SUPREME COURT OF ARKANSAS

IN RE RESPONSE TO THE COVID-19 PANDEMIC	**Delivered:** March 17, 2020

PER CURIAM

In response to the ongoing COVID-19 pandemic, the Supreme Court of Arkansas is implementing emergency precautions to help protect the public from unnecessary risks. On March 11, 2020, Governor Hutchinson declared a public health emergency for our state. On March 13, 2020, a national emergency was declared following the classification of COVID-19 as a pandemic. On March 15, 2020, the U.S. Centers for Disease Control and Prevention recommended against gatherings in groups of 50 or more people for the next 8 weeks. The President's March 16, 2020, guidelines call for the public to avoid social gatherings in groups of more than 10 people for the next 15 days. In response, the Supreme Court of Arkansas announces the implementation of the following precautionary measures to combat the spread of the disease to the public and the employees of the Arkansas judiciary.

The courts of the State of Arkansas shall remain open. Nevertheless, pursuant to this Court's constitutional superintending authority to supervise the administration of the state judicial system, the Supreme Court of Arkansas hereby suspends all in-person proceedings in all appellate, circuit, and district courts, subject to the exceptions in this order. The

suspension will last from Wednesday, March 18, 2020, through Friday, April 3, 2020, and may be adjusted by order of this court as circumstances warrant.

The suspension of in-person judicial proceedings is subject to the following exceptions:

- Proceedings necessary to protect the constitutional rights of criminal defendants and juveniles, including, but not limited to, criminal initial appearances; probable-cause hearings; speedy trial; cases in which victims are under fourteen years of age; juvenile probable cause hearings; juvenile detention hearings; and hearings on writs of habeas corpus;

- Proceedings in which civil or criminal jury trials are already in progress as of March 17, 2020;

- Proceedings pertaining to relief from abuse, including but not limited to, orders of protection;

- Proceedings related to emergency child custody orders;

- Proceedings related to probable cause, emergency child placement, and ICWA in dependency-neglect proceedings;

- Proceedings related to petitions for temporary restraining orders or other forms of temporary injunctive relief;

- Proceedings related to adult protective services and emergency mental health orders;

- Proceedings for emergency guardianship or conservatorship;

- Proceedings directly related to the COVID-19 public health emergency;

- Oral arguments regarding time-sensitive matters; and

- Other exceptions approved by the Chief Justice.

Judges shall be responsible for ensuring that core constitutional functions and rights are protected. For criminal trials, in light of the public health emergency, any delay for speedy-trial purposes during this time shall be deemed to presumptively constitute good

cause under Arkansas Rule of Criminal Procedure 28.3(h). The Administrative Judge of each judicial circuit is authorized to determine the manner in which the in-person exceptions are to be implemented. Any civil proceedings conducted in person shall be limited to the attorneys, parties, witnesses, security officers, a press-pool representative, and other individuals necessary to the proceedings as determined by the judge presiding over the proceedings. In criminal matters, the judge shall continue to protect the defendant's right to public trial. The judge presiding over the in-person proceedings shall exercise his or her discretion in excusing jurors or other individuals who shall not appear as a result of COVID-19.

All judges and court clerks are encouraged to utilize all available technologies—including facsimile machines, e-mail, teleconferencing, and video conferencing—to continue handling judicial matters and further limit in-person courtroom appearances. Any criminal or civil rules that would impede a court clerk or judge's ability to utilize such technologies are hereby suspended until Friday, April 3, 2020, and may be extended by order of this court as circumstances may warrant.

Any summonses for persons to participate in jury panels are hereby suspended until Friday, May 1, 2020. All oral arguments before the Arkansas Supreme Court and Arkansas Court of Appeals are hereby canceled.

This order does not affect a court's ability to consider or rule on any matter that does not require an in-person court proceeding. Likewise, this order does not affect any required filing deadlines. During the suspension, court clerks should consider adopting measures for ensuring timely filings by pro se litigants who lack access to Arkansas's e-filing system.

Despite the suspension of in-person court proceedings, Arkansas courts still must continue to carry out the core, constitutional functions of the Arkansas judiciary as prescribed by law and continue to uphold the constitutional rights of litigants seeking redress in any Arkansas court. Each Administrative Judge should work with local law enforcement and county agencies to ensure that, to the extent possible, courthouses remain accessible to carry out essential constitutional functions and time-sensitive proceedings.

If it becomes necessary to close any courthouse during the suspension period, the Administrative Judge shall develop procedures for ensuring the court remains accessible by telephone and e-mail to the extent possible during regular business hours. The Supreme Court of Arkansas should be notified immediately of the closing of any courthouse, and notice of such closings should be disseminated to the local media and posted on the courthouse doors. Judiciary closings, cancellations, and changes may be viewed here: https://www.arcourts.gov/news/judiciary-closings-cancellations-changes

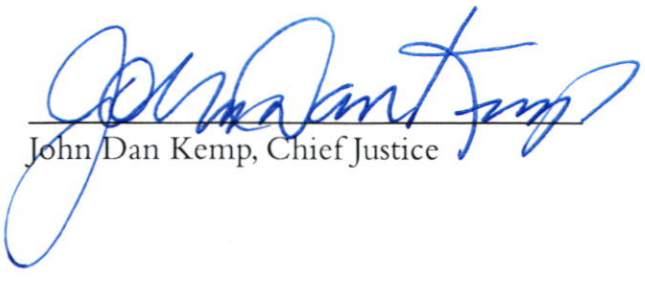
Notice shall be provided in all cases, civil and criminal, of possible exposure to COVID-19. If an attorney or party reasonably suspects (erring on the side of caution) that a hearing, trial, or deposition was attended by someone infected with COVID-19, or a person who has been in contact with an infected person within fourteen days, they shall immediately give notice to the court and all parties. Furthermore, for the health and safety of its employees, each court is instructed to post an order to the courthouse doors prohibiting access to the premises for individuals that have been exposed to or are exhibiting symptoms of COVID-19. The posting should list necessary contact information so that individuals not authorized to enter the premises may have remote access to court staff.

Additionally, any nonessential travel by judicial employees for work-related functions is hereby suspended. This includes travel for purposes of participating in Supreme Court committee meetings. If possible, such meetings should be conducted by teleconferencing or rescheduled to a later date.

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