

DEC 18 2020

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

JAMES W. McCORMACK, CLERK  
*[Signature]*  
DEP CLERK

IN RE: COURT OPERATIONS DURING COVID-19 PANDEMIC

**ADMINISTRATIVE ORDER NINE**

This Court, like many other public institutions, is doing its best in continuing operations amid the spreading virus. Screening, distancing, reconfigured spaces, simulcasts, masks, video teleconferences, and telephone conferences are now the norm. So is extraordinary work by the Court's staff. While the coming vaccines are cause for hope, all the current virus numbers are trending in the wrong direction. Active cases, hospitalizations, deaths – they've all increased substantially in the last several weeks.\* These trends show no sign of abating. The Court has cancelled civil and criminal jury trials through mid-January, plus reduced grand jury sessions to a bare minimum. See Administrative Order Eight. Further steps are necessary.

First, absent the presiding Judge's determination of necessity, all other civil proceedings – miscellaneous hearings, settlement conferences, and the like – will be held by video teleconference or teleconference. This step will further reduce the virus risk by reducing the number of people gathering in our courthouses.

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

Second, on behalf of our Court, I have reviewed the authorizations made on 31 March 2020 by Administrative Order Three, extended on 29 June 2020 by Administrative Order Six, and extended again on 24 September 2020 by Administrative Order Seven. CARES Act, Pub. L. No. 116-136 § 15002(b)(3)(B). 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 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, 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, and Seven for video conferencing, or teleconferencing if video teleconferencing is not reasonably available, in all previously listed kinds of proceedings for another ninety days until 23 March 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).

Third, if the defendant does not consent to remote proceedings in a criminal matter covered by this Administrative Order, and the presiding Judge does not find it necessary for an in-person hearing to be held immediately, then the matter will be continued.

The Court will review the authorizations, and the default rules for remote proceedings, in this Administrative Order on or before 23 March 2021. 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.*

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D.P. Marshall Jr.  
Chief Judge

*18 December 2020*

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