

United States District Court

Eastern District of Missouri
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street
St. Louis, Missouri 63102

Gregory J. Linhares
Clerk of Court

314-244-7900

REMOTE CRIMINAL CASE GUIDANCE FOR ATTORNEYS DURING COVID-19

Revised 5/8/20

This guidance is designed to assist attorneys in understanding the case processes and contact procedures the Court will be using during the COVID-19 pandemic. This guidance applies until July 5 or as further ordered by the Court.

For attorneys in cases where a defendant is scheduled for a plea, sentencing, or other essential hearing (court hearings in all non-essential cases have been postponed) on the docket within the next two weeks:

1) *Prior to your hearing:*

a) Contact the Jail Scheduling Point of Contact (Jail POC) as you ordinarily would to request time to speak with the client. Inform them that your case is set for a court hearing deemed essential by the Court;

b) The Jail POC will work to find you a time to speak with your client by video, or phone if video is not available, in advance of your appearance. Identifying the specific case will assist the Jail POC with prioritization, as there is not enough capacity to meet all demand for phone and video usage;

c) If any clarification is needed to prioritize your case, or if you are not having success in reaching your Jail POC and your need is urgent, contact the Federal Defender's Office (either lee_lawless@fd.org, kevin.curran@fd.org, or nanci_mccarthy@fd.org) who will contact the USMS Jail Inspector for the facility and work with them to resolve any issues with prioritization;

d) If you are going to need time to speak with your client before proceedings begin on the day of the hearing, please contact the JA and opposing counsel as well as [Katherine Spurgeon@moed.uscourts.gov](mailto:Katherine.Spurgeon@moed.uscourts.gov) for St. Louis cases and [Cathy Gould@moed.uscourts.gov](mailto:Cathy.Gould@moed.uscourts.gov) for Cape cases to ensure everyone is aware you will need that time at the beginning of the case. NOTE: The time docketed for the case to begin will, in these cases, be the beginning of your time to meet the client. By making your discussion time the officially docketed time, we are better able to ensure defendants' appearances at that time.

2) *On the day of your hearing:*

a) Do not appear in person in the Courtroom, unless there is specific direction otherwise from a Judge (this should generally not be occurring). Chambers will provide you with the remote connection instructions for your proceeding, but if you are having any issues with that please contact moedml_helpdesk@moed.uscourts.gov for resolution of your connection issue.

Be aware that based on jail availability and other factors, your client may be produced either at the jail or in a dedicated room at the courthouse for video into the Judge's courtroom. In most instances, the client will be at the jail. The Daily Docket will be updated to reflect the proper location;

b) In cases where defense counsel have requested it, Defense counsel should sign into the video or telephone conference at the docketed time, and other parties should sign in 15 minutes thereafter, so that defense counsel can speak with the defendant prior to the proceeding with no one else present at that time;

c) *During this time there will NOT be a requirement to get a written waiver of in-person appearance from the defendant in any proceeding, nor will there be a requirement for defendants to sign plea agreements in advance, nor will they need to sign the appeal waiver.* The appearance waiver for any proceeding can be acknowledged by the defendant during the proceeding. Plea agreements will be signed by both counsel who will confirm the terms of the agreement, and defense counsel will affirm that they have used their best efforts to go over the agreement with the defendant either by telephone or by videoconference. Judges will conduct the normal Rule 11 plea colloquy with the defendant confirming the terms of the plea agreement and that the plea is being entered freely and voluntarily. The plea agreement signed by counsel will be made part of the record. The current appeal waiver form allows attorneys to sign the form and say defendant cannot sign, and attorneys can add a statement

For attorneys in cases where the defendant is not scheduled currently for an essential proceeding, contact the Jail POC as you ordinarily would, realizing that priority will be given to hearings first, then attorneys in essential cases, then any other contacts. If you believe you have an immediate need and are unable to reach your client, contact the Federal Defender's Office (either lee_lawless@fd.org, kevin.curran@fd.org, or nanci_mccarthy@fd.org) who will contact the appropriate USMS Jail Inspector to assist with prioritization.

Consult the attached list of Jail Scheduling Points of Contact to assist with contacting facilities. Contact Clerk of Court Greg.Linhares@moed.uscourts.gov or the Federal Defender Lee Lawless if you have other issues or questions.