

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

**IMPORTANT NOTICE TO THE BAR AND PUBLIC CONCERNING
CHIEF JUDGE STATUS REPORT, INCLUDING AMENDED GENERAL ORDER
REGARDING COURT OPERATIONS UNDER THE EXIGENT CIRCUMSTANCES
CREATED BY CORONAVIRUS (COVID-19)**

In response to the rapidly developing facts, preparedness planning and response guidance concerning COVID-19, please take note of the attached Chief Judge Status Report, which includes (i) this Court's Amended General Order Regarding Court Operations Under the Exigent Circumstances Created by Coronavirus (COVID-19), effective June 1, 2020, (ii) Standing Order 2020-13 In Re Use of Face Coverings/Masks Due to COVID-19 entered by U.S. District Court Chief Judge Wolfson on May 22, 2020, and (iii) the District of New Jersey COVID-19 Recovery Guidelines dated May 19, 2020.

The Status Report (with attachments) is annexed hereto and is available on the Court's website, njb.uscourts.gov.

Dated: June 1, 2020

Jeanne A. Naughton, Clerk



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

TO: All Members of the Bar and Public
FROM: Michael B. Kaplan, Chief Judge
DATE: June 1, 2020
RE: Status Report on COVID-19 Courthouse Operations and Reopening Guidelines

It is my sincere hope that all members of the bar and public continue to remain safe and healthy during these difficult times.

On behalf of my colleagues, I write to provide information regarding the status of courthouse operations throughout the District, as well as guidelines for the phased reopening of the courthouses. To that end, please find attached (i) this Court's Amended General Order dated June 1, 2020, (ii) Standing Order 2020-13 In Re Use of Face Coverings/Masks Due to COVID-19 entered by U.S. District Court Chief Judge Wolfson on May 22, 2020, and (iii) the District of New Jersey COVID-19 Recovery Guidelines dated May 19, 2020.¹

Please be sure to review these documents and all other guidance and General Orders related to COVID-19. Updates and related documents can be found on the Court's website through the following link: [*Please click here for information regarding Court Operations & Procedures during COVID-19.*](#)

Thank you for your continued flexibility as we navigate the COVID-19 pandemic. The Bankruptcy Court is looking forward to a time when all members of the bar and public are able to access the courthouses once again.

¹ In light of recent events, the courthouses will be closed during the week of June 1, 2020. Accordingly, the Phase One target date for reopening the courthouses referred to in the District of New Jersey COVID-19 Recovery Guidelines has been extended to June 8, 2020. Please continue to refer to the Court's website, njb.uscourts.gov, for the most updated information.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

**AMENDED GENERAL ORDER REGARDING COURT OPERATIONS UNDER THE
EXIGENT CIRCUMSTANCES CREATED BY CORONAVIRUS (COVID-19)**

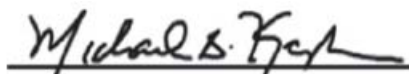
WHEREAS the Centers for Disease Control has directed all employers and places of public accommodation to plan and prepare for operations that help to minimize spread of the Coronavirus that causes COVID-19; and

WHEREAS the District of New Jersey is among those areas with a significant number of identified and projected cases of COVID-19;

IT IS hereby on this 1st day of June 2020 **ORDERED:**

- 1) The United States Bankruptcy Court for the District of New Jersey will remain open. Clerk's Office staff will be available by mail, email, and through the main phone line in each vicinage. Filings will continue through CM/ECF. Limited staff will be available to receive mail and process intake. The public should utilize the Court's services in a manner consistent with state and local health guidelines;
- 2) All trials scheduled to be conducted prior to July 31, 2020 will be adjourned and rescheduled by the Court;
- 3) All motions and contested matters will be presumed to be heard on the papers. Parties may request oral argument via email to chambers. If permitted by the judge, oral argument must be conducted remotely and presented through a third-party provider. The recording by the third-party provider will constitute the official record of the Court. The Court will also consider and accommodate all reasonable adjournment requests;
- 4) All case trustees will consider and accommodate all reasonable requests for continuance of § 341(a) meetings;

- 5) For purposes of clarity, no deadlines are extended unless otherwise set forth in this Order;
- 6) The exigent circumstances created by COVID-19 warrant the following exceptions:
- a. Original signature retention requirements for counsel under local and national rules are deferred.
 - b. Parties initiating contested matters under Fed. R. Bank P. 9013 and 9014, may effectuate service through electronic mail. Regular mail service is still required for all parties and counsel for which such means of service is unavailable.
 - c. These exceptions will expire on July 31, 2020 unless otherwise modified by this Court.
- 7) This Order modifies the Court's (i) General Order dated March 16, 2020, (ii) Amended General Order dated March 19, 2020, (iii) Amended General Order dated March 27, 2020, (iv) Amended General Order dated April 6, 2020, and (v) Amended General Order dated May 1, 2020, and shall remain in effect until July 31, 2020. This Order may be revisited at that time and is subject to interim revision as conditions may occur.

A handwritten signature in black ink, appearing to read "Michael B. Kaplan", is written over a horizontal line.

Michael B. Kaplan, Chief Judge
U.S. Bankruptcy Court
District of New Jersey

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

USDC DNJ DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>May 22, 2020</u>

IN RE: USE OF FACE COVERINGS/MASKS:
DUE TO COVID-19 :

STANDING ORDER 2020-13

WHEREAS, the President of the United States has declared a National Emergency, and the Governor of the State of New Jersey has declared a State of Emergency and a Public Health Emergency throughout the State, in response to the coronavirus (COVID-19) pandemic;

WHEREAS, the U.S. Centers for Disease Control and Prevention (CDC) and other public health authorities have advised taking precautions to reduce the possibility of exposure to COVID-19 and to slow the spread of the disease;

WHEREAS, in response to government policy, CDC guidelines and public health advancements, the United States District Court for the District of New Jersey (“Court”) has adopted the District of New Jersey COVID-19 Recovery Guidelines (“Recovery Guidelines”), providing for a phased approach to reconstituting operations; and

WHEREAS, in accordance with the CDC’s recommendation, based upon data on the spread of COVID-19, the Recovery Guidelines contain a Face Covering/Mask Protocol, mandating that employees wear a face covering or mask to cover their noses and mouths in community settings, in order to protect themselves and others nearby;

NOW, THEREFORE, in order to further public health and safety, and the health and safety of Court personnel, counsel, litigants, other case participants, jurors, security personnel and the general public, IT IS HEREBY ORDERED, that all persons seeking entry to or occupying any Court facility in the District of New Jersey, including, but not limited to, Court staff, security personnel, vendors, contractors, litigants, attorneys, jurors and other members of the public, are required to wear a face covering or mask when in a community setting, including entering and exiting the courthouse, entering and exiting the Clerk’s Office, and in the jury assembly room, the central mailroom and indoor parking garages, as well as in all common areas, including, but not limited to, courtrooms, elevators, stairwells, hallways, and restrooms; and it is further

ORDERED that all persons shall engage in social distancing, which requires that individuals maintain a six-foot distance between each other; and it is further

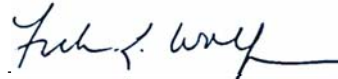
ORDERED that in private office areas within the Court facilities, Court staff are permitted to remove their face coverings or masks during the workday while they are in a cubicle or private office, assuming social distancing guidelines are maintained; and it is further

ORDERED that any visitor seeking entry into a Court facility without a face covering or mask shall be delayed by the Court Security Officers, who will inquire as to the office the person is visiting and the purpose. The Court Security Officers or the visitor will then contact that office to determine whether the business can be handled without entry to the building; and it is further

ORDERED that the United States Marshal, his Deputies, and the Court Security Officers shall enforce this Order; and it is further

ORDERED that this Standing Order shall take effect as of the date of this Order and remain in place until further Order of the Court.

DATED: May 22, 2020


Hon. Freda L. Wolfson
U.S. Chief District Judge
District of New Jersey



DISTRICT OF NEW JERSEY COVID-19 RECOVERY GUIDELINES

Approved and Adopted by the Board of Judges on May 19, 2020.

COURT SECURITY COMMITTEE

Michael A. Shipp, U.S.D.J., Chair
Madeline Cox Arleo, U.S.D.J.
Douglas E. Arpert, U.S.M.J.
Renée Marie Bumb, U.S.D.J.
Theresa Burnett, U.S.D.C.
Michael A. Hammer, U.S.M.J.
Brian Kemner, U.S.D.C.

Steven C. Mannion, U.S.M.J.
Juan Mattos, U.S.M.S.
Stacey L. Meisel, U.S.B.J.
Jon Muller, U.S. Pretrial
Jeanne Naughton, U.S.B.C.
John O'Brien, U.S.D.C.
Jerry Sanseverino, U.S.M.S.
Susan Smalley, U.S. Probation



DISTRICT OF NEW JERSEY COVID-19 RECOVERY GUIDELINES

The Court Security Committee is closely monitoring government policy changes, Centers for Disease Control and Prevention (CDC) guidelines, and public health advancements. The health and welfare of each Judiciary employee, contractor, and member of the public who enters our facilities should be paramount in the decisions that are made as these guidelines are implemented. This guidance is designed to help facilitate a **phased approach to reopening the courthouses** in the District of New Jersey. This document will be updated periodically as facts develop and guidance is further refined.



ARE WE IN PHASE ONE?

NO.

The AO has provided **gating criteria** to consider when deciding when it is appropriate to **begin each phase**. At this time, the State of New Jersey is under a Stay-at-Home Order. Once that Order is lifted, we may consider setting a date to begin Phase One, depending on the gating criteria conditions current at that time. The goal is to **mitigate risk** of resurgence while **protecting our vulnerable employees**.



Judiciary Gating Criteria

Consider each of the below before proceeding to Phased Opening:

FACILITY EXPOSURE

- ☐ No COVID-19 confirmed or suspected cases in the court facility within a 14-day period

OR

- ☐ Confirmed or suspected cases have occurred, but “deep cleaning” of exposed areas and applicable employee self-quarantine actions have been taken

AND

COMMUNITY CASES

- ☐ Sustained downward trending average of cumulative daily COVID-19 case counts over a 14-day period

AND

COMMUNITY ACTION

- ☐ Rescission of local restrictive movement and/or shelter-in-place orders

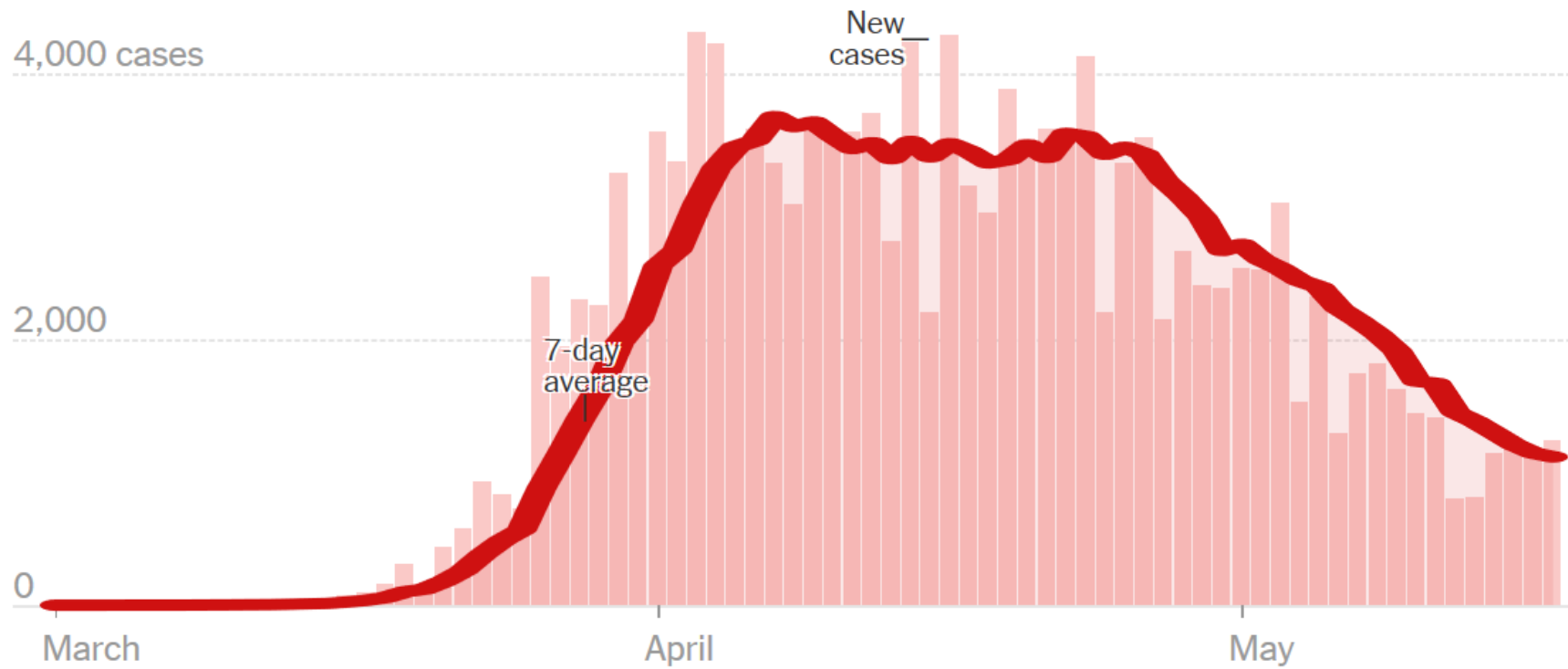
CURRENT TARGET DATE FOR PHASE ONE IS JUNE 1, 2020.

- If conditions significantly worsen or there is a resurgence of local COVID-19 cases, the Court will consider reimplementing full social distancing measures, as necessary.

For updates on data regarding coronavirus cases visit
https://www.nj.gov/health/cd/topics/covid2019_dashboard.shtml



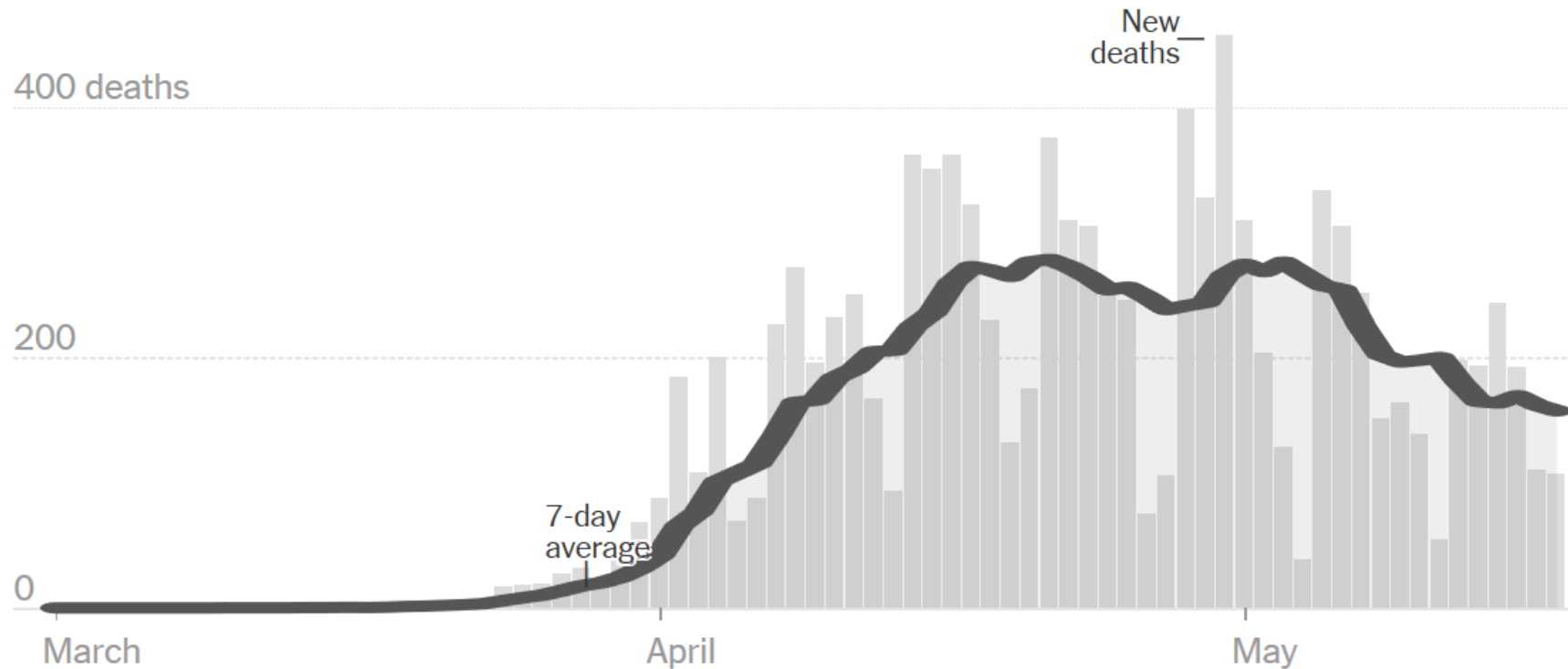
New reported cases by day in New Jersey



<https://www.nytimes.com/interactive/2020/us/new-jersey-coronavirus-cases.html#cases>



New reported deaths by day in New Jersey



<https://www.nytimes.com/interactive/2020/us/new-jersey-coronavirus-cases.html#cases>



Phase One

We cannot flip a switch and go back to business as usual or life as we knew it before this pandemic.

The goal of Phase I is for courthouse personnel to **gradually return** to the courthouses. Before we can open to the public, it is imperative that our chambers, staff, officers, and employees **safely transition** back into the courthouse workspaces. Courthouse personnel must begin to navigate and **develop a level of comfort** in the courthouse spaces under the **new safety protocols** before we can welcome the public. Accordingly, courthouse operations and the scope of work should continue in Phase I in the same manner as they are presently operating. **All proceedings should continue to be held by video and teleconference.** In Phase I, courts should continue to limit proceedings and must not expand beyond the types of proceedings currently conducted.



Phase One

THE CARES ACT

Section 15002(b)(2), indicates the **use of video and telephone conferencing in felony pleas and sentencings**, requires the **chief district judge**, upon application by the Attorney General or on his or her (or another judge's) motion, to "specifically find" that "felony pleas under Rule 11 of the Federal Rules of Criminal Procedure and felony sentencings under Rule 32 of the Federal Rules of Criminal Procedure cannot be conducted in person without seriously jeopardizing public health and safety."

Section 15002(b)(2)(A) directs that video and teleconferencing may be used for felony pleas and sentencings **only if**, in addition to the (b)(2) finding by the chief district judge, "the **district judge in a particular case** finds for **specific reasons** that the plea or sentencing in that case **cannot be further delayed without serious harm to the interests of justice.**"

The Court's **Standing Order 2020-06** is similarly worded. "ORDERED that if a judge in an **individual case** finds, for **specific reasons**, that any felony plea or felony sentencing, or any equivalent plea and sentencing . . . **cannot be further delayed without serious harm to the interests of justice**, then, with the consent of the defendant, or the juvenile, after consultation with counsel, the plea, sentencing, or any equivalent proceeding, may be conducted by video conference, or by telephone conference if video conferencing is not reasonably available[.]"



Guidelines

Ensure appropriate policies are in place regarding:

- ✓ Social distancing and protective equipment
- ✓ Notification, isolation, and contact tracing procedures
- ✓ Sanitation and disinfection of common and high-traffic areas
- ✓ Business travel
- ✓ Reasonable Accommodation for employees (i.e., children's schools or daycare closed, fear or increased risk of exposure when using mass transit, caring for ill or vulnerable relatives in household, etc.)

Ask employees to work with supervisors to stay home if they feel ill, self-monitor for indicative symptoms, and plan to return to work after consulting with a medical provider.

Implement policies and procedures for workforce contact tracing (where an individual was present in a facility, trace who he/she was in contact with) following an individual's positive COVID-19 test.

Monitor the status of public infrastructure (i.e., transportation, medical, local businesses, restaurants, etc.) to determine if adjustments in operational approach need to be made.



DISTRICT OF NEW JERSEY COVID-19 RECOVERY GUIDELINES

The CDC has provided guidance on **HOW BEST TO PROTECT YOURSELF AND OTHERS** from COVID-19. Per the CDC, all individuals should 1) wash their hands often; 2) avoid close contact; 3) cover their mouths and noses with a cloth face cover when around others; 4) cover coughs and sneezes; and 5) clean and disinfect. The Court will address the CDC's guidance through standing orders, postings, signage, and protocols.

- ☐ **STANDING ORDER re: USE OF A MASK/FACE COVERING**
- ☐ **FACE COVERING/MASK PROTOCOL AND SIGNAGE**
- ☐ **GOOD HYGIENE SIGNAGE**
- ☐ **FLOOR DECALS**
- ☐ **ELEVATOR SIGNAGE**

IMPLEMENT APPROPRIATE STANDING ORDERS

ORDER re: USE OF FACE MASKS/COVERINGS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

USDC DNJ
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: May 22, 2020

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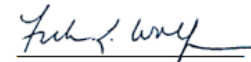
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DATED: May 22, 2020


Hon. Freda L. Wolfson
U.S. Chief District Judge
District of New Jersey

U.S. District Court for the District of New Jersey

Face Covering/Mask Protocol

When circumstances permit, the U.S. District Court for the District of New Jersey will be re-opening the Court in different Phases. Based upon data on the spread of COVID-19, the Centers for Disease Control (CDC) recommends that people wear a face covering to cover their noses and mouths in community settings. In addition to self-protection, this helps protect people around you if you are infected but do not have symptoms.

All Court employees are therefore required to have personal face coverings or masks when reporting to the office. Pursuant to an April 24th memo from the Administrative Office, further guidance on the potential requirement of face coverings and masks in the buildings will be forthcoming. In the interim, the following protocol applies:

- * employees are required to wear face coverings or masks when in a community setting, including entering and exiting the courthouse, entering and exiting the Clerk's office, and in all common areas, including elevators, hallways, restrooms, the central mailroom and the jury assembly room and indoor parking garages;
- * employees are permitted to remove their face coverings or masks during the work day, while they are in a cubicle or private office, assuming social distancing guidelines are maintained, but must have them available for wear when coming in close proximity to other staff;
- * there is a limited supply of both surgical and N-95 masks in the Clerk's office. Employees are encouraged to utilize their own face coverings, made of cloth, under the condition they completely cover mouth and nose areas.

Please be reminded, masks are not a substitute for social distancing. Six-foot social distancing is critical to slowing the spread of the virus and cannot be overemphasized.

Please refer to the attachment regarding proper care of masks and cloth masks.

Use of Cloth Face Coverings to Help Slow the Spread of COVID-19

How to Wear Cloth Face Coverings

Cloth face coverings should—

- fit snugly but comfortably against the side of the face
- be secured with ties or ear loops
- include multiple layers of fabric
- allow for breathing without restriction
- be able to be laundered and machine dried without damage or change to shape

CDC on Homemade Cloth Face Coverings

CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies), **especially** in areas of significant community-based transmission.

CDC also advises the use of simple cloth face coverings to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others. Cloth face coverings fashioned from household items or made at home from common materials at low cost can be used as an additional, voluntary public health measure.

Cloth face coverings should not be placed on young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the cloth face covering without assistance.

The cloth face coverings recommended are not surgical masks or N-95 respirators. Those are critical supplies that must continue to be reserved for healthcare workers and other medical first responders, as recommended by current CDC guidance.

Should cloth face coverings be washed or otherwise cleaned regularly? How regularly?

Yes. They should be routinely washed depending on the frequency of use.

How does one safely sterilize/clean a cloth face covering?

A washing machine should suffice in properly washing a cloth face covering.

How does one safely remove a used cloth face covering?

Individuals should be careful not to touch their eyes, nose, and mouth when removing their cloth face covering and wash hands immediately after removing.





**SIGNAGE FOR
ENTRANCES TO THE
COURTHOUSE –
OUTSIDE OF THE
BUILDINGS**



Examples of TYPES of signs only. Wording would be tailored to meet our needs. Signs will be posted outside of each courthouse, upon approval of GSA.



POSTING FOR
ENTRANCES TO THE
COURTHOUSES –

INSIDE OF THE BUILDINGS

NOTICE



COVID-19

MASK REQUIRED

*PLEASE DO NOT ENTER WITHOUT A MASK OR
FACE COVERING.*



MASCARILLA REQUERIDA

*POR FAVOR NO ENTRE SIN UNA MASCARILLA O
CUBIERTA FACIAL.*

PROPOSED GOOD HYGIENE POSTING



DISTRICT COURT OF NEW JERSEY COVID-19 RECOVERY GUIDELINES

Individual Responsibilities

CONTINUE TO PRACTICE GOOD HYGIENE

- ✓ Wash your hands with soap and water or use hand sanitizer, especially after touching frequently used items or surfaces.
- ✓ Avoid touching your face.
- ✓ Sneeze or cough into a tissue, or the inside of your elbow.
- ✓ Disinfect frequently used items and surfaces as much as possible.
- ✓ Use face coverings while in public, and particularly when using mass transit.
- ✓ Maintain 6-foot separation and adhere to other social distancing measures.

PEOPLE WHO FEEL SICK SHOULD STAY HOME

- ✓ Do not go to work.
- ✓ Contact and follow the advice of your medical provider.



FLOOR DECALS



Decals will be tailored to meet our needs.



ELEVATOR SIGN





Phase One

Discussion Overview

Employee Obligations

- Discuss reasonable accommodations with supervisors, if necessary
- Maintain 6-foot social distancing
- Perform daily health assessment prior to coming into the courthouse

Human Resources Considerations

- Encourage teleworking and staggering days/weeks/hours
- Assist in determining who should not return based on guidance from the AO
- Discuss reasonable accommodations

Facility Actions

- Cleaning of the facilities
- Closure of gyms, large venues, meeting areas, and coffee shops



Phase One

Employee Obligations

ALL VULNERABLE INDIVIDUALS should work with supervisors to continue telework. Employees who live with or provide care for vulnerable individuals should do the same to the greatest extent possible to reduce chances that they could carry the virus to these vulnerable individuals.

Discuss **REASONABLE ACCOMMODATION** options with supervisors for those who rely solely on public transportation or have other concerns.

PRIOR TO COMING INTO THE OFFICE, all individuals should conduct a health self-assessment, to include taking their temperatures. If an individual's temperature is > 100.4 or if an individual is exhibiting other signs of COVID-19 infection, per CDC guidance, the individual should immediately self-report to supervisors, stay home, and call his/her physician.

All individuals, **WHEN IN THE OFFICE**, should maximize physical distance from others. Six-foot distancing should be observed in all offices and meetings. Tape, decals or other visible means should be used to demark six-foot distances where practical.

VULNERABLE INDIVIDUALS are defined by the CDC as people 65 years or older and people of all ages with underlying medical conditions, particularly if not well controlled, including those who suffer from chronic lung disease, moderate to severe asthma, serious heart conditions, immune disorders, obesity, diabetes, or chronic kidney or liver disease.

Employee Self-Report of COVID-19 Issue or Exposure

Employee Name: _____ Date: _____

Manager/Supervisor: _____

1. What is the detailed nature of the incident?
- Exposure, symptoms or positive result of testing?

2. Who has been exposed?
- Family member in the same household, etc.

3. When and where did the incident happen?

4. What precautions have you or the individual taken since notification?

5. Are you or the individual experiencing symptoms and what was the date of onset?

6. Have you or the individual experiencing symptoms been tested for the coronavirus and if so, when? If tested, what were the results?"

7. Have you been advised by medical personnel to self-isolate or quarantine and for how long? When did self-isolation begin?

8. When were you last at the Courthouse(s) or Post Office Building(s)?

9. Who were you in personal contact with at the Courthouse, prior to being notified?
- at Lunch, meetings, offices, etc.

10. Where were you in the Courthouse?

- Departments, common areas, jury rooms, conference rooms, lunch rooms, restrooms, mail rooms, shared equipment (copiers/scanners), other agencies offices, courtrooms/deliberation rooms/chambers, magnetometers, elevators, stairwells, parking garage, doors that you accessed, vending machines, coffee shops, government cars, etc.?
- _____

11. Who is in the general vicinity or in proximity of your work area that may need to be considered as possible "at risk"?

12. Do you understand this information may be disclosed, as necessary, due to the serious nature of the potential contagion to fellow colleagues?

13. If it is necessary to contact you for additional information, please provide the best number to contact you.

(3/2020)



Phase One

Human Resources Considerations

Continue to **ENCOURAGE TELEWORK**. Employees returning to work should do so on a limited basis, returning only for part of the week, on staggered work weeks, and/or staggered hours, whenever possible and feasible. Initial staffing should be kept to a minimum.

RETURNING EMPLOYEES should not include vulnerable/high risk employees or others requiring reasonable accommodations. These employees should continue to telework.

WORK WITH SUPERVISORS to identify employees who, due to vulnerability or other need for reasonable accommodation, need to continue telework.

Consider **REASONABLE ACCOMMODATION** options for those who rely solely on **MASS TRANSIT/PUBLIC TRANSPORTATION** as this may put them at a higher risk of exposure.



Phase One

Human Resources Considerations

Persons who satisfy one or more of the following criteria should not report to work:

- Persons subject to, living with, or caring for an individual who is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- Persons advised by a health care provider to self-quarantine due to concerns related to COVID-19 or living with or caring for an individual who has been advised to self-quarantine;
- Persons considered “high risk” or living with or caring for an individual who is considered “high risk” where local health officials recommend such individuals remain at home due to concerns related to COVID-19;
- Persons experiencing symptoms of COVID-19 and seeking a medical diagnosis or living with or caring for an individual who is experiencing symptoms of COVID-19 and seeking a medical diagnosis; and
- Persons caring for a child if the school or place of care of the child has been closed, or the childcare provider of such child is unavailable due to COVID-19 precautions.



Phase One

Facility Actions

Consider the use of **“ENHANCED SCREENING”** at facilities to mitigate possible employee exposure. GSA will provide a contract vehicle for courts to hire companies to perform temperature checks and ask screening questions for anyone entering a Judiciary facility. This protocol must be coordinated with the local USMS and FPS staff. Additional guidance on this will be forthcoming.

Coordinate with **FEDERAL PARTNERS (USMS, FPS, GSA) AND OTHER BUILDING SERVICE AND SUPPORT PROVIDERS** regarding modification of current security, building cleaning and maintenance services, and additional amenities.

Increased cleaning of common areas and use of **DEEP CLEANING** for exposed areas should continue.

LARGE VENUES AND COMMON AREAS (e.g., sit-down dining, courtrooms, jury assembly rooms, etc.) should be closed to the greatest extent possible. If not possible, keep occupancy rate to 10 or less and operate under strict physical distancing protocols. Masks/face coverings must be worn in common areas. Tape, decals or other visible markers should be used to demark 6-foot distances where practical.

EMPLOYEE GYMS are currently closed and should remain closed.

COFFEE SHOPS shall remain closed for the duration of Phase I; however, the vending machines shall remain fully stocked.

An elevated temperature may be a poor single indicator of whether a person has acquired COVID-19; moreover, individuals with COVID-19 may be asymptomatic and exhibit no signs of infection.



Phase One

PROPOSED PLANS

- ☐ JUDICIAL CHAMBERS
- ☐ CLERK'S OFFICE
- ☐ PRETRIAL SERVICES
- ☐ PROBATION
- ☐ BANKRUPTCY
- ☐ US MARSHAL'S SERVICE
- ☐ GSA



Phase I Plan for Judges in the District of New Jersey

- Each judge shall have full autonomy in deciding the repopulation and return to work schedule for the members of his/her chambers.
- Judges shall continue to conduct proceedings via teleconference and videoconference. The only difference is that many of these conferences will now be conducted from the courthouse.
- Staff should return to work on a rotating or alternating schedule as deemed appropriate by each individual judge. Most chambers are not large enough to accommodate a full staff return while maintaining appropriate social distancing. A plan that allows each staff member to telework two or more days per week would be ideal.
- All vulnerable individuals, including those who are caring for any vulnerable family members, have childcare issues, or rely solely on public transportation, should continue to telework.
- All employees should conduct a health assessment prior to reporting to work. Any individual feeling ill, or exhibiting symptoms, should immediately report the same to the Judge, and contact his/her healthcare provider.
- Masks shall be worn by employees consistent with District Court protocol upon entering the courthouse and traversing common areas.
- Public access to the Court should continue to be limited to emergent matters only.



Phase I Plan for Judges in the District of New Jersey

EMERGENT MATTER COURTROOM DESIGNATIONS

Courtrooms have been designated by the U.S. Marshals Service for only those matters deemed emergent and requiring an appearance:

Newark

Martin Luther King, Jr. Bldg. Courtroom 5D (vacant)

Lautenberg Post Office & Courthouse: Courtroom 2 (Judge Chesler's Courtroom)

Emergent Bankruptcy Proceedings: Courtroom 3E (Judge Gambardella)

Trenton

Courtroom 5W (Judge Shipp's Courtroom)

Emergent Bankruptcy Proceedings: Courtroom 8 (Judge Kaplan)

Camden

Courtroom 5A (vacant)

Emergent Bankruptcy Proceedings: Courtroom 4C (Judge Poslusny)



Phase One

OFFSITE INTERNS

BEST PRACTICES FOR REMOTE ACCESS AND EXCHANGING COURT DOCUMENTS

Interns will continue to use their own personal laptops for remote access during Phase One.

Remote work by interns makes the transference of confidential documents among chambers staff problematic. Our Court IT policy prohibits the use of public document sharing or public "cloud" technology such as DropBox, Google Docs, etc.

Email, such as Yahoo and Google, is unsecured, and serious consideration should always be given to the emailing of highly sensitive information. If, however, confidential documents must be transferred, they can be emailed securely between chambers and interns by password protecting the documents, (<http://10.34.184.5/automation/EncryptDoc.pdf>).

Since the implementation of NextGen ECF, authentication to ECF with a court account directly via the internet is no longer possible. Chambers will need to create a shared "Federal Judiciary" PACER account to view documents without incurring charges. On April 28, 2020, IT sent guidance to all CRDs, detailing the steps required for chambers to create a "Federal Judiciary" PACER account.



Clerk's Office Reopening Plan: Phase One

- Clerk's office staff will work in small teams with the majority of employees continuing to telework (Skeleton Crew). Teams allow for safer conditions should an employee become exposed and this also prevents exposure to others on a different team. Staggered hours may be authorized for staff reporting to the office. Any vulnerable employee, including those with health, security, childcare or transportation concerns shall be allowed to telecommute, even if on a designated team.
- Masks shall be worn by employees reporting to the office pursuant to Protocol.
- In order to maintain physical distance, visible means will be used to demark 6-foot distances between cubicles and other common areas of the Clerk's office. Employees may use common areas (kitchen, jury assembly room, conference rooms) assuming 6-feet of distance can be maintained at all times.
- All employees, including chambers staff, should conduct a health assessment prior to reporting to work. Any individual feeling ill, or exhibiting symptoms, should immediately report to his/her supervisor, and, if required, complete the COVID-19 questionnaire.
- Public access to the Clerk's office will continue to be limited to filings via the drop-box, written correspondence and telephone calls and filings via ECF or help desk emails.
- Judges will continue to conduct court proceedings via video or teleconference.
- Jury trials will not resume in Phase One.



Pretrial Services Agency Reopening Plan: Phase One

- Pretrial Services' staff will continue to work in small teams with the majority of employees continuing to telework (Skeleton Crew). Teams allow for safer conditions should an employee become exposed thereby limiting exposure to other staff on a different team. Staggered hours may be authorized for staff reporting to the office based on court coverage needs. Any vulnerable employee, including those with health, security, childcare or transportation concerns shall be allowed to telecommute, even if on a designated team, based on the needs of the agency.
- Masks shall be worn by employees reporting to the office pursuant to District Court Protocol.
- Employees may use common areas (kitchen, interview rooms, conference rooms) assuming 6-feet of distance can be maintained at all times.
- All employees, to reduce risk, prior to coming into the office, should conduct a health self-assessment, to include taking their temperature. If an individual's temperature is 100.4 or above, or an individual is feeling ill, or exhibiting other signs of COVID-19 infection, per CDC guidance, the individual should immediately report the same to his/her supervisor, stay home, and call his/her physician. Thermometers will be made available in the office for staff should they desire.
- Public access to Pretrial Services office space will continue to be limited to emergent matters only. All other in-person contact with defendants will be made outside of the Courthouse.
- Pretrial Services Officers will continue to attend court proceedings via video or teleconference. A duty officer will be available for emergency hearings and proceedings in the appropriate designated courtroom.
- Routine in-person office reporting of defendants will not occur during Phase One.



United States Probation Office Reconstitution Plan: Phase One

- Probation staff will continue to work in small teams with the majority of employees continuing to telework (Skeleton Crew). Teams will return to the office on a rotating basis each week, based on the needs of the agency. All vulnerable individuals including those who are caring for any vulnerable family members, have childcare issues, or rely solely on public transportation, will be among the last group of employees to return to the office in the final phases.
- All employees, to reduce risk, prior to coming into the office, should conduct a health self-assessment, to include taking their temperature. If an individual's temperature is 100.4 or above, or an individual is feeling ill, or exhibiting other signs of COVID-19 infection, per CDC guidance, the individual should immediately report the same to his/her supervisor, stay home, and call his/her physician. Thermometers will be made available in the office for staff should they desire.
- Masks shall be worn by employees reporting to the office pursuant to Probation Office protocol, which is consistent with District Court protocol, upon entering the courthouse or their specific satellite office location.
- Public access to Probation Office space will continue to be limited to emergent matters only. All other in-person contact with defendants/individuals under supervision will be made outside of the Courthouse or satellite office location.
- Probation Officers will continue to attend court proceedings via video or teleconference. A duty officer will be available at all times for emergency hearings and proceedings in the appropriate designated courtroom.
- Routine in-person office reporting of defendants/individuals under supervision will not occur during Phase One.



United States Bankruptcy Court Reconstitution Plan: Phase One

- United States Bankruptcy Court staff will continue to work in small teams with the majority of employees continuing to telework (Skeleton Crew). Teams will return to the office on a rotating basis each week, based on the needs of the office. Staggered hours may be authorized for staff reporting to the office. All vulnerable individuals including those who are caring for any vulnerable family members, have childcare issues, or rely solely on public transportation, will be among the last group of employees to return to the office in the final phases.
- All employees should conduct a health assessment prior to reporting to work. Any individual feeling ill, or exhibiting symptoms, should immediately report the same to his/her supervisor, and, if required, complete the COVID-19 questionnaire.
- Masks shall be worn by employees upon entering the courthouse consistent with the District Court Protocol.
- Public access to the Clerk's office will continue to be limited to filings via the drop-box, written correspondence, telephone and filings via ECF.
- Judges will continue to conduct court proceedings via video or teleconference.



United States Marshals Service Reconstitution Plan: Phase One

- USMS staff will continue to work in small teams which will report to the office on a rotating weekly basis, determined by agency needs and workload requirements. The remaining teams will work remotely and be available for emergency response if and as required. This allows for safer working conditions as it greatly reduces the possibility of cross exposure between teams. Staggered hours may be authorized for staff reporting to the office to further reduce contact among team members. All vulnerable employees, including those with health, security, childcare or transportation concerns shall be permitted to work remotely, even if their designated team is scheduled to report for duty and will be among the last group of employees to return to the office in the final phase.
- All employees should conduct a health assessment prior to reporting to work. Any individual feeling ill or exhibiting symptoms should immediately inform his/her immediate supervisor, complete the COVID-19 questionnaire as required, and await guidance. Thermal scan thermometers will also be available in each office, in the event one feels unwell while at work.
- Masks or face coverings shall be worn by employees reporting to the office pursuant to the USMS protocol, which is consistent with the U.S. District Court protocol.
- In order to maintain proper social distancing, visible means will be used to demark 6-foot distances between cubicles and other common areas in USMS offices. Employees may use common areas (kitchen, conference rooms, etc.) assuming 6-feet of distance can be maintained at all times. Reasonable accommodations will be made for dining when social distancing cannot be accomplished. USMS fitness centers will remain CLOSED in Phase One.
- Access to USMS office space by non-USMS personnel will be limited unless absolutely necessary (cleaning, repair, etc.).
- The USMS will continue to work with judges and support agencies as required with video teleconferencing. For emergency hearings and proceedings needing to be conducted in person, two courtrooms will be designated in Camden, Trenton, and the MLK Courthouse in Newark. No jury trials will be conducted in Phase One.



GSA Reopening Plan: Phase One

- GSA R2 and R3 will work together to streamline a consistent approach to the re-occupancy of the NJ District Court's federal buildings. GSA staff is currently working remotely and staff members are readily available to the courts for any questions, concerns or assistance. GSA R2 and R3 are meeting weekly with the USDC, USBC, Probation and Pretrial Services Offices to determine implementation strategies for re-occupancy. GSA will adequately staff facilities to ensure appropriate customer response is provided during all phases of re-occupancy.
- GSA contract staff is onsite ensuring building operations and custodial needs are being met. GSA has updated cleaning protocols to include EPA-registered disinfectants for all cleaning and increased cleaning of high touch areas throughout the building. GSA does not disinfect tenant-owned equipment, such as keyboards, copiers, and peripheral computer equipment. Supplies for disinfecting tenant-owned equipment should be provided by the agencies.
- GSA will promote social distancing and personal hygiene requirements by providing signage at the entrances, common areas of the facilities, elevators, restrooms as well as hand sanitizer dispensers in the common elevator lobbies.
- GSA and its contractors are required to wear facial coverings while they are in the buildings.
- GSA will provide advisory support and assistance to Facility Security Committees (FSC) nationwide in their respective decision-making processes. This help includes assisting with the consideration of and possible implementation of Enhanced Entry Screening Services (EESS) for the building entrances.
- GSA Projects will continue to be planned, estimated and procured where possible depending on the availability of contractors and the urgency and nature of the work. For active construction projects, all contractors will be required to wear facial coverings while in the buildings.



Phase One

GRAND JURY

GRAND JURY PROCEEDINGS – ALL VICINAGES

During Phase I, the U.S. Attorney's Office will only proceed with those grand jury proceedings for which there is a compelling reason to proceed (as set forth in the U.S. Attorney's Memorandum to the Chief Judge). In such cases, the proceedings will occur in reserved locations abiding by social distancing and other safety protocols.

At the end of each grand jury session, the grand jury foreperson and Assistant U.S. Attorney will return any indictments to the duty judge via videoconference, which is permissible under Fed. R. Crim. P. 6(f), using equipment that the U.S. Attorney's Office has set up in the grand jury room.

GSA has represented that it has the equipment and staff to sanitize the grand jury space after each grand jury session. The Clerk's Office will ensure that adequate PPE and hand sanitizer is made available to the grand jurors.

If a grand jury does not complete a session before lunch, the grand jury will be provided lunch to preclude grand jurors from having to leave and re-enter the courthouse. This cost will be borne by the Court.



DISTRICT OF NEW JERSEY COVID-19 RECOVERY GUIDELINES

Due to the uniqueness of each courthouse, coupled with the disparity of community cases found in the surrounding areas, the remaining phases will best be determined by the FSC of each vicinage. The CSC will continue to share information, resources and guidance in order to support the FSCs and, to the extent possible, ensure consistency throughout the District.

The FSCs will begin planning for Phase Two as soon as practicable.

Michael Hammer, U.S.M.J., Newark, FSC Chair
Michael Shipp, U.S.D.J., Trenton, FSC Chair
Renée Marie Bumb, U.S.D.J., Camden, FSC Chair

Before exiting Phase 1 and proceeding to Phase 2, we must re-evaluate the gating criteria to ensure:

- Readiness to progress to the next phase; and
- Need to implement additional social distancing measures based upon any resurgence of infections in the specific areas.