

Chamber Policies Regarding Continuing Public Health Threats from Coronavirus and Influenza Variants (U.S. Magistrate Judge Gotsch)

As of May 2023, coronavirus and influenza variants remain a threat to public health according to the Center for Disease Control and Prevention (CDC) and the World Health Organization (WHO). Notably, the authorization for video and telephone conferencing under the CARES Act terminated on May 10, 2023 ("30 days after the date on which the national emergency declaration terminates") pursuant to Pub. L. No. 116-136, Sec. 15002(a). However, in order to mitigate the health risks associated with the exposure, transmission, and spread of all versions of coronavirus and influenza to litigants, visitors, attorneys, and government employees, U.S. Magistrate Judge Michael G. Gotsch, Sr., has adopted the following policies for his chambers and Courtroom at the Robert A. Grant Federal Courthouse (Courthouse) in the South Bend Division of the U.S. District Court for the Northern District of Indiana:

- (1) Anyone entering the Courthouse is encouraged to follow the precautions outlined by the Center for Disease Control and Prevention (CDC), which may be found at: <https://www.cdc.gov/coronavirus/2019-ncov/your-health/isolation.html>. This may include masking and appropriate distancing inside the Courthouse and any space therein.
- (2) Anyone who has been diagnosed with, or suspects they have contracted, any transmissible disease (like coronavirus or influenza) must notify Judge Gotsch's chambers at least 24 hours before any in-person appearance. Individuals who are contagious or potentially contagious are also encouraged and authorized to conduct necessary court business through electronic or telephonic means to the extent allowed by Rules of Court.
- (3) Unless otherwise ordered or requested by the parties, settlement conferences may be conducted remotely by Zoom, Jabber, CourtCall, or a similar video-teleconference application.
- (4) Unless otherwise ordered or requested by the parties, preliminary civil court proceedings (including without limitation, pretrial conferences, and Rule 16(b)

conferences) may be conducted by telephone or video-teleconference.

- (5) Civil jury and bench trials shall be conducted in person. Civil hearings shall be conducted in person unless otherwise ordered by the Court or requested by the parties.
- (6) In criminal cases, all initial appearance hearings may be conducted by video-teleconference (VTC) with the consent of individual defendants. See, Fed. R. Crim. P. 5(f).
- (7) Likewise, in criminal cases, arraignment hearings may be conducted by video-teleconference with consent of individual defendants. See Fed. R. Crim P. 10(c).
- (8) With respect to preliminary examination and detention hearings, the parties are directed to confer and advise the Court if the defendant is stipulating to the existence of probable cause and/or detention (thereby waiving the need for an in-person hearing), or whether either party is seeking a continuance of the hearing. A defendant who is stipulating to the existence of probable cause or detention should, before the date of the hearing, notify chambers either orally (through counsel) or in writing that the defendant is agreeing to probable, detention, or both, and is waiving the need for a hearing on those matters.
- (9) Where a defendant does not stipulate to detention, an in-person hearing will be scheduled at the earliest possible date.
- (10) As a defendant cannot consent to a plea hearing by videoconference, plea hearings shall be conducted in person. See, *United States v. Bethea*, 888 F.3d 864, 867 (7th Cir. 2018); Cf. *United States v. Davis*, 29 F.4th 380, 385 (7th Cir. 2022).
- (11) For any in-person hearings scheduled by the Court, everyone in the courtroom is encouraged to comply with the CDC recommendation of maintaining a social distancing and wearing face coverings if they have a pre-existing health condition or believe that they may be contagious.

- (12) The United States Marshal Service is authorized to adopt any necessary procedures and/or protocols to implement these Court directives.
- (13) The Court Security Officers are authorized and directed to maintain appropriate social distancing, and compliance with these policies during in-person hearings.
- (14) Any Courthouse visitor, including but not limited to attorneys, litigants, witnesses, jurors, and members of the general public, may contact the Clerks' office (574-246-8000) or Court chambers with questions about these health-related policies.

Effective May 11, 2023