SUPREME COURT OF ARKANSAS

IN RE RESPONSE TO THE COVID-19 PANDEMIC	**Opinion Delivered:** November 20, 2020

PER CURIAM

In response to the ongoing COVID-19 pandemic, the Supreme Court of Arkansas delivered previous per curiam orders implementing emergency precautions to help protect the public from unnecessary risks. 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 maintain the safety of jurors, litigants, attorneys, court personnel and the public.

Public health officials in Arkansas have identified an increase of COVID-19 positive tests and hospitalizations. Therefore, we hereby suspend until January 15, 2021, jury trials that have not begun. Jury trials that are currently ongoing shall be completed.

The Arkansas Supreme Court does not take lightly the decision to halt jury trials. It weighs on this court that we are exposing the hundreds of citizen jurors around the state who are being summoned to do their civic jury duty as well as increasing our court personnel's risk of daily exposure to the virus. The dramatic uptick in cases in Arkansas requires us, as leaders of the state judiciary, to do our part to help protect Arkansans.

This court emphasizes that, in the interest of justice, it is vital that judges continue to move cases forward, either through the use of technology by virtual or telephonic hearings, or through in-person hearings that meet the criteria for safe gatherings established by the Arkansas Department of Health. While the safety of litigants, attorneys, court personnel, and the public is of the utmost importance, it is critical to the proper functioning of the courts that judges and attorneys work together on issues and cases that can be resolved, in whole or in part, and that as many cases as possible continue to progress safely toward resolution without undue delay.

Criminal matters, such as initial appearances, detention hearings, arraignments, omnibus hearings, suppression hearings, plea hearings and sentencing hearings shall continue to take place either by videoconference or in person, as scheduled by the presiding judge. All civil hearings and other court proceedings shall take place either by videoconference or in person, as scheduled by the presiding judge. This court expects courts to hold court hearings through appropriate and safe means—preferably virtual and telephonic (both on record)—for justice to occur.

Defendants are innocent until proven guilty in Arkansas. This court is mindful that there are defendants awaiting trial beyond twelve months. We hereby order our criminal courts to review their dockets for criminal cases that are outstanding for more than twelve months where the defendant either did not receive bond or has not met bond and evaluate whether there is any reason to reconsider bond. We are not requiring a new bond hearing in these cases, but rather the circuit courts should review the case and, if necessary, make any adjustments if the situation supports it.

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) and shall constitute an excluded period for speedy-trial purposes. *See In re Response to the COVID-19 Pandemic*, 2020 Ark. 116 (per curiam).

If any attorney, party, witness, or a member of their immediate family or household, has an underlying medical condition that places them at higher risk for contracting COVID-19, they may choose to participate remotely, preferably by videoconference, in a court proceeding, and no further explanation shall be required. If the proceeding cannot be held remotely, a continuance shall be granted.

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.