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**Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia**

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

IN RE: FOURTH FURTHER EXTENSION
OF POSTPONED COURT PROCEEDINGS
DUE TO ONGOING EXIGENT
CIRCUMSTANCES CAUSED BY COVID-
19 PANDEMIC

Standing Order No. 20-68 (BAH)

Chief Judge Beryl A. Howell

ORDER

Upon consideration of ongoing circumstances relating to the Coronavirus Disease 2019 (COVID-19) pandemic, including the circumstances detailed in this Court's prior Standing Orders, issued March 16, April 2, May 26, and July 9, 2020,¹ the factors set out in this Court's Continuity of Operations Plan during the COVID-19 Pandemic (D.D.C. COOP Plan), issued July 15, 2020,² and given that: (a) the District of Columbia remains in its Phase 2 of its reopening plan and, over the last month, has had an increase in COVID-19 positive case counts, resulting in imposition of additional community restrictions,³ (b) this Court remains in Phase 1 of its COOP

¹ See *In Re: Court Operations in Exigent Circumstances Created by the Covid-19 Pandemic*, Standing Order No. 20-9 (BAH) (March 16, 2020), ¶¶ (a)–(f); *In Re: Extension of Postponed Court Proceedings in Standing Order 20-9 and Limiting Court Operations in Exigent Circumstances Created by the COVID-19 Pandemic*, Standing Order No. 20-19 (BAH) (April 2, 2020), ¶¶ (g)–(i); *In Re Further Extension of Postponed Court Proceedings in Standing Order 20-9 and Limiting Court Operations in Exigent Circumstances Created by the COVID-19 Pandemic*, Standing Order No. 20-29 (BAH) (May 26, 2020), ¶¶ (j)–(l); and *In Re: Third Further Extension of Postponed Court Proceedings Due to Ongoing Exigent Circumstances Caused by COVID-19 Pandemic*, Standing Order No. 20-62 (BAH) (July 9, 2020), ¶¶ (a)–(c).

² The District Court for the District of Columbia's COOP Plan is available at: https://www.dcd.uscourts.gov/sites/dcd/files/FINAL%20PUBLIC_Continuity%20of%20Operations%20Plan%20for%20COVID-19%20Pandemic%20%28With%20Appendices%29_20200715.pdf.

³ As of July 9, 2020, the 7-day average for new COVID-19 cases in the District of Columbia was 41; on August 6, 2020 it was 66, down from a peak of 76 on July 26, 2020. The 7-day average for new COVID-10 cases in the larger metropolitan region of Maryland and Virginia have similarly increased over the last month. The District of Columbia has taken several steps to impose additional community restrictions to slow the community transmission of COVID-19, including: on July 22, 2020, strengthening masking requirements; on July 24, 2020, imposing quarantine requirements for non-essential travel to 27 states; and, on July 31, 2020, announcing that public schools would rely on distance learning for the fall term. See Mayor's Order 2020-080, *Wearing of Masks in the District of Columbia to Prevent the Spread of COVID-19*, available at <https://coronavirus.dc.gov/maskorder> (last visited Aug. 10, 2020); Mayor's Order 2020-081, *Requirement to Self-Quarantine After Non-Essential Travel During the COVID-19 Public Health Emergency*, available at <https://coronavirus.dc.gov/page/mayor%E2%80%99s->

Plan and does not expect to enter Phase 2 until September 14, 2020 at the earliest; (c) the United States Attorney's Office for the District of Columbia, the Federal Public Defender for the District of Columbia, and representatives of the Criminal Justice Act panel attorneys have communicated concerns with resuming regular in-court proceedings before September 14, 2020, and jury selections and trials before November 9, 2020, or even later, which concerns relate to the impact of the COVID-19 pandemic in this metropolitan area, including related school closures, child care issues, and the availability of prospective jurors, as well as the health and safety of trial participants; and (d) this Court continues to prepare for the resumption of in-person court proceedings and jury trials by making necessary modifications to courtrooms to allow for appropriate physical distancing and protective plexiglass barriers, as well as taking other precautions in accordance with public health and safety guidance;

It is hereby **ORDERED** that the provisions of Standing Order 20-62 are superseded in the following respects:

1. **Jury Selections and Trials.** All civil and criminal petit jury selections and jury trials scheduled to commence before **November 9, 2020** are POSTPONED and CONTINUED pending further Order of the Court. The scheduling of criminal trials will be given precedence in the scheduling of jury trials to take place on or after November 9, 2020, and all jury trials while the pandemic persists will be conducted in accordance with the "Plan for Resumption of Jury Trials," D.D.C. COOP Plan, Appendix 8.
2. **Speedy Trial Act Exclusion For Postponed Criminal Trials.** In Standing Orders 20-9, 20-19, 20-29 and 20-62, this Court found that due to the exigent circumstances created

order-2020-081-requirement-self-quarantine-after-non-essential-travel-during-covid-19 (last visited Aug. 10, 2020); *Mayor Announces DCPS Will Be All Virtual for Term One of the 2020-2021 School Year*, OFFICE OF THE MAYOR OF THE DISTRICT OF COLUMBIA, available at <http://mayor.dc.gov/release/mayor-bowser-announces-dcps-will-be-all-virtual-term-one-2020-2021-school-year> (last visited Aug. 10, 2020).

by the COVID-19 pandemic, the time period from **March 17, 2020 through September 8, 2020** would be excluded in criminal cases, under the Speedy Trial Act, 18 U.S.C.

§ 3161 *et seq.* Due to the ongoing circumstances, as detailed above and in prior Standing Orders, and because the failure to postpone jury trials until at least **November 9, 2020** would likely make continuation of the case impossible or result in a miscarriage of justice, *see* 18 U.S.C. § 3161(h)(7)(B)(i), the Court now finds that the additional time period from **September 8, 2020 through November 9, 2020** is excluded under the Speedy Trial Act as the ends of justice served by the continuances to protect public health and safety and the fair trial rights of the defendant outweigh the best interests of the public and any defendant's right to a speedy trial, pursuant to 18 U.S.C.

§ 3161(h)(7)(A). The presiding Judge in any criminal case for which a jury trial is postponed under this Order may make any additional findings and exclude additional time, as necessary and appropriate, regarding the scheduling of any new date for trial.

3. **In-Person Proceedings Other Than Jury Trials**. All other in-person civil, criminal and bankruptcy proceedings in this Court, including court appearances, non-jury trials, hearings, settlement conferences, and misdemeanor, traffic and petty offense dockets, scheduled to occur before **September 14, 2020** are POSTPONED and will be scheduled for a later date, unless the presiding Judge in an individual case issues an order directing that a particular proceeding will be held by teleconference or videoconference on or before **September 14, 2020**. Authority to conduct certain criminal proceedings via teleconference or videoconference is provided by Standing Orders 20-17 and 20-54. *See In Re: Use Of Video Teleconferencing And Teleconferencing For Certain Criminal And Juvenile Delinquency Proceedings*, Standing Order No. 20-17 (BAH) (March 30, 2020);

In Re: First Extension of Authorization for Use Of Video Teleconferencing And Teleconferencing For Certain Criminal And Juvenile Delinquency Proceedings,
Standing Order No. 20-54 (BAH) (June 26, 2020).

4. **Speedy Trial Act Exclusion For Postponed Criminal Proceedings Other Than Trials.** In Standing Orders 20-9, 20-19, 20-29 and 20-62, this Court found that due to the exigent circumstances created by the COVID-19 pandemic, the time period from **March 17, 2020 through August 17, 2020** would be excluded in criminal cases, under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.* The Court now finds that due to the ongoing exigent circumstances and considerations above, for criminal proceedings further postponed under paragraph 3, the time period from **August 17, 2020 through September 14, 2020** will be excluded as the Court finds that the ends of justice served by the additional continuances to protect public health and safety outweigh the best interests of the public and any defendant's right to a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A). The presiding Judge in any criminal case for which a proceeding is postponed under this Order may make additional findings and exclude additional time, as necessary and appropriate, regarding the new date for such proceeding.
5. **Naturalization Ceremonies.** In accordance with public health and safety guidance regarding the size of gatherings and appropriate physical distancing, regular large-scale naturalization ceremonies at the Courthouse are postponed until further order of the Court, with authority granted to the United States Citizenship and Immigration Services (USCIS) to administer the oath of allegiance administratively during this public health crisis. *See In the Matter of: The Temporary Suspension of Exclusive Authority to Administer the Oath of Allegiance to New Citizens,* Standing Order 20-13 (BAH) (March

23, 2020). The Court will begin to administer the oath of citizenship to small groups of applicants as needed beginning **August 17, 2020**, in full compliance with health and safety protocols.

6. **Attorney Admissions.** Attorney admission ceremonies are cancelled until further order of the Court. Petitions for admission to the bar of this Court will continue to be accepted via PACER and will be processed by the Motions Judge without the need for an in-person hearing referenced in Local Civil Rule 83.8(d). Applicants are permitted to swear to the oath required by Local Civil Rule 83.8(e) in writing. Further information, including the written oath form and the monthly deadlines for submission of petitions for admission, may be found on the Court's website at:

<https://www.dcd.uscourts.gov/attorney-admissions-and-renewal-information>. The dates for submission of completed petitions for admission remain unchanged and may be found on the Court's website at:

<https://www.dcd.uscourts.gov/sites/dcd/files/2020%20Atty%20Adm%20Dates.pdf>.

7. **Further Orders.** Further orders addressing court operations in the exigent circumstances created by the COVID-19 pandemic will be issued as circumstances warrant.

SO ORDERED.

Date: August 10, 2020



Beryl A. Howell

BERYL A. HOWELL
Chief Judge