

FILED

APR 17 2020

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS

IS OPEN COURT
JAMES W. McCORMACK, CLERK

BY: 
DEPUTY CLERK

IN RE: COURT OPERATIONS DURING THE COVID-19 PANDEMIC

ADMINISTRATIVE ORDER FIVE

The United States District Court for the Eastern District of Arkansas remains open to the public. Between mid-March and mid-April, the clerk's office opened more than two hundred cases and closed a similar number. More than twenty-three hundred orders have been entered. Counsel have filed more than two thousand documents. And the Court has held ninety-three hearings, a third of them by video conference. Almost thirteen hundred people remain under the supervision of the pretrial services and probation office. All this work has been done by the dedicated people who make our Court go: lawyers, clerk's office staff, U.S. marshals, probation officers, the cleaning crew, court security officers, maintenance workers, chambers staff, and judges.

There are now more than sixteen hundred confirmed cases of COVID-19 in Arkansas. The peak in active cases statewide is expected in early May—a date that has been pushed back as physical distancing has slowed the virus's spread. To maintain that pattern, public-health officials continue to recommend distancing, avoiding gatherings of more than ten people, and wearing masks in public. The Court, too, must extend some of the steps it has taken to respond to the virus—reducing risk, while continuing to do the public's law business in the teeth of uncertainty.

First, all civil and criminal jury trials scheduled through 29 May 2020 are continued pending further order of the Court. The Court hopes that jury trials will resume in June and is planning for that resumption.

Second, all grand jury proceedings through 29 May 2020 are continued pending further order of the Court. The Court expects to summon one of the grand juries for a June session.

Third, because of the Court's inability to call and retain safely 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 scheduled between now and May 29th 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 in accordance with

the guidelines in Administrative Orders Two and Three. When practicable, they will do so by video conference or telephone. Each judge retains complete authority to manage his or her docket.

Sixth, all active and senior United States district judges and all United States magistrate judges for the Eastern District of Arkansas have concurred in this Administrative Order.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.
Chief Judge

17 April 2020