

June 16, 2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

Nathan Ochsner, Clerk of Court

By Deputy Clerk 

ORDER ON WRITTEN WAIVERS OF
PERSONAL APPEARANCES UNDER
THE CARES ACT

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GENERAL ORDER NO. 2021-12

FIFTH SUPPLEMENTAL ORDER ON WRITTEN WAIVERS OF
PERSONAL APPEARANCES UNDER THE CARES ACT

The CARES Act provisions on Judiciary Video Teleconferencing for Criminal Proceedings and some Federal Rules of Criminal Procedure, allow for remote appearances by defendants if counseled waiver is given on the record. Certain Federal Rules of Criminal Procedure, including Rules 10(b)(2), 15(c)(1)(A), 20(a)(1), 23(a)(1), 32(e), 43(b)(2), allow a defendant to consent or to waive certain rights, but require this consent or waiver to be in writing. Various documents, such as financial affidavits and appearance bonds or other orders for release, generally call for the signatures of defendants, counsel, or judges. The current circumstances may make it impracticable or unduly burdensome to obtain physical signatures in a timely manner. For these and similar reasons, the following ORDER is entered:

When a judge finds that obtaining a physical signature on a document is impracticable or unduly burdensome in light of the public-health situation relating to COVID-19, that document may be signed electronically.

When a defendant's signature is called for, either defense counsel or the presiding judge may sign on the defendant's behalf if the defendant, after an opportunity to consult with counsel, consents on the record.

When a defendant's written consent or waiver is not explicitly required by the Federal Rules of Criminal Procedure or other applicable law, the consent or waiver may be obtained in

whatever form is practicable under the circumstances, so long as the defendant's consent or waiver is clearly reflected in the record.

A judge has the discretion not to follow this Order in any specific case or in all cases pending before that judge.

None of these provisions preclude jury trials or other in-person proceedings.

This Order is effective beginning June 28, 2021, and will expire on the earlier of termination of the national emergency declared by the President, or, unless renewed by court order, on September 26, 2021.

ORDERED this the 16th day of June 2021.

A handwritten signature in black ink, reading "Lee H. Rosenthal". The signature is written in a cursive style with a large, sweeping flourish at the end.

LEE H. ROSENTHAL
CHIEF JUDGE