

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

IN RE:	:	
	:	
NINTH EXTENSION OF	:	STANDING ORDER
ADJUSTMENTS TO COURT	:	
OPERATIONS DUE TO THE	:	
EXIGENT CIRCUMSTANCES	:	
CREATED BY COVID-19	:	

This Standing Order is issued in furtherance of the Court’s prior Standing Orders issued on March 13, 2020, March 18, 2020, April 10, 2020, May 29, 2020, June 30, 2020, July 31, 2020, August 31, 2020, October 5, 2020, October 30, 2020, November 25, 2020, and January 15, 2021, which implemented and extended certain adjustments to Court operations due to the exigent circumstances created by the ongoing coronavirus disease 2019 (COVID-19) pandemic and in the interest of public health and safety. This Standing Order addresses civil and criminal jury selections and jury trials, which were previously continued through February 15, 2021.

The COVID-19 pandemic continues to significantly impact Court operations in this district, as outlined in the Court’s prior Standing Orders. In November 2020, worsening conditions with regard to the COVID-19 outbreak in the Commonwealth of Pennsylvania and in this district—including increasing daily new case counts, incidence rates, PCR testing positivity rates, and COVID-19-specific hospitalizations, as well as new restrictions and mitigation measures imposed on the State and local level—led the Court to take steps to temporarily reduce the level of on-site activity at courthouses and Court locations in this district and to postpone certain in-person proceedings, particularly those requiring large numbers of people to gather for extended periods of time. On November 25, 2020, the Court issued a Standing Order continuing all civil and criminal jury selections and jury trials and all Central Violations Bureau proceedings through

January 15, 2021, and directing that impaneled grand juries would not meet from December 7, 2020, through January 15, 2021. The Standing Order also encouraged judges to hold in-person proceedings only when absolutely necessary and to use video and telephone conferencing as much as possible. Because conditions continued to worsen following the issuance of the November 25 Standing Order, the Court reverted to Phase One of its COVID-19 Reopening Guidelines, effective December 17, 2020. On January 15, 2021, the Court issued a further Standing Order continuing all civil and criminal jury selections and jury trials through February 15, 2021, in light of then-existing conditions with regard to COVID-19, including daily new case counts, incidence rates, positivity rates, and COVID-19-specific hospitalizations at levels above those that prompted the reduction in on-site activity in November 2020.

Since the January 15 Standing Order was issued, the number of COVID-19 cases in Pennsylvania has increased to more than 884,000, including more than 404,000 cases in this district. While average daily new case counts and other metrics for the district as a whole have continued to decline from peak levels in mid-December, conditions still have not sufficiently improved to support the resumption of jury trials at this time. District-wide, average daily new case counts remain higher than they were for much of November, and positivity rates remain at or above early-November levels in most EDPA counties. All counties in this district continue to experience substantial levels of community transmission of the virus, and mitigation measures remain in place in Pennsylvania and the City of Philadelphia. These include restrictions on indoor events and gatherings, requirements for travelers entering Pennsylvania from other States or countries, and restrictions on businesses, which must conduct their operations through individual teleworking unless impossible and, if operating in person, are subject to occupancy restrictions and safety requirements. The CDC and State and local public health authorities also continue to

emphasize the need for precautions to avoid exposure to the virus and prevent its spread, including maintaining at least six feet of physical distance from others, wearing masks or face coverings in public, limiting nonessential travel, avoiding public transportation when possible, working from home, avoiding large gatherings, and limiting face-to-face contact with others. The CDC has stressed the need for rigorous and increased compliance with public health mitigation strategies, especially in light of the emergence of new variants of the virus which appear to spread more easily and quickly than other variants and which have been detected in the United States.

Upon consideration of the current circumstances with respect to the COVID-19 outbreak in this district, including the circumstances described above as well as those described in the prior Standing Orders, the Court finds it is necessary and appropriate to extend the existing continuance of all jury selections and jury trials through the end of February 2021 and until further Court order to protect public health and safety, including the safety of Court personnel and all persons entering courthouses and Court locations in this district. The Court continues to closely monitor the outbreak in this district and the guidance available from government officials and public health authorities at the Federal, State, and local level. An order authorizing the resumption of jury trials will be issued as soon as conditions allow. It is therefore ORDERED as follows:

1. All civil and criminal jury selections and jury trials scheduled to begin in February 2021 before any district or magistrate judge in any courthouse or Court location in this district are CONTINUED pending further Court order. Jury trials shall not resume until further Court order.

2. All jury selections and jury trials impacted by this Standing Order will be rescheduled by the presiding judge. Aside from ordering a jury trial, individual judges presiding over criminal proceedings may take such actions consistent with this Standing Order as may be

lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties.

3. With respect to criminal trials continued by this Standing Order, 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. In light of the circumstances regarding the COVID-19 outbreak in this district outlined above and in the Court's prior Standing Orders, the Court finds the ends of justice served by granting a continuance outweigh the best interest of the public and each defendant in a speedy trial. Existing conditions with respect to the COVID-19 outbreak in this district impede the Court's ability to obtain an adequate complement of trial jurors at this time and impact the ability of Court personnel, counsel, defendants, and other case participants to be present during trial. Given current conditions as well as the large number of people that must be assembled to conduct a jury trial, the Court has determined it is not possible to conduct jury trials safely and in accordance with available public health guidance at this time. In these circumstances, and given the seriousness of the ongoing COVID-19 outbreak in this district, failure to postpone jury trials through at least February 28, 2021, and until further Court order would be likely to make the continuation of such trials impossible or result in a miscarriage of justice. Accordingly, the additional time period from February 15, 2021, until further Court order authorizing the resumption of jury trials shall be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), for all criminal cases impacted by this trial continuance. This period of exclusion is in addition to the period of exclusion previously granted for the time period from March 13, 2020, through February 15, 2021. The Court may extend the period of exclusion by further order as circumstances may warrant, and the presiding judge in any criminal case for which trial is

continued under this Standing Order may make any additional findings and exclude additional time, as necessary and appropriate, regarding the scheduling of any new date for trial. Any motion by a criminal defendant seeking an exception to this Standing Order for the purpose of exercising the defendant's speedy trial rights shall be referred to the Chief Judge.

4. Essential in-person proceedings may continue to be held in designated courtrooms in accordance with the current scheduling protocol, at the discretion of the presiding judge.

Except as modified herein or by other Standing Orders issued since May 29, 2020, the May 29, 2020, Standing Order remains in effect.

IT IS SO ORDERED.

/s/ Juan R. Sánchez
Juan R. Sánchez
Chief Judge

Date: February 12, 2021