

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

IN RE:	:	
	:	
SIXTH 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, and October 5, 2020, 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 November 2, 2020, with limited exceptions.

The COVID-19 pandemic continues to significantly impact Court operations in this district, as outlined in the Court’s prior Standing Orders. Since the August 31, 2020, Standing Order was issued, the number of cases of COVID-19 in the Commonwealth of Pennsylvania has increased to more than 200,000, including more than 120,000 cases in this district. Daily new case counts have also risen in recent weeks. Mitigation measures remain in place in the Commonwealth of Pennsylvania and in the City of Philadelphia, including the requirement that masks or face coverings must be worn in public settings and restrictions on the size of indoor events and gatherings. Businesses are required to conduct their operations through individual teleworking whenever possible and, if conducting in-person operations, must comply with all applicable guidance issued by the Governor, the Pennsylvania Department of Health, and the Centers for

Disease Control and Prevention (CDC), including guidance for social distancing and cleaning. In addition, individuals who travel to areas with a high number of COVID-19 cases are advised to quarantine for 14 days upon their return to Pennsylvania.

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 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, limiting the number and duration of in-person interactions, and regularly cleaning and disinfecting frequently touched surfaces.

As the Court proceeds with its phased reopening pursuant to the Federal Judiciary COVID-19 Recovery Guidelines and its own COVID-19 Reopening Guidelines, the Court continues to carefully monitor the COVID-19 data for this district and the available guidance from government officials and public health authorities to ensure that any increases in on-site activity can be accomplished safely. In mid-September, the Court resumed holding jury trials on a limited basis pursuant to its Initial Guidelines for the Reinstitution of Jury Trials, which include a number of precautions to allow jury trials to proceed safely and in accordance with public health guidance. As explained in the August 31, 2020, Standing Order, trials conducted pursuant to the Initial Guidelines are both staff- and space-intensive. For example, to limit the number of people in one room at a time and to ensure adequate space for physical distancing, jury selection for each trial requires the use of four courtrooms as well as the jury assembly room. Once a jury is selected, two courtrooms are used for each trial, and a third courtroom is used to allow the public to observe the proceedings.

In light of the current conditions with respect to COVID-19 in this district, the Court remains in the initial test period for jury trials. During this period, in order to limit the number of jurors in the courthouse at one time and to ensure adequate staffing and the availability of sufficient space for jury selection and trial, only one jury trial may be conducted at a time. Since jury trials resumed the week of September 14, 2020, a total of four jury trials have been conducted to date. Due to the health and safety considerations outlined above, it is anticipated that no more than five jury trials will be conducted between now and December 31, 2020.

As jury trials proceed on this limited basis, criminal cases have been and will continue to be prioritized. The Court continues to work with representatives of the U.S. Attorney's Office and the Federal Community Defender Office in this district to identify those cases that are ready to proceed to trial and to prioritize the cases suitable to proceed in the initial round of jury trials. All other trials will be continued in the interest of health and safety due to the ongoing public health emergency and its impact on Court operations. It is therefore ORDERED as follows:

1. All civil jury selections and jury trials scheduled to begin on or before December 31, 2020, before any district or magistrate judge in any courthouse or Court location in this district are CONTINUED pending further Court order.

2. With the exception of the limited number of cases designated for trial in November or December pursuant to the procedure described above, all criminal jury selections and jury trials scheduled to begin on or before December 31, 2020, before any district or magistrate judge in any courthouse or Court location in this district are CONTINUED pending further Court order.

3. 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.

4. 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 pandemic and its impact on Court operations 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. For trials continued by this Standing Order, given the current circumstances regarding COVID-19 in this district and the precautions necessary to protect health and safety during a jury trial, failure to postpone these jury trials through December 31, 2020, would be likely to make the continuation of such trials impossible or result in a miscarriage of justice. Accordingly, the additional time period from November 2, 2020, through December 31, 2020, 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 November 2, 2020. 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.

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: October 30, 2020