

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE: UPDATED GUIDANCE TO COURT OPERATIONS
UNDER THE EXIGENT CIRCUMSTANCES CREATED BY
COVID-19

**GENERAL ORDER
No. 39**

WHEREAS, the Court has issued a series of General Orders re: Court Operations Under the Exigent Circumstances Created by COVID-19, which are available on the Court's website at www.mnd.uscourts.gov.

WHEREAS, on March 13, 2020, the President of the United States of America declared a national emergency in response to COVID-19 and on February 23, 2022, the President published formal notice in the Federal Register continuing the national emergency concerning the COVID-19 pandemic.

WHEREAS, local detention facilities continue to implement several COVID-19 related restrictions that impact the ability of pretrial detainees to consult with legal counsel and appear in-person at a U.S. Courthouse; and the Bureau of Prisons continues to impose modified operations.

WHEREAS, Minnesota continues to be an area of risk for further COVID-19 spread and there are concerns about the potential increased transmissibility of strains of the COVID-19 virus.

WHEREAS, the Judges of the United States District Court, District of Minnesota, have considered and extensively discussed the various interests implicated by the COVID-19 outbreak and any court response to the outbreak, including: the health of jurors, witnesses, parties, attorneys, the public, court staff, and judges; the constitutional rights of criminal defendants and other parties, and the ability to conduct certain criminal proceedings via videoconference or telephone conference under the CARES Act; and the public's interest in, and the court's duty to ensure, the effective and expeditious administration of justice.

NOW THEREFORE, to continue to protect public health, reduce the size of public gatherings, reduce unnecessary travel, and respond to the COVID-19 outbreak, **IT IS HEREBY ORDERED**, that:

FILED 9-14-2022
KATE M. FOGARTY

JUDGMENT ENTD
DEPUTY CLERK KoA

Criminal Matters:

1. The Court may continue to hold criminal proceedings using videoconferencing, or telephone conferencing if videoconferencing is not reasonably available when the defendant consents to appearing at the proceeding remotely. Unless otherwise authorized by law, only the criminal proceedings outlined in General Order No. 38 may be conducted by videoconference, or telephone conference if videoconferencing is not reasonably available. The Court encourages the use of videoconferencing for criminal proceedings.
2. For criminal proceedings where a defendant declines to consent to conducting the proceeding using videoconferencing, or telephone conferencing if videoconferencing is not reasonably available, the Court will hold limited in-person proceedings.
 - a. To safely conduct in-person court proceedings and to comply with the COVID-19 restrictions in place at local detention facilities, only a limited number of in-person criminal proceedings may be held each day. Accordingly, criminal proceedings may be continued until the date that the criminal proceeding takes place. All existing pretrial deadlines remain in place, unless otherwise ordered by the presiding judge.
 - b. If the proceeding must be continued, the Court finds that the time of the continuances implemented by this order will be excluded under the Speedy Trial Act, as the Court specifically finds that the ends of justice are served by ordering the continuances and outweigh the best interests of the public and of the criminal defendants under 18 U.S.C. § 3161(h)(7)(A). Absent further order of the Court or any individual judge, the period of exclusion shall be from March 17, 2020, or the date of the indictment, whichever is later, to the date that the criminal proceeding takes place. The Court may extend the period of exclusion as circumstances may warrant.
 - c. Where appropriate, the presiding judge will enter orders in individual cases to extend deadlines and exclude time under the Speedy Trial Act. The presiding judge may extend deadlines and exclude time under the Speedy Trial Act in cases even when certain proceedings are held using videoconferencing or telephone conferencing to address delays attributable to COVID-19.
2. The Court will conduct criminal jury and bench trials. All jury trials must be conducted with appropriate safeguards.

- a. To safely conduct criminal jury trials and to comply with the COVID-19 restrictions in place at local detention facilities, only a very limited number of jury trials may take place at the same time. Accordingly, criminal jury trials may be continued until the date that the criminal jury trial commences.
 - b. If the criminal jury trial must be continued, the Court finds that the time of the continuances implemented by this order will be excluded under the Speedy Trial Act, as the Court specifically finds that the ends of justice are served by ordering the continuances and outweigh the best interests of the public and of the criminal defendants under 18 U.S.C. § 3161(h)(7)(A). Absent further order of the Court or any individual judge, the period of exclusion shall be from March 17, 2020, or the date of the indictment, whichever is later, to the date that the criminal jury trial commences.
 - c. Where appropriate, the presiding judge will enter orders in individual cases to extend deadlines and exclude time under the Speedy Trial Act.
3. All trial-specific deadlines in criminal cases may be continued as ordered by the presiding judge.

Civil Matters:

1. The Court will conduct in person civil jury trials. All in person jury trials must be conducted with appropriate safeguards. The Court has also developed a protocol for virtual civil jury trials that may be utilized for trials at any time.
2. All civil jury trial-specific deadlines may be continued as ordered by the presiding judge.
3. The Court continues to encourage the use of videoconferencing or telephone conferencing for civil hearings and bench trials. At the presiding judge's discretion, in-person civil hearings or bench trials may occur. All in-person civil hearings and bench trials may only take place with appropriate safeguards in place. The Court has developed a protocol for the courtroom to ensure the health and safety of all participants.

Other:

1. The Continuity of Operations (COOP) Plan for the United States District Court for the District of Minnesota continues to be activated, effective March 23, 2020. The COOP Plan may be extended or inactivated as necessary. The activation of the

COOP Plan is necessary to ensure the continuous performance of essential functions and operations of the Court.

2. Concerning the Clerk's Office:

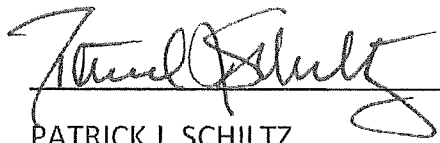
- a. The Clerk's Office intake desk is open during normal business hours (8:00 a.m.-4:30 p.m., Monday-Friday).
- b. The Clerk's Office will continue to not accept cash payments; persons needing to make payment may do so by check, money order, credit card, debit card, or online (where applicable).
- c. The Clerk's Office will continue to accept electronic filings in civil and criminal cases through electronic case filing system (CM/ECF) and online payments through www.pay.gov.
- d. Mail to the District Court should be directed to:
Diana E. Murphy U.S. Courthouse
300 South Fourth Street, Suite 202
Minneapolis, MN 55415
- e. To reach the Clerk's Office:
 - Main line: 612-664-5000
 - Electronic Case Filing (ECF) Helpdesk: 866-325-4975 or 612-664-5155
 - Electronic Case Filing (ECF) Helpdesk email: ecfhelpdesk@mnd.uscourts.gov
 - Online chat: www.mnd.uscourts.gov

3. Exceptions to this order may be approved by the Chief Judge or the presiding judge if special circumstances so require.

4. This order vacates General Order No. 36, entered on June 1, 2022; General Order Nos. 12, and 38 remain in effect, except for any changes addressed in this order.

5. The Court will vacate or amend this order no later than December 12, 2022.

Dated in Minneapolis, Minnesota, September 14 2022, at 11:45 3 p.m.



PATRICK J. SCHILTZ
Chief Judge
United States District Court