or criminal motions that can be resolved without court appearance.
9. The Probation Office shall remain open unless otherwise ordered by the Court.
10. Regarding the District Clerk's Office, the Court hereby incorporates the provisions of its March 31, 2020 Standing Order In Re: District Clerk's Office Operations in Response to COVID-19 (see Misc. No. 3:20-mc-00122-RBH).

The Court will vacate or amend this Standing Order as necessary and appropriate.

IT IS SO ORDERED.

DATED this 10th day of April 2020.


R. Bryan Harwell
Chief U.S. District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA

IN THE MATTER OF

CHANGES TO COURT OPERATIONS
DUE TO CORONAVIRUS DISEASE
(COVID-19)

FIRST AMENDED
STANDING ORDER 20-03

The ongoing spread of the coronavirus, and the resulting outbreak of the respiratory disease COVID-19 in South Dakota and bordering states, has created an emergency situation. Both the President of the United States and the Governor of South Dakota have made emergency declarations due to the COVID-19 pandemic. The Court, on March 17, 2020, entered Standing Order 20-03 at a time when the Centers for Disease Control had recommended no large gatherings and social distancing efforts be undertaken by all. Since that time, the COVID-19 virus has spread in the United States and within the State of South Dakota. The South Dakota Governor's Office has advised that the number of COVID-19 infections in South Dakota may not crest until sometime in June 2020. After considering current guidance from the Centers for Disease Control and after consulting with representatives of numerous agencies, including but not limited to the Federal Public Defender's Office, the United States Attorney's Office, the United States Probation Office, and the United States Marshals Service, the Court finds that certain changes to court operations must be extended beyond the April 24, 2020 date contained in Standing Order 20-03, to assist efforts to slow the transmission of the virus. Accordingly,

IT IS ORDERED:

1. All civil and criminal jury trials scheduled to commence on or before July 6, 2020, before any judge in the District of South Dakota will be **continued** pending further order of the Court. Because of the Court's inability to safely call and retain an adequate cross-section of jurors, and the impact of public health recommendations on the availability of clients, counsel, and court staff to be present in the courtroom, the Court specifically finds that the ends of justice served by continuing all criminal jury trials outweigh the best interests of the public and any defendant's right to a speedy trial, and the periods of delay occasioned by the continuances implemented by this Standing Order are therefore excluded under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A).

2. Non-jury proceedings, such as bench trials and hearings, may proceed as scheduled in the discretion of the presiding judge. The parties are encouraged to consider participation by telephone or video conferencing when that option is available. Standing Order 20-05 and the CARES Act authorize conduct of certain hearings in criminal cases by videoconference or by telephone if videoconference is unavailable.


3. All grand jury proceedings in the District of South Dakota involving more than ten people present in any one room and no less than six feet of distance between people are continued until July 6, 2020. The 30-day time period for filing an indictment or an information is hereby tolled as to each defendant during the time period between March 17, 2020, and July 6, 2020, pursuant to 18 U.S.C. §§ 3161(b) and 3161(h)(7)(A). For the same reasons discussed above, the Court finds that the ends of justice served by taking such action outweigh the best interests of the public and any defendant's right to a speedy trial. Therefore, the time period between March 17, 2020, and July 6, 2020, is excluded under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A), and will not be considered in determining if an Indictment or Information is filed within the time limits set forth in 18 U.S.C. § 3161(b).

4. All deadlines established in civil cases will remain in place, although the Court will be receptive to motions from the parties to enlarge deadlines in civil cases due to disruption caused by social distancing requirements and travel restrictions. Parties are encouraged to consider conducting discovery through means that avoid unnecessary travel or personal contact, such as by telephone or video conferencing, and to consult and seek to agree, if possible, on any enlargement of civil case deadlines. Any dispute over whether discovery can be effectively accomplished consistent with applicable public health guidelines may be submitted to the Court by motion.

5. Except as set forth herein, Court business will proceed as usual to the extent possible consistent with public health guidelines.

6. The Court will vacate, extend, or amend this Order no later than July 6, 2020.

DATED this 8th day of April, 2020.



ROBERTO A. LANGE, CHIEF JUDGE
UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA

FILED

MAY - 8 2020

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

CLERK, U.S. DISTRICT CLERK
WESTERN DISTRICT OF TEXAS
BY MFO
DEPUTY

**SUPPLEMENTAL ORDER REGARDING
COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES
CREATED BY THE COVID-19 PANDEMIC**

This Order is being issued in response to the recent outbreak of novel coronavirus in the United States and the State of Texas. The World Health Organization has declared that COVID-19 qualifies as a global pandemic, having spread across no less than 120 countries with more than 1,219,000 confirmed cases in the United States, as of today, according to the CDC. The United States District Court for the Western District of Texas has been closely monitoring the outbreak of novel coronavirus (which causes the disease designated as COVID-19), including careful monitoring of the developing guidance from the Centers for Disease Control and Prevention ("CDC"). The CDC has described the outbreak in the United States as a "rapidly evolving situation" and is providing continuously updated guidance as to the appropriate community response to COVID-19 as conditions worsen. The CDC's guidance includes multiple types of mitigation strategies generally aimed at reducing or avoiding exposure to infected individuals.

As of the date of this Order, there have been several thousand confirmed cases of coronavirus within the Western District of Texas. The State of Texas has made a disaster declaration in response. The CDC and other public health entities have recommended social distancing as a means to limit further community spread of COVID-19. The Court is concerned with the health and safety of the public, Court employees, staff of other entities with whom Court personnel interact, litigants, including defendants in criminal matters, counsel, interpreters, law enforcement officials, and jurors, who must work in close quarters to hear evidence and to deliberate.

Therefore, given the continued severity of the risk to the persons listed above by the spread of COVID-19 in the Western District of Texas, and taking into consideration matters of public health, while reducing the size of public gatherings and the need for travel, the Court orders as follows:

1. All civil and criminal bench and jury trials scheduled to begin on any date from now through June 30, 2020, are continued, to a date to be reset by each Presiding Judge. Those continuances do not continue any pending deadlines other than the trial dates. Attorneys should contact the Presiding Judges in their continued cases if they seek to modify such other deadlines.

2. Due to the Court's reduced ability to obtain an adequate spectrum of jurors and due to the reduced availability of attorneys and Court staff to be present in courtrooms because of the public health considerations described above, the time period of the continuances implemented by this Order are excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A). The Court finds that the ends of justice served by ordering these continuances outweigh the best

interests of the public and each defendant's right to a speedy trial. In fact, the best interests of the public are served by these continuances.

3. All grand jury proceedings between now and through June 30, 2020 are continued. All deadlines are suspended and tolled for all purposes, including the statute of limitations, from now through June 30, 2020 unless otherwise ordered. The U.S. Attorney may schedule grand jury for emergency matters.

4. Individual judges may continue to hold in-person hearings, sentencing proceedings, and conferences, but counsel may seek relief from those matters by appropriate motions. The parties are encouraged to seek to participate in non-sentencing hearings and conferences by telephone or video. This Order does not impact any court's consideration of particular matters on the papers alone.

5. Magistrate Judges will continue to preside over criminal matters, such as initial appearances, arraignments, detention hearings, pleas, and the issuance of warrants.

6. Any events involving the Court that are not case-specific, including, but not limited to, continuing legal education courses, public tours, administration of oaths to attorneys, and naturalization ceremonies conducted by the Court which are scheduled to occur between now and June 30, 2020, are hereby cancelled and will be rescheduled as appropriate.

7. All of the courthouses of the Western District of Texas will remain open for business subject to any restrictions imposed by a judge or judges in each division. However, many employees, including some of chambers staff, will be teleworking, but they will be accessible by phone. Electronic filings may continue to be made through the CM/ECF system.

8. Any delivery directed to chambers shall be delivered instead to the Clerk's offices in each courthouse.

9. Unless vacated, modified, or extended, this Order will remain in effect through June 30, 2020, and will then expire.

FOR THE COURT.

So ORDERED and SIGNED this 8th day of May, 2020.



ORLANDO L. GARCIA
Chief Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

IN THE MATTER OF COURT
PROCEEDINGS AND COURT
OPERATIONS DURING THE
CORONAVIRUS (COVID-19)
PANDEMIC

**GENERAL ORDER
20-012**

The Court has entered a number of General Orders in response to the ongoing Coronavirus Disease (COVID-19) outbreak in Utah and around the nation.¹

- General Order 20-008, entered on March 12, 2020, confirmed that the Federal Courthouse in Salt Lake City remains open with restricted access for certain visitors.
- On March 16, 2020, the Court entered General Order 20-009, suspending all petit jury and grand jury activities in the District through May 1, 2020. In General Order 20-009, the Court also continued all trial-related deadlines in criminal cases, entered findings excluding certain time under the Speedy Trial Act, vacated hearings for most matters set between March 17 and March 31, and provided guidance concerning numerous other aspects of court operations.
- On March 23, 2020, the Court entered General Order 20-010, providing certain protections for attorney-client communications impacted by the COVID-19 crisis and establishing protocols for various criminal proceedings and United States Probation Office activities.
- Most recently, General Order 20-011 was entered March 31, 2020, making findings implementing the emergency provisions of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

¹ These General Orders and additional information can be found on the Court’s website: <https://www.utd.uscourts.gov/united-states-district-courts-district-utah-covid-19-information-center>.

Many of the extension dates initially set forth in those General Orders are now approaching.

The Court continues to monitor closely the state of the health crisis in Utah and around the nation. President Trump's March 13, 2020 National Emergency declaration remains in effect. Utah remains in a state of emergency under Governor Herbert's declaration. Governor Herbert has also issued (and extended through May 1, 2020) a "Stay Safe, Stay Home" directive and announced a "soft-closure" of all public schools for the remainder of the school year (May 13, 2020 to June 5, 2020, depending on the school). The World Health Organization advises that the global pandemic is not subsiding. Finally, the Judicial Conference of the United States has found that emergency conditions due to the national COVID-19 crisis have affected and will materially affect the functioning of the federal courts.

The Centers for Disease Control and Prevention (CDC) continues to issue guidance to combat the spread of disease, and to promote the health and well-being of the nation. The Court is closely monitoring the CDC's developing guidance as well as various directives from all branches and levels of government. Among other things, the CDC recommends that all Americans avoid close contact with others (*i.e.*, being within six feet) and wear cloth face coverings in public or when around others. These and other measures are in response to increased concerns about the extent of asymptomatic transmission of the virus and the potential for the virus to spread through mere conversations or breathing, in addition to airborne transmission through coughing or sneezing.

To this date, there are nationwide now over 1,027,000 confirmed cases of Americans infected with COVID-19, resulting in over 58,000 deaths. The number of new infections in the United States is increasing at a rate of approximately 30,000 new cases every day. The State of Utah has, to date, confirmed over 4,300 infections, resulting in at least 370 hospitalizations and 45 deaths. Worse still, the available evidence suggests difficulty tracking the real spread of COVID-19 because significant numbers of infections remain undetected due to asymptomatic carriers, varying degrees of symptoms, a lack of adequate testing, and other factors.

After careful consideration of the unprecedented severity of the risks presented by this national and local emergency to the public, litigants, counsel, court employees, agencies that support the courts, and judges; and following consultation with appropriate stakeholders; it is **HEREBY ORDERED**:

1. **Jury Trials:** All civil and criminal jury trials are **CONTINUED** through June 15, 2020, pending further order of the Court. The Court may issue further orders concerning future continuances, as necessary and appropriate. Questions concerning prospective scheduling of trial dates should be directed to the assigned judge.
2. **Speedy Trial Act:** For the reasons stated above relating to the ongoing COVID-19 threat, and for the reasons previously discussed in General Orders 2020-09, 2020-010, and 2020-011, including the procedural and practical challenges to seating a jury in the midst of the COVID-19 pandemic and the Governor's Stay Safe, Stay Home directive, the period of time between May 1, 2020, through June 15, 2020, is hereby **EXCLUDED** from the respective speedy trial calculations for both the return of an indictment and the commencement of trial within the District, pursuant to 18 U.S.C. § 3161(h)(7)(A). An "ends of justice" exclusion under the Speedy Trial Act is disfavored and "meant to be a rarely used tool for those cases demanding more flexible treatment."² The Court nevertheless concludes an "ends of justice" finding is necessary and appropriate in the District of Utah at this time. The expanding number of COVID-19 infections, hospitalizations, and deaths nationally and in Utah, demand modifications to court practices to protect public health. Courts and court operations are necessarily social operations, involving many people.

Mindful of the Court's constitutional responsibility to continue providing mission-critical functions of the federal judiciary – even during the COVID-19 outbreak – the need to protect the public health in the midst of the

² *United States v. Toombs*, 574 F.3d 1262, 1269 (10th Cir. 2009).

ongoing deadly COVID-19 pandemic outweighs the important rights of individual defendants and the public to speedy trials at this time. The Court reaches this conclusion after carefully balancing the factors set forth in 18 U.S.C. § 3161(h)(7)(B). Specifically, the Court finds that the exclusion of time through June 15, 2020, from the respective speedy trial periods, is necessary to protect the health and safety of jurors and prospective jurors, court staff and employees, criminal defendants, counsel, law enforcement personnel, and the public. In addition, in-custody defendants in this District are held at local jails under the direct control of the State of Utah and individual counties. The Court is experiencing significant restrictions on access to federal defendants during this outbreak. Travel restrictions further impair the ability of counsel and witnesses to appear for grand jury proceedings or trial. Beyond that, the current environment makes it nearly certain that the Court cannot obtain an adequate spectrum of jurors to fairly conduct trials. Moreover, the health risks associated with trial are acute. Trial requires that jurors, counsel, parties, witnesses, court personnel, and judges all be present in the courtroom in relatively close proximity. Empaneling a jury, conducting a trial, and facilitating jury deliberations, all with due regard for health and safety, is simply not possible in the physical facilities available to the court. Video and audio conferencing, used for hearings, are not available for trials. Counsel's ability to adequately prepare for trial, including locating and consulting with witnesses, and defense counsel's ability to effectively confer with defendants, are also greatly diminished under these circumstances.

Judges are encouraged to enter speedy trial orders in the cases over which they preside. Judges presiding over criminal proceedings may take such actions consistent with this Order as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties – particularly where defendants are detained pending trial. Any motion by a criminal defendant seeking an exception to any provision of this Order should be directed to the assigned judge.

3. **Trial-Related Deadlines:** All trial-related deadlines in criminal cases (including, but not limited to, deadlines concerning motion cutoff dates, proposed jury instructions, proposed voir dire, proposed verdict forms, plea cutoffs, etc.) scheduled to begin trial before June 15, 2020 are **CONTINUED**, subject to case-specific orders entered by the judge presiding in individual cases.

Individual judges may continue trial-related deadlines in civil cases at their discretion. Questions concerning trial-related deadlines should be directed to the assigned judge.

4. **Grand Jury:** All grand jury proceedings in the District of Utah are **SUSPENDED** through June 15, 2020. Due to the unavailability of a grand jury in the District during this period, the 30-day time period for filing an indictment is tolled as to each defendant until this Order terminates. See 18 U.S.C. § 3161(b). Questions concerning grand jury scheduling should be directed to the United States Attorney's Office.
5. **Search Warrants:** Between May 1, 2020, and June 15, 2020, all search warrants and other applications (including, among other things, trap/trace and pen registers), as well as new criminal complaints for most cases shall be submitted via email to the chambers email box of the duty Magistrate Judge:
- a. April: utdecf_warner@utd.uscourts.gov for Judge Warner;
 - b. May: utdecf_romero@utd.uscourts.gov for Judge Romero; and
 - c. June: utdecf_pead@utd.uscourts.gov for Judge Pead.

In matters arising in the Southern Region, with St. George location designations, such materials shall be submitted to: utdecf_kohler@utd.uscourts.gov for Judge Kohler.

The courtroom deputy will then communicate with the sender to arrange the resolution of such matters via electronic means (teleconference or video), as appropriate.

6. **Title III Applications:** All Title III applications shall be submitted via email to Chief Judge Shelby's courtroom deputy, Mary Jane McNamee. The courtroom deputy will then communicate with the sender to arrange the resolution of such matters via electronic means (teleconference or video), as appropriate.
7. **Criminal Hearings:** The protocols set forth in General Order 20-010 are adopted and incorporated herein. Those provisions in General Order 20-010 relating to Attorney-Client Privilege (Paragraph 1) and Pretrial Services Reports (Paragraphs 2-5) are **EXTENDED** through June 15, 2020. Appearances in any criminal hearings ordered by summons are **CONTINUED** through June 15, 2020. Judges before whom such appearances were scheduled are encouraged to notify those summoned of a new appearance date.
8. **Central Violations Bureau Calendars:** The Central Violations Bureau (CVB) calendars set between May 1, 2020 and June 15, 2020 are **CANCELED**. The Court will direct that new hearing notices for mandatory appearances be delivered for dates after June 15, 2020, at the discretion of the assigned judge.
9. **Reentry and Specialty Courts:** In-court reentry (specialty court) hearings and activities are **SUSPENDED** through June 15, 2020. At the discretion of the presiding judicial officer, these courts may be conducted remotely utilizing existing telephonic or video conference options in a manner that does not require in-person participation or that otherwise jeopardizes the health and safety of the participants, the program staff, or court representatives.

10. **Civil Hearings and Bench Trials:** Presiding judges retain discretion to proceed with civil hearings and bench trials as necessary and appropriate in individual cases. For the reasons detailed above, including the unprecedented and serious health concerns associated with the current pandemic, in-person civil hearings should be held only in exceptional circumstances. This is so even in emergency matters, including applications for temporary restraining orders or injunctions. Absent specific and compelling exceptional circumstances, all civil hearings should be conducted remotely utilizing existing telephonic or video conference options. If a judicial officer concludes that a hearing must be conducted in-person, that judge should adopt stringent protocols in consultation with counsel, and consistent with CDC guidance, to ensure the safety of the parties, witnesses, counsel, and court staff.

11. **Public and Bar-Related Functions:** All public and bar-related functions scheduled to take place at the federal courthouse between May 1, 2020, and June 15, 2020, are **CANCELED**. This includes meetings of the American Inns of Court, continuing education events, school tours, informational meetings, social functions, and Immigration and Naturalization ceremonies. Questions concerning rescheduling these events should be directed to the Clerk's Office.

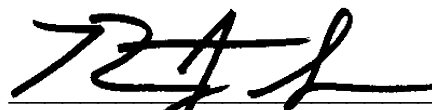
12. **Public Access:** The federal courthouse in Salt Lake City shall remain open for mission-critical functions of the judiciary, but the public and members of the bar are discouraged from coming to the courthouse unless necessary for official court-related activities, including filing documents that cannot be submitted electronically, attending in-person criminal hearings described above, and the like. The St. George Courthouse is closed, but is proceeding with mission-critical functions through electronic and remote means.

Those coming to the federal courthouse in Salt Lake City must comply with all governmental guidelines including the use of personal protection such as masks and physical distancing.

13. The Clerks' Office, the United States Bankruptcy Court for the District, and other court services shall remain open pending further order of the Court, but business hours and means of access may be limited. Specific information about business hours will be available on each Court unit's internet site.

SO ORDERED this 28th day of April, 2020.

BY THE COURT:



ROBERT J. SHELBY
CHIEF UNITED STATES DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

Apr 16, 2020
JULIA C. DUDLEY, CLERK
BY: s/ A. Beeson
DEPUTY CLERK

IN THE MATTER OF:

**COURT OPERATIONS UNDER THE
EXIGENT CIRCUMSTANCES CREATED
BY COVID-19**

**Second Amended Standing
Order No. 2020-5**

Standing Order No. 2020-5, dated March 16, 2020, and Amended Standing Order No. 2020-5, dated March 24, 2020, addressed court operations for the United States District Court for the Western District of Virginia under the exigent circumstances created by the spread of COVID-19. Amended Standing Order No. 2020-5 extended the restriction on in-person court proceedings for any in-person criminal, civil, and bankruptcy proceeding until May 1, 2020.

The exigent circumstances identified in the court's previous standing orders have worsened, with Virginia reporting over 6,500 positive cases of COVID-19 and 200 deaths as a result of COVID-19. Furthermore, all Virginians are under "stay at home" restrictions until June 10, 2020, pursuant to Governor Ralph Northam's March 30, 2020 Executive Order 55. Given these changes and the continued public health emergency posed by COVID-19, **the United States District Court for the Western District of Virginia extends the restriction on in-person court proceedings established in Standing Order 2020-5 and Amended Standing Order 2020-5 to any in-person criminal, civil, and bankruptcy proceeding through and including June 10, 2020.**


Effective immediately, it is **ORDERED** as follows:

1. Amended Standing Order 2020-5 is further amended to extend the specified time periods contained therein through and including June 10, 2020.
2. Nothing in this Amended Standing Order shall be interpreted as postponing or cancelling

any previously scheduled, or subsequently scheduled, “remote” proceedings scheduled by a presiding judge in any criminal or civil cases.

3. For the reasons explained in detail in Standing Order 2020-10, the period of May 2, 2020 through June 10, 2020 is hereby excluded from the speedy trial calculations for both the return of an indictment and the commencement of trial, pursuant to 18 U.S.C. § 3161(h)(7)(A). The court, on its own motion, finds that the ends of justice served by the continuances outweigh the interests of the parties and the public in a speedy trial. As discussed in Standing Order 2020-10, the United States Attorney is requested to file a motion and proposed order in any criminal matter in which an indictment is delayed due to the absence of a sitting grand jury, and either party may file a motion and proposed order to incorporate the findings of this order and Standing Order 2020-10 in the record of any criminal matter in which a jury trial is continued. **As such, Standing Order 2020-10 is amended to extend to June 10, 2020.**
4. The court will continue to monitor the COVID-19 public health emergency and will amend this order as appropriate.

Enter: April 16, 2020

**Michael F.
Urbanski**  Digitally signed by Michael F. Urbanski
DN: cn=Michael F. Urbanski, o=Western
District of Virginia, ou=United States
District Court,
email=mikeu@vawd.uscourts.gov, c=US
Date: 2020.04.16 13:36:07 -04'00'

Michael F. Urbanski
Chief United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

Apr 16, 2020
JULIA C. DUDLEY, CLERK
BY: s/ A. Beeson
DEPUTY CLERK

IN THE MATTER OF:

**COURT OPERATIONS UNDER THE
EXIGENT CIRCUMSTANCES CREATED
BY COVID-19**

**Second Amended Standing
Order No. 2020-5**

Standing Order No. 2020-5, dated March 16, 2020, and Amended Standing Order No. 2020-5, dated March 24, 2020, addressed court operations for the United States District Court for the Western District of Virginia under the exigent circumstances created by the spread of COVID-19. Amended Standing Order No. 2020-5 extended the restriction on in-person court proceedings for any in-person criminal, civil, and bankruptcy proceeding until May 1, 2020.

The exigent circumstances identified in the court's previous standing orders have worsened, with Virginia reporting over 6,500 positive cases of COVID-19 and 200 deaths as a result of COVID-19. Furthermore, all Virginians are under "stay at home" restrictions until June 10, 2020, pursuant to Governor Ralph Northam's March 30, 2020 Executive Order 55. Given these changes and the continued public health emergency posed by COVID-19, **the United States District Court for the Western District of Virginia extends the restriction on in-person court proceedings established in Standing Order 2020-5 and Amended Standing Order 2020-5 to any in-person criminal, civil, and bankruptcy proceeding through and including June 10, 2020.**


Effective immediately, it is **ORDERED** as follows:

1. Amended Standing Order 2020-5 is further amended to extend the specified time periods contained therein through and including June 10, 2020.
2. Nothing in this Amended Standing Order shall be interpreted as postponing or cancelling

any previously scheduled, or subsequently scheduled, “remote” proceedings scheduled by a presiding judge in any criminal or civil cases.

3. For the reasons explained in detail in Standing Order 2020-10, the period of May 2, 2020 through June 10, 2020 is hereby excluded from the speedy trial calculations for both the return of an indictment and the commencement of trial, pursuant to 18 U.S.C. § 3161(h)(7)(A). The court, on its own motion, finds that the ends of justice served by the continuances outweigh the interests of the parties and the public in a speedy trial. As discussed in Standing Order 2020-10, the United States Attorney is requested to file a motion and proposed order in any criminal matter in which an indictment is delayed due to the absence of a sitting grand jury, and either party may file a motion and proposed order to incorporate the findings of this order and Standing Order 2020-10 in the record of any criminal matter in which a jury trial is continued. **As such, Standing Order 2020-10 is amended to extend to June 10, 2020.**
4. The court will continue to monitor the COVID-19 public health emergency and will amend this order as appropriate.

Enter: April 16, 2020

**Michael F.
Urbanski**  Digitally signed by Michael F. Urbanski
DN: cn=Michael F. Urbanski, o=Western
District of Virginia, ou=United States
District Court,
email=mikeu@vawd.uscourts.gov, c=US
Date: 2020.04.16 13:36:07 -04'00'

Michael F. Urbanski
Chief United States District Judge

CLERK OF U.S. DIST. COURT
AT ROANOKE, VA
FILED

APR 08 2020
BY: JULIA C. DUDLEY, CLERK
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

IN RE:

SPEEDY TRIAL ACT, 18 U.S.C. § 3161

Standing Order No. 2020-10

In response to the continuing spread of COVID-19, on March 24, 2020, this court issued Amended Standing Order No. 2020-5, extending the restriction on in-person court proceedings for any in-person criminal, civil, and bankruptcy proceeding until May 1, 2020. This included continuing all criminal jury trials set on or before May 1, 2020 and all grand jury proceedings set on or before April 17, 2020. At the time of the issuance of the March 24 order, the court found that the required continuances were excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), as the ends of justice served by the continuances outweighed the interests of the parties and the public in a speedy trial. The court now expounds upon those findings that the ends of justice warrant such an exclusion from the speedy trial clock.

As the result of the public health recommendations made by the Centers for Disease Control and Prevention; the President of the United States; and, most recently, Governor Ralph Northam's March 30, 2020 Executive Order 55, which also directs all individuals in Virginia to remain at their place of residence until June 10, 2020, the court's ability to obtain an adequate spectrum of jurors has been rendered impossible. In addition, the present public health crisis precludes the court from convening counsel, court staff, United States Marshals, interpreters, Court Security Officers, Probation Officers, witnesses, and other participants necessary to conduct criminal proceedings.

Given these circumstances, the court specifically finds that the need to protect the health and safety of jurors, court employees, defendants, their counsel, prosecutors, witnesses, judges, and the public, requires the court to eliminate in-person proceedings to the fullest extent possible. Criminal trials inherently involve a significant amount of close contact between all parties. Furthermore, continuing all criminal jury trials through May 1, 2020 will assist with minimizing the spread of COVID-19 not only to courthouse personnel, but to and within detention facilities and the Bureau of Prisons. Accordingly, the court finds that the ends of justice served by continuing all criminal jury trials through May 1, 2020 outweigh the interests of the parties and the public in a speedy trial.

To the extent this order, or any other order by this court in response to the COVID-19 pandemic, results in delayed indictments due to the absence of a sitting grand jury, the United States Attorney is requested to file a motion and proposed order to ensure that the instant findings are made “in the record” of each case. See Zedner v. United States, 547 U.S. 489, 506 (2006). Such proposed orders may propose to incorporate the findings made in this standing order. Defense counsel may then file any motion or response related to the court’s 18 U.S.C. § 3161(h)(7) findings.

Further, to the extent either party wishes to ensure that the above findings are “in the record” of any individual criminal case for which trial is delayed due to the COVID-19 response, they may file a motion and proposed order to incorporate these, or further findings, in the record. A presiding judge may also take the necessary steps to incorporate these, or further findings, in the record of any individual case. The court will continue to monitor the

COVID-19 public health emergency and further continuances may be issued as necessary and appropriate.

Enter: April 8, 2020

Michael F.
Urbanski

Digitally signed by Michael F. Urbanski
DN: cn=Michael F. Urbanski, o=Western
District of Virginia, ou=United States
District Court,
email=mikeu@vawd.uscourts.gov, c=US
Date: 2020.04.08 10:22:28 -0400

Michael F. Urbanski
Chief United States District Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

In Re:

EXTENSION OF MODIFIED COURT
OPERATIONS UNDER THE EXIGENT
CIRCUMSTANCES CREATED BY
COVID-19 AND RELATED
CORONAVIRUS

GENERAL ORDER NO. 07-20

This General Order is being issued in response to the continuing outbreak of Coronavirus Disease 2019 (COVID-19). On March 17 and 25, 2020, the Court entered General Orders 02-20 and 03-20 addressing, among other things, the closing of the Seattle and Tacoma Courthouses for at least 30 days and the procedures for conducting civil and criminal matters remotely. The Court incorporates here its prior findings regarding COVID-19 and the state of emergency declarations and public health guidelines as set forth in those prior General Orders.

The Court finds that the current guidance of local and national public health officials requires the Courthouses to remain closed. As of the issuance of this Order, the State of Washington remains under a Stay Home, Stay Safe Order until May 4, 2020. The daily number confirmed cases and deaths from COVID-19 have recently decreased in Washington, but the Governor has indicated that social distancing restrictions may need to continue past May 4, and public health officials have repeatedly identified the likelihood of a second wave of coronavirus infections and deaths once the restrictions are lifted or modified.

1 Accordingly, the Court ORDERS that the procedures established by General Orders 02-
2 20 and 03-20 will be continued for another 30 days. All grand jury proceedings, as well as civil
3 and criminal in-person hearings and trial dates in these Courthouses scheduled to occur before
4 July 1, 2020, are continued pending further order of the Court.

5 The Court continues to find that, due to the current inability to obtain an adequate
6 spectrum of jurors and the effect of the above public health situation on the availability of
7 witnesses, counsel and Court staff to be present in the courtroom, the time period of the
8 continuances implemented by this General Order will be excluded under the Speedy Trial Act,
9 as the Court finds that the ends of justice served by ordering the continuances outweigh the best
10 interests of the public and any defendant's right to a speedy trial, pursuant to 18 U.S.C.
11 §3161(h)(7)(A). For the same reasons, the Court finds under 18 U.S.C. § 3060(C) extraordinary
12 circumstances exist, and justice requires delay of all criminal preliminary hearings during the
13 time period of these continuances.
14
15

16 Other General Orders addressing particular COVID-19 issues have not expired and need
17 not be modified at this time.
18

19 Dated this 13th day of April, 2020.
20
21

22 

23 RICARDO S. MARTINEZ
24 CHIEF UNITED STATES DISTRICT JUDGE
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

Update on the court's response to coronavirus

May 1, 2020

The State of Wisconsin is beginning to lift some of the most stringent social distancing restrictions. But the number of new cases of COVID-19 is still increasing in areas of the state, including in some counties in the Western District of Wisconsin. Based on the recommendations of public health officials, it is not yet safe to gather in groups of 30 to 50, which is what it takes to select and seat a trial jury. Information about the virus and its spread changes daily, but it is unlikely that gatherings of the size needed for a jury trial will be advisable within the next month.

The court does not want to reschedule any more trials than is necessary, but last-minute schedule changes pose a hardship on everyone. Given the continuing uncertainty, we will extend the suspension of jury trials through June 30, 2020, so that the court, counsel, parties, and potential jurors can plan ahead. We will enter the appropriate orders in the affected cases. But in general, we expect all pre-trial deadlines, including the final pre-trial conference, to remain in place, so that the affected cases are ready for trial at the earliest safe opportunity.

The court continues most of its operations despite the coronavirus. Court staff were well prepared for teleworking, and we have adapted to video teleconferencing for many proceedings that would have been held in court. For now, we limit in-person proceedings to those necessary for public safety, but we will resume in-person proceedings as circumstances

permit. We expect that litigants or counsel have also adapted to the circumstances, but they may request relief from specific deadlines if the coronavirus prevents them from meeting them.

Thank you again for your cooperation during these difficult times.

JAMES D. PETERSON
Chief District Judge



May 11th, 2020

Attached is a thoughtful document to guide us as we navigate in our communities during the COVID-19 pandemic. Expedience should be the new standard for all public outings going forward. Just because we can do something doesn't mean we should do it.

The guidance listed here was compiled by local medical professionals whose only goal is the continued containment of COVID-19 in Dallas County. Discouraged actions should not be considered as personal infringement rather acts of solidarity with local health professionals, our neighbors, and those with whom we care for most. By adhering to these suggestions, we will compound the progress we've made and arrive more quickly – and safely – to gathering with the community we've come to know and love.

Best,

A handwritten signature in blue ink that reads "Clay Lewis Jenkins". The signature is written in a cursive style with a large initial "C".

Clay Lewis Jenkins

Dallas County Judge

Dallas County COVID-19 Health Guidance for the Public

1. **Assume personal responsibility** – Public health guidance cannot anticipate every unique situation. Residents should take responsibility, stay informed, take actions based on common sense, and follow the guidance offered by health care experts.

2. **Do an honest self-assessment** – In addition, all individuals are encouraged to perform an honest self-assessment before engaging in activities outside of the home. This assessment should include asking two questions:

- Am I healthy enough to leave the home, or do I fall into a high-risk category, based on age or other medical conditions?
- Is there someone in my home, or someone I interact with on a regular basis, who falls into a high-risk category?

If the answer to either of these questions is yes, then exercise extra caution and discretion before leaving the home. Is it a want or is it a need?

3. **Perform protective hygiene, Distance yourself physically and clean the environment** – Dallas County residents should practice good hygiene and cleaning practices to minimize the risk of transmission of the virus. These include but are not limited to the following:

- a. Wash hands with soap and water for at least 20 seconds as frequently as possible or use hand sanitizer after interactions with people or objects
- b. Stay home if ill
- c. Cover coughs or sneezes with a tissue or do it into the sleeve or elbow, not hands
- d. Clean high-touch surfaces (buttons, door handles, counters, etc.) regularly
- e. Avoid touching your face
- f. Refrain from hand shaking—use an elbow bump
- g. Physically distance and keep 6 feet between people
- h. Wear a facial covering when out in public or when in the company of others.

4. **Assess the Risk** - Individuals should assess their risk and make decisions based on their specific circumstances. Those at high risk for COVID-19 (elderly, diabetic, etc.) and those around them should use extra precautions as outlined by the Centers of Disease Control and Prevention (CDC), Texas Department of State Health Services (DSHS), and Dallas County Health and Human Services (DCHHS).

Activities	High Community Risk for COVID-19 Transmission	Moderate Community Risk for COVID-19 Transmission	Low Community Risk for COVID-19 Transmission	New Normal Risk for COVID-19 Transmission
Going to a restaurant	Individuals should avoid dine-in eating and limit to drive-through, curbside takeout or delivery. Individuals should look for safe practices in the establishment such as staff wearing facial coverings, touch-free options for payment and pickup. Avoid if over 65 or in a high risk group.	Drive-through, curbside Takeout or delivery options remain preferable. Dine-in should only be considered if tables are appropriately spaced (>6 feet), occupancy levels are low, and staff and other patrons are wearing facial coverings and observing physical distancing. Exercise extreme caution if over 65 or in a high risk group. (Facial coverings should be worn when not eating).	Dine-in in services with appropriate physical distancing (>6 feet) and moderate occupancy can be considered. Continue to seek establishments keeping staff and patrons safe by wearing facial coverings and other good practices. (Facial coverings should be worn when not eating).	Dine-in restaurants operating under proper safety precautions for staff & customers.
Going Shopping	Limit trips to once a week or as necessary. Avoid all but essential shopping and opt for delivery or curbside pick-up if available. Practice strict physical distancing while in stores and wear cloth face coverings. Avoid stores where staff are not wearing facial coverings or other safety precautions are not being enforced. Avoid if over 65 or in a high risk group.	Continue to limit trips and practice physical distancing. Trips to non-essential stores such as retail could be considered, but delivery or curbside pick-up are still preferred. Facial coverings should be worn by patrons and store employees. Avoid if over 65 or in a high risk group.	In-store shopping with physical distancing and facial coverings. Avoid crowded stores or seek alternate times to do your shopping. Shopping for non-essential items should be kept to a minimum.	Continue personal protective measures like facial coverings and physical distancing.
Travel/Tourism	Eliminate non-essential travel and group settings. For essential travel, practice strict physical distancing, wear facial coverings, and look for places with no-contact payment and staff taking appropriate precautions. Avoid all group settings or crowded areas at hotels or other facilities. Do not eat in shared dining areas. Avoid if over 65 or in a high risk group.	Avoid non-essential travel and continue practicing physical distancing and wearing facial coverings. Wipe down shared spaces frequently. Follow airline, hotel and other safety guidelines. Avoid dining in group settings in hotels or other facilities (see restaurant guidance above). Avoid if over 65 or in a high risk group.	Practice physical distancing, good hand hygiene, and wearing facial coverings. Limited non-essential travel, though travel may be considered to locations without high or medium community COVID-19 spread. Reduce and minimize time spent in group settings.	Continue personal protective measures. Non-essential travel may be considered if there is no high or medium COVID-19 community spread. Practice physical distancing and minimize time spent in group settings.
Attending Events & Entertainment	Avoid group settings. Opt for in-home entertainment options to avoid unnecessary risk. Avoid if over 65 or in a high risk group.	Attendance not recommended. Only attend events with good practices in place to ensure safe distancing restrictions. Smaller events with less than 10 people preferred. Wear facial coverings. Options like drive-in movies would be preferred if physical distancing can be maintained throughout the whole event. Avoid if over 65 or in a high risk group.	Attend events only with proper physical distancing practices in place. Opt for small to medium size events (<50 people) to avoid large group settings.	Attending events with larger groups can be considered. Practice good physical distancing and frequent hand hygiene.

<p>Visiting Outdoor Entertainment (Zoos, Arboretum, Concerts, Theme Parks)</p>	<p>Not recommended unless maintaining physical distancing is possible. All high touch surfaces should be avoided. Practice strict hand hygiene. Facial coverings should be worn by visitors and staff. Avoid if over 65 or in a high risk group.</p>	<p>Consider some entertainment options as long as physical distancing can be maintained and proper cleaning is taking place on high touch services such as tables, rides, etc. The number of people at events should remain limited, consider waiting to attend if there are crowds and physical distancing is not possible. Wear facial coverings and look for staff and other patrons to do the same.</p>	<p>Continue good personal protective measures such as facial coverings and physical distancing. Consider events that are less crowded and have better controls to keep you safe, such as capped numbers of attendees and good cleaning practices.</p>	<p>Attending events with larger groups can be considered. Practice good physical distancing and frequent hand hygiene.</p>
<p>Going to Movie Theaters</p>	<p>Not recommended.</p>	<p>Attendance not recommended unless seating is spaced to allow 6ft of space around each individual or household group. Capacity should be limited to less than 25% occupancy. Practice hand hygiene. Facial coverings should be worn by all patrons and staff due to being inside an enclosed space for a long duration of time. Look for places with good cleaning and safety practices. Avoid if over 65 or in a high risk group.. Limit food consumption from concession stands if good hand hygiene can't be maintained.</p>	<p>Practice physical distancing, hand hygiene and wear facial coverings. Continue to look for facilities with good operational practices and controls to keep you safe. Utilize good cleaning.</p>	<p>Higher occupancy rates and limited physical distancing may be allowed. If possible, continue to sit well spaced from other attendees and practice good personal protective measures including hand hygiene and wearing a facial covering.</p>
<p>Attending Religious Services/ Funerals/Large Gatherings</p>	<p>Avoid in-person attendance. Utilize virtual methods such as live streaming, or other social media-based platforms, for continuance of faith practices. Avoid if over 65 or in a high risk group.</p>	<p>In-person attendees should be limited to a number that allows full physical distancing (6 ft on all sides); ideally fewer than 10 people. Cloth facial coverings should be worn by all attendees. Hand hygiene should be practiced. Avoid specific practices that involve close interaction, touch, or shared objects. Avoid social gatherings that may precede or follow services. Avoid if over 65 or in a high risk group.</p>	<p>Maintain physical distancing and facial coverings. Limit gatherings to 50 people. Avoid specific practices that involve close interaction, touch, or shared objects. Continue wearing facial coverings.</p>	<p>Larger group attendance at religious services and funerals can be considered. If possible, continue to sit well spaced from other attendees and practice good personal protective measures including hand hygiene and wearing a facial covering.</p>

<p>Visiting Museums/Libraries</p>	<p>Not recommended unless virtual options or touchless curbside pick-up of books is available. Avoid if over 65 or in a high risk group.</p>	<p>In-person gatherings permitted, but with maintenance of strict physical distancing guidelines, thus limiting occupancy to less than 25%. Small groups advised. Look for activities and places where safe physical distancing requirements can be met. Limit trips to avoid unnecessary risk. Avoid all high touch or interactive areas or exhibits. Use facial coverings and practice physical distancing. Look for organizations with good cleaning practices and attendance controls to reduce crowds. Practice good hand hygiene if you must use shared items like a library computer. Avoid if over 65 or in a high risk group..</p>	<p>Attendance at facilities with moderate number of people (less than 50%) if desired, but still not preferred. Continue to avoid high touch areas and exhibits. Good hand hygiene should be used if sharing items like computers. Continue physical distancing as possible and facial coverings should still be worn.</p>	<p>Avoid crowded areas or peak times for facilities to reduce time spent in large crowds. Practice good personal hygiene and protective measures.</p>
<p>Using Personal Services (Barber Shops; Nail Salons; Hair Salons and similar services)</p>	<p>Not recommended.</p>	<p>Individuals should only visit businesses operating under strict hygiene protocols with hand hygiene, physical distancing, facial coverings, and aggressive cleaning of high touch services. Limit capacity to 25% occupancy (can use shifts to increase productivity). Service providers and customers should wear cloth face coverings. Avoid if over 65 or in a high risk group.</p>	<p>Individuals should only visit businesses operating under strict hygiene protocols with hand hygiene, physical distancing, facial coverings, and aggressive cleaning of high touch services. Limit capacity to 50% occupancy (can use shifts to increase productivity). Service providers and customers should wear face coverings.</p>	<p>Individuals should only visit businesses operating under strict hygiene protocols with hand hygiene, physical distancing, aggressive cleaning of high touch services, facial coverings and symptom monitoring.</p>
<p>Home Repair</p>	<p>Avoid non-emergency repairs. If emergency repairs are required, practice strict physical distancing from workers and assure all individuals practice hand hygiene and are wearing facial coverings. Avoid if over 65 or in a high risk group.</p>	<p>Consider only emergency or non-cosmetic repairs. Continue physical distancing and make sure workers practice hand hygiene and are wearing facial coverings. Exercise extreme caution if over 65 or in a high risk group.</p>	<p>Continue physical distancing and make sure workers are wearing facial coverings if physical distancing is not possible.</p>	<p>Continue physical distancing and make sure workers are wearing facial coverings.</p>
<p>Going to Gyms</p>	<p>Not recommended. At home workouts or walks/running recommended with physical distancing. Clean equipment before and after use. Avoid if over 65 or in a high risk group.</p>	<p>Not recommended. Only personal training or individual fitness classes with appropriate physical distancing, facial coverings and hygiene precautions in place can be considered. Outdoor fitness classes with social distancing and non-shared equipment should be considered. Clean equipment before and after use. Avoid locker rooms. Do not use saunas or spas. Avoid if over 65 or in a high risk group.</p>	<p>Use facilities with reduced number of attendees (<25% capacity). Implement aggressive hand hygiene, strict cleaning practices and physical distancing (spacing of workout equipment) strongly recommended. Continue to avoid locker rooms. Do not use saunas or spas.</p>	<p>Use facilities where hand hygiene is made available and strict cleaning measures are in place and seek to work out during less busy times. Clean equipment before and after use. Individuals should shower and change at home to avoid locker room settings.</p>

Visiting Public Swimming Pools	Not recommended.	Not recommended unless strict protocols are in place such as swimming in lanes only or staying well-spaced within the pool. Do not use locker rooms. Look for facilities with good cleaning practices, avoid all high touch surfaces and practice good hand hygiene after touching any necessary surface like pool ladder rails. Do not eat in the pool area. Avoid if over 65 or in a high risk group.	Swimming should only be considered with physical distancing in pools. Avoid all group settings related to pool activity. Make sure lounge chairs or beach towels are spaced appropriately. Maintain family groups. Do not use locker rooms or other high touch facilities unless absolutely necessary. Continue good personal hygiene practices including hand hygiene.	Perform hand hygiene before eating in the pool area.
Participating in Individual Sports (Golf, running, etc.)	Use areas where physical distancing can be maintained and no equipment should be shared. Wipe equipment before and after use. Spread out times for appointments or tee times. Wear facial covering when golfing in groups.	Acceptable as long as safe distancing can be maintained and no equipment should be shared. Wipe equipment before and after use. Spread out times for appointments or tee times. Perform hand hygiene frequently. Exercise extreme caution if over 65 or in a high risk group.	Acceptable as long as safe distancing can be maintained and no equipment should be shared. Wipe equipment before and after use. Perform hand hygiene frequently.	Acceptable as long as safe distancing can be maintained and no equipment should be shared. Perform hand hygiene frequently.
Participating in Team Based Recreational Sports	Not recommended.	Small group non-contact sports like tennis could be considered in groups of 2-4 people, ideally within household groups. Avoid sports like soccer, baseball, basketball, football outside household groups. Practice good hand hygiene following activities. Clean equipment before and after use. Avoid if over 65 or in a high risk group.	Small to medium group sports with limited contact could be considered. Shared equipment should be avoided as well as locker rooms or group settings. Practice good hand hygiene following activities. Clean equipment before and after use.	High contact sports like wrestling should still be avoided. Practice good hand hygiene following activities. Clean equipment/mats before and after use.
Getting healthcare	Avoid non-emergency routine care such as routine physicals or dental cleaning; however, call your provider if you are concerned about your health for further instructions. Use telehealth interactions when possible. Exercise extreme caution if over 65 or in a high risk group.	Reduce unnecessary visits. Work with your individual providers to determine appropriate care. Use telehealth interactions when possible. Avoid non-urgent elective procedures. Exercise extreme caution if over 65 or in a high risk group.	Work with your individual providers to determine appropriate care.	Return to normal visits. Follow recommendations of your provider.

This Dallas County guidance system for the risk of activities that may put the public at risk of acquiring COVID-19 is based on guidance from the state of Texas and the CDC. The system includes four levels of risk: **red**, **orange**, **yellow**, and **green**. Local infectious disease specialists and public health experts will use the latest information on local disease activity to advise county officials on the risk level that applies. Specific indicators for relaxation of activity level include:

- A progressive decrease in daily COVID-19 hospital admissions in the county over more than 14 days.
- A progressive decrease in daily COVID-19 ICU admissions in the county over more than 14 days
- A decreasing trend in the daily number of COVID-19 deaths over more than 14 days

On the other hand, a progressive increase in any of these indicators might lead to moving back temporarily to a higher level of restriction.

Red is the level of guidance Dallas County functions under current shelter in place orders. It translates to STAY HOME, STAY SAFE, only travel for essential needs, and restrict activities and gatherings, enhances protections for high-risk individuals such as the elderly, limits food service, and suggests no personal care services. Each level of guidance after red becomes less restrictive and corresponds to improvement in the COVID-19 epidemic indicated by having fewer hospital, ICU admissions and deaths. After 14 days of improvement in these indicators, the risk will be downgraded from red to orange. Then if the metrics are met for another 14 day period the level can be safely downgraded from orange to yellow, etc. The goal of this system is to protect you and those around you from COVID-19 infection. **Green** is the lowest level and represents the new normal needed to protect the community from a return of COVID-19 and appearance of future pandemics.

The color-coded guidance system was put together under the leadership of the Public Health Subcommittee of the Economic Recovery Committee and the DCHHS, to provide specific direction to Dallas County residents.

Follow guidance – Public health and economic opportunity are linked. Residents are urged to strictly follow the protective measures of each color to maintain their own health and avoid a resurgence of the epidemic that would cause greater economic harm.

Refinements to this guidance will be made by the Dallas County Judge with input from the Economy Recovery Committee.

References:

<https://gov.texas.gov/uploads/files/organization/opentexas/OpenTexas-Report.pdf>
<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>
<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/social-distancing.html>
<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>
<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>
<https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/visitors.html>
<https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/index.html>
<https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html>
<https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/index.html>
<https://www.cdc.gov/coronavirus/2019-ncov/travelers/index.html>
<https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/guidance-community-faith-organizations.html>

The Disproportionate Impact of the COVID-19 Pandemic on People of Color: Implications for Disparate Responses to Jury Summons

Rogelio Sáenz
University of Texas at San Antonio

Submitted on May 18, 2020

While the COVID-19 pandemic has impacted the lives of all Americans, it is clear that people of color have disproportionately borne the brunt of the rampage of the virus. Due to major disparities along racial and ethnic lines, people of color continue to have limited resources and occupy marginalized positions in our society that make them especially vulnerable when calamities, such as the COVID-19 pandemic, hit our communities. There is growing evidence in the form of media accounts and empirical data that have demonstrated the vulnerability of people of color in the midst of the pandemic. This report provides an overview of the Latino and Black populations in the seven counties that comprise the Dallas Division of the Northern District of Texas. The evidence provided in this report makes clear that convening a jury at the peak of the COVID-19 pandemic will disproportionately exclude Latino and Black jurors. My qualifications to analyze these data and offer the opinions in this report are reflected in my attached curriculum vitae.

The Evidence from Polls

Several major national and Texas surveys have found that the COVID-19 pandemic has inordinately hurt people of color. For example, early on as the COVID-19 virus made its way into the United States, the Pew Research Center conducted a survey of U.S. residents during the March 10-16 period. The results show that Latinos expressed more serious concerns regarding how the virus would impact the country as well as their own lives and their families.¹ About two-thirds (65%) of Latinos, compared to less than half (47%) of all respondents, viewed the COVID-19 virus as representing a major threat to the health of Americans. Latino respondents were also more likely than the general public to see the pandemic as a major threat to their personal financial situation (50% compared to 34% of the general public), day-to-day life in their community (49% compared to 36%), and to their own personal health (39% compared to 27%). The findings also illustrate the worry that Latinos have about losing their jobs. Jens Manuel Krogstad and his colleagues report that “Around two-thirds of employed Hispanic adults (66%) say they would not get paid if the coronavirus caused them to miss work for two weeks or more, including about half (47%) who say it would be difficult to meet expenses during this time.”² Significantly fewer of the total sample of the survey expressed such concerns—54% and 33%, respectively. A subsequent Pew Research Center poll, conducted on March 19-24, observed that half of Latino survey participants reported that they or someone in their household had taken a pay cut or lost their job due to the COVID-19, compared to one-third of the overall respondents.³

In addition, Latino Decisions conducted another national survey of Latino adults on April 7-12 to gauge their thoughts regarding the COVID-19 pandemic.⁴ I highlight here some of their most significant findings:

- 22% of Latino respondents indicated that a friend or family member has become ill due to the coronavirus.
- 34% of Latinos reported that one or more children in their home are taking online classes.
- 36% of Latinos who continue to work outside of their home revealed that they do not feel safe performing their job now because the job does not have the necessary procedures or equipment to protect them from becoming infected.
- 43% of Latino survey participants express that their city or country has a serious problem with coronavirus, and many people in their community, including themselves, are at risk of getting sick from it.
- 59% were very concerned that a close family member or friend will become seriously ill from the coronavirus.
- 50% were very concerned that someone in their household will lose their job.

Furthermore, a recently released study by the Associated Press (AP) based on data from the U.S. Census Bureau demonstrates that women and people of color are disproportionately represented among front-line workers.⁵ Women account for 62% of front-line workers in the 11 most populous Texas cities with people of color, particularly Latinos, also representing the majority of the front-line workforce. The AP study also observes that front-line workers lack a much of a safety net as evidenced by high rates of poverty and the lack of health insurance.

Moreover, the latest University of Texas/Texas Tribune (UT/TT) Poll of Texas' registered voters illustrates how the COVID-19 pandemic is affecting Texans of color much more so than whites.⁶ Jim Henson and Joshua Blank observe that "The long, initial shock of the new coronavirus is beginning to give way to the grind of long-existing problems, like across-the-board disparities experienced by black and Hispanic people in the health care system."⁷ The UT/TT Poll demonstrates that people of color, particularly Latinos and Blacks, expressed much greater concern about contracting the virus, losing their job, and not being able to pay their bills including rent.⁸ For example, three-fifths of Latinos and Blacks reported high levels of concern that they or someone that they know will get the virus, compared to half of whites. In addition, nearly 27% of Latinos in the sample were unemployed as were 20% of African Americans, compared to nearly 12% of whites.

Finally, a joint report from the Communities Foundation of Texas and the Center for Public Policy Priorities released last month highlights the widening socioeconomic gap between Whites and people of color in Dallas County.⁹ The report finds that 11 of Dallas County's 529 census tracts have the majority of people living in poverty with the residents of these impoverished areas being predominantly people of color. The report also notes that Latino and Blacks in Dallas County earned less than 60 cents for every dollar that Whites make.

COVID-19 Cases and Deaths

There is growing recognition that people of color throughout the country are more likely than whites to contract the COVID-19 virus and to succumb from it. For example, early on it was becoming clear that Blacks were inordinately overrepresented among people getting the virus and dying from it. Data clearly demonstrated very high percentages of African Americans dying from the disease compared to their relative size in the population in such cities as Chicago, Detroit, New York City, and Milwaukee.¹⁰ In addition, my own research shows that Latinos are overrepresented among people who have contracted the COVID-19 virus compared to their relative size in the population in 29 of the 35 states that provide data for Latinos who have contracted the disease.¹¹ My analysis also shows that while at first glance, it appears that Latinos are disproportionately underrepresented among people dying from the COVID-19 virus, this is due to the youthfulness of the Latino population. In a few instances, where states and New York City provide deaths broken down by age, age-adjusted death rates clearly show higher infection and death rates among Latinos compared to Whites. Thus, in the case of infections, the proportions of Latino Californians contracting the infection are twice as high compared to Whites across all age groups from children (0-17) to the elderly (65 and older). In the case of death, the proportion of Latinos 18 to 49 years of age in California are five times higher than that of Whites, three times higher in the case of persons 50 to 64 years of age, and twice as high among persons 65 and older.

Having provided an overview of the disproportionate impact of the COVID-19 pandemic on people of color across a wide dimension of their lives, we now turn to the Dallas Division of the Northern District of Texas.

The Geographic Context

The Dallas Division of the Northern District of Texas is comprised of seven counties in the Dallas area. The seven counties include Dallas, Ellis, Hunt, Johnson, Kaufman, Navarro, and Rockwall. Statistical figures used in the report are aggregated across the seven counties to form population estimates, percentages, medians, and rates for the Dallas Division of the Northern District of Texas. Nonetheless, because of data limitations for counties aside from Dallas County, in a few instances data are only presented for Dallas County or for the Dallas-Fort Worth-Arlington Metropolitan Area.

Data Sources and Methodology

The analysis that I conduct are based on data that I have extracted and analyzed from five sources: 1) 2018 American Community Survey (ACS) Five-Year Estimates from the U.S. Census Bureau representing the 2014-2018 period;¹² 2) CDC WONDER data from the Centers for Disease Control and Prevention representing the 2014-2018 period;¹³ 3) University Health System Population Health data for life expectancies at birth based on death rates for the 2005-2014 period;¹⁴ 4) COVID-19 cases and deaths from the Dallas County Health and Human

Services COVID-19 data portal;¹⁵ and 5) the April 2020 Current Population Survey obtained from the University of Minnesota's Integrated Public Use Microdata Series (IPUMS) for monthly job activity between January and April 2020.¹⁶

The data collectively represent a variety of dimensions related to demography, health, socioeconomic status, mortality, COVID-19 cases and deaths, and workforce patterns. The analysis involves comparisons for three racial and ethnic groups: Blacks, Latinos, and Whites. Latinos represent an ethnic category with persons from the group being from any particular race. Whites include persons who are non-Hispanic. With the exception of the ACS data which includes Hispanic and non-Hispanic persons who identify as Black, the data from the other four sources are based on non-Hispanic Blacks.

Results

In this section, results of the analyses carried out using the five data sources will be presented. The presentation of the results will be based on residential patterns, demographic characteristics, health-related matters, socioeconomic status, mortality, COVID-19 cases and deaths, and recent job activity. These seven areas represent the ways in which Latinos and Blacks are disproportionately at greater risk of contracting the virus, dying from it, as well as how their geographic mobility is hindered, including appearing for jury duty in the height of the pandemic.

Residential Patterns

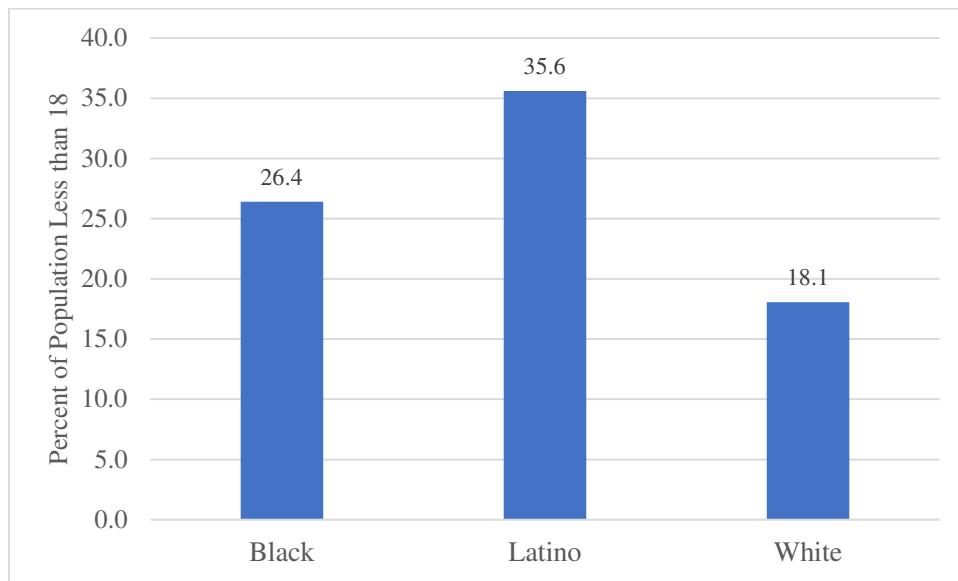
The seven counties comprising the Dallas Division of the Northern District of Texas together contain nearly 3.3 million people with Dallas County accounting for the large majority (79%) of the overall population. While the majority of members of the three racial and ethnic groups reside in Dallas County, persons of color are much more likely to be concentrated in this county with 92% of Blacks and 88% of Latinos making their home in Dallas County compared to 62% of Whites. In the seven-county district Whites account for 37.5% of the population, Latinos for 36.0%, and Blacks for 19.1%. In Dallas County, Latinos are the plurality with 39.9% followed by Whites at 29.6% and Blacks at 22.1%. In contrast, Whites comprise more than two-thirds (67.4%) of the populations of the six suburban counties with more than one-fifth being Latino (21.3%) and less than one-tenth being Black (7.7%).

Demographic Characteristics

The COVID-19 pandemic has completely altered our lives and daily routines. Parents who have children have seen their daily grind altered significantly as schools are closed and they must care for or arrange for the care of their children. Latinos, in particular, and to some extent Blacks are more likely to have to deal with this situation compared to Whites. In the seven-county region children less than 18 years of age make up 36% of the overall Latino population, a level twice as high as the 18% that children comprise of the White population. (Figure 1). Children also make up a larger share of the Black population compared to the White population. It is obvious that

childcare in the COVID-19 becomes more of a challenge for people of color compared to Whites who are less likely to have children. The varying age structures can also be observed with the median age of the population across the seven-county district with Latinos having a median age of 26.5, 34.1 among Blacks, and 43.4 among Whites.

Figure 1. Percent of Population Less than 18 Years of Age by Race/Ethnic Group, 2014-2018¹²



Source: 2018 American Community Survey Five-Year Estimates

Furthermore, households in which grandparents are raising their grandchildren less than 18 years of age are more common among persons of color compared to Whites. Indeed, one out of 20 Latino households in the seven-county district consists of a grandparent raising his/her grandchildren as is the case with one of 25 Black households, but only one of 50 White households.

Black and particularly Latino adults are more likely than Whites to have to make childcare arrangements in the midst of the COVID-19 pandemic, which may well result in persons of color being less likely than whites to appear for jury duty.

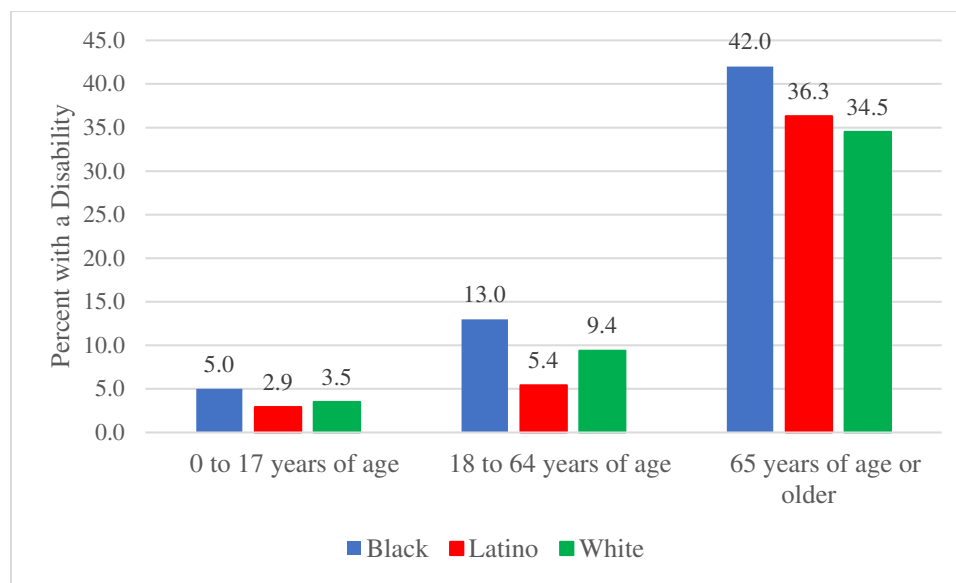
Health-Related Matters

In the COVID-19 pandemic risks increase with preexisting chronic health conditions alongside limitations concerning access to health care. People of color and the poor are particularly likely to suffer from such medical conditions as obesity, heart disease, cancer, diabetes, hypertension, kidney disease, and lung disease.¹⁷ There is growing concern that areas, primarily in the South, that have not peaked in COVID-19 cases and deaths may see rising numbers of COVID-19 victims among persons with preexisting medical problems as businesses start to open throughout

the country.¹⁸ Unfortunately, the ACS data have limited information regarding health—these data are restricted to disability and health insurance coverage.

In the pandemic era, people’s mobility is likely to decline when individuals or loved ones have a disability that limits movement and activity. Across the three age categories (0-17, 18-64, and 65-and-older), Blacks have the highest percentages of persons who have one or more disabilities with rates lower for Whites as well as for Latinos (Figure 2). Blacks have disability rates that are 43% higher than Whites among children, 38% higher among persons 18 to 64 years of age, and 22% higher in the case of persons 65 and older. The relatively low disability levels of Latinos, in part, reflects the selectivity of immigrants who are drawn from the healthiest segments of the populations from their countries of origin, part of the Latino epidemiological paradox where Latinos have more favorable health and mortality outcomes despite a host of factors that tend to predispose them to less favorable outcomes.¹⁹

Figure 2. Percent of Persons with One or More Disabilities by Race/Ethnic Group and Age, 2014-2018¹²

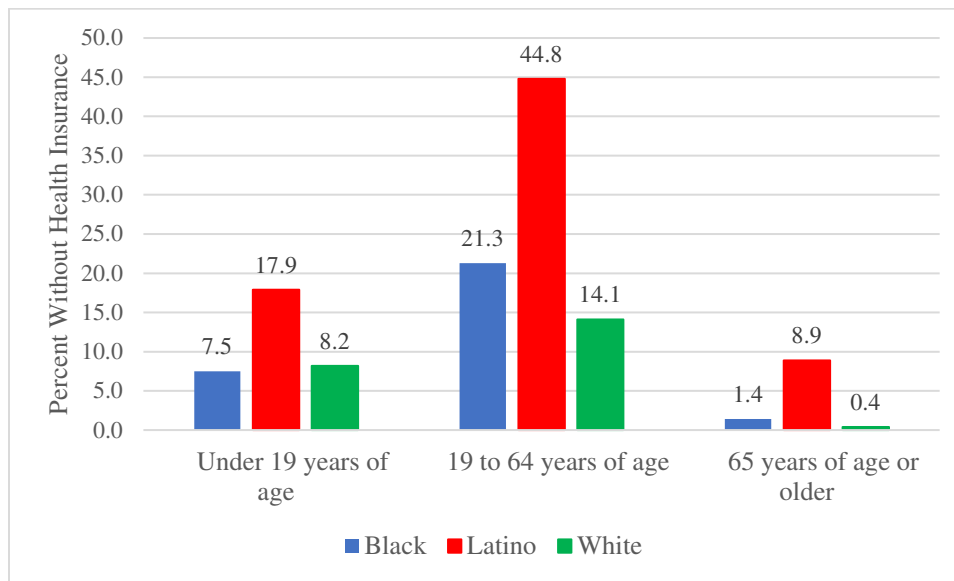


Source: 2018 American Community Survey Five-Year Estimates

People of color are also more likely to lack health insurance coverage compared to Whites. However, Latinos, in particular, have elevated percentages without health insurance with 18% of persons less than 19 years of age lacking this health security, 45% of persons 18 to 64 years of age, and 9% of persons 65 and older (Figure 3). The lack of insurance represents a major challenge in the COVID-19 era especially for workers, such as Latinos and Blacks, who are disproportionately on the frontlines with limited personal protection equipment (PPE).²⁰ People without health insurance are likely to try to limit their movement to a greater extent compared to those with insurance coverage in order to protect themselves and their families from contracting the virus.

High levels of disability among Blacks and the lack of health insurance coverage particularly among Latinos place people of color in vulnerable positions. In the midst of the pandemic, the movement of persons with more serious disabilities and that of their family members is likely to be restricted and caution rising for persons who do not have health insurance coverage.

Figure 3. Percent of Persons Without Health Insurance Coverage by Race/Ethnic Group and Age, 2014-2018¹²



Source: 2018 American Community Survey Five-Year Estimates

Socioeconomic Status

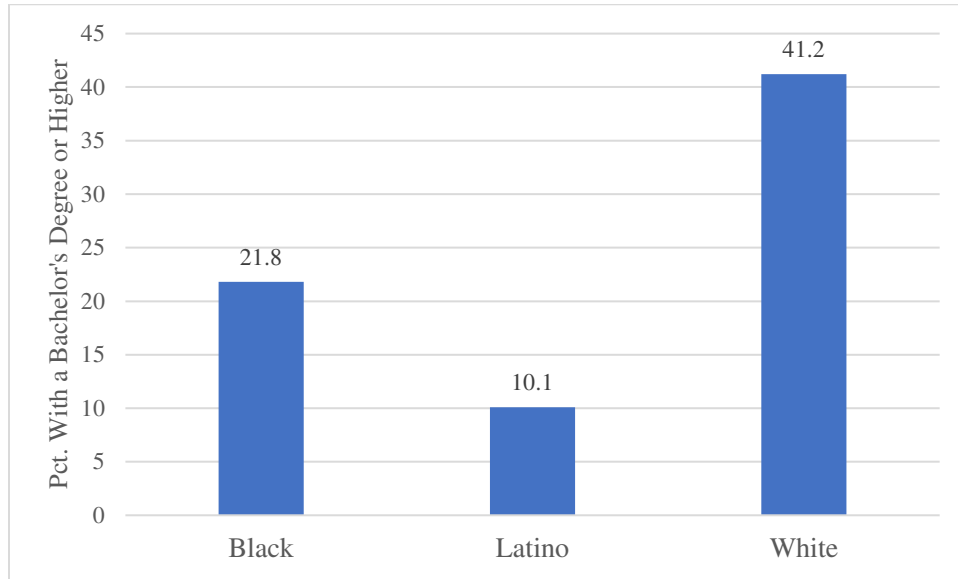
Throughout the history of the United States, there has been a major racial gap in socioeconomic status. Whites have enjoyed higher levels of socioeconomic resources, including favorable educational, occupation, housing, and residential advantages over people of color. I examine several socioeconomic characteristics in the seven-county district.

There are major educational disadvantages across racial and ethnic groups in the Dallas region. More than two-fifths of Whites 25 years of age and older in the seven-county district have a bachelor's degree or higher, a level that is twice that of Blacks and four times the level of Latinos (Figure 4). Just over one-fifth (21.8%) and one-tenth (10.1%) of Latinos are college graduates. In fact, only 54% of Latinos have a high school diploma or its equivalency compared to 89% of Blacks and 93% of Whites.

There are also racial and ethnic differences in the employment front. Blacks, in particular, are significantly more likely to not be working. In the 2014-2018 period, only two-thirds of Blacks 16 to 64 years of age were working compared to three-fourths of Whites (Figure 5). In addition, Blacks at that time had an unemployment rate that was twice as high as that of Whites. We will

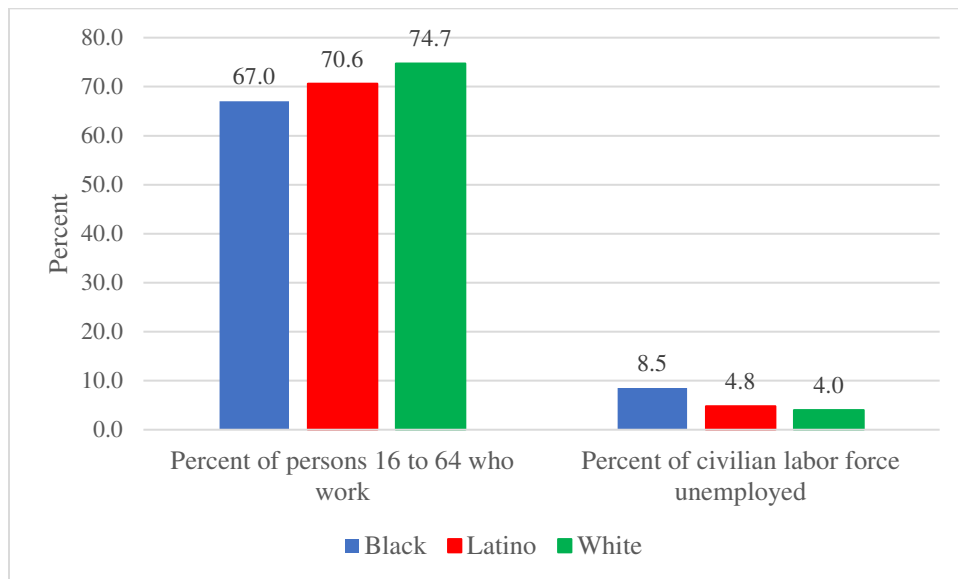
examine in a subsequent section the current employment situation in the region during the pandemic outbreak.

Figure 4. Percent of Persons 25 and Older With a Bachelor’s Degree or Higher by Race/Ethnic Group, 2014-2018¹²



Source: 2018 American Community Survey Five-Year Estimates

Figure 5. Percent of Persons 16 to 64 Years of Age Working and the Percent of the Civilian Labor Force That is Unemployed by Race/Ethnic Group, 2014-2018¹²

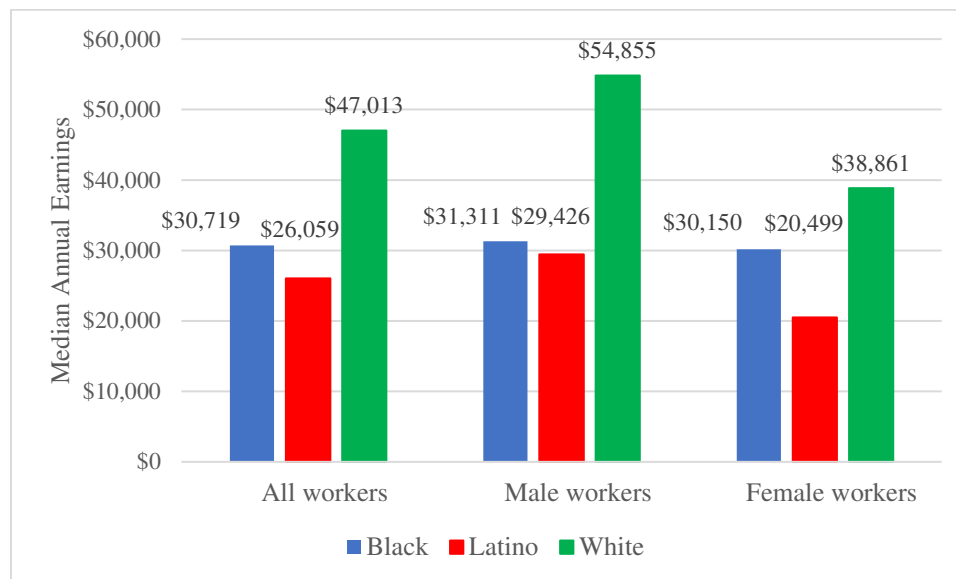


Source: 2018 American Community Survey Five-Year Estimates

There are major racial and ethnic disparities in the annual earnings of workers. Whites enjoy the highest earnings from their jobs with Blacks and Latinos faring much worse. In particular, White men (\$54,855) and White women (\$38,861) have the two highest median earnings (Figure 6). As a whole, for every \$1 that White workers make, Latino workers earn 55 cents and Black workers 65 cents. Latino men (\$29,426) and Latina women (\$20,499) have the lowest earnings.

Figure 6. Median Earnings in the Past 12 Months by Race/Ethnic Group and Gender, 2014-2018¹²

[Median income in 2018 dollars]



Source: 2018 American Community Survey Five-Year Estimates

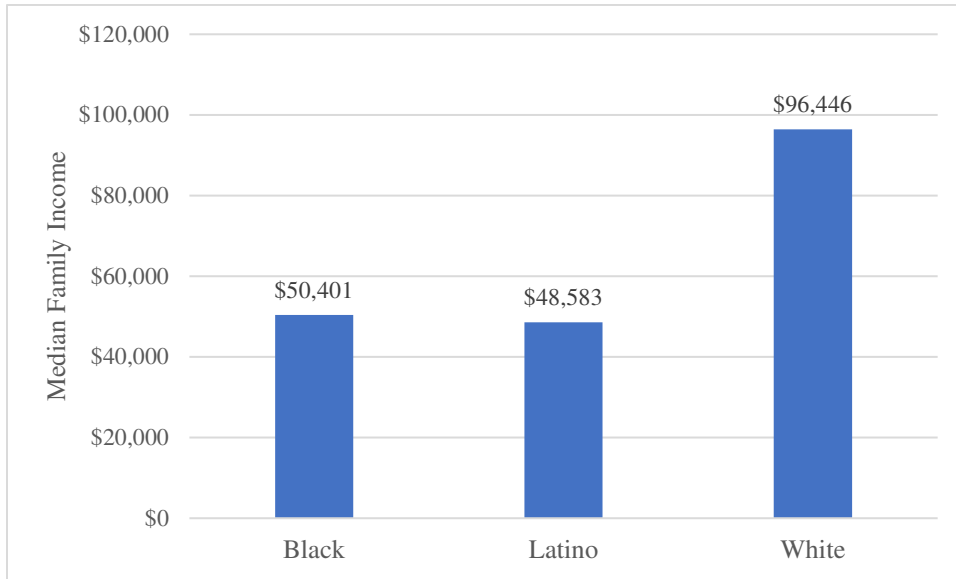
The economic gaps along racial and ethnic groups also exist when we examine the median income of families. While the median income of White families nears \$100,000, those of people of color hover around the \$50,000 range (Figure 7). As is the case with the annual earnings of workers, Latino families also have the lowest median income (\$48,583). For \$1 that White families bring in, Latino families make only 50 cents and Black families 52 cents.

Furthermore, there is a major poverty gap along the lines of color in the seven-county district. Nearly one of five Latino (18.9%) and Black (18.0%) families have incomes that fall below the poverty threshold associated with families of their respective size and composition compared to only one in twenty White families (Figure 8). Indeed, Latino and Black families have a poverty rate that is nearly four times higher than that of Whites.

The analysis based on the American Community Survey paints a very grim portrait of the socioeconomic disparities representing the very low socioeconomic standing of Latinos and Blacks in the Dallas area. To complicate matters, they have demographic and health-related attributes that dramatically change their lives in the current virus outbreak. Indeed, during the pandemic, having children at home, having a disability or a family member having one, lacking

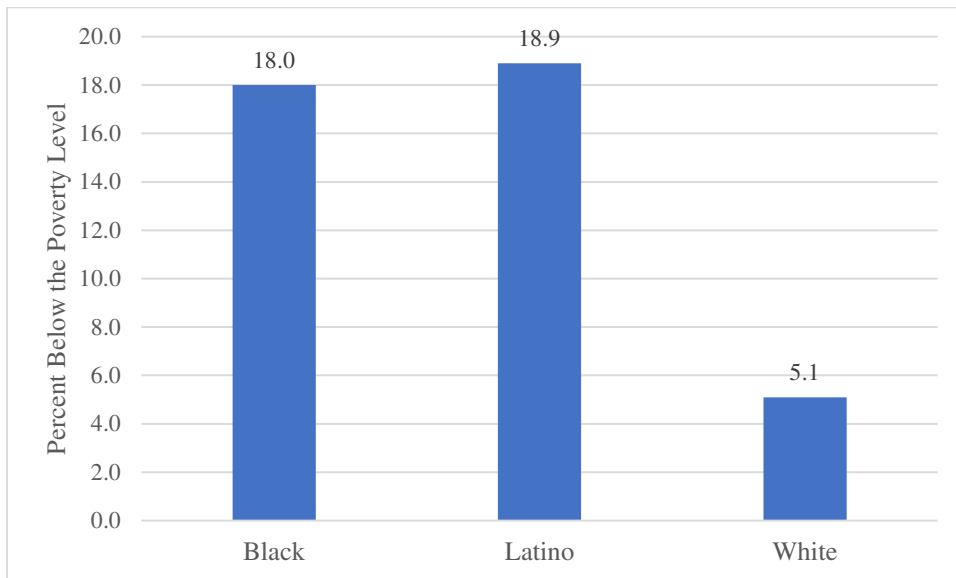
health insurance coverage, and possessing limited socioeconomic resources puts Latinos and Blacks at risk of decreasing mobility and heightening concerns regarding the COVID-19 virus.

Figure 7. Median Family Income by Race/Ethnic Group, 2014-2018¹²
 [Median income in 2018 dollars]



Source: 2018 American Community Survey Five-Year Estimates

Figure 8. Percent of Families Below the Poverty Level by Race/Ethnic Group, 2014-2018¹²



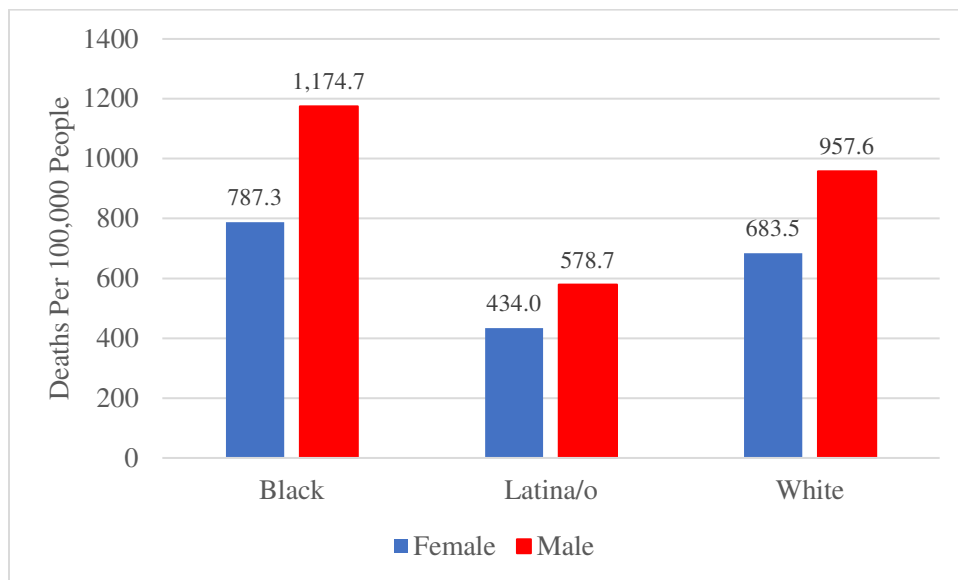
Source: 2018 American Community Survey Five-Year Estimates

Mortality Patterns

Research has consistently shown disparities in the probability of deaths associated with race and socioeconomic status. People of color, in general, and the poor tend to have elevated death rates and lower life expectancies compared to Whites and people who are better off socioeconomically. I use data from the Centers for Disease Control and Prevention and from the University Health System Population Health to conduct this section of the analysis.

Blacks have particularly high death rates and shorter longevity compared to Whites and, paradoxically, Latinos. Figure 9 shows the age-adjusted death rates (AADR) of the three racial and ethnic groups in the seven-county region. The AADR represents the number of persons dying per 100,000 persons in the population over the 2014-2018 period. The AADR takes into account age differences across racial and ethnic groups to maximize accuracy when comparing groups that differ on their age structure. The death rate of Black men is 23% higher than that of White men, while that of Black women is 15% higher than the rate of White women. However, the death rates of Latina/os are even lower than those of Whites. This phenomenon is commonly referred to as the Latino epidemiological paradox, which suggest that Latinos have low death rates and high longevity despite having socioeconomic characteristics that predispose them to worse health and mortality outcomes.²¹

Figure 9. Age-Adjusted Death Rates by Race/Ethnic Group and Gender, 2014-2018¹³
[Deaths per 1000,000 people in the population]

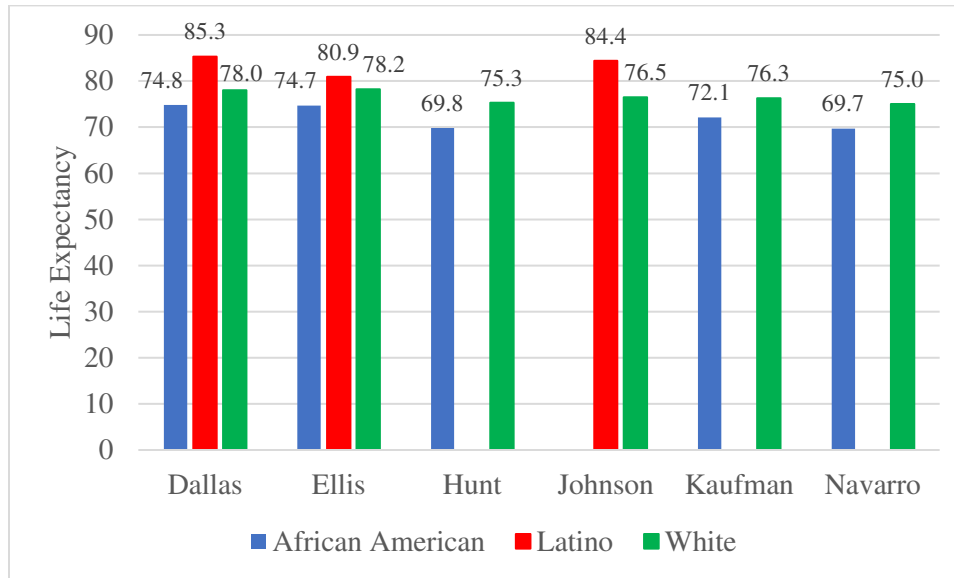


Source: Center for Disease Control and Prevention

These patterns associated with death rates are consistent with life expectancy at birth. Data from the University Health System Population Health are used to examine variations in life expectancies across the three racial and ethnic groups. Figure 10 provides the life expectancy at births for the six counties in the seven-county district for which data are available for Blacks and Latinos. Blacks have the lowest life expectancies across the counties ranging from a low of approximately 70 in Hunt and Navarro Counties to a high of nearly 75 in Dallas County. The

life expectancies of Latinos, consistent with the Latino epidemiological paradox, are at the highest level. Nonetheless, despite the favorable mortality outcomes of Latinos, research shows that they live long lives, but do so with high levels of chronic health problems such as diabetes, obesity, and disability,²² conditions that heighten the risk of contracting and succumbing to COVID-19.

Figure 10. Life Expectancies at Birth for Selected Counties in the Dallas Region by Race/Ethnic Group, 2005-2014¹⁴



Source: University Health System Population Health

Data from the Centers for Disease Control and Prevention are also available to examine the prevalence of causes of death across the three racial and ethnic groups. I focus here on nine causes of death that are commonly associated with preexisting chronic health problems that increase vulnerability to the COVID-19 virus.²³ Because of limited data for the six suburban counties, the analysis is limited to Dallas County.

Table 1 presents age-adjusted death rates (per 100,000 persons in the population) for the nine causes of death for males and females across the racial and ethnic groups over the 2014-2018 period. Blacks again exhibit the most unfavorable outcomes accounting for the highest death rates in seven of the nine causes of death. Blacks have death rates that are 1.7 times higher than those of whites in certain causes of death including HIV disease for males (2.6 times higher); diabetes (2.5 times higher for women; 1.7 times higher for males); nephritis, nephrotic syndrome, and nephrosis (2.4 times higher for women; 1.7 times higher for males); essential hypertension and hypertensive renal disease (1.8 times higher for females and males); and cerebrovascular diseases (1.7 times higher for males). Latinos have the highest deaths rates for chronic liver disease and cirrhosis and also have higher death rates than Whites in two causes of death (diabetes; and nephritis, nephrotic syndrome, and nephrosis).

The mortality data clearly demonstrate the disparities that exist with Blacks having particularly high levels of mortality and dying at high rates from the preexisting chronic health conditions that increase the risks of contracting and dying from the COVID-19 virus. While Latinos fare well with respect to relatively low mortality rates and high longevity, they also have noticeable preexisting chronic problems that increases their vulnerability in the face of the pandemic.

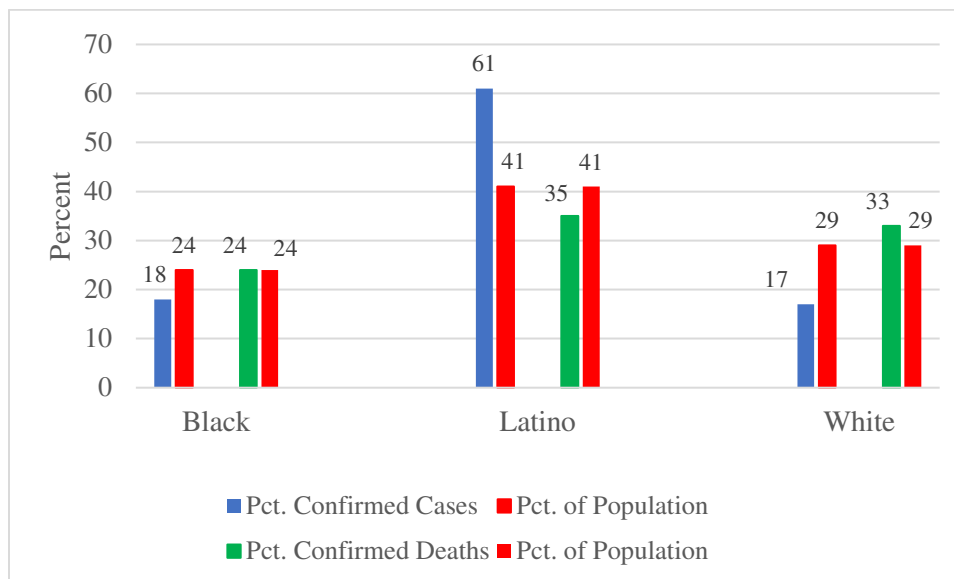
Table 1. Age-Adjusted Death Rates for Selected Causes of Death in Dallas County by Race/Ethnic Group and Gender, 2014-2018¹³

Selected Causes of Death by Gender	Black	Latina/o	White
<u>Female:</u>			
Human immunodeficiency virus (HIV) disease	4.3	---	---
Malignant neoplasms	165.2	90.7	134.3
Diabetes mellitus	26.4	16.0	10.4
Diseases of heart	176.3	78.2	129
Essential hypertension and hypertensive renal disease	12.2	4.5	6.7
Cerebrovascular diseases	62.0	35.9	44.9
Chronic lower respiratory diseases	27.0	9.8	43.4
Chronic liver disease and cirrhosis	4.9	9.2	9.1
Nephritis, nephrotic syndrome, and nephrosis	28.8	19.1	12.1
<u>Male:</u>			
Human immunodeficiency virus (HIV) disease	13.3	2.7	5.1
Malignant neoplasms	241.7	109.6	187.7
Diabetes mellitus	33.1	24.1	19.7
Diseases of heart	304.7	125.7	228.1
Essential hypertension and hypertensive renal disease	12.9	4.8	7.2
Cerebrovascular diseases	73.8	40.5	43.7
Chronic lower respiratory diseases	41.9	13.5	46.5
Chronic liver disease and cirrhosis	12.7	19.7	17.3
Nephritis, nephrotic syndrome, and nephrosis	32.1	20.5	18.9

Source: Centers for Disease Control and Prevention

Six of the seven counties in the Dallas district have a data portal with information on COVID-19 cases and/or deaths, the exception being Johnson County. However, only Dallas County provides data broken down by race and ethnic group. I focus this part of the analysis on this county. The analysis also includes only those cases and deaths for which race and ethnicity are provided. In Figure 11, the percentage distribution of COVID-19 cases by race and ethnicity is shown in blue, that of deaths is depicted in green, and the percentage representation of each racial and ethnic groups is shown in red. The results clearly show that Latinos in Dallas County are disproportionately overrepresented among persons who have contracted the virus. While Latinos make up 41% of the county's population, they account for 61% of COVID-19 cases. Whites are the most underrepresented among people who have caught the virus, comprising 29% of the county's population but only 17% of cases. Blacks are also somewhat underrepresented among COVID-19 cases.

Figure 11. Percentage of COVID-19 Cases and Deaths in Comparison to the Percentage Representation in the Population of Dallas County by Race/Ethnic Group, March 10 to May 15, 2020¹⁵



Source: Dallas County Health and Human Services

We now turn attention to COVID-19 deaths. The results are different. In this case, Whites are slightly overrepresented among people who have succumbed to the virus, accounting for 29% of the county population but 33% of deaths. In contrast, Latinos are a bit underrepresented among the fatalities while Blacks have the same share of deaths as in the overall county population.

What could explain the overrepresentation of Whites among the deceased? It is likely that differences in the age structures of the three groups account for this finding. Recall that Whites and Latinos are polar opposite with respect to their age structures with Blacks in the middle. Whites have a median age of 44.6 in Dallas County compared to a median age of 26.6 for

Latinos. Children are disproportionately represented among Latinos while seniors make up a much larger share among Whites. Thus, children less than 18 years of age account for more than one of every three (35.4%) Latinos in Dallas County while they make up less than one of seven (15.3%) Whites in the county. In contrast, persons 65 and older represent one of every five (19.4%) Whites but only one of every 23 Latinos (4.3%). As such, Whites are disproportionately represented among the age groups where the probability of contracting and dying from the virus is high while Latinos are clustered in the younger ages where the odds of getting the disease or dying from it are low. In my own research on COVID cases and deaths across states, I observed that Latinos are underrepresented among all but one state that provided death data for Latinos.²⁴ I then focused on a few states that provide COVID-19 deaths broken down by age and proceeded to compute age-adjusted death rates (AADR). For all of the areas for which age-specific death data were available, Latinos had higher death rates from the virus compared to Whites once age adjustments were made. Unfortunately, the Dallas County race and ethnic data for COVID-19 cases and deaths are not broken down by age, which does not allow for the computation of AADRs for Latinos, Blacks, and Whites, groups that vary greatly in their age composition.

The COVID-19 cases and deaths indicate that Latinos have been tremendously impacted by the virus, accounting for slightly more than three-fifths of people who have contracted the virus. While they are underrepresented among fatalities, it is likely that this is due, in part, to its young age structure of the Latino population.

We now turn to another dimension that has been impacted tremendously by the COVID-19 pandemic.

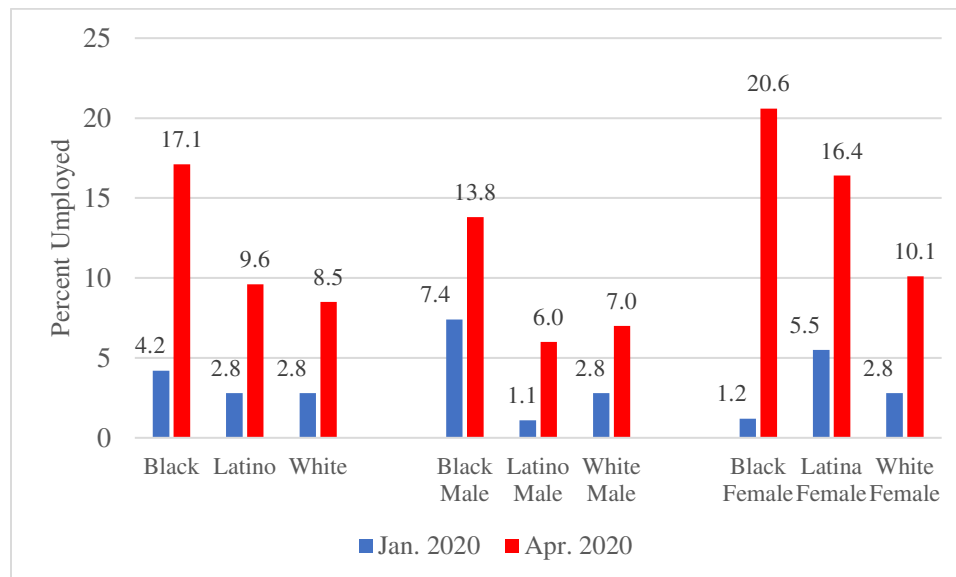
Job Loss

The U.S. Census Bureau/Bureau of Labor Statistics just last week released its April 2020 Current Population Survey (CPS) through the Integrated Public Use Microdata Series (IPUMS) at the University of Minnesota to allow analysts to conduct research on a timely basis in the midst of the virus outbreak. I use these data to examine unemployment rates in the Dallas-Fort Worth-Arlington Metropolitan Area (MA) between January 2020 and April 2020.¹⁶ While this Metropolitan Area does not correspond directly to the seven-county district of interest, the MA has a sufficiently large sample to provide greater accuracy than using a more restricted area with a smaller sample.

Unemployment rates soared between January and April in the Dallas-Fort Worth-Arlington MA for all race and ethnic groups and for males and females. The rise in unemployment has been particularly sharp among Blacks with their overall jobless rate more than quadrupling from 4% to 17%. The unemployed rates of Latinos and Whites tripled, although from a very low level of joblessness in January. Across all racial and ethnic groups, females have seen their unemployment rise to a much greater extent than for males. More than one of five Black women and one of six Latina women were without a job in April.

Job loss is a very serious matter and there is much hemorrhaging of jobs in the Dallas-Fort Worth-Arlington MA. Individuals who continue to work may be hesitant to skip going to work for fear of losing their job. People who have lost their job are likely to have a high priority for finding employment. Persons on the margins of the workforce—people of color with lower levels of education and lower wages—are particularly vulnerable for being laid off, consistent with the fears that Latinos and Blacks express in national and Texas surveys.²⁵ The fear is real that one could lose their job and have difficulty securing one in these highly uncertain times.

Figure 12. Unemployment Rate in the Dallas-Fort Worth-Arlington Metropolitan Area by Race/Ethnic Group and Gender, January to April 2020¹⁶



Source: Integrated Public Use Microdata Series

Conclusions

This report has used a wide variety of data to assess how the COVID-19 pandemic has impacted Latinos and Blacks across the seven counties comprising the Dallas Division of the Northern District of Texas. The report clearly demonstrates that Latinos and Blacks in the region have been disproportionately hurt by the pandemic. People of color nationally and in Texas express greater fear than whites and the general public that they or a loved one will contract the virus, that they will lose their job, that they will sustain financial difficulties, and that they will be unable to pay their bills including rents and mortgages. The uneasiness of people of color is heightened by their limited socioeconomic resources, the marginal sectors of the job market that they occupy, as well as caring for their children in the face of school closings, the lack of health insurance coverage, and preexisting chronic health maladies that make them more vulnerable to contracting or succumbing to the COVID-19 virus. Given this environment in which many Latinos and Blacks exist in the Dallas region, it is likely that they are less likely to be able to appear for jury summons in the Dallas Division of the Northern District of Texas. The

consequence is that there is the real potential for Latinos and Blacks to be underrepresented in the jury pool in the midst of the COVID-19 pandemic.

Date: May 18, 2020

/s/ Rogelio Sáenz
Dr. Rogelio Sáenz

Endnotes

¹ Jens Manuel Krogstad, Ana Gonzalez-Barrera, and Mark Hugo Lopez. “Hispanics More Likely than Americans to See Coronavirus as a Major Threat to Health and Finances,” *FACTTANK: News in the Numbers*, March 24, 2020. <https://www.pewresearch.org/fact-tank/2020/03/24/hispanics-more-likely-than-americans-overall-to-see-coronavirus-as-a-major-threat-to-health-and-finances/>.

² Jens Manuel Krogstad, Ana Gonzalez-Barrera, and Mark Hugo Lopez. “Hispanics More Likely than Americans to See Coronavirus as a Major Threat to Health and Finances,” p. 2.

³ Jens Manuel Krogstad, Ana Gonzalez-Barrera, and Luis Noe-Bustamante, “U.S. Latinos among Hardest Hit by Pay Cuts, Job Losses Due to Coronavirus,” *FACTTANK: News in the Numbers*, April 3, 2020. <https://www.pewresearch.org/fact-tank/2020/04/03/u-s-latinos-among-hardest-hit-by-pay-cuts-job-losses-due-to-coronavirus/>.

⁴ Latino Decisions, “SOMOS: Latino Reactions to COVID19 and Recovery Bill,” *Latino Decisions Polls & Research*, April 2020. <https://latinodecisions.com/wp-content/uploads/2020/04/Somos-Toplines-041720.pdf>.

⁵ Shannon Najmabadi, “Texas Front-Line Workers in the Pandemic are Predominantly Women and People of Color, Analysis Finds,” *Texas Tribune*, May 1, 2020. <https://www.texastribune.org/2020/05/01/texas-coronavirus-frontline-workers/>.

⁶ Jim Henson and Joshua Blank, “Analysis: The Coronavirus Hits Texans of Color Harder. You Can See It in Public Opinion Polling,” *Texas Tribune*, May 12, 2020. <https://www.texastribune.org/2020/05/12/coronavirus-texans-color-harder-polling/>.

⁷ Jim Henson and Joshua Blank, “Analysis: The Coronavirus Hits Texans of Color Harder. You Can See It in Public Opinion Polling,” p. 1.

⁸ Jim Henson and Joshua Blank, “Analysis: The Coronavirus Hits Texans of Color Harder. You Can See It in Public Opinion Polling.”

⁹ Brandon Formby, “In Dallas County, Life Continues to Be Harder for People of Color,” *Texas Tribune*, April 10, 2020. <https://www.texastribune.org/2018/04/10/dallas-county-life-continues-be-harder-people-color/>.

¹⁰ Kenya Evelyn, “‘It’s a Racial Justice Issue’: Black Americans are Dying in Greater Numbers from Covid-19,” *The Guardian*, April 8, 2020. <https://www.theguardian.com/world/2020/apr/08/its-a-racial-justice-issue-black-americans-are-dying-in-greater-numbers-from-covid-19>.

¹¹ Rogelio Sáenz, “‘What Do We Know About COVID-19 Infections and Deaths among Latinos?’” *Latino Decisions Blog*, May 4, 2020. <https://latinodecisions.com/blog/what-do-we-know-about-covid-19-infections-and-deaths-among-latinos/>.

¹² U.S. Census Bureau, *2018 American Community Survey Five-Year Estimates*. <https://data.census.gov/cedsci/>.

¹³ Centers for Disease Control and Prevention, 2020. *CDC Wonder: Underlying Cause of Death, 1999-2018*. <https://wonder.cdc.gov/ucd-icd10.html>.

¹⁴ University Health System Population Health, *Life Expectancies by Zip Code in Texas*, 2019. <https://www.texashealthmaps.com/lfex>.

¹⁵ Dallas County Health and Human Services, *COVID-19 Reported Cases as of May 15, 2020*. <https://www.dallascounty.org/Assets/uploads/docs/covid-19/hhs-summary/PCCI-C19-EthnicityDistribution-20200515.pdf>; Dallas County Health and Human Services, *Dallas County Health and Human Services 2019 Novel Coronavirus (COVID-19) Summary*. https://www.dallascounty.org/Assets/uploads/docs/covid-19/hhs-summary/COVID-19-DCHHS-Summary_051520.pdf.

¹⁶ Sarah Flood, Miriam King, Renae Rodgers, Steven Ruggles and J. Robert Warren. *Integrated Public Use Microdata Series, Current Population Survey: Version 7.0* [dataset]. Minneapolis, MN: IPUMS, 2020. <https://cps.ipums.org/cps/citation.shtml>.

¹⁷ Centers for Disease Control and Prevention, “COVID-19 in Racial and Ethnic Minority Groups.” <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html>; Shikha Garg, Michael Whitaker Allissa O’Halloran, Charissee Cummings, et al., “Morbidity and Mortality Report,” April 17, 2020. <https://www.cdc.gov/mmwr/volumes/69/wr/mm6915e3.htm>; Ruth Petersen, Liping Pan, and Heidi M. Blanck, “Racial and Ethnic Disparities in Adult Obesity in the United States: CDC’s Tracking to Inform State and Local Action,” *Preventive Chronic Disease* 16, April 11, 2019. https://www.cdc.gov/pcd/issues/2019/18_0579.htm.

¹⁸ Nadja Popovich, Anjali Singhvi, and Matthew Conlen, “Where Chronic Health Conditions and Coronavirus Could Collide,” *New York Times*, April 18, 2020.

<https://www.nytimes.com/interactive/2020/05/18/us/coronavirus-underlying-conditions.html?action=click&module=Spotlight&pgtype=Homepage>.

¹⁹ Garcia, Marc A., Adriana M. Reyes, and Sunshine Rote. “Gender, Timing of Migration, and Disability among Older Mexican-Americans,” In *Contextualizing Health and Aging in the Americas: Effects of Space, Time, and Place*, edited by William A. Vega, Jacqueline L. Angel, Luis Miguel F. Gutiérrez Robledo, and Kyriakos S. Markides, 249-269.. New York: Springer, 2019.

²⁰ Beth Krietsch, “Health Care Workers Struggle With Shortage of Protective Gear,” *HUFFPOST*, March 23, 2020. https://www.huffpost.com/entry/coronavirus-health-workers-gear-shortage_n_5e776283c5b63c3b64922bc7.

²¹ Richard G. Rogers, Robert A. Hummer, and Charles B. Nam, *Living and Dying in the USA: Behavioral, Health, and Social Differentials of Adult Mortality* (San Diego: Academic Press, 2000); John M. Ruiz, Patrick Steffen, and Timothy B. Smith, “The Hispanic Mortality Paradox: A Systematic Review and Meta-Analysis of the Longitudinal Literature,” *American Journal of Public Health* 103, no. 3, e1-e9, 2013.

²² Marc A. Garcia, Brian Downer, Michael Crowe, and Kyriakos S. Markides, “Aging and Disability among Hispanics in the United States: Current Knowledge and Future Directions,” *Innovation in Aging* 1, no. 2, igx020, 2017.

²³ Dallas County, *Dallas County Health and Human Services 2019 Novel Coronavirus (COVID-19) Summary*; Shikha Garg, Michael Whitaker Allissa O’Halloran, Charissee Cummings, et al., “Morbidity and Mortality Report.”

²⁴ Rogelio Sáenz, ““What Do We Know About COVID-19 Infections and Deaths among Latinos?”

²⁵ Jens Manuel Krogstad, Ana Gonzalez-Barrera, and Mark Hugo Lopez. “Hispanics More Likely than Americans to See Coronavirus as a Major Threat to Health and Finances”; Jens Manuel Krogstad, Ana Gonzalez-Barrera, and Luis Noe-Bustamante, “U.S. Latinos among Hardest Hit by Pay Cuts, Job Losses Due to Coronavirus”; Latino Decisions, “SOMOS: Latino Reactions to COVID19 and Recovery Bill”; Jim Henson and Joshua Blank, “Analysis: The Coronavirus Hits Texans of Color Harder. You Can See It in Public Opinion Polling.”

