

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**



**SECOND AMENDED PROTOCOL FOR IN-
PERSON HEARINGS AND TRIALS
DURING COVID 19 PANDEMIC**

Effective August 2, 2021.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**



SECOND AMENDED PROTOCOL FOR IN-PERSON HEARINGS AND TRIALS¹

On July 5, 2021, Executive Order No. 2021-054 (EO 21-054) was issued, easing most COVID-related restrictions for vaccinated individuals. Nonetheless, on July 27, 2021, amid rising infections, the Secretary of Health of Puerto Rico, and the Centers for Disease Control (CDC) reinstated the use of facial masks in public, indoor settings regardless of vaccination status. This, to prevent asymptomatic infection or transmission of COVID-19, particularly the Delta variant.

Since April 1st, the court has closely monitored the vaccination status of those entering our premises². As of July 14, 40% of those entering our complex still had not been vaccinated, posing a risk of infection to employees, the public, and the bar.

After a thorough review of the Executive and Administrative Orders; local and federal health agencies' recommendations and guidelines, and having consulted with our epidemiologist Dr. Julio Cádiz, the following guidelines are issued for in-person proceedings and trials to be held in the District of Puerto Rico. These guidelines also consider the Bureau of Prisons (BOP) and the US Marshal Service (USMS) Protocols. These new guidelines shall become effective on **August 2, 2021**.

The following document outlines the general approach for conducting in-person hearings in our District. As we transition into an increased number of in-person proceedings, this document will serve to provide all attendees to an in-person hearing or trial with an understanding of our new guidelines and protocols, as well as the precautions being taken district-wide to protect jurors, attorneys, court staff and members of the public.

Handwritten signature of Gustavo A. Gelpí in black ink.

Hon. Gustavo A. Gelpí
Chief Judge

Handwritten signature of Aida M. Delgado-Colón in black ink.

Hon. Aida M. Delgado-Colón
Chair, Security Committee

Handwritten signature of María Antongiorgi in black ink.

María Antongiorgi, Esq.
Clerk of Court

July 28, 2021
Date

¹ Prepared by Maria Antongiorgi, Clerk of Court. Revised by the Honorable Aida M. Delgado, Chair of the Court's Security Committee and Honorable Gustavo A. Gelpí, Chief Judge.

² Disclosure of vaccination status is strictly voluntary.

BUILDING PREPARATIONS

The Clemente Ruíz Nazario and the José V. Toledo U.S. Courthouses (“the Courthouses”):

- A. Courtrooms to be used for in-person hearings:
- All courtrooms at the Clemente Ruiz Nazario U.S. Courthouse.
 - All courtrooms at the 4th floor of the Federico Degetau Federal Office Building (FOB).
 - Courtrooms 4 and 6 at the José V. Toledo U.S. Courthouse in Old San Juan.
- B. Facial Masks Requirement:
- Facial masks are mandatory in order to enter the Courthouses and the FOB. See District of Puerto Rico’s [Continued Application of Policy of Mandatory Use of Face Masks or Coverings in the Federico Degetau Federal Office Building and Hato Rey Complex of July 9, 2021.](#)
- C. HVAC Systems:
- Daily inspections of the ventilation systems are being performed.
 - Equipped with a UV Light Disinfection System, killing 99.9% of pathogens.
 - Air conditioning systems are being turned on two (2) hours earlier than usual to increase air exchanges.
 - The amount of air exchanges is 9-12 per hour.
- D. Air Filtration MERV Rating:
- All existing dynamic air filtration systems provide Minimum Efficiency Reporting Value (MERV) of 13.
- E. Plumbing:
- Flushing of the building’s water system (drinking fountains, toilets, faucets, etc.) is performed daily.
- F. Cleaning:
- Janitorial contracts have been modified and implemented to include specific requirements to be met for COVID 19. Disinfectants identified as effective against COVID 19 are utilized throughout the Courthouses and the FOB, with high touch surfaces being routinely cleaned.

G. Hand Sanitizer:

- Hand sanitizer dispensers have been placed throughout the Courthouses and the FOB.

SOCIAL DISTANCING:

- Although social distancing need not be followed anymore as per CDC guidelines, the USDC-PR will continue to provide social distancing for most attendees, such as visitors and the public.

HEALTH SCREENING:

- Temperature screening will cease on August 2, 2021.

FACIAL MASKS:

- Facial masks should be worn in all areas of the Clemente Ruíz Nazario and José Toledo U.S. Courthouses, including courtrooms and judges' chambers, regardless of vaccination status.
- Bandana, t-shirts masks, neck gaiters and balaclavas are NOT permitted.
- Attorneys MUST ensure strict facial mask compliance by their staff, clients, witnesses, and interpreters.

IN-PERSON HEARINGS:

- At their discretion, all U.S. district and U.S. magistrate judges may hold proceedings at their assigned courtrooms.
- The VTC schedule will also remain in place.
- The on-duty magistrate judge will continue to hold initial appearances and other duty-related proceedings exclusively by VTC.
- The use of facial masks is mandatory during all court proceedings, regardless of vaccination status.
- Attorneys must inform, prior to the in-person hearing, the name and vaccination status of those attending all proceedings, using the following link:
<https://www.surveymonkey.com/r/usdcpr-proc-attendees>.

Family members and members of the public not registered by the attorneys will not be allowed into the courtroom.

- All visitors entering the Clemente Ruíz Nazario and the Toledo U.S. Courthouses are required to wear facial masks, regardless of vaccination status.
- Social distancing guidelines will continue to be followed in each courtroom in all areas occupied by the public and visitors.
- To comply with social distancing requirements, in-person proceedings will continue to be set at staggered times.
- To comply with social distancing requirements, courtroom capacity limits will be observed.
- Family members and members of the public attending a hearing at the Clemente Ruiz-Nazario Courthouse must wait at the courthouse's atrium until the time of the hearing.
- Family members and members of the public attending a hearing on the 4th floor of the FOB (magistrate judges' area) must wait at the 4th floor waiting area ("fishbowl") until the time of the hearing.
- Family members and members of the public attending a hearing at Toledo Courthouse must wait in the designated area in front of the courtrooms until the time of the hearing.
- Not more than four (4) family members and/or members of the public will be allowed per in-person hearing.
- Children under 12 years old are not allowed in the courtrooms.

TRIALS:

- Trials can resume without limitations (except for multi-defendants' cases or cases with more than two (2) parties).
- Jury selection should be held at any of the courtrooms in the Clemente Ruíz Nazario U.S. Courthouse, instead of the atrium.
- Social distancing guidelines need not be followed during jury selection process.
- The use of facial masks is mandatory for all court personnel, attorneys, jurors, and the public.
- Transparent face masks will be provided to witnesses, ensuring that facial expressions can be observed by the jury during testimonies.

- Attorneys are encouraged to bring their own transparent masks.
- Jurors will be seated in the jury box.

SUMMONSING AND CHECK-IN PROCEDURE

General Information:

- A letter to prospective jurors will be sent with summons explaining all safety precautions taken by the Court to ensure their safety.
- COVID 19 *Frequently Asked Questions* has been added to the Jury Section of the Court's website. <https://www.prd.uscourts.gov/jury-service-frequently-asked-questions-faq-about-covid-19>

COVID 19 Screening:

- Jury questionnaires have been modified to include COVID 19 screening questions.
- A couple of days before trial date, jury services personnel will contact all prospective jurors by phone to conduct a COVID 19 related health screening and to address any question they might have.

Video Conferencing:

- Courtrooms are equipped with video conferencing tools. Attorneys in need to present testimonies by video conference shall seek authorization from the presiding judge prior to trial. The Court currently uses the "ZOOM for Government" platform.

Courtroom Safety Measures:

- Disposable microphone covers will continue to be provided for microphones located at the witness stand and the lectern. Microphone covers will be replaced after each witness/speaker.
- Seat and surfaces of the witness stand shall be cleaned by each witness upon conclusion of his/her testimony.
- All surface areas, including the lectern, counsel tables and interpreter's area should be cleaned after each hearing/trial by those using them. The courtroom, including the jury box, attorneys' chairs, and upper and lower benches, will be cleaned at the end of the day. Cleaning process will be done using CDC approved cleaning supplies.
- Hand sanitizer, anti-bacterial wipes, disposable masks, and gloves will be available in the courtroom.

Sidebar Conferences:

- At the discretion of the judge, a two-way radio can be used to conduct sidebars, instead of having attorneys approach the bench. Attorneys are encouraged to bring their own wired headphones. Wireless headphones (Air Pods, Beats, etc.) cannot be used. If using the two-way radio, all participants will remain in their seats to comply with social distancing requirements.

Interpreters:

- Parties should notify in advance if they will be retaining services of an interpreter.

Witnesses Traveling from Abroad:

- Parties should notify in advance of any witnesses traveling from abroad to provide in-person testimony.

Attorneys' Lounge:

- The attorneys' lounge will be accessible during in-person proceedings and/or trials. Capacity is limited to four (4) attorneys at the time.

Public/Media:

- Will be opened for in-person proceedings.
- If approved by the presiding judicial officer, members of the media and the public may request access to audio feed, instead of in-person attendance. For more information on how to request access to audio feed, please click on the following link: <https://www.prd.uscourts.gov/sites/default/files/documents/notices/Final%20Policy%20on%20Media%20Requests%20VTC%20Hearings%205.29.2020.pdf>

Cafeteria Services:

- Cafeteria Services are no longer available at the FOB. Nonetheless, there is a *Blind Stand Convenience Store* located at the 7th floor of the FOB offering snacks and soft drinks. Room 733 has been designated as a lounge for attorneys to have lunch. Room 733 is open from 11:00AM-2:00PM.