SUPREME COURT OF ARKANSAS

IN RE RESPONSE TO THE COVID-19 PANDEMIC	*Delivered:* May 8, 2020

PER CURIAM

In response to the ongoing COVID-19 pandemic, the Supreme Court of Arkansas delivered per curiam orders on March 17, March 20, April 3, April 23, and April 28, 2020, implementing emergency precautions to help protect the public from unnecessary risks. *See In re Response to the COVID-19 Pandemic*, 2020 Ark. 116 (per curiam); *In re Response to the COVID-19 Pandemic*, 2020 Ark. 125 (per curiam); *In re Response to the COVID-19 Pandemic*, 2020 Ark. 132 (per curiam); *In re Response to the COVID-19 Pandemic*, 2020 Ark. 163 (per curiam); *In re Response to the COVID-19 Pandemic-Amendments to Court Rules*, 2020 Ark. 164 (per curiam); *In re Response to the COVID-19 Pandemic-Eviction Filings*, 2020 Ark. 166 (per curiam). On March 11, 2020, Governor Hutchinson declared a State of Emergency for Arkansas related to the COVID-19 pandemic, which remains in effect. The courts of the State of Arkansas shall remain open.

Today, we announce that beginning May 18, 2020, Arkansas courts in all divisions shall resume conducting hearings with certain measures to combat the spread of the disease to the public, including the employees of the Arkansas judiciary. There is no restriction on the type of case for which hearings shall resume. Courts shall be operational and the Supreme Court and the Administrative Office of the Courts have obtained personal protective

equipment to assist the courts and counties in the gradual resumption of in-person proceedings where practical.

We hereby order that hearings shall be conducted by video conference; audio conference; or in-person proceedings, at the discretion of the presiding judge. Hearings may be conducted by having the parties, attorneys, and/or witnesses attend, using any combination of video or audio conferences and in-person appearances. Any party to a hearing may object to the type of hearing announced, and that objection shall be ruled upon by the presiding judge. Presently, video conferencing is preferred over audio conferencing and in-person hearings. The Administrative Office of the Courts will be monitoring each judge's use of video conferencing to conduct hearings. The Supreme Court intends to issue a report as soon as next week detailing the use of video conferenced hearings by judges throughout the state.

Further, courthouses and courtrooms shall continue to comply with guidelines announced by the Arkansas Department of Health regarding public gatherings currently limited to gatherings of no more than ten people. This court encourages the use of alternative indoor venues, such as auditoriums, gymnasiums, civic centers, or National Guard armories, if the current courtroom cannot accommodate the social-distancing and other public-gathering restrictions and guidelines. The most up-to-date guidelines may be found on the Department's website:

> https://www.healthy.arkansas.gov/programs-services/topics/covid-19-health-guidances#Communityguidance.

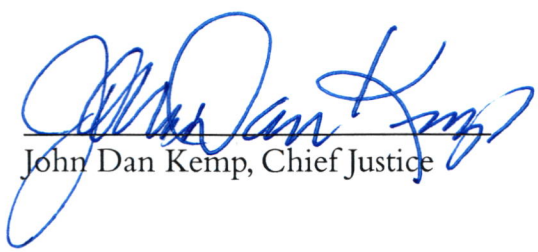
In response to the COVID-19 pandemic, the Supreme Court of Arkansas previously announced the indefinite suspension of the time requirements under Arkansas Civil

Procedure Rules 4(i), 33(b), 34(b), and 36(a) and District Court Rule 3. *In re Response to the COVID-19 Pandemic-Amendments to Court Rules*, 2020 Ark. 164. Today, on recommendation of the Supreme Court Committee on Civil Practice, we announce the continuation of the suspension of the time requirements under Ark. R. Civ. P. 4(i) and District Court Rule 3. Based on the Committee's additional recommendation, today we rescind the suspension of time requirements under Ark. R. Civ. P. 33(b), 34(b), and 36(a). Finally, based on the Committee's recommendation, we direct that all discovery suspended during the period of time the April 28 per curiam, *In re Response to the COVID-19 Pandemic-Amendments to Court Rules*, was effective shall be due within ten business days of this rescission order or the original due date of the discovery, whichever is later.

This Order is to be interpreted broadly for protection of the public from the risks associated with COVID-19. This Order applies statewide to all courts and court clerks' offices except administrative courts of the executive branch, federal courts, and federal court clerks' offices in Arkansas.

It is so ORDERED.

FOR THE COURT:



John Dan Kemp, Chief Justice