

APPENDIX 7

Plan for Resumption of In-Person Court Proceedings In Phase 2

1. *Remote Proceedings Continue To Be The Norm.* During Phase 2, routine court proceedings, including matters before Magistrate Judges, will continue to be held remotely by audio and video conferencing.
2. *Party Request for In-Person Proceeding.* The presiding Judge may grant a request from a party to hold a court proceeding in person if the presiding Judge agrees that an in-person appearance by a party is necessary.
3. *Hybrid Proceedings.* If a request for an in-person proceeding is granted, the presiding Judge should determine whether all, or only requesting, parties and counsel as well as court personnel must appear in person. Considering the continuing challenges with public transportation and remote schooling during the COVID-19 pandemic in this metropolitan area, “hybrid” proceedings with some participants appearing via audio or videoconference should be permitted to allow for more expeditious hearings when all participants may be safely available.
4. *Face masks.* Face masks covering the mouth and nose should be worn by all in-court participants, except that a testifying witness or the presiding Judge may wear a face shield in lieu of a mask when necessary to facilitate communication and when seated behind a plexiglass barrier. The Court will loan a face shield to a witness, if necessary.
5. *Courtroom Set-up.* The following courtroom conditions are important to mitigate public health and safety risks:
 - a. In-person proceedings should only take place in courtrooms in which **plexiglass barriers** have been installed and designated seating areas have been marked. A Judge whose assigned courtroom has not yet been fitted with plexiglass should use either a borrowed courtroom with plexiglass or unassigned Courtroom 8 (Prettyman-4th floor), which has plexiglass installed.
 - b. No more than 3 people should be seated at a counsel table, physically distanced from each other by 6 feet, with plexiglass separators between them.

- c. Attorneys and their clients may use the wireless private intercom system (Clear-Com) provided by the Court to communicate privately in the courtroom and use a court-provided cleansing wipe to clean the headsets before and after the proceeding.
 - d. The number of persons in a courtroom should be limited to the minimum necessary. Although the gallery of each courtroom may accommodate up to 14 individuals with seating distanced at least 6 feet apart, during Phase 2, visitor access to the courthouse continues to be restricted. *See* ¶ 7 (regarding public access). Prior to any in-court proceeding, the parties should obtain permission from the presiding Judge for the attendance of any individual other than the counsel and party. The presiding Judge may permit seating for a limited number of guests of each party and members of the media or arrange for use of an overflow courtroom.
6. *Entry Screening.* All persons attending a court proceeding at the courthouse must abide by all screening requirements for entry into the courthouse. If an attorney or party fails to pass the screening test at the temperature kiosk, they should leave the building immediately and contact the courtroom deputy for further instructions.
 7. *Media and Public Access.* Given the limited seating available in courtrooms, *see* ¶ 5.d., and the need, due to public health and safety, to keep the number of people in the courtroom to a minimum, media and public access to in-court proceedings will generally continue to be through the Court's public access lines.
 - a. *High-Interest Matters.* The Media Room may be open for coverage of high-interest matters. During Phase 2, access to the Media Room will be limited to only 4 members of the media per day. Anyone using the Media Room must sit in a designated seats and wear a mask at all times.
 8. *Multi-Defendant Cases.* Given the limitation on the number of individuals who may be seated at counsel table, *see* ¶ 5.b., in-person proceedings in multi-defendant cases should be held in the Ceremonial Courtroom and scheduled on the master calendar, unless an alternative seating arrangement is agreed to, in consultation with the USMS, in the presiding Judge's courtroom.
9. *Scheduling.*
 - a. *DOC Testing Protocol.* Any in-person proceeding with a defendant detained at the DC Jail or another facility should be scheduled at least **five days in advance** in order to facilitate pre-appearance testing for COVID-19 or other protocols. **NOTE:** After a

defendant housed at the DC Jail is tested a few days prior to an in-person court proceeding, that defendant is not isolated at the jail and may be exposed to COVID-19 after the test but before the court proceeding. Facilities other than the DC Jail may not have a testing protocol in place before in-court proceedings.

- b. *Single In-Court Proceeding Per Day Per Courtroom.* To ensure adequate time for deep-cleaning of the courtroom after each in-person proceeding during Phase 2, **no more than one in-court proceeding per day in any one courtroom should be scheduled.**

- c. *USMS Limitation.* Due to both staffing shortages at the USMS and the need to maintain appropriate distancing in the courthouse cellblock, the USMS is able to accommodate up to 8, possibly 10, detained defendants at the courthouse for in-person proceedings each day. The Court will monitor the numbers of individuals being requested to be produced at the courthouse each day to ensure the courthouse cellblock capacity is not exceeded. **NOTE:** The USMS is unable to accommodate attorney visits in the cellblock.