



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Office of the District Court Executive

LAURA TAYLOR SWAIN
Chief Judge

EDWARD A. FRIEDLAND
District Court Executive

MEMORANDUM

TO: Members of the Public
FROM: The SDNY COVID Response Team
DATE: December 9, 2021
SUBJECT: UPDATED GUIDELINES REGARDING COVID-19 COURTROOM PROTOCOLS

Effective December 3, 2021, the following COVID-19 Courtroom Protocols apply:

MASK AND DISTANCE PROTOCOL -- WELL AND JURY BOX

All individuals, including jurors, are required to wear masks at all times in the well of the courtroom, with the exception of testifying witnesses while they are testifying, counsel while they are speaking at podiums, and judges while they are speaking from the bench, as discussed below. At the discretion of the presiding judge, fully vaccinated individuals do not have to maintain social distance in the well of the courtroom or in the jury box. Unvaccinated occupants of the well and the jury box must maintain a six-foot distance from others. The contact tracing form should continue to be utilized.

Judges or their staff may request proof of vaccination.

MASK AND DISTANCE PROTOCOL -- GALLERY

All individuals in the gallery of the courtroom are required to wear masks at all times and maintain the appropriate social distance detailed below. There will be designated "Vaccinated" and "Unvaccinated" sections of the gallery for spectators. In the "Vaccinated" section of the gallery, 3-feet of social distance will be permitted. In the "Unvaccinated" section, 6-feet of social distance must be maintained. Seats will be

marked accordingly and spectators will seat themselves on the honor system. No verification or collection of contact tracing information from spectators is required.

JUDGES' BENCH

In certain courtrooms, judges may remove their masks when speaking from the bench. Judges and testifying witnesses should not be unmasked at the same time.

PODIUMS

In certain courtrooms, and at the discretion of the presiding judge, counsel may remove their masks once they have reached the podium regardless of counsel's vaccination status, provided the podium is at least 6-feet away from others. It is no longer necessary to have a waiting period in between speakers or to wipe the surface of the podium with disinfecting wipes. Use of the filter-equipped plexiglass enclosures is not required.

WITNESS STAND

In certain courtrooms, and at the discretion of the presiding judge, witnesses may remove their masks for testimony once on the witness stand regardless of the witness' vaccination status, provided the witness stand is at least 6-feet away from others. It is no longer necessary to have a waiting period in between witnesses or to wipe the surface of the witness stand with disinfecting wipes. Use of the filter-equipped plexiglass enclosures is not required.

EXHIBITS

Court exhibits admitted into evidence are no longer required to be in electronic format. Hard copies of exhibits can be presented to the sitting jurors during deliberations.

ELEVATORS

The capacity for all elevators has been increased. Please refer to posted signs on elevator doors for limits.