

**UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT**

In re: Plan for the Resumption of
Certain Court Operations

FILED
U.S. DISTRICT COURT
DISTRICT OF VERMONT
MAY 15, 2020

GENERAL ORDER NO. 90

In light of the COVID-19 emergency, the court reduced on-site hearings and staff activities at the Burlington and Rutland courthouses. Much of the work of the court continued through remote means, including video and telephone hearings. See General Order No. 89. With the gradual resumption of activities across Vermont, the court adopts the following plan to govern hearings and other court functions effective May 18, 2020.

1. Courthouse access

The courthouse is open for visits by attorneys and members of the public. All persons, including visitors, judges, court staff, and employees of other agencies located within the courthouse, shall wear masks while in public spaces. The only exception shall be for a witness during his or her testimony. The court will provide witnesses with a transparent face-shield. Disposable masks will be available at the entrances. More information about masks is available through the mask policy adopted by the Court Security Committee. A copy is attached to this plan.

2. Public counter

The public counter, including the public CM/ECF terminal, will be open from 10:00am – 2:00pm, Monday through Friday.

3. Cleaning

Cleaning of public spaces will be increased. In cooperation with the General Services Administration, the court will wipe down shared surfaces such as attorney tables, the podium, and, if used, the witness box between hearings. The public counter and terminal will be cleaned as frequently as possible.

4. No entry for symptomatic people

A person who is experiencing symptoms which may be related to COVID-19 illness shall not enter the courthouse. This directive includes visitors and employees. These symptoms include elevated temperature, cough, sneezing or other respiratory symptoms, nausea, tightness of the chest or difficulty breathing. The court will post signs at the entrances to inform visitors of these restrictions.

5. Appearance by video or telephone

With the consent of the defendant, appearance by video or telephone remains available for criminal hearings unless the presiding judge orders otherwise. These hearings include initial appearance, arraignment, detention hearings, revocation hearings, evidentiary hearings with a small number of witnesses, changes of plea and sentencing. Counsel shall discuss these arrangements directly with chambers on a case by case basis.

6. Courthouse schedule

At the judgment and discretion of individual judges, in-person hearings in criminal and civil cases may resume on a limited basis in Burlington after May 25, 2020 and in Rutland after June 8, 2020. Hearings by video and telephone will be conducted as often as possible.

7. Trials

Except as ordered by the presiding judge in a particular case, no civil or criminal trials will be scheduled before September 1, 2020. The presiding judge retains discretion to schedule a trial before that date.

Before any trial, the court will enter an order tailored to the needs of the case concerning measures to reduce the risk of infection to all participants. This order will follow detailed planning with the attorneys and may include provisions for video or deposition testimony, stipulated exhibits, and seating within the courtroom.

8. Detained defendants

To the extent possible, defendants who are detained before trial or sentencing will be separated within the courthouses depending on the detention facility where they are housed. Chambers and the U.S. Marshal Service will cooperate to make sure that populations from different facilities are not mixed. Like other visitors to the courthouse, defendants will wear masks in public spaces and shall be subject to the restrictions set forth in paragraph 4.

The USMS shall have discretion to arrange for attorney-client conferences in private settings with appropriate barriers such as plexiglass shields between a defendant and his or her attorney.

Dated at Burlington, in the District of Vermont, this 15th day of May, 2020.



Geoffrey W. Crawford
Chief Judge