



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 (Rev. Jan. 21, 2022)
SUBJECT: UPDATED GUIDELINES REGARDING COVID-19 COURTROOM PROTOCOLS

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

MASK AND DISTANCE PROTOCOL (rev. Jan. 21, 2022)

All individuals, including jurors, are required to wear a mask at all times in the courtroom and in spaces adjacent to the courtroom, such as the robing room, 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, provided certain criteria are met as discussed below.

All individuals, including jurors, are required to maintain a six-foot distance in the courtroom and in spaces adjacent to the courtroom, such as the robing room, with the exception that fully vaccinated individuals do not have to maintain a six-foot distance while seated at counsel table.

During side bars at the bench, counsel should stand on the spaces that are clearly marked on the floor.

The contact tracing form should continue to be utilized. Judges or their staff may request proof of vaccination.

JUDGES' BENCH (rev. Jan. 21, 2022)

In certain courtrooms, judges may remove their masks when speaking from the bench, provided the judge has tested negative on a rapid molecular diagnostic test (e.g., PCR) taken within two days prior. Judges and testifying witnesses should not be unmasked at the same time.

PODIUMS (rev. Jan. 21, 2022)

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. 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 and counsel has tested negative on a rapid molecular diagnostic test (e.g., PCR) taken on the first day of the proceeding, and every other day until the conclusion of the proceeding. Negative test results should be submitted to the presiding judge. If counsel does not have the ability to test themselves, they should e-mail the District Executive's Office at covid_response@nysd.uscourts.gov at least 1 business day in advance to make arrangements to be tested at the courthouse.

WITNESS STAND (rev. Jan. 21, 2022)

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. 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 and the witness has tested negative on a molecular diagnostic test taken on the days that they are testifying. Negative test results should be submitted to the presiding judge. If the witness does not have the ability to test himself/herself, arrangements should be made with the District Executive's Office at covid_response@nysd.uscourts.gov at least 1 business day in advance for testing at the courthouse.

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.