

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

IN RE: :
: **STANDING ORDER**
VIDEO TELECONFERENCING AND :
TELEPHONE CONFERENCING FOR :
CRIMINAL PROCEEDINGS UNDER :
THE CARES ACT – 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 finding, entered 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 authorized the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, for felony pleas and felony sentencings, with the consent of the defendant after consultation with counsel, if the district judge in a particular case finds for specific reasons that the felony plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice. Pursuant to Section 15002(b)(3) of the CARES Act, the Order provided that the authorization granted therein would remain in effect for 90 days, until June 28, 2020, unless terminated earlier, and that if emergency conditions continued to exist 90 days from the date of the Order, I would 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 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. I further find 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 still cannot be conducted in person in this district without seriously jeopardizing public health and safety. The Court is in the initial phase of reconstituting and is continuing to use video teleconferencing and telephone conferencing for court proceedings to the greatest extent possible. Although the Court is beginning to resume some in-person proceedings with special precautions and cleaning protocols to protect the health and safety of case participants, the capacity for these in-person proceedings is extremely limited. These proceedings may be held in only a small number of designated courtrooms to ensure adequate cleaning, and, as a result, only a limited number of

in-person proceedings may be held each week. Other considerations also limit the Court's ability to conduct in-person proceedings at this time, including the vulnerability of individual case participants to COVID-19. Given the size of the Court and the substantial limitations on the Court's ability to conduct in-person proceedings at this time, the use of video conferencing and telephone conferencing remains necessary for criminal case events in this district, including felony pleas and felony sentencings.

It is therefore ORDERED that, pursuant to Section 15002(b)(3) of the CARES Act, the authorization of video conferencing and telephone conferencing for criminal case events set forth in the March 30, 2020, Standing Order is extended for 90 days from the date of this Order, unless terminated earlier. If emergency conditions continue to exist 90 days from the date of this Order, I will again review this authorization and determine whether to further extend it.

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

Date: June 26, 2020