UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

In re: ORDER EXTENDING USE OF VIDEO AND
TELEPHONE CONFERENCING UNDER THE
EXIGENT CIRCUMSTANCES CREATED BY
THE COVID-19 EMERGENCY

GENERAL ORDER NO. 94

This order extends the authorization for the use of video and telephone conferencing technology in light of the continuing COVID-19 emergency.

By General Order No. 93 dated September 25, 2020, the court authorized the extension of the use of video and telephone hearings in criminal cases through December 27, 2020. Pursuant to the authority granted in the CARES Act, H.R. 748, the court extends the authorization for an additional 90 days, through March 26, 2021.

Video access from detention facilities continues to be widely available and in use through the Zoom platform. Similarly, video access for defense counsel, prosecutors, and released defendants is available. Audio hearings continue to be authorized, but video is preferred. Defendants continue to have the right to appear in open court. A video or audio hearing in a criminal case requires the consent of the defendant.

Video attendance is also available to members of the media and members of the public upon request. Photography (including screen shots) or recording of court hearings and publication or broadcast of images or audio of these hearings remain contrary to court rules and will lead to a loss of access to the video or audio hearing. See F.R.Cr.P. 53; Local Civil Rule 83.2(b).

The authorization to use video and audio includes civil motion hearings and hearings in bankruptcy cases.

Jury trials in criminal and civil cases have resumed effective September 1, 2020.   The presiding judge continues to exercise discretion as to the scheduling and conduct of a trial. The judge, court staff, and counsel will engage in advance planning for each trial in order to conduct the trial in the safest manner possible.

Dated at Burlington, in the District of Vermont, this 28th day of December, 2020.

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Geoffrey W. Crawford
Chief Judge