

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Order Regarding Masking, Vaccination, and COVID-19 Self-Certification

As of September 15, 2021

In response to current data regarding COVID-19 infection rates, and in accordance with guidance from the Centers for Disease Control and Prevention, numerous state and local public-health authorities, the *Federal Judiciary COVID-19 Recovery Guidelines*, and the United States Courts *Safe Return to the Workplace Handbook*,

It is hereby **ORDERED** that:

Effective immediately, all persons seeking entry to the United States Court of Appeals for the Ninth Circuit at the James R. Browning U.S. Courthouse in San Francisco, the Richard H. Chambers U.S. Courthouse in Pasadena, the Pioneer U.S. Courthouse in Portland, the William[®] Kenzo Nakamura U.S. Courthouse in Seattle, as well as any courtroom or conference room being used by the Court of Appeals to hear argument or attend a court sponsored mediation or meeting, shall comply with the following requirements:

MASKING & SOCIAL DISTANCING

Pending further order, all persons, regardless of vaccination status, must wear a mask covering their nose and mouth in any public area of the courthouses occupied by the Ninth Circuit Court of Appeals. This includes lobbies, elevators, corridors, restrooms, conference rooms, attorney lounges, libraries, and courtrooms. Judges will establish the masking and social distancing requirements for their own chambers.

VACCINATION REQUIREMENTS¹

(1) Vaccination Requirement for In-Person Appearances.

When invited to appear for in-person argument, lawyers must be fully vaccinated against COVID-19. Lawyers who are not vaccinated must present argument by video.

To facilitate the effective administration of this requirement, all vaccinated lawyers must submit proof of vaccination no later than 10 days before the date of argument. The Clerk's Office will provide instructions for submitting proof of vaccination. After submitting proof of vaccination, lawyers appearing for in-person argument will still be required to mask in public areas but, they will be able to remove the mask when presenting argument at the podium. The forms will be retained in a confidential manner; the proof will be destroyed after verification.

(2) Vaccination Requirement for Court Staff.

All court employees must be fully vaccinated against COVID-19. Effective immediately, any new employees shall submit proof of vaccination or a written request for an exemption before reporting for work. Instructions for current court employees will be issued separately.

Exemptions from the vaccination requirement will be considered for employees who cannot be vaccinated against COVID-19 because of a documented medical condition or a sincerely held religious conviction. Exemption requests must be approved by the Clerk of Court and the Chief Judge, in consultation with the direct supervisor or appointing Judge as needed. Employees with approved exemptions must comply with any mitigation measures established in the written notice of approval, including, but not limited to, masking, testing (by PCR test)², and social distancing requirements.

¹ Persons are considered fully vaccinated against COVID-19 two weeks after they have received the second dose in a two-dose series or two weeks after they have received a single-dose vaccine.

² The Court is not currently funded to provide testing. Therefore, absent an appropriation for this purpose, employees with approved exemptions will be required to secure PCR testing from any available local no cost service providers or, at their own expense.

SELF-CERTIFICATION REGARDING COVID-19 SYMPTOMS:

By entering any chambers or Court of Appeals facility, any person certifies that they:

- Have not tested positive for COVID-19 within the previous 10 days or been asked or required to self-quarantine due to exposure to COVID-19; and
- Have not within the previous 14 days experienced symptoms consistent with COVID-19, including a temperature of more than 100.4 degrees Fahrenheit, cough, sore throat, shortness of breath, difficulty breathing, chills, muscle or body aches, nausea or vomiting, or a new loss of taste or smell.

These procedures will remain in effect until further Order of the Court.

Dated this 14th day of September, 2021.

For the Court:



Sidney R. Thomas
Chief Judge