

06/26/2020

JULIA C. DUDLEY, CLERK  
BY: A. Seagle  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA

IN RE: )  
REAUTHORIZATION OF VIDEO )  
AND TELECONFERENCE HEARINGS )  
IN CRIMINAL CASES UNDER THE )  
CARES ACT )

**STANDING ORDER 2020-15**

1. On March 30, 2020, the court entered Standing Order 2020-07 authorizing video and teleconferences pursuant to the Coronavirus Air, Relief and Economic Security Act (“CARES Act”).
2. The CARES Act provided the court with authority to conduct criminal proceedings by video and teleconference for up to 90 days. That 90-day period expires on June 28, 2020.
3. Section 15002(b)(3)(A) provides that after the initial 90-day period, the chief judge of the district must “review the authorization and determine whether to extend the authorization.”
4. At present, there is no vaccine for COVID-19, the disease stemming from the present coronavirus pandemic. While certainly not uniform, the overall number of COVID-19 cases in the Western District of Virginia has continued to increase.
5. The Commonwealth of Virginia is presently in Phase 2 of its Reopening Process. Public health officials have warned that as states and localities reopen, the numbers of coronavirus cases are likely to increase.
6. The Western District of Virginia will enter Phase I of its Reopening Plan on June 29, 2020. See Standing Order 2020-14. That plan provides that “[t]he court will conduct video and

teleconference hearings to the maximum extent possible and strongly encourages parties to continue to consent to and participate in video and teleconference hearings.” Id., § II, ¶ 1.

7. Pursuant to § 15002(b)(3)(A) of the CARES Act and the court’s Standing Orders 2020-07 and 2020-14, I have reviewed the March 30, 2020 authorization for the use of video and teleconferencing and have determined that the public health emergency caused by the ongoing coronavirus pandemic requires extension of the authorization for an additional 90 days. In making this determination, I have requested comment from both the United States Attorney and the Federal Public Defender for the Western District of Virginia, each of whom support reauthorization.

8. While the exigencies of the ongoing pandemic suggest that criminal hearings conducted by video or teleconference pose a lower health risk than in person hearings, beginning June 29, 2020, the court will conduct in-person hearings in individual cases where consent is not obtained, or other circumstances require an in-person proceeding.

9. This reauthorization applies both to the criminal proceedings specified in §§ 15002(b)(1) and 15002(b)(2) of the CARES Act, including felony guilty plea and sentencing hearings, as to which the court continues to find that such hearings cannot be conducted in person without seriously jeopardizing public health and safety.

10. This reauthorization will expire on September 27, 2020. At that point, pursuant to § 15002(b)(3)(B) of the CARES Act, the court will review the authorization of authority and determine whether to extend the authorization for an additional 90 days.

It is so **ORDERED**.

Entered: June 26, 2020



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Michael F. Urbanski  
Chief United States District Judge