

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: ELECTRONIC SIGNATURES AND
CONFLICT WITH FEDERAL RULE OF CRIMINAL
PROCEDURE 62(d)(2)

STANDING ORDER 2024-02

WHEREAS, on March 30, 2020, this Court entered Standing Order 2020-07, in response to the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), which in part authorized, under certain circumstances and with the defendant’s consent, the use of video and telephone conferencing for various criminal cases during the COVID-19 emergency; and

WHEREAS, Standing Order 2020-07 provides in relevant part: “[W]here a defendant’s signature is required, 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;” and

WHEREAS, the use of video and teleconferencing under the CARES Act ended on May 10, 2023; and

WHEREAS, by and through Standing Order 2023-02, this Court rescinded most of its COVID-19 protocols, returning to its pre-COVID 19, ordinary course of operations; and

WHEREAS, Standing Order 2023-02, however, maintained the Court’s COVID-19 protocol regarding “the expanded use of electronic signatures, as initially set out in Standing Order 2020-07;” and

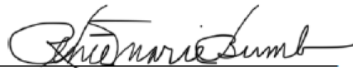
WHEREAS, Federal Rule of Criminal Procedure 62 (“Rule 62”), “Criminal Rules Emergency,” became effective on December 1, 2023; and

WHEREAS, Section (d)(2) of Rule 62 permits defense counsel, upon a defendant’s consent, to sign for a defendant where “emergency conditions limit a defendant’s ability to sign . . .;” and

WHEREAS, the continued use of electronic signatures absent any emergency conditions under Standing Order 2023-02 conflicts with Section (d)(2) of Rule 62; accordingly

IT IS ORDERED, effective immediately, and consistent with Rule 62, the Court rescinds Standing Order 2023-02, only to the extent that it allows electronic signatures absent any existing emergency conditions.

Date: April 3, 2024


Hon. Renée Marie Bumb
Chief United States District Judge