

United States District Court

District of Maine

In Re:)	
)	
COURT OPERATIONS UNDER)	
THE EXIGENT CIRCUMSTANCES)	
CREATED BY THE COVID-19)	GENERAL ORDER 2021-04
CORONAVIRUS & RELATED)	(Resumption of In-Person Proceedings)
PANDEMIC PRECAUTIONS)	

GENERAL ORDER

This General Order is issued in response to the outbreak of Coronavirus Disease 2019 (COVID-19) in accordance with the *Pandemic/Infectious Disease Plan for the United States District Court for the District of Maine (March 2020)*. This General Order addresses the incremental resumption of in-person proceedings. The Court hereby adopts and incorporates the findings made in the Court’s previous General Orders as to the threat to public health and safety presented by the COVID-19 pandemic.

The national emergency declared in March 2020 regarding the COVID-19 pandemic remains in effect. *See* Continuation of the National Emergency Concerning the Coronavirus Disease 2019 (COVID-19) Pandemic, 86 Fed. Reg. 11599 (Feb. 24, 2021). Vaccination efforts are now under way. The State of Maine has adopted an age-based approach to expanding vaccine eligibility which makes the vaccine available to all age-groups by July 2021. *See* Office of Governor Janet T. Mills, Maine Adopts Age-Based Approach to Expanding Vaccine Eligibility (Feb. 26, 2021), <https://www.maine.gov/governor/mills/news/maine-adopts-age-based-approach-expanding-vaccine-eligibility-2021-02-26>. Based on the State’s plan, the mitigation measures the Court has adopted and implemented in response to the COVID-19 pandemic, and publicly available data and information related to the status of the COVID-19 virus, the Court adopts a graduated approach to the resumption of in-person proceedings.

Accordingly, this General Order authorizes the resumption of in-person proceedings as follows:

A. Grand Jury Proceedings

The Court previously tolled the 30-day time period for filing an indictment as to charges not heard and determined by the grand jury through March 12, 2021. *See* General Order 2020-15 (amended, January 29, 2021). Grand jury operations in this District have now resumed with pre-pandemic

frequency. Accordingly, General Order 2020-15 will not be renewed or extended further, unless future pandemic conditions warrant it.

B. In-person Hearings; Criminal and Civil Jury Empanelment and Trials

To protect public health and safety, and to reduce the size of public gatherings and unnecessary travel, and subject to the Court's ongoing review of the circumstances associated with the COVID-19 pandemic, it is ORDERED:

1. In-person Hearings and Non-jury Trials in Criminal and Civil Cases

a. Effective April 1, 2021, the Court will schedule in-person hearings and non-jury trials that cannot be conducted by videoconference or telephone conference if, on motion of a party or on the Court's own initiative, the presiding Judge finds that, in the interests of justice, an immediate in-person hearing or non-jury trial is necessary.

b. Effective June 1, 2021, the Court will schedule in-person hearings and non-jury trials that cannot be conducted by videoconference or telephone conference.

2. Jury Empanelment and Trials

a. All civil jury empanelment and jury trials scheduled to commence in the Bangor and Portland Divisions of the U.S. District Court for the District of Maine are continued until the July 2021 Jury Term.

b. All criminal jury empanelment and jury trials scheduled to commence in the Bangor and Portland Divisions of the U.S. District Court for the District of Maine are continued until the August 2021 Jury Term.

3. Continuances in Criminal Cases. For every continuance entered in a criminal case pursuant to this General Order or a prior General Order, the time period of the continuance will be excluded under the Speedy Trial Act, 18 U.S.C.A. § 3161(h)(7)(A), subject to the entry of an order addressing the same by the presiding Judge in each case. The Court finds that the ends of justice served by taking such action outweigh the interests of the parties and the public in a speedy trial. The presiding Judge may extend or modify the period of exclusion as circumstances may warrant.

4. Deadlines in Criminal and Civil Cases. This General Order does not contain a general extension or suspension of any court deadlines. A party

which desires the extension or suspension of a deadline in a criminal or civil case should file a written motion in accordance with the applicable rule or rules.

Effectiveness; Termination: This General Order supersedes Part A of General Order 2020-14. This General Order takes effect at 11:59 p.m. on March 12, 2021, and shall remain in effect until superseded or terminated by a future Order of the Court.

SO ORDERED.

Dated: March 12, 2021

/s/ Jon D. Levy
CHIEF U.S. DISTRICT JUDGE