

NOV - 6 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 EIGHT

The Eastern District of Arkansas continues to do the people's law business. But, the increasing number of positive COVID-19 test results, as well as the isolation and quarantine of individuals exposed to the virus, is affecting the Court's operations. In October and November, for example, almost one hundred people requested to be excused from jury service for virus-related reasons. The Court has also continued four jury trials in recent weeks because some participant had either tested positive or been exposed to the virus. We are entering flu season. The holidays are in sight, too. There will be gatherings and travel, which will create opportunities for further spread. And the trend lines for positive cases, hospitalizations, and deaths are particularly troubling, especially in central Arkansas and northeast Arkansas, where two of our three courthouses are located. The Court has been vigilant about our rules for those courthouses: stay home if you're sick; wear a mask; keep your distance; and wash your hands often. We will redouble that vigilance in coming months. To ensure continued essential Court operations throughout the winter, while reducing the

virus risk for citizens, lawyers, and staff, the Court must also take additional steps.

First, all civil and criminal jury trials scheduled between now and 15 January 2021 are continued to a later date to be set by the presiding Judge. Any criminal trial setting may be reinstated at the discretion of the presiding Judge, or on a party's motion, for good cause. Citizens' increasing inability and reluctance to serve on juries is understandable, but it creates the possibility that our juries will not reflect a fair cross section of the Eastern District. The Court therefore concludes that the ends of justice outweigh the public's interest, and the affected defendants' interests, in speedy criminal trials. 18 U.S.C. § 3161(h)(7)(A) & (B). Any period of delay resulting from this Administrative Order is therefore excludable time under the Speedy Trial Act.

Second, only one grand jury will meet in December 2020. Unless the Court directs otherwise for good cause, no grand jury will meet in January 2021. The ends of justice likewise outweigh any defendant's interest, and the public's interest, in a speedy indictment.

Third, hearings of all sorts will continue apace. They must be held by video-teleconference or teleconference whenever possible and will be held in person when necessary. All our courthouses are open to the public and will remain open.

All active and senior United States District Judges and all 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

6 November 2020