

“[T]he American concept of the jury trial contemplates a jury drawn from a fair cross section of the community.” *Taylor v. Louisiana*, 419 U.S. 522, 527 (1975). But drawing together diverse members of the community goes against the best guidance of public health officials. Proceeding with criminal jury trials could put defendants, jurors, observers, and court personnel at risk; and there is no way to ensure that a jury’s important work would not be affected by health concerns. Many citizens are understandably worried about family members and friends. In short, jury trials are inadvisable in the face of the pressing public health circumstance. The Court must therefore continue to scale back its operations by taking more steps.

First, all criminal jury trials scheduled between 23 March 2020 and 30 April 2020 are continued pending further order of the Court.

Second, all grand jury proceedings scheduled between 18 March 2020 and 30 April 2020 are continued pending further order of the Court.

Third, because of the Court’s inability to safely call and retain an adequate number and cross section of jurors – and because following public health recommendations will affect the availability of clients, counsel, members of the public, and court staff to be present in the courtroom – the Court specifically finds that the ends of justice served by continuing all criminal jury trials and grand jury proceedings outweigh both the public’s interest and each defendant’s interest in a speedy trial or speedy indictment. The period of delay caused by the continuances implemented in this

Administrative Order are therefore excluded under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) & (B).

Fourth, any criminal defendant seeking an exception to this Administrative Order may do so for good cause. The defendant must file a motion with the District Judge assigned to the matter. No exception will be granted, however, without the concurrence of the Chief Judge after consultation with the Court.

Fifth, all the judges of this Court will continue to hold hearings, conferences, and bench trials in civil and criminal cases. When practicable, they will do so by telephone or video conference. Each judge retains complete authority to manage his or her docket. In deciding whether to hold in-person proceedings in criminal cases, the presiding judge will consider the importance of the defendant's presence in court. In all cases, the presiding judge will consider the health risk posed to the parties, the lawyers, and court staff, particularly when a hearing would involve travel by a participant or transporting a detained defendant to the courthouse. The presiding judge will also take all steps necessary to maintain social distancing during any in-person proceeding and related contacts. Finally, as provided by the Court's 13 March 2020 Administrative Order, the parties must promptly notify one another and the Court if they reasonably suspect that a scheduled proceeding may involve contact with an infected person or a potentially infected person.

SO ORDERED.

D.P. Marshall Jr.
D.P. MARSHALL JR.
CHIEF JUDGE

18 March 2020