

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

IN RE: *
COURT OPERATIONS UNDER THE EXIGENT * MISC. NO. 00-308
CIRCUMSTANCES CREATED BY COVID-19 *

STANDING ORDER 2021-07

On March 1, 2021, the Court re-entered Phase Three of its Recovery Plan in response to improving COVID-19 virus data. In recent weeks, these metrics have further improved, and dramatically so: vaccination rates have risen both statewide and in the local jurisdictions surrounding the courthouses in this District, and the statewide 7-day test positivity rate is now below 2%. Moreover, the average number of new cases, overall hospitalizations, and reported deaths have demonstrated a clear and sustained downward trend.

The State of Maryland and many local jurisdictions have reacted to these improving metrics by easing or lifting restrictions on local businesses and institutions. The Governor of Maryland announced an end to the statewide mask mandate in response to new guidance from the Centers for Disease Control and Prevention, as well the lifting of capacity limits on indoor and outdoor venues and restaurants. Many local jurisdictions have followed suit, although indoor mask requirements remain in place for now in Baltimore City and Prince George's County.

The local virus data, vaccination rates, and other relevant criteria have sufficiently improved such that the Court may begin to relax some of its pandemic mitigative safety measures. However, the Court is not yet prepared to announce progression into Phase Four of its Recovery Plan, and it is not ready to return to its pre-pandemic operating status. Rather, the Court will modify its Phase Three restrictions to reflect improving virus metrics and vaccination rates, the lifting of state and local restrictions on businesses, and updated guidance from the

CDC. Some court proceedings will continue to be conducted virtually, and many pandemic safety measures will remain in place.

Accordingly, it is

ORDERED that the following persons shall not enter any U.S. Courthouse or U.S. Probation Office in this District without the express permission of the Chief Judge:

- Persons who have been diagnosed with COVID-19 or told to presume they have COVID-19 by a health professional within the last 14 days; and
- Persons exhibiting symptoms of COVID-19 to include fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea, unless the symptoms are confidently attributed to another known condition. However, in light of the improving conditions, temperature checks at the entrance to each courthouse will no longer be required; and it is further

ORDERED that all persons seeking entry to, or occupying, any public area of a United States Courthouse in this District must wear a face covering or mask, which must completely conceal the wearer's nose and mouth at all times.¹ Any visitor seeking entry to a courthouse without an appropriate mask will be provided a mask by the Court. In the discretion of the presiding judge, a participant in a court proceeding may be permitted to remove his or her mask while in the courtroom upon proffer to the Court that they have been fully vaccinated against COVID-19.² Fully vaccinated participants in court proceedings may continue to wear masks if they so choose. Spectators and jurors must remain masked at all times; and it is further

¹ Masks may not incorporate a one-way valve. Neither bandanas nor neck gaiters constitute appropriate masks under the terms of this Order.

² Persons are considered fully vaccinated against COVID-19 14 days after receiving the second shot of a two-dose vaccine or 14 days after receiving a single shot of a single-dose vaccine.

ORDERED that a maximum of 16 spectators may be physically present to observe any in-court proceeding in this District, unless otherwise ordered by the presiding judge. Each party shall be permitted to designate no more than five such persons to be physically present in the courtroom.³ Two seats shall be reserved for credentialed members of the press on a first-come, first-served basis, and if no members of the press are in attendance, to any member of the public on a first-come, first-served basis. The final four seats are available for use by anyone on a first-come, first-served basis. A public telephone conference line will no longer be provided on a routine basis for in-court proceedings; and it is further

ORDERED that with respect to jury trials, because of limited space, no members of the public or press will be permitted into the courtroom but will instead have the option of observing the proceedings on closed-circuit television from a separate courtroom, except during individual voir dire examination of prospective jurors and other in camera proceedings; and it is further

ORDERED that mediation and settlement conferences may be held virtually or in person in the discretion of the presiding magistrate judge; and it is further

ORDERED that the United States Marshal, his Deputies, the Court Security Officers, and courtroom staff shall enforce the terms of this Order and shall deny entry to anyone attempting to enter in violation of this Order; and it is further

ORDERED that, effective June 1, 2021, Phase Three of the Court's Recovery Plan is modified such that it accommodates the terms of this Order; and it is further

ORDERED that Second Amended Standing Order 2021-04, Standing Order 2020-19, Third Amended Standing Order 2020-10, and Amended Order 2020-16 are RESCINDED; and it is further

³ For a proceeding in which there are more than two parties, the presiding judge will set a procedure to allocate seats.

ORDERED that this Order shall be amended or vacated as circumstances warrant.

Dated this 26th day of May, 2021.

BY THE COURT:

/s/ JAMES K. BREDAR
James K. Bredar
Chief Judge