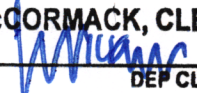


SEP 24 2020

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

JAMES W. McCORMACK, CLERK
By:  DEP. CLERK

IN RE: COURT OPERATIONS DURING COVID-19 PANDEMIC

ADMINISTRATIVE ORDER SEVEN

The Eastern District of Arkansas has adapted. Through a combination of screening, distancing, reconfigured spaces, simulcasts, masks, video teleconferences, and telephone conferences, the Court has continued full operations during the last several months. Grand juries are meeting. Nine civil and criminal jury trials, as well as several bench trials, have been held since mid-June. Remote proceedings have been an essential ingredient. The Court has conducted more than four hundred hearings by video teleconference since mid-March.

The pandemic continues, too, though. The testing confirms that, with the reopening of much of the economy, schools, colleges, and universities, the virus continues to spread in the Eastern District. www.healthy.arkansas.gov/programs-services/topics/novel-coronavirus (last visited 24 September 2020). On behalf of our Court, I have reviewed the authorizations made on 31 March 2020 by Administrative Order Three and extended on 29 June 2020 by Administrative Order Six. CARES Act, Pub. L. No. 116-136 § 15002(b)(3)(B). It remains necessary – when the interests of justice so require – to conduct some proceedings remotely. In particular,

moving in-custody defendants to, from, and around the courthouses creates health-related challenges for the United States Marshal, lawyers, Court personnel, and others. Based on the current risk presented by COVID-19 in the Eastern District of Arkansas, 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). I therefore extend the authorizations in Administrative Orders Three and Six for video teleconferencing, or teleconferencing if video teleconferencing is not reasonably available, in all previously listed kinds of proceedings until 23 December 2020. Pub. L. No. 116-136 § 15002(b)(1). If the defendant consents after consulting with counsel, and the presiding Judge concludes that a felony plea or a felony 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. Pub. L. No. 116-136 § 15002(b)(2)(A) & (b)(3)(B).

In Administrative Order Four, the Court authorized filing and service of the administrative record in all Social Security appeals electronically through the CM/ECF system, with follow-up filing and service of the paper record within ninety days thereafter. Local Rule 5.1. This process was designed as a trial run between April and September. The United States Attorney has informally requested an

extension and a modification. The Social Security Administration office that had been compiling these records has not yet resumed doing so. That task has fallen to the United States Attorney, who reports that it is time consuming. The electronic records have presented no difficulty for the Court. The Clerk reports that CM/ECF has handled this task seamlessly. On behalf of the Court, I therefore extend the provisions of Administrative Order Four until 23 December 2020 with two changes. First, the United States must file and serve the paper record conventionally within one hundred twenty days after electronic filing and service. Second, the electronic copy of the record will be available at our courthouses at the public computer terminals in the Clerk's offices. The Court will also explore amending Local Rule 5.1.

The Court will review the authorizations in this Administrative Order on or before 23 December 2020. All the active and senior United States District Judges and United States Magistrate Judges concur in this Administrative Order.

So Ordered.

D.P. Marshall Jr.

D.P. Marshall Jr.

Chief Judge

24 September 2020