

**FILED**

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

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

IN RE: MODIFIED RESTRICTIONS ON  
ACCESS TO COURTHOUSE DURING  
THE COVID-19 PANDEMIC

Standing Order No. 21-20 (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). This Court’s order followed the March 11, 2020 declaration by the Mayor of the District of Columbia of a state of emergency and a state of public health emergency in the District of Columbia due to the pandemic. Now, more than one year later, the District of Columbia remains in a state of emergency and public health emergency, with the latest extension of the Mayor’s emergency declarations in effect through May 20, 2021.<sup>1</sup> Similarly, the national emergency with respect to the COVID-19 pandemic, first declared on March 13, 2020 under the National Emergencies Act, 50 U.S.C. §§ 1601 *et seq.*, remains in effect.<sup>2</sup>

Since March 13, 2020, access to the Courthouse has been restricted to judges, court staff, members of the media and persons with official business before the United States District and

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<sup>1</sup> Mayor’s Order 2021-038, *Extension of the Public Emergency and Public Health Emergency and Modified Measures in Phase Two of Washington, DC Reopening* (Mar. 17, 2021). The Mayor’s orders are available at *Relevant Orders*, GOVERNMENT OF THE DISTRICT OF COLUMBIA, <https://coronavirus.dc.gov/page/stay-home> (last visited Apr. 2, 2021).

<sup>2</sup> *See Letter on the continuation of the National Emergency Concerning the Coronavirus Disease 2019 (COVID-19) Pandemic*, WHITE HOUSE (Feb. 24, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/02/24/a-letter-on-the-continuation-of-the-national-emergency-concerning-the-coronavirus-disease-2019-covid-19-pandemic>.

Bankruptcy Courts for the District of Columbia and the United States Court of Appeals for the D.C. Circuit (collectively “the Courts”). Effective April 5, 2021, for the reasons detailed below, access to the Courthouse will be expanded incrementally.

This Court has developed a comprehensive plan for the gradual restoration of normal operations as circumstances permit, consistent with health and safety protocols (“COOP Plan”).<sup>3</sup> These protocols are guided by advice from the Centers for Disease Control and Prevention (“CDC”) and other public health authorities, which continue to recommend that precautions be employed, including masking and social distancing, to reduce the possibility of exposure to the COVID-19 virus and to combat the spread of the virus.<sup>4</sup> Even though COVID-19 vaccination programs are well under way, public health officials continue to counsel caution and warn against the possibility of new surges in rates of new COVID-19 cases and the spread of new variants of the disease.<sup>5</sup>

On September 14, 2020, this Court transitioned to Phase Two of its COOP Plan, during which necessary in-person proceedings and urgent criminal trials are permitted, and this Court authorized a limited resumption of criminal jury trials as of March 15, 2021. *See In Re: Limited Resumption of Criminal Jury Trials in Light of Circumstances Related to the COVID-19 Pandemic*, Standing Order No. 21-10 (BAH) (Mar. 5, 2021). The Court’s COOP Plan details the significant precautions being taken to conduct all in-

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<sup>3</sup> 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 Apr. 2, 2021).

<sup>4</sup> *Protect Yourself*, CENTERS FOR DISEASE CONTROL & PREVENTION (last updated Mar. 8, 2021), <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>.

<sup>5</sup> *Press Briefing by White House COVID-19 Response Team and Public Health Officials*, WHITE HOUSE (Mar. 26, 2021), <https://www.whitehouse.gov/briefing-room/press-briefings/2021/03/26/press-briefing-by-white-house-covid-19-response-team-and-public-health-officials-20/>.

person proceedings, including trials, in a way that maintains strict health protocols for the safety of all participants. *See* COOP Plan, Apps. 7, 8. Among the key measures being employed are (1) the required use of masks covering the nose and mouth at all times while in public areas of the Courthouse, including courtrooms, hallways, restrooms and elevators; and (2) continuing to limit the numbers of individuals in courtrooms and other spaces within the Courthouse to ensure appropriate social distancing at all times. *Id.* For example, during the first few months of the resumption of trials, through August 31, 2021, multiple courtrooms and other spaces will be utilized for each trial, and remote proceedings in other criminal and civil matters are encouraged to continue. *See* COOP Plan, App. 8. To ensure public access to trial proceedings, limited numbers of members of the media and the public will be able to view live video feeds of trial proceedings from within a dedicated courtroom or other spaces within the Courthouse. *Id.* In addition, public access to the audio of all court proceedings is continuing to be provided over dedicated public access telephone lines. COOP Plan at 8.<sup>6</sup>

Accordingly, in order to provide expanded access to the Courthouse as the Court begins resumption of jury trials, while balancing the continuing need to protect public health and safety and the well-being of courthouse staff, parties and counsel with official business in the courts, and notwithstanding the general rule that “all criminal proceedings, including preliminary examinations and hearings on pretrial motions, shall be held in open court and shall be available for attendance and observation by the public,” D.D.C. LOCAL CRIMINAL RULE 17.2(a), it is hereby

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<sup>6</sup> *See also* DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, *Frequently Asked Questions (“FAQs”) About Resumption of Criminal Trials During Period of March 22 to August 31, 2021* at 3 (Mar. 12, 2021). The Court’s Frequently Asked Questions about trial resumption are available at *Coronavirus (COVID-19) Response—Information and Announcements*, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA, <https://www.dcd.uscourts.gov/coronavirus-covid-19-response-information-and-announcements> (last visited Apr. 2, 2021).

**ORDERED**, that the access restrictions imposed by Standing Order No. 20-08 are hereby superseded; and it is further

**ORDERED** that, effective April 5, 2021, access to the Courthouse is restricted to judges, court staff, other government employees working in the Courthouse, jurors, members of the media, attorneys, parties, and other persons with official business before the Courts. In addition, as space permits, consistent with health and safety measures, limited numbers of members of the public may be granted entry to the Courthouse for the purpose of observing live video feeds of ongoing trials from dedicated courtrooms or other spaces. 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; and it is further

**ORDERED** that *In Re: Use of Face Coverings or Masks in Public Areas of the E. Barrett Prettyman Courthouse and the William B. Bryant Annex During the Covid-19 Pandemic*, Standing Order No. 20-26 (BAH) (Apr. 27, 2020), requiring face masks to be worn in the Courthouse, remains in effect. All persons visiting the Courthouse must wear a face mask that covers the nose and mouth at all times while in public areas of the Courthouse, including courtrooms, hallways, restrooms and elevators. Courthouse employees should wear face masks at all times when in public areas of the Courthouse and while in non-public areas unless alone in a private workspace; and it is further

**ORDERED** that individuals who have been diagnosed with or who have had known contact with a person with the COVID-19 virus or who have been asked to self-quarantine or who are experiencing flu-like symptoms, including a temperature, shall not enter the Courthouse; and it is further

**ORDERED** that 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 any individual scheduled or required to appear at the Courthouse 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;

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: April 2, 2021



*Beryl A. Howell*

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BERYL A. HOWELL  
Chief Judge