

JAN 24 2022

TAMMY H. DOWNS, CLERK

DEP CLERK

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

IN RE: COURT OPERATIONS DURING COVID-19 PANDEMIC

ADMINISTRATIVE ORDER TWENTY

The omicron variant is in full bloom across the Eastern District of Arkansas.\* Until 28 February 2022, the Court will therefore continue, with some adjustments, modified operations to reduce virus-related risks to citizens, litigants, lawyers, and Court personnel.

All hearings civil and criminal will be held by video-teleconference or telephone or postponed unless the presiding Judge determines, based on all the material circumstances, that good cause exists for an in-person hearing. The applicable CARES Act provisions govern remote hearings in criminal cases. See Administrative Order Eighteen. In advance of any in-person hearing, counsel must inform the presiding Judge and opposing counsel if any hearing participant has COVID-19 symptoms, has been exposed to COVID-19 recently, or is awaiting the results of a COVID-19 test.

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\* [www.healthy.arkansas.gov/programs-services/topics/novel-coronavirus](http://www.healthy.arkansas.gov/programs-services/topics/novel-coronavirus)

The omicron variant's extraordinary transmission rate continues to present challenges for holding trials, especially jury trials. Our Court did complete a three-day civil jury trial the week of January 10th. More than enough potential jurors reported for service. A verdict was returned. There were no known COVID-19 exposures. In February, our Court will hold any trial that needs to be held and continue any trial that can wait. We will keep deploying all of our various mitigation measures (masking, distancing, multiple spaces, and staggered start dates) with redoubled vigilance. We will also continue to monitor closely the number of citizens who respond that they are unable to serve as jurors for virus-related reasons.

Each presiding Judge will decide, case by case, whether to postpone each February trial depending upon the particulars presented and the developing omicron circumstances. If there is no pending motion for a continuance, then counsel in every case set for trial in February must confer and file a joint report either indicating a willingness to go forward with the trial or seeking a continuance. That paper must be filed at least seven calendar days before the scheduled trial date. Where there are case-specific, virus-related reasons to do so, continuances will be freely granted.

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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D.P. Marshall Jr.  
Chief Judge

*24 January 2022*

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