

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: CORONAVIRUS/COVID-19 PANDEMIC

20-mc-316

THIS MATTER RELATES TO:

Temporary Provisions for Jurors and
Cellular Telephone Authorization for
Jurors and Trial Participants

M10-468

FOURTH AMENDED
STANDING ORDER

WHEREAS, in response to the coronavirus/COVID-19 pandemic, the President of the United States has declared a national emergency; and

WHEREAS, the Centers for Disease Control and Prevention and other public health authorities have advised the taking of precautions to reduce the possibility of exposure to the virus and slow the spread of the disease; and

WHEREAS, the interests of justice require the court to continue to convene juries in this district, and will not permit a delay until the health risks associated with the pandemic have diminished; and

WHEREAS, the need to enforce social distancing rules means that not all counsel and parties may be able to sit together at counsel table, and that paralegals, technology assistants and others involved in the presentation of evidence may be at a distance from an attorney who needs to communicate with them, such that it will not be possible for such individuals to hold private communications in close quarters during the trial day without interrupting the trial and delaying proceedings, and may similarly affect other in-court proceedings, and

WHEREAS, in light of the above, the Court has considered whether certain special procedures ought to be implemented during times jurors and trial participants convene at the courthouse, and concluded that in order to facilitate court operations and reduce unnecessary travel and thereby protect the health of jurors, trial participants, court staff and the public; it is hereby

ORDERED, effective January 1, 2022 through March 31, 2022, that prospective jurors in this district, when ordered to attend court, shall remain inside the courthouse until the Jury Administrator indicates their continued attendance for the day is no longer required or the presiding judge otherwise directs; and it is further

ORDERED, that the Clerk of Court is authorized to provide light refreshments and/or meals in the courthouse to both prospective and empaneled jurors during all times when jurors convene at the courthouse; and it is further

ORDERED, effective January 1, 2022 through March 31, 2022, that Jurors and Trial Participants (as defined herein) are authorized, notwithstanding any other Local Rule of this court, to bring into the courthouse one cellular telephone (the "Device"). Jurors include prospective jurors and empaneled petit and grand jurors. Trial Participants are defined as attorneys for a party, including all co-counsel, legal or technology assistants, paralegals, or other persons participating in the presentation of evidence at a trial then proceeding before a judge of this Court, including witnesses and one designated representative of any corporate party, and further defined to include attorneys for a party who are participating in a proceeding before a judge of this Court; and it is further

ORDERED, that prospective jurors are required to follow the directions of the Clerk of Court or her Deputy Clerks regarding the use of such Devices, including but not limited to when they may be turned on and where they must be stored when not in use. Empaneled petit jurors and Trial Participants must follow the directions of the presiding trial judge regarding the use of such Devices, including when they may be turned on and where they must be stored when not in use (which location may be other than in the courtroom where the trial is taking place). Grand jurors are required to follow the directions of the United States Attorney regarding use of such Devices; and it is further

ORDERED, that Local Civil Rule 1.8 remains in full force and effect, including the absolute prohibition on any audio or video recording of any proceeding or any communication with the Court, an employee of the Court or any person acting at the direction of the Court, including a mediator.

This order will become effective upon expiration of the court's Third Amended Standing Order, which will expire at midnight on December 31, 2021.

IT IS SO ORDERED.

Dated: December 29, 2021
New York, NY



LAURA TAYLOR SWAIN
Chief United States District Judge