

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

IN RE: COURT OPERATIONS UNDER THE General Order No. 20-11
EXIGENT CIRCUMSTANCES CREATED
BY COVID-19 AND RELATED
CORONAVIRUS

**UPDATED GENERAL ORDER REGARDING COVID-19 VIRUS
PUBLIC EMERGENCY**

This order **EXTENDS** General Order 20-2 and Amended General Order 20-2, General Order 20-3, General Order 20-4, General Order 20-5 and General Order 20-9. To the extent this order differs from those general orders, this order supersedes and replaces those orders. This order also **REAFFIRMS** General Orders 20-6 and 20-8.

The court has continued to monitor the status of the COVID-19 pandemic in the United States, and specifically in the Eastern District of Wisconsin. The court has continued to work closely with agencies in the federal building and various stakeholders and has consulted orders and guidance issued by the Wisconsin Department of Health Services, Governor Tony Evers, the Centers for Disease Control and the World Health Organization. The court also has considered recovery and phased reopening guidance from other district courts in the Seventh Circuit, the Administrative Office of U.S. Courts and the Final Report of the Wisconsin Courts COVID-19 Task Force.

Based on the information available to date, including the estimated number of persons infected currently with COVID-19, the number of cases

projected to occur in the immediate future and the lack of a sustained downward trajectory of confirmed positive cases in Wisconsin, the court makes the following findings:

1.) The gatherings of people in close proximity to one another that occur during court operations presents substantial health risks to the public;

2.) It is not possible to summon a pool of potential jurors and conduct a jury trial in a manner that does not expose potential jurors, counsel, court staff and litigants to substantial and unacceptable health risks, specifically, the danger of becoming infected with COVID-19;

3.) Such risks may be significantly mitigated by temporarily modifying court operations; and

4.) Good cause exists to implement temporary changes to court procedures.

Based on these findings, the court **ORDERS** that the following provisions of General Order 20-2, Amended General Order 20-2, General Order 20-8 and General Order 20-9 are **EXTENDED**, from June 1, 2020 through and including at least **July 1, 2020** in both divisions of the district court:

1. All civil and criminal jury trials scheduled to begin in the district court before July 1, 2020 are **continued** and will be rescheduled by the presiding judge to a date after July 1, 2020.

2. All petty offense (CVB) proceedings are continued and will be rescheduled by the presiding judge to a date after July 1, 2020.

3. START reentry court proceedings may continue via videoconference or audio conference; all in-person sessions of reentry court are continued and will be rescheduled by the reentry court time to a date after July 1, 2020.

4. All court-conducted naturalization ceremonies scheduled to take place in the federal building at 517 East Wisconsin Avenue before July 1, 2020 are **CANCELLED**. If a person meets the criteria in 8 U.S.C. §1448(c) as qualifying for an expedited judicial oath administration ceremony, and if that person is seeking a name change under 8 U.S.C. §1448(e), the court will arrange for naturalization of that person by a judicial officer.

5. All non-core public events, such as continuing legal education programs, school visits, tours and ceremonial functions, are **CANCELLED**.

6. All in-person civil hearings, including settlement conferences and mediations, will be converted to telephonic or videoconference proceedings.

7. This order does not affect the court's consideration of civil or criminal motions that the court can resolve without in-person argument.

8. The court **REAFFIRMS** General Order 20-8, Order Granting Extensions of Time in Prisoner Cases Involving the Department of Justice Due to COVID-19.

9. In criminal proceedings:

a. All in-person felony plea colloquies and sentencing hearings scheduled to begin before July 1, 2020 are continued and will be rescheduled by the presiding judge to a date after July 1, 2020, unless the parties notify the assigned judge that they wish to proceed via videoconference as provided in General Order 20-6 and Section 15002 of the CARES Act.

b. To the extent criminal proceedings other than those described in ¶9(a) may be conducted via phone or videoconference in accordance with General Order 20-6 and Section 15002(b)(1) (A)-(J) of the CARES Act, in-person proceedings will be converted to telephonic or videoconference proceedings by the assigned district or magistrate judge if the defendant consents. Otherwise, all in-person criminal hearings not covered by ¶9(a) and scheduled to

begin before July 1, 2020 are continued and will be rescheduled by the presiding judge to a date after July 1, 2020.

c. When reviewing complaints, applications for search warrants or trap/trace/pen registers, applications for wire taps or applications for other such warrants or orders, judges shall do so by reliable electronic means, rather than in person, under Federal Rule of Criminal Procedure 4.1.

d. For all criminal hearings, including criminal trials, the court finds that the period of any continuance from the date of this order through July 1, 2020 that results from this order shall be **EXCLUDED** under the Speedy Trial Act, 18 U.S.C. §3161(h)(7)(A), because the court finds that the ends of justice served by the continuance outweigh the interests of the parties and the public in a speedy trial, given the need to protect the health and safety of defendants, their counsel, prosecutors, court staff and the public by reducing the number of in-person hearings to the fullest extent possible. Parties may seek specific Speedy Trial Act exclusion orders in specific cases by filing a motion with the assigned judicial officer.

e. The presiding judge in any case may, if asked by a party or parties, make case-by-case exceptions to the continuances of non-jury matters resulting from this order, after consultation with counsel.

f. The court **REAFFIRMS** General Order 20-5, CJA Panel Attorneys Interim Vouchers/Compensation, and **ORDERS** that further order of the court, CJA panel attorneys may, without seeking prior court approval, submit interim vouchers for compensation as long as the amount sought in the voucher exceeds \$500 and the attorney does not submit the voucher within two months of submitting the prior interim voucher in the same matter. The court **ORDERS** that the court *will not apply* the 20% withholding to interim vouchers submitted under this order. If an interim voucher exceeds the case compensation maximum, the interim voucher must be approved by the Chief Judge of the Seventh Circuit.

g. The court **REAFFIRMS** General Order 20-6, General Public Order Regarding COVID-19 Virus Public Emergency—Authorizing Conducting Certain Criminal Hearings by Video Teleconferencing or Telephone Conferencing Under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), H.R. 748.

10. The court urges counsel to bring to the court's attention any concerns related to personal health issues or the health issues of vulnerable family members. Counsel may do so by alerting the court via an email to the chambers of the presiding judicial officer, with a copy to opposing counsel. Counsel need not disclose the precise nature of any medical condition; counsel may indicate simply that counsel or a family member are of an age, or have medical conditions, that place them at an increased risk for COVID-19 complications.

11. The court encourages the public to continue utilizing court services while following all applicable public health guidelines. Please check court websites for additional information:

United States District Court: <https://www.wied.uscourts.gov>

United States Bankruptcy Court: <https://www.wieb.uscourts.gov>.

The court **REAFFIRMS** General Order 20-3, Building Security Under the Exigent Circumstances Created by COVID-19 and Related Coronavirus and General Order 20-4, Building Closure Under the Exigent Circumstances Created by COVID-19 and Related Coronavirus, with some modification, from June 1, 2020 through and including at least **July 1, 2020** in both divisions of the court. The court makes the following findings:

There continues to exist an overriding interest in protecting the health and safety of the building tenants and the public which would be prejudiced by keeping the building open to the general public.

The court has considered reasonable alternatives to building closure and has not been able to identify any that would effectuate the interest in protection of health and safety.

The court has crafted this order to be no broader than necessary to protect that interest.

The court finds that closing the building to the public will assist in complying with local orders such as the City of Milwaukee Health Department's Safer at Home Order, reduce the number of individuals who come into contact with each other and with building staff and, the court hopes, reduce the likelihood of spread of COVID-19 infections.

The court emphasizes that the agencies in the Milwaukee courthouse, including the United States District Court, the United States Bankruptcy Court, the United States Attorney's Office, Federal Defender Services of Wisconsin, the United States Pretrial Services and Probation Office, the United States Marshals Service, the Social Security Administration, the Secret Service, the General Services Administration and Senator Ron Johnson's office continue to operate. Judges continue to hold hearings and issue orders. Prosecutors continue to conduct investigations and prosecute cases. Defenders continue to represent clients. Probation officers continue to supervise clients. Federal law enforcement agencies continue their assigned duties. Agency personnel are responding to phone calls and receiving mail.

Based on these findings, the court **ORDERS** the following:

The United States Courthouse at 517 East Wisconsin Avenue, Milwaukee, Wisconsin will continue to be temporarily closed to the public except as stated below through and until **July 1, 2020**.

Parties wishing to file court documents may do so by (a) filing them electronically via CM/ECF; (b) depositing them in the external drop box on the east side of the building (617 North Jackson Street); or (c) mailing them to either the United States District Court Clerk's Office at 517 East Wisconsin Avenue, Room 362, Milwaukee, Wisconsin 53202 or the United States Bankruptcy Court Clerk's Office at 517 East Wisconsin Avenue, Room 126, Milwaukee, Wisconsin 53202. No in-person deliveries of any kind may be made to a judge's chambers or to the clerk's office.

This General Order does not affect electronic filings through the court's CM/ECF system.

If a member of the public believes that he or she has a scheduled appointment or otherwise is required to appear at the courthouse but is denied entry, that party should proceed as follows:

- If you are represented by a lawyer, please contact your lawyer.
- If you are an attorney or a *pro se* litigant and you believe that you are scheduled to appear before a judge, please contact the clerk's office at 414-297-3372. As noted above, the court has adjourned all in-person hearings and trials.
- If you are scheduled to meet with someone in the United States Attorney's Office, please call 414-297-1700.

- If you are scheduled to meet with someone in the Wisconsin Federal Defender's Office, please call 414-221-9900.
- If you are scheduled to meet with someone in the United States Pretrial Services and Probation Office, please call 414-297-1425, or contact your assigned supervising officer.
- If you need information from the United States District Court, please call 414-297-3372.
- If you need information from the United States Bankruptcy Court, please call 414-297-3291.

To the extent that any agency in the building requests that a member of the public be allowed to enter the building for mission-critical reasons, court **ORDERS** the following:

United States Marshal Service ("USMS") law enforcement personnel and USMS-deputized contract court security officers shall deny building access to individuals who may be infected with COVID-19 or otherwise appear to pose a public health risk. All persons seeking to enter courthouses within the Eastern District of Wisconsin will be required to answer the following questions:

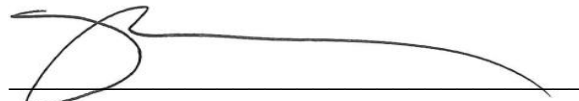
- Are you experiencing symptoms of fever, cough or shortness of breath?
- Have you been in close contact with someone confirmed or who is being evaluated for COVID-19?
- Have you recently visited an area that is subject to quarantine because of COVID-19 infection?

Persons who answer “yes” to any of the above questions will be denied courthouse access. Persons who exhibit symptoms of illness potentially indicating COVID-19 infection will be denied access. USMS law enforcement personnel and USMS-deputized court security officers have the authority to deny courthouse access to persons who otherwise reasonably appear to present a health risk. Those denied access will be provided information regarding the appropriate individual or entity to contact.

The court may modify or vacate this order prior to July 1, 2020 if appropriate given public health guidance. If necessary, the court may extend the order beyond July 1, 2020 if appropriate given circumstances, public health guidance and guidance from court authorities.

Dated in Milwaukee, Wisconsin this 28th day of May, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', is written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge