

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

IN RE:	:	
	:	
EXPANDED USE OF ELECTRONIC	:	STANDING ORDER
SIGNATURES DUE TO THE	:	
EXIGENT CIRCUMSTANCES	:	
CREATED BY COVID-19	:	

On March 13, 2020, the President of the United States declared that the coronavirus disease 2019 (COVID-19) outbreak constitutes a national emergency under the National Emergencies Act, 50 U.S.C. § 1601 et seq.

That same day, the Court issued a Standing Order temporarily continuing all civil and criminal jury trials but noting the Court would remain open for business.

On March 27, 2020, legislation 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 emergency, contingent upon certain findings by the Judicial Conference of the United States. *See* Coronavirus, Aid, Relief, and Economic Security (CARES) Act, Pub. L. No. 116-136, § 15002, 134 Stat. 281, 527-30 (2020).

On March 29, 2020, the Judicial Conference 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, pursuant to Section 15002(b) of the CARES Act, and based on a finding that felony pleas and felony sentencings cannot be conducted in person in this district without seriously jeopardizing public health and safety, entered a Standing Order authorizing the use of video teleconferencing, or telephone conferencing if video

teleconferencing is not reasonably available, for all criminal case events listed in Section 15002(b), with the consent of the defendant after consultation with counsel, and upon appropriate findings by the presiding judge with respect to felony pleas and felony sentencings.

Certain Federal Rules of Criminal Procedure, such as Rules 10(b)(2), 15(c)(1)(A), 20(a)(1), 23(a)(1), 32(e), and 43(b)(2), allow for consent or waiver of certain rights by a defendant, but require that such consent or waiver be in writing. More broadly, various documents, including but not limited to financial affidavits and appearance bonds/orders for release, require the signatures of defendants, counsel, and/or judges. The current circumstances, the increased use of video teleconferencing and telephone conferencing, and the efforts made to secure prison facilities to protect against COVID-19 infection likely make it impracticable, if not impossible, to obtain actual signatures in a timely and safe manner.

For these reasons, it is ORDERED that, where a judge finds that obtaining an actual signature is impracticable or imprudent in light of the public health situation relating to COVID-19, any document submitted by the government or the defendant may be signed electronically.

It is further ORDERED that, with the exception of plea agreements, which must be signed by the defendant personally, where a defendant's signature is required, defense counsel may sign on the defendant's behalf if the defendant, after an opportunity to consult with counsel, consents.

It is further ORDERED that, where consent or waiver is not explicitly required to be in writing by the Federal Rules of Criminal Procedure or other applicable law, such consent or waiver may be obtained in whatever form is most practicable under the circumstances, so long as the defendant's consent or waiver is clearly reflected in the record.

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

Date: April 15, 2020