

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GENERAL ORDER No. 72

IN RE: Coronavirus Disease Public Health Emergency

WHEREAS, the President of the United States has declared a National Emergency in response to the COVID-19 (Coronavirus Disease) outbreak;

WHEREAS, the Governor of the State of California has declared a State of Emergency in response to the COVID-19 outbreak;

WHEREAS, the Centers for Disease Control and Prevention (CDC) has recommended that throughout the United States of America, for an eight-week period, organizations cancel or postpone in-person events consisting of 50 people or more;

WHEREAS, local public health departments have recommended that large gatherings be avoided, that elderly and other vulnerable populations avoid person-to-person contact, and that employers allow employees to telework to the extent practical;

WHEREAS, the six Bay Area counties have announced a shelter in place order directing everyone to stay inside their homes and away from others as much as possible for the next three weeks as public health officials try to curb the rapid spread of coronavirus across the region;

WHEREAS, the Judges of the United States District Court, Northern District of California, have considered and extensively discussed the various interests implicated by the COVID-19 (Coronavirus Disease) outbreak and any court response to the outbreak, including: the health of jurors, witnesses, parties, attorneys, the public, court staff, Probation and Pretrial Services staff, chambers staff, and judges; the constitutional rights of criminal defendants and other parties; and the public's interest in, and the court's duty to ensure, the effective and expeditious administration of justice;

NOW THEREFORE, the United States District Court, Northern District of California, hereby issues the following Order, effective immediately:

Civil Cases:

1. No jury trial will be commenced before May 1, 2020. Any trial dates currently scheduled during that period are vacated.
2. All civil matters will be decided on the papers, or if the assigned judge believes a hearing is necessary, the hearing will be by telephone or videoconference. This applies to motion hearings, case management conferences, pretrial conferences, settlement conferences and Alternative Dispute Resolution ("ADR") proceedings. See the assigned judge's scheduling notes for specific instructions on telephone/video appearances, or the ADR webpage.

Criminal Cases:

Due to the Court's reduced ability to obtain an adequate spectrum of jurors and the effect of the above public health recommendations on the availability of counsel and court staff to be present in the courtroom, the time period of the continuances implemented by this General Order will be excluded under the Speedy Trial Act, as the Court specifically finds that the ends of justice served by ordering the continuances outweigh the interest of the public and any defendant's right to a speedy trial pursuant to 18 U.S.C. section 3161(h)(7)(A). Accordingly,

1. No jury trial will be commenced before May 1, 2020. Any trial dates currently scheduled during that period are vacated.
2. Initial appearances and other proceedings before the magistrate judges, will continue, but will be consolidated and such proceedings for all divisions will be conducted in San Francisco, and where possible, will be conducted by telephone or by videoconference. New arrestees shall be booked at Santa Rita Jail and produced for court the following day instead of being presented for booking at the U.S. Marshals Service lockup.
3. Appearances before the district judges may be waived or postponed, if required by law, with the defendant's consent.
4. To the extent possible, after lodging/filing an application to enter an open guilty plea or a plea agreement, guilty pleas and sentencing shall be consolidated for a date after the presentence report has been prepared.
5. All grand jury proceedings in this district are suspended until May 1, 2020.
6. Case-by-case exceptions to any of these procedures may be ordered for non-jury matters at the discretion of the Court after consultation with counsel.

Other:

1. The Civil Local Rule 5-1 requirement for provision of a courtesy copy of all filings to the chambers of the assigned judge, applicable to both civil and criminal cases, is suspended pending further notice.
2. This General Order supersedes any previous information included in standing orders or scheduling notes related to COVID-19.
3. The courthouse and law library are closed for public events, tours, and visits.

ADOPTED: March 16, 2020

FOR THE COURT:



PHYLLIS HAMILTON
CHIEF JUDGE