

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND
ONE EXCHANGE TERRACE
PROVIDENCE, RHODE ISLAND 02903**

April 29, 2020

Dear Members of the Federal Court Bar, and other Attorneys:

We are writing to you today to provide some important information about the operations of the federal Court as we navigate the unprecedented challenges of the pandemic engulfing our country and our state.

Like all of you, we have made significant and important changes to how we do business over the last six weeks. These changes have required an enormous effort on the part of all the staff at the Court. They have done an exceptional job of transitioning most of our operations to telephone and video; and, while not without hiccups and challenges, the transition has been smooth. Our entire staff deserves a virtual round of applause for what they have accomplished, even while juggling all the personal challenges associated with being locked down. Because of their hard work, all judges are now doing conferences, hearings, and meetings by telephone and Zoom, and keeping their cases, both civil and criminal, moving.

We are now looking to the future and preparing to make some important decisions about how we will operate the Court in the next year to 18 months. We have been listening to and studying what the scientific community and public health experts are telling us about the likely course of the Covid-19 virus, and thinking hard about what steps need to be taken in order to keep our personnel, the members of the bar, defendants, marshals, and the public safe as we transition back to normal operations.

There is obviously a lot that is still unknown about the virus; so, it is difficult to predict with certainty what the future will look like. But as we plan, several key points will guide our decision making:

First, the key to keeping all our stakeholders safe, and not overwhelming the health care system, is reducing the potential for exposure to the virus. Right now, that is being accomplished by staying at home, social distancing, wearing masks and good sanitary practices, like frequent hand washing. To transition from staying and working from home to returning to the Courthouses to conduct business, there needs to be an alternative, more precise method of reducing risk. All experts seem to agree that this will only occur once there is a vastly expanded and accurate testing capacity, combined with contact tracing and quarantining. This will take, at a minimum, months to develop, and even then, we will need to develop protocols for how we use these tools and other safety protocols.

Second, we cannot return the Court to what we all think of as fully “normal” operations until it is completely safe to do so. And that will not occur until and unless there are effective therapeutics, an effective vaccine, or “herd immunity” has been achieved because of the infection spreading widely throughout the community.

Third, when we do open the Courthouses—even for a limited amount of business—we must be sensitive to the need for continued social distancing and work practices that will reduce the potential for exposure to the virus for all our stakeholders. This may entail repurposing our facilities, restructuring the responsibilities, work hours and workdays of our employees, and rethinking how we perform the basic functions of the Court. This will take some time and creative thinking.

Meanwhile, and with all these considerations in mind, we have made several important preliminary decisions that we wanted to let you know about as soon as possible so that you can plan accordingly.

- First, we have decided to keep both Courthouses closed for at least the next several months, and likely until September. We will reassess the situation on an ongoing basis, and specifically in August to determine whether reopening can be done in a safe and effective manner.
- Second, until we develop a plan for returning to the Courthouses, we will be conducting most of the usual functions of the Court (conferences, hearings, criminal proceedings such as arraignments, pleas, sentencings, and potentially even bench trials) using either telephone or more likely Zoom video. We have been doing this for the past six weeks, and it is working quite well; and we are working out the kinks as we go. **If it has not happened already, you can expect to see Court proceedings that you have scheduled with the Court, as well as proceedings that will be scheduled soon, to be converted to telephonic or video hearings, and you should expect that they will go forward as scheduled.** We highly recommend that you review and familiarize yourself with our Zoom video conferencing guidance available on our website at: <https://www.rid.uscourts.gov/participating-zoom-video-conference>. If you have concerns about your ability to participate in these proceedings, you should contact the Case Manager for the judge, and we will do our best to help you out as best we can.
- Third, the Court has suspended jury trials until further notice. Like other Courts around the country, we are exploring options for conducting jury trials in this unique environment. Once we have developed a plan for doing so safely, we will resume jury trials.
- Fourth, we have appointed a taskforce to be headed by Deputy Clerk Frank Perry and Judge Smith to create a plan for reopening. This task force will be gathering information about what is happening in other federal districts and state Courts;

working with staff, GSA, and contractors to explore various ideas and options regarding how to conduct our business and maintain social distancing; and developing protocols for operations during this period. If you have ideas or suggestions to share about these things, please send them to Frank Perry. Frank.Perry@rid.uscourts.gov

Finally, we want you to know that we appreciate the challenges this pandemic is creating for you and your families, clients, and associates. We intend to work diligently, but carefully, to keep Court operations functioning and to return to normal operations as soon as it is safe to do so. We promise you that we will learn and follow the science and best public health practices in all administrative decisions we make. We thank you for your continued support as we work through this challenging time.

Jack McConnell
Chief Judge

Lincoln Almond
Magistrate Judge

William Smith
District Judge

Patricia Sullivan
Magistrate Judge

Mary McElroy
District Judge