

GENERAL ORDER 20-07

IN THE UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF TEXAS

**GENERAL ORDER REGARDING 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 for consent or waiver of certain rights by a defendant, but require the consent or waiver to be in writing. More broadly, 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 are likely to make it impracticable, if not impossible, to obtain actual signatures in a timely and safe manner. For these reasons, the undersigned, acting as Chief Judge of the United States District Court for the Eastern District of Texas, hereby issues the following order:

When a judge finds that obtaining an actual signature is impracticable or imprudent in light of the public health situation relating to COVID-19, any 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 consent or waiver is not explicitly required to be in writing 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 the cases pending before that judge.

This order will remain in effect until further order of the Court. If this order is not terminated by subsequent order of the Court within 90 days of issuance, the Court will then review the authorizations set forth herein and determine whether or not to extend the authorizations herein and this order; however, until such time as a subsequent order of the Court is entered which terminates or modifies this order, this order shall remain in full force and effect.

FOR THE COURT:

So ORDERED and SIGNED this 13th day of April, 2020.



RODNEY GILSTRAP
CHIEF JUDGE