

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

IN RE: :
 :
VIDEO TELECONFERENCING AND : **STANDING ORDER**
TELEPHONE CONFERENCING FOR :
CRIMINAL PROCEEDINGS UNDER :
THE CARES ACT – THIRD :
EXTENSION :

On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was enacted, authorizing the use of video teleconferencing and telephone conferencing, under certain circumstances and with the consent of the defendant, for various criminal case events during the course of the COVID-19 national emergency. *See* Pub. L. No. 116-136, § 15002, 134 Stat. 281, 527-30 (2020). On March 29, 2020, the Judicial Conference of the United States found, pursuant to the CARES Act, that emergency conditions due to the national emergency declared by the President with respect to COVID-19 have materially affected and will materially affect the functioning of the federal courts generally.

On March 30, 2020, the undersigned, as Chief Judge and pursuant to the authority granted by the CARES Act to chief judges of district courts covered by the Judicial Conference’s finding, issued a Standing Order finding that emergency conditions due to the COVID-19 national emergency were continuing to materially affect the functioning of this district and authorizing the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, with the consent of the defendant after consultation with counsel, for all of the criminal case events listed in Section 15002(b) of the CARES Act. The Order also included a finding 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 Procedure could not be conducted in

person in this district without seriously jeopardizing public health and safety. Based on this finding, the Order provided that, if a district judge in an individual case found, for specific reasons, that a felony plea or sentencing in that case could not be further delayed without serious harm to the interests of justice, the judge could, with the consent of the defendant after consultation with counsel, use video conferencing, or telephone conferencing if video conferencing was not reasonably available, for the felony plea or sentencing in that case.

On June 26, 2020, pursuant to Section 15002(b)(3) of the CARES Act, I reviewed the foregoing authorization and issued a Standing Order extending it for an additional 90 days. I again reviewed this authorization and issued a Standing Order further extending it on September 24, 2020. The September 24 Standing Order provided that the authorization would remain in effect for 90 days, unless terminated earlier, and that if emergency conditions continued to exist 90 days from the date of the Order, I would again review the authorization and determine whether to extend it.

As of this date, the President's national emergency declaration has not been terminated, and the Judicial Conference's finding that emergency conditions due to the COVID-19 national emergency have materially affected and will materially affect the functioning of the federal courts generally remains in effect. Emergency conditions also continue to materially affect the functioning of this district, as described in the Standing Orders currently in effect in this district due to the COVID-19 pandemic. As noted in the most recent Standing Order, issued on November 25, 2020, conditions with respect to the COVID-19 outbreak in this district have significantly worsened in recent weeks as daily new case counts, incidence rates, PCR testing positivity rates, and hospitalizations have risen sharply and new restrictions have been imposed on the State and local level, leading the Court to take steps to reduce the level of on-site activity at courthouses and

Court locations in this district. Because conditions have continued to worsen, the Court reverted to Phase One of its COVID-19 Reopening Guidelines, effective December 17, 2020.

I further find that most felony pleas under Rule 11 of the Federal Rules of Criminal Procedure and felony sentencings under Rule 32 of the Federal Rules of Criminal Procedure still cannot be conducted in person in this district without seriously jeopardizing public health and safety. While the Court has resumed holding some essential in-person proceedings, including some felony pleas and sentencings, in-person proceedings are discouraged at this time unless absolutely necessary due to the substantial levels of community transmission of the virus this district is experiencing. The Court is continuing to use video teleconferencing and telephone conferencing for court proceedings to the greatest extent possible to protect the health and safety of all case participants, including judges, court staff, attorneys, and parties, especially those at increased risk of serious illness from COVID-19. To ensure compliance with health and safety protocols, in-person proceedings that must go forward may be held in only a small number of designated courtrooms, limiting the number of proceedings that may be held each week. Given the current conditions and the substantial limitations on the Court's ability to conduct in-person proceedings at this time, the use of video teleconferencing and telephone conferencing remains necessary for criminal case events in this district, including felony pleas and felony sentencings.

Accordingly, upon review of the authorization of video teleconferencing and telephone conferencing for criminal case events set forth in the March 30 Standing Order and extended by the June 26 and September 24 Standing Orders, as required under Section 15002(b)(3) of the CARES Act, it is ORDERED the authorization is extended for an additional 90 days. Specifically, with the consent of the defendant or juvenile after consultation with counsel, video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available,

is authorized to be used for all criminal case events listed in Section 15002(b) of the CARES Act. In addition, if a district 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 teleconferencing, or telephone conferencing if video teleconferencing 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 CARES Act, this authorization will remain in effect for 90 days unless terminated earlier. If emergency conditions continue to exist 90 days from the date of this Standing Order, I will again review this authorization and determine whether to further extend it.

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

Date: December 21, 2020