

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS

IN RE: USE OF VIDEO TELECONFERENCING AND TELEPHONE CONFERENCING
DURING COURSE OF THE COVID-19 PANDEMIC.

ADMINISTRATIVE ORDER NO. 2020-3

WHEREAS on March 13, 2020, the President of the United States of America declared a national emergency in response to the COVID-19 outbreak.

WHEREAS on March 27, 2020, the President signed into law the Coronavirus Aid, Relief, and Economic Security Act, or CARES Act, which includes provisions for the Judiciary, allowing video teleconferencing for certain criminal proceedings.

WHEREAS on March 29, 2020, the Judicial Conference of the United States found under the CARES Act that emergency conditions due to the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to COVID-19 have materially affected and will materially affect the functioning of the federal courts generally;

NOW THEREFORE, to implement the provisions of the CARES Act and provide additional measures to protect Court personnel, the bar, the public; and to ensure due process, IT IS HEREBY ORDERED, that:


1. The Chief Judge of the U.S. District Court of the Western District of Arkansas on her own motion authorizes the use of video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, with the consent of the defendant, or the juvenile, after consultation with counsel, for the following events specifically listed in Section 15002(b)(1) of the CARES Act:

- a. Detention hearings under section 3142 of title 18, United States Code.
 - b. Initial appearances under Rule 5 of the Federal Rules of Criminal Procedure.
 - c. Preliminary hearings under Rule 5.1 of the Federal Rules of Criminal Procedure.
 - d. Waivers of indictment under Rule 7(b) of the Federal Rules of Criminal Procedure.
 - e. Arraignments under Rule 10 of the Federal Rules of Criminal Procedure.
 - f. Probation and supervised release revocation proceedings under Rule 32.1 of the Federal Rules of Criminal Procedure.
 - g. Pretrial release revocation proceedings under section 3148 of title 18, United States Code.
 - h. Appearances under Rule 40 of the Federal Rules of Criminal Procedure.
 - i. Misdemeanor pleas and sentencings as described in Rule 43(b)(2) of the Federal Rules of Criminal Procedure.
 - j. Proceedings under chapter 403 of title 18, United States Code (commonly known as the "Federal Juvenile Delinquency Act"), except for contested transfer hearings and juvenile delinquency adjudication or trial proceedings.
2. The Chief Judge of the U.S. District Court of the Western District of Arkansas on her own motion finds, under Section 15002(b)(2) of the CARES Act, that felony pleas under Rule 11 of the Federal Rules of Criminal Procedure and felony sentencings under Rule 32 of the Federal Rules of Criminal Procedure cannot be conducted in person without seriously jeopardizing public health and safety. As a result, if a judge

in an individual case finds, for specific reasons, that a felony plea or sentencing in that case cannot be further delayed without serious harm to the interests of justice, the judge may, with the consent of the defendant after consultation with counsel, use video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, for the felony plea or sentencing in that case. Judges may also use this authority for equivalent events in juvenile cases as described in Section 15002(b)(2)(B) of the CARES Act.

3. In order to hold a proceeding by telephone conference, as authorized in paragraphs 1 and 2 of this Order, the presiding judge must make a finding that video teleconferencing is not reasonably available.
4. Under Section 15002(b)(3) of the CARES Act, the authorization in paragraphs 1 and 2 of this Order will remain in effect for 90 days unless terminated earlier. If emergency conditions continue to exist 90 days from the entry of this order, the Chief Judge of the U.S. District Court of the Western District of Arkansas will review this authorization and determine whether to extend it.
5. This order will remain in effect until further order of the Court.

IT IS SO ORDERED, this 31st day of March, 2020.



SUSAN O. HICKEY
CHIEF UNITED STATES DISTRICT JUDGE
WESTERN DISTRICT OF ARKANSAS