

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

Miscellaneous Case No. 2:20-mc-00052



**IN RE: COURT OPERATIONS IN LIGHT OF
THE EXIGENT CIRCUMSTANCES
PRESENTED BY THE COVID-19 PANDEMIC**

GENERAL ORDER #7

On March 13, 2020 a General Order was entered recognizing the exigent circumstances created by the COVID-19 pandemic and continuing all jury matters in the District for a period of two weeks. On March 18, 2020, General Order #2 was entered that imposed certain restrictions upon entry to the courthouses in the District, in light of guidance issued by local and national public health authorities. On March 23, 2020, the Court entered General Order #3, which expanded and extended the measures set forth in the first two orders and made further findings regarding the serious circumstances presented by the pandemic. General Order #3, among other things, postponed or canceled all in person court proceedings and other gatherings in this court and its courthouses through April 24, 2020, and generally closed to the public the courthouses of this district, subject to some exceptions to allow for necessary court business. On March 30, 2020, the Court entered General

Order #4, relating to the expanded ability to conduct certain criminal proceedings using videoconferencing technology. On April 14, 2020, the Court entered General Order #5, which extended the previous postponement of all in-person court proceedings and other gatherings in this court and its courthouses through May 31, 2020, and generally closed to the public the courthouses of this district, subject to some exceptions to allow for necessary court business. Finally, on May 22, 2020 the Court entered General Order #6, which continued to postpone petit jury trials through June 30 but allowed all other civil and criminal proceedings to be conducted in-person in the discretion of the presiding judicial officer. The courthouses in the district have remained closed to the general public except for those who are directly involved in court business. Over the past few weeks, a growing number of in-person proceedings have been conducted and presiding judicial officers have also continued the use of existing videoconference technology to conduct proceedings.

The Court adopts its previous findings on this matter contained in the prior orders. The Court further finds that the re-opening efforts of state and local officials have continued to increase. These efforts include a continued emphasis on social distancing and hygiene precautions, especially with regard to activities in which a large number of individuals gather in an enclosed location. This approach appears to be having a beneficial effect on the spread of the virus, and the Court is mindful of the need to use the same approach during the gradual resumption of court activities. Petit jury trials, in particular, require large groups of individuals from throughout the district to travel and assemble, often in close proximity to each other. Through

careful planning and modified use of existing court facilities, however, the Court can mitigate the likelihood that the virus may spread among those who are summoned for jury service, whether that be in a grand jury session or a petit jury trial. Where appropriate, court proceedings may continue to be conducted remotely using videoconferencing and other technologies, or, in the discretion of the presiding judicial officer, may be conducted in-person in accordance with social distancing guidelines.

IT IS THEREFORE ORDERED, that effective July 1, civil and criminal petit jury selections and trials may commence before any district or magistrate judge in the Southern District of West Virginia, provided that efforts are made to minimize the number of jurors who are reporting to a courthouse and that social distancing protocols are followed; and it is further

ORDERED that grand jury meetings that are scheduled to be held after July 1 may resume, provided that adequate courthouse space is available and social distancing protocols are followed; and it is further

ORDERED that all civil and criminal proceedings in the U.S. District Court for the Southern District of West Virginia may be conducted in-person in the discretion of the presiding judicial officer, provided that the in-person proceeding is conducted in a manner that complies with social distancing guidelines. The courtrooms of the district will all be marked with social distancing locations, and the presiding judicial officer has authority and discretion to require the participants and officials who are present at any in-person court proceeding to comply with any

additional precautions that are deemed necessary under the circumstances. Where practical, presiding judicial officers may continue the use of existing videoconferencing and other technologies to conduct court proceedings in accordance with prior directives of the Court; and it is further

ORDERED, pursuant to 41 C.F.R. 102-74.375, in order to provide for the orderly conduct of government business, the U.S. Courthouses in the Southern District of West Virginia will be open to the general public beginning on July 1. Masks or facial coverings are strongly encouraged to be worn by all persons entering the courthouse, especially while in the common areas of the courthouse. Persons seeking entry to the courthouse are required to provide their own masks or appropriate facial coverings. Presiding judicial officers have the discretion to require masks or facial coverings to be worn while in their courtrooms or chambers, and it is finally

ORDERED that the courthouse entry restrictions set forth in General Order #2 continue to remain in effect, and General Order #4 relating to use of videoconferencing in criminal proceedings remains in effect unchanged.

SO ORDERED this 25th day of June, 2020.



THOMAS E. JOHNSTON, CHIEF JUDGE