

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

STANDING ORDER REGARDING IN-PERSON PROCEEDINGS

CASPER, J.

July 27, 2020

In light of the issuance of General Order 20-31 (Supplemental Order Concerning Certain Non-Jury Proceeding), dated July 15, 2020, which noted that the Court “will begin to conduct a limited number of in-person, non-jury proceedings while providing reasonable protection to the health and safety of the participants,” id., the Court adopts the following provisions and recommendations to counsel:

1. All attorneys should review General Order 20-31;
2. As provided in General Order 20-31, most proceedings will continue to be conducted by video. The limited number of proceedings that will proceed in-person will be noticed as such on CM/ECF system;
3. If a matter is proceeding in-person, all participants who attend in person (including attorneys, witnesses, parties or members of the general public) shall conduct a health self-assessment, a link to which appears in General Order 20-31;
4. No one should come to the Courthouse if they have tested positive for COVID-19 or are experiencing any of the coronavirus-related symptoms identified in the health self-assessment. If any attorney or any necessary participant has tested positive or are experiencing any such symptoms, they should notify, Lisa Hourihan, the courtroom clerk for this session as soon as possible;
5. In-person proceedings will only be proceeding in one of four designated courtrooms (Courtrooms 1, 9, 18 or 19) which have been reconfigured, outfitted with plexiglass and maintenance of social distancing. Please be aware of the courtroom assignment which will be listed with the hearing notice on CM/ECF system;
6. All participants shall wear face masks in the courtroom (including attorneys), except a witness during his or her testimony. A witness shall wear his/her mask to/from the witness stand and otherwise while he/she is in the courtroom before/after his/her testimony.

7. Although counsel is free to wear a face mask of his/her choosing, the Court suggests that counsel with a speaking role may want to wear a disposable, paper surgical mask (as experience in the courtroom shows that counsel are audible when wearing this type of mask and the courtroom will have some available);
8. There will be no shared equipment in the courtroom. Accordingly, there is a document camera on each counsel table and outlets for plugging laptops into the Court's document display system. If possible, counsel should plan to use electronic copies of exhibits (and proposed exhibits) during the proceeding or discuss the use of paper documents during the pre-hearing video conference with the Court noted below.
9. Counsel will make their arguments and examinations from counsel table. Only one counsel per side may be at counsel table (along with a criminal defendant in criminal cases).
10. Space is at a premium in the courtroom. Other members of the legal team or party representatives may sit in the gallery (there is an extra table in the gallery for one additional legal team member per side). If sitting in the benches in the gallery, participants may only sit at the designated ends of each bench.
11. To allow additional public access, any proceeding going forward in person will also be available via video conference. The same notice regarding video access will be listed on CM/ECF for those interested in viewing the proceedings.
12. To allow confidential communication between defense counsel and a criminal defendant at a social distance, the Court has installed a headset/microphone system that will allow counsel, defendant (and/or interpreter) to communicate, if necessary, during the proceeding. Disposable earbuds will be available in the courtroom, but if counsel/interpreter prefer to bring their own, they may do. Such headphones must have a jack to plug into the microphone pack (no Bluetooth, AirPods, etc.)
13. The same headset/microphone system is available for the Court and counsel to use for sidebar conferences without the necessity of moving to sidebar and allowing for social distance. For this reason, counsel on both sides may choose to bring their own headphones and follow the guidance above regarding same.
14. Since there are no carafes/cups in the courtroom, counsel may want to bring his/her own water bottle.
15. At the end of the proceeding (or, for a witness, at the end of his/her testimony), all participants (including counsel) shall wipe down the surface of table where they have been sitting/standing, shall remove all personal items (including water bottles) from the courtroom and shall remove and throw away the microphone cover/baggie from the microphone that they have been using. Wipes, hand sanitizers and trash barrels have been added to the courtrooms for this purpose.

16. As counsel may be aware, Governor Baker has adopted new travel orders, effective August 1, 2020, for visitors to Massachusetts (with certain exceptions), www.mass.gov/MAtaveler. If participants (e.g., out-of-state witnesses or counsel) are involved in the proceeding, you may need to consult these provisions and advise the Court as soon as possible if it will affect the availability of necessary participants.
17. As these provisions and the setup of the courtroom are new to the bar, the Court will likely conduct a Zoom conference with counsel before the in-court proceeding to review these provisions. Counsel is also free to contact Lisa Hourihan with any questions.

So Ordered.

/s/ Denise J. Casper
Denise J. Casper
United States District Judge