



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

Updated June 11, 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 Additionally, the information provided in this Insight may be superseded by new information from that which is described below.

A previous Insight provides information about how COVID-19 has impacted federal jury trials (available [here](#)). Another Insight provides information about the provisions of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act; P.L. 116-136) that address COVID-19 and the federal courts (available [here](#)).

Judicial Conference of the United States

In March 2020, the [Judicial Conference of the United States](#), the national policymaking body for the federal courts, [issued guidance](#) that provides the media and public teleconference access to federal civil court proceedings. Following enactment of the CARES Act on March 27, the conference issued additional guidance that [provides for media and public access](#) to certain electronic criminal proceedings. Along these lines, [some courts](#) “are providing call-in and video conferencing links from their websites and others are asking that the media and other third parties call the clerk of court’s office for the information.”

On [April 28, 2020](#), the [Judicial Conference requested](#) \$36.6 million in supplemental funding from Congress to “address emergent needs such as enhanced cleaning of court facilities, health screening at courthouse entrances, [and] information technology hardware and infrastructure costs associated with

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IN11292

expanded telework and videoconferencing.” The requested funding would also be used for “costs associated with probation and pretrial services supervision of offenders released from prison and defendants on pretrial release, and security related costs.” Congress had previously appropriated \$7.5 million in the CARES Act for the federal judiciary to deal with the COVID-19 pandemic.

In addition to the request for supplemental funding, the conference also submitted a set of legislative proposals for congressional consideration. These proposals, according to the conference, are “to address immediate COVID-19 impacts on the federal courts, as well as to address concerns regarding court operations after the pandemic eases.” One of the proposals is to [convert](#) eight existing temporary U.S. district court judgeships to permanent status. [Certain other proposals](#), intended to protect detainees and litigants in criminal cases during the COVID-19 pandemic, would expedite the “compassionate release procedures under the [First Step Act](#)” and reduce “unnecessary pretrial detention of certain low-risk defendants.”

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. The AO has distributed [guidelines to the courts](#) “for restoring operations that rely heavily on conditions in local communities and on objective data from local and state public health officials and the Centers for Disease Control and Prevention.” The AO guidelines emphasize “local decision-making by the courts,” acknowledging that “courts would progress through the phases [of reopening] at their own pace.”

Such an approach is needed, according to AO, because of variation across judicial districts in whether communities are experiencing a sustained downward trend in COVID-19 cases, the status of state or local orders related to individual movement and shelter-in-place, and whether there have been recent confirmed or suspected cases of COVID-19 in a court facility.

Additionally, the Director of AO [announced](#) the creation of a group, comprised of chief judges and court executives, which is responsible for developing protocols for how to safely resume grand jury and trial jury proceedings. According to the Director, “issues such as testing potential jurors, social distancing considerations during jury assembly, voir dire, jury deliberations, and many others are being considered.”

United States Supreme Court

On April 13, 2020, the Supreme Court [announced](#) that it would hear oral arguments by telephone conference for its May session (May 4-6 and May 11-13). The Court [provided](#) a live audio feed to several media outlets and, following the oral arguments on each day, posted audio and a transcript of the arguments on the Court’s website. The arguments heard during the Court’s [May session](#) were the final scheduled oral arguments for its current term. Some of the cases that were scheduled for argument in March and April are to be [rescheduled](#) for argument during the Court’s October 2020 term.

During June 2020, the Court continues to release electronically, on its website, its opinions for cases and orders from its weekly conferences.

The Court’s building, which was initially [closed to the public on March 12, 2020](#), remains 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 recent orders have required all persons over two years of age to wear a face covering or mask while in public spaces or common areas of the district’s courthouses ([District of Alaska](#)); indicated that bench trials for some criminal and civil proceedings may resume on June 11, 2020 (

[Eastern District of Virginia](#)); and that all in-person oral arguments are indefinitely suspended ([U.S. Court of Appeals for the Federal Circuit](#)). The Federal Circuit previously suspended such arguments on a month-to-month basis but issued the current order on May 18, 2020, in response to the ongoing pandemic in the nation’s capital. The actions taken by these courts are presented as illustrative examples, and may not be representative of actions taken by other courts.

A full list of orders by U.S. circuit and district courts can be accessed online (available [here](#)).

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