SUPREME COURT OF ARKANSAS

IN RE RESPONSE TO THE COVID-19 PANDEMIC	**Opinion Delivered June 11, 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, April 28, and May 8, 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); *In re Response to the COVID-19 Pandemic*, 2020 Ark.187 (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 have remained open and shall continue to remain open. Today, we announce the following new protocols to resume some in-person proceedings while maintaining the safety of the proceedings' participants, along with the safety of the greater public.

First, there shall be no more than 50 people in the courtroom or venue where court is being conducted, provided there is adherence to the Arkansas Department of Health guidelines. Those guidelines include: everyone in the room using face masks or coverings; social distancing of at least 6 feet; mandatory body-temperature checks and health questionnaires before entry into either the building or the courtroom; having hand soap and sanitizer available; and sanitizing high-touch areas during the day and after the day's proceedings. These guidelines shall apply to every person in the room used for court proceedings.

Second, the suspension of jury trials shall end on June 30, 2020, and jury summons may begin to be issued immediately for jury service that begins on or after July 1, 2020.

Third, civil jury trials may be conducted, in whole or in part, by videoconference. Criminal jury trials shall be conducted in person, except that voir dire may be conducted by videoconference by agreement of the parties.

Fourth, the suspension of Rule 4(i) of the Arkansas Rules of Civil Procedure announced in the per curiam order of April 28, 2020, shall remain in effect until further notice. *See In re Response to the COVID-19 Pandemic-Amendments to Court Rules*, 2020 Ark.164 (per curiam).

This order does not mandate the resumption of in-person proceedings, but rather lifts the suspension previously announced. Protection of the public from unnecessary risks will depend largely on the discretion of individual judges. Decisions shall be based on the growth rate of the virus in the area, the size of the venue in which court is conducted, the security measures necessary to conduct trials, the availability of personal protective

equipment, and other relevant factors. As such, jury trials in some counties may resume in July, whereas most parts of Arkansas might not resume jury trials until September or later. As it was announced by this court on March 17, 2020, for criminal trials, any delay for speedy-trial purposes due to precautions against the COVID-19 pandemic shall presumptively constitute good cause under Arkansas Rule of Criminal Procedure 28.3(h). *See In re Response to the COVID-19 Pandemic*, 2020 Ark. 116 (per curiam).

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.

It is so ORDERED.

WYNNE, J., dissents.