

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

IN RE: COURT OPERATIONS
IN RESPONSE TO COVID-19

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)
) Standing Order
) Misc. Number: 3:20-mc-105
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The President has declared a national public health emergency, and the Governor of the State of South Carolina has declared a public health emergency throughout the state, both in response to the spread of the Coronavirus Disease 2019 (COVID-19). The Centers for Disease Control and Prevention (CDC) and other health authorities have advised people to take precautions to reduce the exposure to COVID-19 and to slow the spread of the disease.

In particular, the CDC currently recommends that people attempt to keep an appropriate physical distance between themselves and other people. This technique, known as social distancing, is especially important for those individuals with a higher health risk (e.g., those over 60 years of age, those with underlying health conditions, and those who are pregnant). The CDC currently recommends that employers attempt to minimize exposure between employees and the public and to consider the public health and safety when scheduling group or public events.

Therefore, in order to protect public health and reduce the size of public gatherings and unnecessary travel, the United States District Court for the District of South Carolina issues the following order, effective immediately:

1. All civil and criminal jury selections, jury trials, and roster meetings scheduled to commence through May 8, 2020, are CONTINUED (i.e., postponed) pending further order of the Court.
2. All grand jury proceedings scheduled through May 8, 2020, are CONTINUED, unless otherwise ordered by the Chief Judge.
3. In all civil cases, all deadlines, whether set by court or by the Rules of Civil Procedure or Local Rules, are hereby extended by 21 days from the current deadline set. This Order does not toll any applicable statutes of limitation.
4. Unless otherwise ordered by the Presiding Judge, all other civil and criminal matters scheduled for an in-court appearance through May 8, 2020, including any associated deadlines, are CONTINUED, unless all parties and the Presiding Judge agree to resolve the matters without court appearance via telephone or video teleconferencing where practical. In particular, magistrate judges may conduct initial criminal proceedings by video teleconferencing (or SKYPE) as authorized under Federal Rules of Criminal Procedure 5(f) and 10(c). Where the circumstances of those rules cannot be met, initial criminal proceedings are to be conducted in person to satisfy constitutional and statutory requirements.

5. Individual judges presiding over criminal proceedings may take such actions as may be lawful and appropriate to ensure the fairness of the proceedings and preserve the rights of the parties.
6. Due to the Court's reduced ability to obtain an adequate spectrum of jurors and the above-referenced public health considerations associated with criminal jury trials and grand jury proceedings, the time period of the continuances implemented by this Standing Order will be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A). The Court finds that the ends of justice served by ordering these continuances outweighs the best interest of the public and each defendant's right to speedy indictment or trial. The Court may extend the period of exclusion as circumstances may warrant.
7. Case-by-case exceptions to the continuances provided herein may be ordered for non-jury matters by the Presiding Judge after consultation with counsel, such as emergency civil and criminal matters. To the extent possible, judges should stagger their court hearings as much as possible to minimize the number of people coming into the courthouses.
8. This order does not affect the Court's consideration of civil or criminal motions that can be resolved without court appearance.
9. The District Clerk's Office and Probation Office, shall remain open unless otherwise ordered by the Court.
10. Staff in the Clerk's Office will be available by telephone, mail will be received, and Court Services counters will remain open. Electronic filing in CM/ECF remains mandatory for all filers with the exception of pro se litigants. The public is encouraged to continue utilizing court services while following all applicable public health guidelines.

The Court will vacate or amend this Standing Order as necessary and appropriate.

IT IS SO ORDERED.

DATED this 16th day of March 2020.



R. Bryan Harwell
Chief U.S. District Judge