

JUL 19 2022

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

TAMMY H. DOWNS, CLERK
By: 
DEP CLERK

IN RE: COURT OPERATIONS DURING COVID-19 PANDEMIC

ADMINISTRATIVE ORDER TWENTY-FOUR

The lull has ended. The omicron subvariants, especially BA.5, have resulted in increasing infections in the Eastern District of Arkansas during the last several weeks. Hospitalizations are also rising, though not at correspondingly high rates.¹ The sum of these circumstances is a high CDC Community Risk Level in thirty of the forty-one counties in the Eastern District.² Pulaski, Craighead, and Phillips counties, where our courthouses are located, are among the counties where the current risk is high. One of the local jails where our Court's pretrial detainees are located is in a COVID-driven lockdown, and there are active cases in other facilities. Parties, lawyers, and court staff—like many Arkansawyers—are dealing with infections and exposures, both individually and among family members. Given vaccinations, immunity acquired through infection, and the availability of anti-viral medications, the usual and immediate consequences of the

¹ www.healthy.arkansas.gov/programs-services/topics/novel-coronavirus

² www.cdc.gov/coronavirus/2019-ncov/your-health/covid-by-county.html

current trends appear to be mostly troublesome illness, rather than dire medical conditions. The long-term consequences of infection remain cloudy. An increasing number of citizens are expressing some virus-related concern about jury service; but that number has not spiked, and the Court seated two juries on Monday, 18 July 2022, and started multi-day trials. One trial began in the morning, the other in the afternoon. The Court also began a bench trial.

The Court concludes that we need to tighten our mitigation measures while pressing forward with the public's law business. The Court will shift to remote proceedings whenever practicable for hearings, criminal and civil. Our CARES Act authorizations remain in force. Masks are strongly encouraged whenever two or more people are in close contact and in all public areas. This step follows the CDC's recommendation for high-risk areas. Each presiding Judge will decide the masking protocol within the courtroom depending on the circumstances presented. The Court will continue staggering start days for jury trials, beginning on different days whenever practicable. Increased ventilation across the board in our facilities, plus using our still-distanced courtrooms and multiple spaces for trials, will continue. The Court also reinstates a pre-hearing notice requirement: In advance of any in-person proceeding, counsel must inform the presiding Judge and opposing counsel if any planned participant has COVID-19 symptoms, has been exposed to COVID-19 within the last five days, or

is awaiting the result of a COVID-19 test. Each presiding Judge will continue to make scheduling decisions based on the material circumstances in each case.

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.

D.P. Marshall Jr.
Chief Judge

19 July 2022