

FILED

JUL 15 2021

**Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia**

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

IN RE: UPDATED ACCESS
RESTRICTIONS AND MASKING
PROTOCOLS DURING THE COVID-19
PANDEMIC

Standing Order No. 21-42 (BAH)

Chief Judge Beryl A. Howell

ORDER

On March 13, 2020, this Court imposed significant restrictions on access to the E. Barrett Prettyman United States Courthouse and the William B. Bryant Annex (the “Courthouse”) to protect public health and safety during the COVID-19 global pandemic. *See In Re: Restrictions on Courthouse Visitors*, Standing Order No. 20-8 (BAH) (Mar. 13, 2020).¹ On April 5, 2021, consistent with the improving state of the pandemic and increasing vaccination rates, access to the Courthouse was expanded incrementally as jury trials resumed in a limited and carefully prescribed fashion. *See In Re: Modified Restrictions on Access to Courthouse During the COVID-19 Pandemic*, Standing Order No. 21-20 (BAH) (Apr. 2, 2021).²

Over the last three months, the rate of new COVID-19 cases has dropped significantly in the District of Columbia.³ As of July 8, 2021, approximately 53% of D.C. residents were fully vaccinated and approximately 62% were at least partially vaccinated.⁴ The COVID-19 vaccine

¹ This standing order and others related to the COVID-19 pandemic are available online at *Coronavirus (COVID-19) Response—Information and Announcements*, U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, <https://www.dcd.uscourts.gov/coronavirus-covid-19-response-information-and-announcements> (last visited July 12, 2021).

² *See supra* note 1.

³ *See Tracking Coronavirus in Washington, D.C.*, N.Y. TIMES (last updated July 12, 2021), <https://www.nytimes.com/interactive/2021/us/washington-district-of-columbia-covid-cases.html> (showing that the seven-day average of new cases dropped from 126 on April 14, 2021 to 11 on July 10, 2021); *see also COVID-19 Surveillance*, GOVERNMENT OF THE DISTRICT OF COLUMBIA (last updated July 8, 2021), <https://coronavirus.dc.gov/data>.

⁴ *DC COVID-19 Vaccination Data*, GOVERNMENT OF THE DISTRICT OF COLUMBIA, <https://coronavirus.dc.gov/> (last visited July 12, 2021).

is widely and freely available. Though the District of Columbia remains in Phase Two of its recovery plan, many restrictions have been eased in recent weeks, particularly for those individuals who have been fully vaccinated.⁵ The Centers for Disease Control and Prevention has issued updated guidance for fully vaccinated individuals, advising that those who are fully vaccinated may resume activities without masking or physically distancing and without generally posing a health risk to themselves or others.⁶

While not yet ready to announce a return to full pre-pandemic operating status under its Continuity of Operations Plan for the COVID-19 Pandemic (COOP Plan), if conditions continue to improve, this Court anticipates entering Phase Three of the COOP Plan as early as **September 1, 2021**.⁷ If conditions continue to improve, the Courthouse is expected to reopen fully to the public as early as that date, with continuing health and safety protocols to be employed in public spaces within the Courthouse to protect the health and safety of those individuals who are unvaccinated and/or immunosuppressed and are required to be present in the Courthouse. Public health officials continue to counsel caution and warn against the possibility of new surges in cases and the spread of new variants of COVID-19. The Court therefore will continue to proceed with caution.

⁵ Mayor's Order 2021-066, *Wearing of Masks and Other Activities in the District of Columbia to Prevent the Spread of COVID-19 Including Modification for Fully Vaccinated Persons* (May 1, 2021) (easing some masking and gathering rules). The Mayor's orders are available at *Relevant Orders*, GOVERNMENT OF THE DISTRICT OF COLUMBIA, <https://coronavirus.dc.gov/page/stay-home> (last visited July 12, 2021).

⁶ *Interim Public Health Recommendations for Fully Vaccinated People*, CENTERS FOR DISEASE CONTROL AND PREVENTION (last updated May 28, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html>.

⁷ See U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, *Continuity of Operations Plan During the COVID-19 Pandemic (with Appendices)*, July 15, 2020 ("COOP Plan"). The Court's COOP Plan and updated appendices are available at *Coronavirus (COVID-19) Response—Information and Announcements*, UNITED STATES DISTRICT COURT: DISTRICT OF COLUMBIA, <https://www.dcd.uscourts.gov/coronavirus-covid-19-response-information-and-announcements> (last visited July 12, 2021).

Accordingly, given current circumstances as described above, and the need to balance public access to the Courthouse with the continuing need to protect public health and safety and the well-being of courthouse staff, parties and counsel with official business before the courts housed in the Courthouse, it is hereby **ORDERED** that:

1. **SUPERSEDING PRIOR ORDERS.** Standing Orders *In Re: Modified Restrictions on Access to Courthouse During the COVID-19 Pandemic*, Standing Order No. 21-20 (BAH) (Apr. 2, 2021), and *In Re: Use of Face Coverings or Masks in Public Areas of the E. Barrett Prettyman Courthouse and the William B. Bryant Annex During COVID-19 Pandemic*, Standing Order No. 20-26 (BAH) (Apr. 27, 2020), are hereby superseded, as set out in this order;⁸
2. **CONTINUING ACCESS RESTRICTIONS UNTIL SEPTEMBER 1, 2021.** Access to the Courthouse continues to be restricted to judges, court staff, other government employees working in the Courthouse, jurors, members of the media, attorneys, parties, other persons with official business before the Courts, and limited members of the public until **September 1, 2021**, when the Court anticipates, if conditions continue to improve, a full reopening of the Courthouse. Judges, court staff and jurors from the D.C. Court of Appeals and the D.C. Superior Court are authorized to enter the Courthouse to use the cafeteria.
3. **CONTINUING PUBLIC ACCESS.** Since April 5, 2021, members of the public have been permitted to access the Courthouse for the purpose of observing live video feeds of trials. *See* Standing Order 21-20, *supra* note 2 and accompanying text. Members of the media have been permitted to observe video feeds of trials, as well as other proceedings

⁸ *See supra* note 2 and accompanying text.

upon request, and have had opportunities to observe in-person proceedings live from the courtroom gallery, consistent with health and safety protocols. *See In Re: Media Access to Video Exhibits in Pretrial Hearings During the COVID-19 Pandemic*, Standing Order No. 21-28 (BAH), (May 14, 2021); *Notice-Restricted Access* (Apr. 2, 2021).⁹ Members of the public and media have been able to utilize the Court's call-in lines for remote audio access to district court proceedings since the early days of the pandemic. *Id.*; *see also In Re: Public and Media Access to Judicial Proceedings During COVID-19 Pandemic*, Standing Order No. 20-20 (BAH) (Apr. 8, 2020).¹⁰ Given the improving state of the COVID-19 pandemic in this area and increasing vaccination rates, this Court is now providing members of the public and media expanded opportunities to observe in-person court proceedings at the Courthouse, subject to space constraints and health and safety protocols. The presiding judge of any court proceeding, including in-person proceedings or jury trials, may determine whether media and public spectators may be seated in the courtroom in which the proceeding is taking place and/or in a designated space in the Courthouse for viewing a live video feed of the proceeding. Spectators must maintain 6 feet of social distance between persons not from the same household. A courtroom or viewing room will be deemed full when appropriate social distancing can no longer be maintained.

4. ***COURTHOUSE PUBLIC AREAS.*** All persons seeking entry to, or occupying, any public area of the Courthouse, including courtrooms, hallways, restrooms and elevators, must wear a face covering or mask, which must completely cover the nose and mouth at

⁹ This standing order and public notice are available online. *See supra* note 1.
¹⁰ *See supra* note 1.

all times, and maintain social distancing. Any visitor seeking entry to the Courthouse without an appropriate mask will be provided a mask by the Court.

5. ***COURTHOUSE NON-PUBLIC AREAS.*** Fully-vaccinated Courthouse staff and persons authorized to use non-public areas in the Courthouse are not required to wear a face covering or mask while in non-public areas. Persons who are not fully vaccinated must wear a face covering or mask and maintain social distancing.¹¹
6. ***PRESIDING JUDGE DISCRETION IN DISTRICT COURT.*** In the discretion of the presiding judge, participants in a district court proceeding may be permitted to remove their masks while in the courtroom. Likewise, jurors and spectators must remain masked at all times unless the presiding judge permits them to remove their masks while in the courtroom, but may continue to wear a mask if they so choose. A presiding judge may require a proffer that a person has been fully vaccinated prior to permitting that person to remove a mask.
7. ***CONTACT INFORMATION.*** Any individual scheduled or required to appear at the Courthouse and who is unable to appear because of restrictions in this Order shall contact the appropriate office listed below for further instructions:

Court of Appeals Clerk's Office: 202-216-7300
District Court Clerk's Office: 202-354-3120
Bankruptcy Court Clerk's Office: 202-354-3150
U.S. Probation Office: 202-565-1300
Pretrial Services Office: 202-442-1000
Circuit Executive's Office: 202-216-7340;

¹¹ Persons are considered fully vaccinated against COVID-19 14 days after receiving the second shot of a two-dose vaccine regimen or 14 days after receiving a single-dose vaccine. *When You've Been Fully Vaccinated*, CENTERS FOR DISEASE CONTROL AND PREVENTION (last updated June 17, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>.

8. **NO ENTRY.** Individuals who have been diagnosed with COVID-19 or who have been asked to self-quarantine or who are experiencing symptoms of COVID-19, including 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, shall not enter the Courthouse. Temperature kiosks are available at the entrance to the Courthouse to facilitate self-assessment. The United States Marshal, his deputies, and Court Security Officers shall deny entry to anyone attempting to enter in violation of this Order; and it is further

ORDERED that these restrictions will remain in place temporarily until revised or removed by further order of the Court.

SO ORDERED.

Date: July 15, 2021



Beryl A. Howell

BERYL A. HOWELL
Chief Judge