

JUN 18 2021

JAMES W. McCORMACK, CLERK

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

L. Orme
DEP CLERK

IN RE: COURT OPERATIONS DURING COVID-19 PANDEMIC

ADMINISTRATIVE ORDER FIFTEEN

The pressing issue is the continuing need to conduct many criminal proceedings remotely. On behalf of our Court, I have reviewed the CARES Act authorizations made in March 2020 by Administrative Order Three, extended in June by Administrative Order Six, extended in September by Administrative Order Seven, extended in December 2020 by Administrative Order Nine, and last extended by Administrative Order Eleven until 21 June 2021. CARES Act, Pub. L. No. 116-136 § 15002(b)(3)(B).

Approximately 40% of Arkansawyers are fully vaccinated, 10% partially vaccinated, and 50% unvaccinated. www.healthy.arkansas.gov/programs-services/topics/novel-coronavirus. The pace of inoculations in Arkansas has slowed, notwithstanding various incentives. Active cases and hospitalizations have continued trending down during the past few months, but there have been potentially worrisome upticks in recent weeks, perhaps because more activities have resumed and some mitigation measures have been relaxed. The Eastern District of Arkansas has almost six

hundred individuals in custody at fourteen facilities in Arkansas and surrounding states.

It remains necessary – when the interests of justice so require – to conduct many criminal proceedings remotely. In particular, moving in-custody defendants to, from, and around the courthouses, plus mixing people from various locations, creates health-related challenges for the defendants, the United States Marshal, lawyers, Court personnel, and others. Based on the current risk presented by COVID-19 in the Eastern District, many felony pleas and many 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, Six, Seven, Nine, and Eleven for video teleconferencing (or teleconferencing if video teleconferencing is not reasonably available) in all previously listed kinds of proceedings for another ninety days until 19 September 2021. 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). I will review these authorizations again before September 19th.

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.

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Chief Judge

18 June 2021
