

NEWS FROM THE THIRD CIRCUIT

FOR IMMEDIATE RELEASE:

All courts within the Third United States Judicial Circuit are open and operational, despite a curtailment of certain court functions and the closure of several court facilities.

That was the message today from Chief Third Circuit Judge D. Brooks Smith as he took stock of the operation of all federal courts located within Pennsylvania, New Jersey, Delaware and the U.S. Virgin Islands that are coping with the challenges posed to the administration of justice by the spread of the coronavirus.

“While all of our judges and court employees recognize the seriousness that attaches to the declaration of a national emergency,” Chief Judge Smith observed, “the Third Circuit is not in the midst of a *judicial* emergency.” Smith has been conferring with Chief District Judges on a daily basis, and he has commended all of them on “their fortitude and the sound judgment they have exercised to assure both the safety of the public and court employees and the uninterrupted application of the rule of law.”

“The ‘current unpleasantness,’ as I’ve recently referred to it, is serious and unprecedented. It tests our collective will,” Smith acknowledged, “and requires us to be responsive and innovative.” He pointed to the widespread use of teleworking

and laptop computers as two means by which many judges and their staffs have been able to continue to do much of the routine work of their courts.

The Chief of the Third Circuit, along with the Circuit Executive, released the following summary of circuit-wide operations as of today:

- Third Circuit Court of Appeals. The Court of Appeals is open for business. Oral arguments will go forward as scheduled. Parties may request to appear by audio-conference by filing a motion. If a panel determines that argument should be presented telephonically, the Clerk's Office will provide counsel with audio-conference instructions. Recordings of oral arguments will be made available on the Court's website within 24 hours after argument concludes. The Clerk's Office will be open but minimally staffed. The majority of staff are working remotely and will return phone calls. During this time, the requirement to file hard copies of filings is deferred. Parties may request extensions of time either by motion or by calling the Clerk's office at 215-597-2995 and selecting the case management team. The Court is prepared to handle emergencies. If a party has an emergent matter, you are requested to call the Clerk's Office at 267-299-4904
- District of Delaware. The District of Delaware is open. Court operations and physical access have been limited in light of the Coronavirus (COVID-19).

There are several Standing Orders in effect reflecting these and other operational changes. The Standing Orders are posted on the District of Delaware website, www.ded.uscourts.gov. The website is updated regularly to reflect any changes.

- Western District of Pennsylvania. District Court and Bankruptcy Court are open during normal business hours. Those courts continue to conduct necessary judicial business, accept electronic and paper filings, and respond to public inquiries. Civil and criminal jury selections and trials continued until April 27, 2020. Non-case related activities in all court facilities have been rescheduled. Grand Jury operations are suspended until April 6, 2020. District Court and Bankruptcy Court are operating with only essential staff in their courthouses with most staff teleworking. Initial criminal proceedings are being conducted by video from detention centers where possible. Most District Court hearings and all Bankruptcy Court hearings are being conducted telephonically.
- Middle District of Pennsylvania. The Harrisburg Courthouse has been closed until further notice as a result of a positive COVID-19 test of a resident law enforcement agent stationed in the building. All court proceedings will be transferred to either the Williamsport or Scranton Courthouses. Otherwise, all locations are operating with “skeleton staffs” and all hearings are done by

either video or telephone with few exceptions. All operational tasks are done to minimize as much as possible exposure to others. The websites of the District and Bankruptcy Courts, as well as the Probation Office, are being continually updated regarding operational issues, instructions and procedural changes.

- Eastern District of Pennsylvania. The District continues to be open and operational, but with limited essential services. The Easton location has been closed because a Court employee had contact with a person who subsequently tested positive for COVID-19. Courthouses in Philadelphia and Allentown and the Reading location remain open with restricted public access. All civil and criminal jury trials, as well as grand jury proceedings, arbitration hearings, attorney admission ceremonies, naturalization ceremonies, and Central Violations Bureau hearings, have been continued until April 13, 2020. A number of Standing Orders are in effect reflecting these and other operational changes. The Standing Orders are posted on the District Court's website, and the website is updated regularly to reflect any new developments. Bankruptcy Court in Reading and Philadelphia continues to be open and operational, but with limited essential services. All scheduled hearings are telephonic and certain routine deadlines have been extended by 60 days.

- District of New Jersey. The District of New Jersey has four courthouses located in Newark (2), Trenton and Camden. The District has implemented the following procedures in response to COVID-19: District Court: 90% of Court staff is teleworking. All civil and criminal jury selections and jury trials scheduled to begin before April 30, 2020 are continued, pending further Order of the Court. Each Clerk's Office is minimally staffed with supervision. In-person filings are limited to the drop box in each courthouse with exceptions for emergent matters. Judges are conducting pretrial/settlement conferences via video and teleconferencing. Detainees in new arrests are appearing in person or via video, subject to place of confinement. The Court website is constantly updated. IT staff is working in-person at each courthouse. Daily telephonic debriefings are being held among all court units/departments. Bankruptcy Court: A General Order has been posted addressing hearings, appearances, etc. Most staff is teleworking with minimum staff on site. Probation/Pretrial: Minimum staffing for each courthouse/office with others teleworking.
- District of the Virgin Islands. The District Court of the Virgin Islands remains open. The Court precludes access to the Almeric L. Christian Federal Building and Courthouse on St. Croix and the Ron de Lugo Federal Building and Courthouse on St. Thomas to: individuals who have been

asked to self-quarantine because of exposure to COVID-19 or travel to a country or region with the outbreak; persons who reside with or have had close contact with someone who has been advised to self-quarantine by any doctor, hospital, or health agency; persons who have been diagnosed with, or have had known contact with anyone who has been diagnosed with COVID-19; and persons experiencing symptoms of respiratory illness such as fever, severe cough, or shortness of breath. The Court has continued all civil and criminal trials in both Divisions from March 18, 2020 through April 16, 2020, pending further Order of the Court; suspended the convening of the grand juries and precluded the empanelment of new grand juries in both Divisions from March 18, 2020 through April 16, 2020; maintained all deadlines set by Federal or Local Rules or Court Orders, including, but not limited to, scheduling orders in all civil and criminal cases; and encouraged parties to utilize teleconference, videoconference, and other similar means that facilitate the effective accomplishment of assigned tasks without compromising the health and safety of those involved. Similarly, the Court will conduct conferences and hearings telephonically when it is practicable and efficient to do so.

Chief Judge Smith also announced today that, as a consequence of the COVID-19 pandemic, the Third Circuit Judicial Conference scheduled for May 13-15, 2020, in Philadelphia has been cancelled. “This was a very difficult decision,” Smith noted, “but one that was necessary for reasons of health and safety.” There are no plans at present to reschedule the Conference. All registration fees that have already been processed will be refunded, and room reservations made at the Hilton at Penn’s Landing will be cancelled by court staff.

For further information, contact Joel McHugh, Deputy Circuit Executive, at 267-299-7932.