

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

Miscellaneous Case No. 2:20-mc-00052



**IN RE: REVISED PROTOCOLS for
FACE COVERINGS OR MASKS
in COURTHOUSES
in the SOUTHERN DISTRICT OF WEST VIRGINIA**

GENERAL ORDER #12

On July 24, 2020, the Court entered General Order #8, which required all persons seeking entry to courthouses in the Southern District of West Virginia to wear a face covering or mask to slow the spread of the COVID-19 pandemic in accordance with the guidance provided by national and local public health authorities. Since that time, vaccines have become widely available, and 48.5% of West Virginia citizens aged eighteen and above have been fully vaccinated.¹ The Centers for Disease Control now advises that fully vaccinated individuals may resume activities² without wearing a mask or social distancing, except where required by federal or state laws, rules, regulations, or workplace guidance. On June

¹ A full set of vaccination statistics is available at: “West Virginia Department of Health and Human Resources “West Virginia COVID-19” <http://dhhr.wv.gov/COVID-19/Pages/default.aspx> (last visited June 21, 2021).

² Centers for Disease Control and Prevention “When You’ve Been Fully Vaccinated” <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html> (last visited June 21, 2021).

20, 2021, West Virginia Governor Justice terminated³ the face covering order applicable statewide. The Centers for Disease Control and Prevention continues to recommend that fully vaccinated people should still wear a mask in certain congregate settings, and prevention measures such as masks are also recommended for unvaccinated people.⁴

Pursuant to General Order #11, jury trials and other in-person court proceedings resumed effective May 3, 2021. Jury trials require large numbers of individuals to report to the courthouse and to remain in various rooms throughout the assembly and jury selection process, and thereafter to continue to congregate together until the trial is concluded. Although social distancing measures are employed, conducting jury trials requires jurors to gather in a congregate setting that presents a mix of vaccinated and unvaccinated individuals. Accordingly, to best protect the safety of all individuals involved in the jury trial process, masks or face coverings will still be required to be worn by jurors, unless the presiding judge directs otherwise.

IT IS THEREFORE ORDERED, effective immediately, that the following persons reporting to the United States Courthouses in Charleston, Huntington, Beckley, or Bluefield must wear a face covering or mask (“mask”): (1) any person who has been summoned for jury duty or who is currently serving as a juror; and (2)

³ Executive Order 20-21, available at: <https://governor.wv.gov/Documents/2021%20Executive%20Orders/EO-20-21-June-18-2021.pdf> (last visited June 21, 2021).

⁴ Centers for Disease Control and Prevention: Recommendations for Indoor and Outdoor Settings, https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html#anchor_1619526673330 (last visited June 21, 2021).

any person who is not fully vaccinated. The mask must always conceal the wearer's nose and mouth. Jurors and unvaccinated individuals must wear masks while in all common areas of the courthouse. Masks must be worn by jurors during in-court proceedings unless otherwise directed by the presiding judge. For unvaccinated court employees who are in a private office or workspace that permits at least six feet of physical distance from other persons, the wearer may temporarily remove the mask.

Fully vaccinated court employees are not required to wear masks at any place in the courthouse but may choose to do so. Employees in a judge's chamber must follow the directions provided by the judge. Masks will be provided to jurors who do not have their own, otherwise, all unvaccinated persons seeking entry to a courthouse must provide their own mask. If an unvaccinated visitor is unable to provide their own mask for any reason, the visitor will be asked to telephone the office to be visited to explore alternatives to entering the courthouse; and it is further

ORDERED that the courthouse entry restrictions set forth in General Order #2 remain in full force and effect, and it is finally

ORDERED that the United States Marshal, his Deputies, and the Court Security Officers shall enforce this order.

SO ORDERED this 22nd day of June, 2021.


THOMAS E. JOHNSTON, CHIEF JUDGE