

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA**

IN RE:
Standing Orders for R. Stan Baker, United
States District Judge, Southern District of
Georgia,

Miscellaneous Case No.: 4:20-mc-05

STANDING ORDER
REGARDING IN-PERSON HEARINGS BEFORE JUDGE R. STAN BAKER¹
IN LIGHT OF THE CORONAVIRUS (COVID-19) PANDEMIC

The Court has been closely monitoring the national emergency surrounding the global spread of the Coronavirus Disease 2019 (COVID-19) and keeping apprised of guidance and information provided by the Center for Disease Control and Prevention (“CDC”) and other national and local public health authorities regarding the pandemic. The Honorable J. Randal Hall, Chief Judge, determined that during the national emergency, “a felony plea under Rule 11, Federal Rules of Criminal Procedure, and a felony sentencing under Rule 32, Federal Rules of Criminal Procedure, cannot occur in person and in court without serious jeopardy to public health and safety.” Order, IN RE: The National Emergency Declared on March 13, 2020, 1:20-MC-005, ECF No. 1 (March 30, 2020). Unfortunately, the risks posed by COVID-19 have not abated, and the continued spread of the virus prevents the Court from being able to regularly conduct in-person hearings safely. Thus, for the time being, Judge Baker continues to conduct most hearings via electronic means.

However, in some cases, practical considerations prevent the Court from holding a hearing via electronic means. Additionally, some defendants in criminal cases have declined to consent to

¹ The directives of this Order only apply to hearings before Judge Baker.

holding a hearing by electronic means.² The administration of justice in these cases should not be delayed indefinitely. Further, having considered recent guidelines issued by the CDC and others, the Court finds that, with the limitations and safety precautions set forth below, the Court may safely conduct limited in-person hearings. As such, the following limitations and precautions shall be required when conducting in-person hearings before Judge Baker until further order of the Court.³

- Health Screening. Any and all individuals attending an in-person hearing before Judge Baker must be screened at the entrance of the courthouse. In accordance with current Court policies, all individuals entering the courthouse will be screened for a temperature of 100.0 or higher and may be asked questions regarding potential exposure to and symptoms of COVID-19.
- Courtroom Sanitation Practices. In coordination with the General Services Administration, the courtroom shall be cleaned as frequently as possible and as soon after each use as possible. Additionally, hand sanitizer, sanitizing wipes, facial tissue, etc. will be placed in the courtroom for use by hearing attendees.
- Personal Protective Equipment (“PPE”). All individuals entering the courthouse must, at a minimum, wear a fabric or disposable surgical-style mask during the entire time that they are in the courthouse. The mask must fit snugly against the individual’s face and must

² In situations where a defendant in a criminal case has declined to consent to a hearing by electronic means and the Court has set an in-person hearing, if the defendant later (but prior to the hearing) decides to consent to holding the hearing by electronic means, defendant’s counsel shall immediately notify the Court of that consent, and the Court may set the hearing by electronic means.

³ Counsel of record for a party shall properly notify and advise their client and any victims, witnesses, or other persons attending an in-person hearing of this Standing Order and its requirements. Any questions regarding any of the information contained in this Standing Order shall be directed to Judge Baker’s Courtroom Deputy Clerk.

cover their nose and mouth. Bandanas, scarves, neck gaiters, buffs, and the like are not acceptable. A non-medical grade mask that has exhalation valves with or without filters may not be worn unless a surgical style mask is worn over it. A mask will be provided to anyone who does not have an acceptable mask and who is seeking entrance to the courthouse to attend a hearing.

- Individuals not allowed in Courtroom. Pursuant to the Standing Order issued by the Honorable J. Randal Hall, Chief Judge, on March 17, 2020, in Case No. 1:20-mc-004, individuals falling into certain categories shall be denied admittance into any of this district's courthouses even if they are scheduled to attend a hearing. Further, individuals should not attend an in-person hearing or otherwise attempt to enter the courthouse if they have tested positive for COVID-19 in the last 14 days or are awaiting the results of a test for COVID-19; have come into contact with anyone in the past 14 days who has tested positive for COVID-19 or is awaiting the results of a test for COVID-19; have any symptoms of COVID-19 including fever, cough, shortness of breath, fatigue, muscle or body aches, headache, loss of taste or smell, sore throat, congestion or runny nose, nausea, or vomiting; or otherwise suspect that they have been exposed to COVID-19. As soon as any individual required to attend an in-person hearing before Judge Baker anticipates that they will not be able to attend the hearing because of the above-listed restrictions, or any other reason, the person (or in the event of a represented party, their counsel) shall immediately contact Judge Baker's Courtroom Deputy Clerk. Additionally, the Court Security Officer performing the above health screening shall immediately notify the Courtroom Deputy Clerk of the name of any individuals scheduled to appear before Judge Baker who are denied admittance to the courthouse.

- Accommodations for Individuals Seeking to Be Excused from Appearing for an In-Person Hearing. Should any person seek to be excused from appearing in-person for a hearing before Judge Baker for any reason, including but not limited to the individual's high risk for severe illness as defined by the CDC, the person shall notify Judge Baker's Courtroom Deputy Clerk **at least seventy-two hours prior to the hearing** unless such amount of time is not practicable. Any such requests must also include a proposed accommodation. A represented party or a witness for a represented party shall make such a request through the party's counsel of record.
- Public Access to In-Person Hearings. At this time, in-person attendance at in-person hearings before Judge Baker will be limited to hearing participants only. The public has access and will continue to have access to all public hearings held before Judge Baker by way of the Court's Public Teleconference Line. All hearing notices for any in-person hearings shall include information for the public to access the Court's Public Teleconference Line. Members of the public, including any family members of any defendant in a criminal case, are encouraged to utilize this line to attend in-person hearings by electronic means.
- Courtroom Occupancy and Permitted Attendees. As indicated above, the Court will only allow hearing participants to enter the courtroom. Additionally, the participants to the hearing shall only be in the courtroom during the hearing for which they are participating. Participants shall remain outside the courtroom until their hearing begins and shall vacate the courtroom at the conclusion of the hearing. For civil cases, the Court will delineate the participants for each in-person hearing in the order setting the hearing. For criminal cases, the participants allowed in the courtroom shall only include the Judge, the Courtroom

Deputy Clerk, the official Court Reporter, the defendant, the defendant's attorney, one attorney for the United States, one law enforcement officer or other "table representative" for the United States, one United States Probation Officer, witnesses that will be called during the hearing, and the Court Security Officers and United States Marshal Service Deputies necessary to maintain the security of the courtroom. No other individuals shall be permitted within the courtroom for a criminal hearing without prior approval of the Court. If any party anticipates calling any witnesses during the hearing or otherwise desires to have any other person present in the courtroom during the hearing, the attorney for that party shall notify Judge Baker's Courtroom Deputy Clerk of the witness or other person's identity and their anticipated role in the hearing well in advance of the hearing and **in no event less than seventy-two hours prior to the hearing**. Prior to the hearing, any witnesses will be placed either within the courtroom at an appropriate distance from all other participants or immediately adjacent to the courtroom where indicated by the Court Security Officer or Courtroom Deputy Clerk.

- **Social Distancing in Courtroom**. Every person attending an in-person hearing must practice social or physical distancing at all times. This means keeping at least six feet (approximately two arms' length) of space between each person present in the courtroom. There may be certain circumstances wherein it is more difficult to maintain proper distancing while in the courtroom (i.e. attorney-client communications). However, the Court expects that all individuals in the courtroom will limit close contact with others as much as possible. Seating within the courtroom will be arranged and marked in such a way as to maintain proper spatial distancing. Individuals entering the courtroom should be

seated where indicated by the Court Security Officer or Courtroom Deputy Clerk and shall not rearrange seating in the courtroom.

- Electronic Documents. There shall be no passing of any documents, papers or writing instruments of any kind amongst individuals present in the courtroom during the hearing. Any and all documents, including plea agreements, change of plea sheets, consents, stipulations, etc. must be executed by the parties prior to the hearing and submitted to the Courtroom Deputy Clerk by email or electronic filing. Counsel must provide any and all exhibits that counsel may use during the hearing to Judge Baker's Courtroom Deputy Clerk **at least seventy-two hours prior to the hearing**. Counsel must mark the exhibits and provide them via email to the Courtroom Deputy Clerk in electronic format prior to the hearing. However, if email is unavailable due to the file type or file size of an exhibit, then counsel should provide the exhibit using an alternate electronic method (i.e., USAF_x, CD-R, or USB Drive). Any questions or concerns regarding the presentation of exhibits should be directed to the Courtroom Deputy Clerk well in advance of any hearing.

The Court appreciates the cooperation of all individuals in attending to this matter during this time and in assisting the Court in meeting its solemn obligations while safeguarding the health and safety of all parties, officers of the Court, and the Court's personnel.

SO ORDERED, this 4th day of September, 2020.



R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA