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## FOR THE EASTERN DISTRICT OF ARKANSAS DEPUTY OF THE EASTERN DISTRICT OF ARKANSAS

IN RE: COURT OPERATIONS DURING THE COVID-19 PANDEMIC

## **ADMINISTRATIVE ORDER SIX**

The pandemic continues, and with it our nation's emergency. The United States District Court for the Eastern District of Arkansas has remained open. In June, for example, two civil jury trials, one criminal trial, and many hearings were held. The grand juries met, too. The Court conducted some of these proceedings in person using distancing, masks, gloves, rearranged courtrooms, simulcasts for observers, and other precautions. Many hearings were held by video teleconference and teleconference.

It is not possible at present, with a weather eye on the safety of all participants, to resume conducting all proceedings in person. In the wake of much more testing, and the reopening of the economy, the number of positive cases reported in Arkansas has increased dramatically in past weeks. Hospitalizations are up. Some individuals at FCI Forrest City, several units of the Arkansas Department of Correction, and some county jails remain positive. Many correctional facilities have restricted the movement of prisoners in and out. Transportation of those in custody remains challenging. And it is generally believed that many folks are infected and contagious but

asymptomatic. In these circumstances of continuing uncertainty and certain risk, it is still necessary to conduct proceedings remotely when the interests of justice require doing so. CARES Act, Pub. L. No. 116-136 § 15002(b)(3)(A).

On behalf of the Court, I therefore extend Administrative Order Three's authorizations for video teleconferencing, or teleconferencing if video teleconferencing is not reasonably available, in all previously listed kinds of proceedings until 25 September 2020. Pub. L. No. 116-136 § 15002(b)(1). I specifically find, based on the current risk presented by COVID-19 in the Eastern District of Arkansas, that some felony pleas and some felony sentencings cannot be conducted in person without seriously jeopardizing public health and safety. Pub. L. No. 116-136 § 15002(b)(2)(A). If the defendant consents after consulting with counsel, and the presiding Judge concludes that the plea or sentencing cannot be further delayed without doing serious harm to the interests of justice, then the proceeding may be held by video teleconference or teleconference, if video teleconferencing is not reasonably available.

The Court will review the authorizations in this Administrative Order on or before 25 September 2020. All the active and senior United States District Judges and United States Magistrate Judges for the Eastern District of Arkansas concur in this Administrative Order.

So Ordered.

D.P. Marshall Jr.

Chief Judge

29 June 2020