



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 (July 2020)

July 21, 2020

This Insight provides information related to recent responses to [Coronavirus Disease 2019](#) (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. Most of the responses discussed below have occurred since June 1, 2020. A previous [Insight](#) provides information about responses prior to June 1, 2020. Another [Insight](#) provides information about some of the initial responses to COVID-19 by the federal judiciary.

This Insight is not intended to provide a comprehensive overview of policies and practices adopted by each federal court or judicial entity since June 1, 2020 (or earlier). The information provided in this Insight may be superseded by new information from that which is described below.

Judicial Conference of the United States

House Judiciary Subcommittee Hearing

On June 25, 2020, [United States Senior District Judge David. G. Campbell](#) testified at a hearing before the [U.S. House Judiciary Committee's Subcommittee on Courts, Intellectual Property, and the Internet](#) about the [impact of COVID-19 on the federal courts](#). Judge Campbell, appearing on behalf of the [Judicial Conference of the United States](#) (the national policymaking body of the federal judiciary), chairs the Conference's [Committee on Practice and Procedure for the Federal Courts](#). In his [testimony](#), Judge Campbell outlined the measures taken by the [Administrative Office of U.S. Courts](#) and various courts to address the effects of COVID-19 on the operations of the judiciary. He emphasized that “by necessity, [the judiciary’s response] has been and continues to be implemented through local, court-specific approaches, reflecting the disparate nature and evolving nature of the pandemic.”

Congressional Research Service

<https://crsreports.congress.gov>

IN11464

One of the measures cited by Judge Campbell in his [testimony](#) was the publication in April of the [Federal Judiciary COVID-19 Recovery Guidelines](#). The guidelines “provide courts with gating criteria to consider as they prepare for the phased return of courthouse operations.” Another measure cited by Judge Campbell was the greater use of technology—for example, the temporary use of video and teleconferencing to conduct various judicial proceedings.

Judge Campbell also [testified](#) on behalf of the Judicial Conference’s [request, submitted on April 28, 2020, for \\$36.6 million in supplemental funding from Congress for FY2020](#) to address costs associated with the judiciary’s response to COVID-19. Such costs, according to the Judicial Conference, include enhanced cleaning of court facilities, health screening at courthouse entrances, and changes to information technology hardware and infrastructure needs. Congress previously [appropriated \\$7.5 million in the CARES Act](#) for the federal judiciary to address its initial response to the pandemic.

Public Input Regarding Emergency Procedures

The Judicial Conference also began addressing Congress’s directive in the [CARES Act](#) (see [§15002\(b\)\(6\)](#)) that the Conference and Supreme Court consider potential amendments to its rules (governing federal judicial proceedings) to include procedures that could be used to guide court operations during future national emergencies.

Specifically, the Conference’s Committee on Rules of Practice and Procedure [solicited comments](#) from lawyers, judges, and the public, with particular interest “in hearing about situations that could not be addressed through the existing rules or in which the rules themselves interfered with practical solutions.” The committee is to consider the comments submitted on or before June 1, 2020, and any proposed amendments “will be transmitted to the Judicial Conference [for potential adoption by the Supreme Court and Congress according to the process outlined in the Rules Enabling Act](#).”

Administrative Office of the U.S. Courts

The [Administrative Office of the U.S. Courts](#) is the agency within the federal judiciary that provides, in part, administrative services and program support to federal courts.

Report on Restarting Jury Trials

On June 10, 2020, AO [announced the release of a report](#) by the Jury Subgroup of the COVID-19 Judicial Task Force on the plan to restart jury trials and grand jury proceedings. Several of the issues addressed by the [16-page report](#) include the type and amount of personal protective equipment needed to accommodate jurors and others; social-distancing and deep-cleaning procedures for courthouse spaces; and seating jurors and others in ways that mitigate health risks. The [report](#) emphasizes that the “appropriate time to reconvene juries will differ state by state, district by district, and perhaps even division by division” within a single judicial district.

United States Supreme Court

On July 9, 2020, the Supreme Court [issued the final opinions](#) of its 2019-2020 term. The Court’s building, which was initially [closed to the public on March 12, 2020](#), remains closed to the public.

Judicial Business and Operating Status of Lower Federal Courts

Naturalization Ceremonies

Several federal courts have resumed [naturalizations ceremonies](#) for new U.S. citizens. [According to AO](#), “more than a half-dozen courts have conducted naturalizations at courthouses and community settings, using various strategies to minimize health risks.” In each court, “family members could not attend the ceremonies in person” but were able to watch through windows or view livestreamed audio and video of the ceremonies on YouTube.

Court Orders and Notices

Individual federal courts have also continued to issue orders and notices related to judicial business or their operating status in response to the COVID-19 pandemic. Examples of recent orders include an extension, under the CARES Act, of the use of videoconferencing or telephone conferencing in certain federal criminal proceedings ([Eastern District of California](#)); the suspension of all grand juries until further order of the court ([District of Arizona](#)); and granting individual judges the discretion to determine whether to hold any nonjury civil or criminal proceeding in the courtroom ([District of Connecticut](#)). 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](#)).

Author Information

Barry J. McMillion
Analyst in American National Government

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS’s institutional role.

CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.