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INSIGHT

Overview of Recent Responses to COVID-19 by the Judicial Conference of the United States, Administrative Office of the U.S. Courts, and Select Courts Within the Federal Judiciary

March 30, 2020

This CRS Insight provides information related to recent responses to Coronavirus disease 2019, or COVID-19, by the Judicial Conference of the United States, the Administrative Office of the U.S. Courts (AO), and select courts within the federal judiciary. It is not intended to provide a comprehensive overview of the policies and practices adopted by each federal court or judicial entity. Additionally, given the rapidly changing situation surrounding COVID-19, the information provided in this Insight may be superseded by new information from that which is described in the text below. If there are any questions regarding whether such changes have occurred, congressional staff may contact the author of this Insight. The author can also be contacted for information related to responses to COVID-19 by other federal judicial entities or courts not specifically addressed below.

A previous CRS Insight that provided information related to the initial responses to COVID-19 by AO and select courts within the federal judiciary can be accessed here.

Judicial Conference of the United States

The Judicial Conference of the United States, the administrative policymaking body for the federal courts, held its regularly scheduled biannual meeting on March 17, 2020. The meeting convened by teleconference, with Conference members calling in from all 13 judicial circuits to consider several policy matters (including the authorization of a two-year pilot program to evaluate live audio streaming for some civil case proceedings). Traditionally, the Conference holds its meetings at the U.S. Supreme Court.

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Administrative Office of the U.S. Courts

The Administrative Office of the U.S. Courts (AO) is the agency within the federal judiciary that provides, in part, administrative services and program support to federal courts. On March 17, 2020, AO issued a statement indicating that many federal courts have asked employees to work remotely. Additionally, all in-person training for court personnel has been cancelled through May 31, 2020.

As also noted by AO, "courts are reviewing their continuity of operations plans and Pandemic/Infectious Disease plans to help them continue essential court operations." Along these lines, courts are posting on their individual websites any orders or notices related to COVID-19 that address "jury service, filing deadlines, and other court business, as well as public access to the courthouse." As of this writing, 8 of 13 U.S. circuit courts and 83 of 94 U.S. district courts, including territorial courts, have posted such orders or notices.

U.S. Supreme Court

On March 19, 2020, the Supreme Court issued an order that the deadline to file any petition for a writ of certiorari due on or after March 19, 2020, is extended to 150 days from the date of the lower court judgement (the prior deadline was 90 days). Previously, on March 16, 2020, the Court announced that it is postponing all oral arguments scheduled for its March session (March 23-25 and March 30-April 1). On March 12, 2020, the Court announced that its building was closed to the public until further notice.

Recent Lower Federal Court Orders Related to Court Business and Operating Status

As discussed above, federal courts may individually issue orders or notices to respond to COVID-19. Several of the most recent orders, presented in reverse chronological order, are highlighted below (the embedded text for a particular court provides additional information regarding the court's response). The actions taken by these courts are presented as illustrative examples and may not be representative of actions taken by other courts.

- **District of Maine** (Portland, Bangor): The district court ordered, on March 25, 2020, that all preliminary criminal proceedings be held by teleconference. The order noted that many of the district court's judges and employees, because of their age, are at relatively higher risk from COVID-19, and that "telephonic hearings substantially reduce the threat of exposing those who participate in hearings to COVID-19." The order also indicated that the media has access to such telephone proceedings, which "will also be open to members of the public if determined to be reasonably possible."
- **Western District of Virginia** (Charlottesville, Lynchburg, Roanoke, and other locations): In an order issued on March 24, 2020, the district court postponed all in-person civil and criminal case proceedings and trials until after May 1, 2020. The court also postponed all grand jury proceedings that were scheduled to begin on or before April 17, 2020. The court's order noted that "judges may continue to conduct proceedings by telephone or video conferencing where practicable and authorized by law."
- **Western District of Pennsylvania** (Pittsburgh, Erie, Johnstown): The district court ordered, on March 23, 2020, that all detention facilities would screen detainees for potential COVID-19 symptoms before transporting them to the court. Detainees who fail the screening criteria are to be kept at the detention facility, and the court is to be notified when any detainee is withheld from transport.
- **Northern District of California** (San Francisco, Oakland, San Jose, Eureka-McKinleyville): In an order issued on March 23, 2020, and further amended on March 25, 2020, the district court closed entirely to the public the federal courthouses in

- Oakland, San Jose, and Eureka-McKinleyville. Consequently, all "essential courthouse operations will be consolidated and relocated to the San Francisco Courthouse, until April 7, 2020." The order also notes that "hearings will be held by video or teleconference to the extent practicable."
- **Northern District of Ohio** (Akron, Cleveland, Toledo, Youngstown): In an order filed on March 23, 2020, the district court closed all five federal courthouses in the district until May 1, 2020. Consequently, no jury trials in the district are to commence prior to May 1, 2020. The court also suspended all grand jury proceedings until May 1, 2020. The order also stated that any "[i]nitial appearances, arraignments, and detention hearings will proceed and will be conducted by telephone or videoconference where practicable."

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