

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

APR 28 2020

Mark C. McCartt, Clerk
U.S. DISTRICT COURT

EXPANDED USE OF ELECTRONIC)
SIGNATURES DUE TO THE)
EXIGENT CIRCUMSTANCES)
CREATED BY COVID-19)
)

GENERAL ORDER 20-11

On March 13, 2020, the President of the United States declared that the coronavirus disease 2019 (COVID-19) outbreak constitutes a national emergency under the National Emergencies Act, 50 U.S.C. § 1601 et seq.

On March 27, 2020, legislation was enacted authorizing the use of video teleconferencing and telephone conferencing, under certain circumstances and with the consent of the defendant, or various criminal case events during the course of the COVID-19 emergency, contingent upon certain findings by the Judicial Conference of the United States. See Coronavirus, Aid, Relief, and Economic Security (CARES) Act, Pub. L. No. 116-136, § 15002, 134 Stat. 281, 527-30 (2020).

On March 30, 2020, the Court issued General Order 20-07 authorizing the use of video and teleconferencing pursuant to Section 15002(b) of the CARES Act.

Certain Federal Rules of Criminal Procedure, such as Rules 10(b)(2), 15(c)(1)(A), 20(a)(1), 23(a)(1), 32(e), and 43(b)(2), allow for consent or waiver of certain rights by a defendant, but require that such consent or waiver be in writing. More broadly, various documents, including but not limited to financial affidavits and appearance bonds/orders for release, require the signatures of defendants, counsel, and/or judges. The current circumstances, the increased use of video teleconferencing and telephone conferencing, and the efforts made to secure prison facilities to protect against COVID-19 infection likely make it impracticable, if not impossible, to obtain actual signatures in a timely and safe manner.

For these reasons, it is ORDERED that, where 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 submitted by the government or the defendant may be signed electronically.

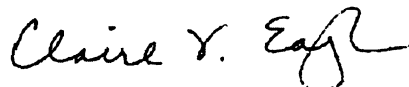
It is further ORDERED that, with the exception of plea agreements, which must be signed by the defendant personally, where a defendant's signature is required, defense counsel or the presiding judge may sign on the defendant's behalf if the defendant, after an opportunity to consult with counsel, consents.

It is further ORDERED that, where consent or waiver is not explicitly required to be in writing by the Federal Rules of Criminal Procedure or other applicable law, such consent or waiver may be obtained in whatever form is most practicable under the circumstances, so long as the defendant's consent or waiver is clearly reflected in the record.

IT IS SO ORDERED this 28th day of April, 2020.



JOHN E. DOWDELL
CHIEF UNITED STATES DISTRICT JUDGE



CLAIRE V. EAGAN
UNITED STATES DISTRICT JUDGE



GREGORY K. FRIZZELL
UNITED STATES DISTRICT JUDGE



TERENCE C. KERN
UNITED STATES DISTRICT JUDGE