

GENERAL ORDER 20-03

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

COURT OPERATIONS UNDER EXIGENT CIRCUMSTANCES

CREATED BY THE COVID-19 PANDEMIC

This General Order is in response to the recent outbreak of a novel coronavirus in the United States and the State of Texas. The World Health Organization has declared the disease it causes, “coronavirus disease 2019” (COVID-19), a global pandemic, having spread across more than 120 countries with a rising toll of thousands of confirmed cases. The United States District Court for the Eastern District of Texas (EDTX) is closely monitoring the outbreak of COVID-19, in conjunction with the developing guidance from the Centers for Disease Control and Prevention (CDC). The CDC has described the outbreak in the United States as a "rapidly evolving situation" and is providing continuously updated guidance as to the appropriate community response to COVID-19 as conditions worsen. The CDC's guidance includes multiple types of mitigation strategies generally aimed at reducing or avoiding exposure to infected individuals.

As of the date of this Order, there have been several confirmed cases of COVID-19 within the Eastern District of Texas. The CDC and other public health entities have recommended social distancing to limit further community spread of COVID-19. The Court is concerned with the health and safety of the public, Court employees, staff of other entities with whom Court personnel interact, litigants, counsel, interpreters, law enforcement officials, and jurors, who must work in close quarters to hear evidence and to deliberate.

Therefore, given the severity of risk to the persons by the spread of COVID-19 in EDTX, and taking into consideration matters of public health, while reducing the size of public gatherings and the need for travel, the Court orders as follows:

1. All jury trials (criminal and civil) scheduled to begin on any date from this date through May 1, 2020, are continued, to a date to be reset by each presiding judge. Those

continuances do not continue any pending deadlines other than the trial dates. Attorneys should contact the presiding judges in their impacted cases if they seek to modify such other deadlines.

2. Due to the Court's reduced ability to obtain an adequate spectrum of jurors and due to the reduced availability of attorneys and Court staff to be present in courtrooms because of the public health considerations described above, the time period of the continuances implemented by this Order are excluded under the Speedy Trial Act, 18 U.S.C § 316(h)(7)(A). The Court finds that the ends of justice served by ordering these continuances outweigh the best interests of the public and each defendant's right to a speedy trial. In fact, the best interests of the public are served by these continuances.

3. The currently scheduled session of the EDTX Grand Jury to be held in Tyler, Texas on Wednesday, March 18th, 2020, shall proceed as scheduled and shall conclude prior to the end of Thursday, March 19th, 2020. All other grand jury proceedings within EDTX through May 1, 2020, are continued. All related deadlines are suspended and tolled for all purposes, including the statute of limitations, from this date through May 1, 2020.

4. Individual judges may continue to hold bench trials, in-person hearings, sentencing proceedings, scheduling conferences and other court proceedings as they deem appropriate, on a case by case basis. Counsel may seek relief from those matters by appropriate motions. The use of telephonic or video proceedings are welcomed where such are deemed appropriate by the presiding judge. This Order does not impact any court's continuing discretion to consider and decide particular matters on the papers alone. This order is intended to afford each presiding judge with maximum discretion to handle their respective dockets (aside from jury trials addressed above) as they deem best considering the totality of the circumstances. Individual corporate and law firm policies on travel and related matters may be raised by counsel via motion practice, but such shall not be binding or controlling on the Court in any respect.

5. Magistrate Judges will continue to preside over criminal matters, such initial appearances, arraignments, detention hearings and the issuance of warrants.

6. Any events involving the court that are not case-specific, including, but not limited to, continuing legal education courses, public tours, administration of oaths to attorneys, and naturalization ceremonies conducted by the Court which are scheduled to occur between this date and May 1, 2020, are hereby canceled, to be subsequently rescheduled as appropriate.

7. All courthouses in the Eastern District of Texas, including the Clerk's Offices, Bankruptcy Court and Clerk's Offices, and Probation Offices, will remain open for business. No courthouse facility will be closed without a subsequent specific order issued by the Chief Judge of EDTX. Notwithstanding such, certain court employees, including some of chambers staff, may be teleworking between this date and May 1, 2020, but any employees teleworking will be accessible by phone or email. Electronic filings shall continue to be made through the CM/ECF system.

8. Any delivery directed to chambers shall be delivered instead to the Clerk's Offices in each courthouse.

9. Unless extended, this Order will remain in effect through May 1, 2020, and will expire on May 2, 2020, without further order or action.

10. Judges, unit executives, and supervisors should demonstrate flexibility in balancing the staffing needs of the court and court units with the individual needs of our employees; this to be done without forgetting our continuing constitutional mandate to carry on, as practical and prudent, the work of the court and the pursuit of justice.

FOR THE COURT:

SO ORDERED and SIGNED this 16th day of March, 2020.



RODNEY GILSTRAP
Chief Judge