

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

M E M O R A N D U M

TO: All Court Personnel

FROM: COVID-19 Response Team

DATE: June 14, 2021

RE: Revised Protocols at the Courthouses

With vaccination rates increasing and COVID-19 positivity rates decreasing in New York, Westchester and surrounding areas, the COVID-19 Response Team, in consultation with our retained expert, Dr. Amira Roess, Professor of Global Health & Epidemiology at George Mason University, has determined that the following changes are appropriate at this juncture for in-court proceedings:

**POLICY FOR NON-JURY TRIALS AND OTHER IN-COURT PROCEEDINGS
WHEN ALL PARTICIPANTS ARE FULLY VACCINATED**

When the judge and all other participants who are in the well of the courtroom (including parties, witnesses, law enforcement, court reporters and interpreters) have been fully vaccinated, the judge may permit the participants to remove their masks for the proceeding and social distancing does not have to be observed in the well. Individuals may only remove their masks when they are in the well and must place the masks back on prior to leaving the well. All individuals sitting in the gallery of the courtroom must be masked even if fully vaccinated and must maintain social distancing. Judges are responsible for designating someone on their chambers staff to have the attached form, which asks about vaccination status, completed each day this protocol is utilized. The form must be maintained for 30 days for contact tracing purposes in the event of a reported infection. The information requested on the form is the minimum that should be required. Individual judges are free to require, for any particular proceeding, additional verification of vaccination status, including, for example, the New York State-issued Excelsior Pass, or the COVID-19 Vaccination Record card.

POLICY FOR NON-JURY TRIALS AND OTHER IN-COURT PROCEEDINGS WHEN ALL PARTICIPANTS ARE NOT FULLY VACCINATED

When all participants in the well are not fully vaccinated, all persons present in the courtroom must wear masks. However, in the judge's discretion, if counsel and clients on the same side at a counsel table, or court staff sitting together, are all vaccinated, they must remain masked but do not have to observe social distancing at the counsel table or the staff station. Social distancing must be maintained by all other participants and spectators.

In addition, those who are fully vaccinated will no longer have to complete the full daily screening questionnaire in order to gain entry to the courthouses. All individuals seeking to enter will still have to obtain a QR code, but once an individual confirms that they are fully vaccinated they will immediately receive a QR code without having to answer any additional questions. This will help to streamline the entry process as we continue to increase in-person proceedings and other activities. Please note that it remains Court policy that no one may enter the courthouse if they are feeling sick, have a fever, or have tested positive for COVID-19 in the past two weeks, regardless of vaccination status. Also, all individuals who have recently traveled must comply with the Court's post-travel protocols. There are specific protocols in place for fully vaccinated individuals who have traveled internationally. Please consult the Court's Entry Protocol for Travelers for complete details --

<https://www.nysd.uscourts.gov/covid-19-coronavirus>.

We are considering additional changes to Court policies given recent updates to public health guidance by the CDC, the New York Department of Health and other agencies. In addition, we will continue to monitor the vaccination rates and COVID-19 positivity rates in the courthouse as well as in New York and surrounding states. While we are hopeful that current downward trends in COVID-19 positivity rates continue, we are mindful that we could start to see a trend in the opposite direction as we ease restrictions. If there are outbreaks, we

will have to reassess our policies and consider re-imposing certain protocols. We will continue to provide updates on significant additional revisions to Court policies.

Questions regarding the application of the Court's COVID-19 policies may be directed to COVID_Response@nysd.uscourts.gov.

