

Dec. 2 2020

Clerk, U.S. District Court  
District of Montana  
Missoula DivisionIN THE UNITED STATES COURTS  
FOR THE DISTRICT OF MONTANAIN RE: PHASED RESUMPTION OF  
COURT OPERATIONS DURING  
COVID-19 PANDEMIC

ADMINISTRATIVE ORDER 20-39

On May 14, 2020, this Court established a Plan for Phased Resumption of Operations during the COVID-19 pandemic. The Court has operated in Phase 3 of that plan since June 1, 2020, including convening grand juries and conducting jury trials. Over the intervening months, rates of COVID-19 infection have increased dramatically in the State of Montana, and uncontrolled community spread is now occurring in all counties. There is every reason to expect that rates of infection will continue to increase throughout the winter months.

Until an effective COVID-19 vaccine is widely available, the best way to prevent illness is to avoid opportunities for exposure. The virus is thought to spread mainly from person-to-person, particularly between people who are in close contact with one another (within about 6 feet) and through contact with contaminated surfaces. The Court has implemented strict safety protocols to enable jury activity to continue, but no such measures can guarantee a safe environment when the rates of transmission are as high as we are now experiencing in Montana. In the interest of community safety, the Court will

suspend all jury operations through January 15, 2021.

Accordingly, IT IS HEREBY ORDERED that effective December 3, 2020, and continuing through January 15, 2021, the Court will revert to Phase 2 of its Plan for Phased Resumption of Operations as modified by the following paragraphs:

1. This Administrative Order supplements Administrative Order Nos. 20-18, 20-21, and 20-25, and Bankruptcy General Order 2020-10, and supersedes those orders in the event of any conflict.
2. All jury trials (criminal and civil) and associated final pretrial conferences through January 15, 2021, are vacated, to be reset by order of the presiding judge. This order does not vacate any pending deadlines other than the trial dates and final pretrial conferences. Attorneys seeking to modify any other deadlines should file a motion before the presiding judge.
3. All grand jury proceedings scheduled through January 15, 2021, are vacated, unless otherwise ordered by the chief judge. The chief judge retains the discretion to convene a grand jury under exigent circumstances upon the motion of the United States Attorney.
4. Non-jury civil and criminal hearings will proceed remotely or in person, depending on judicial preference, provided social distancing requirements

can be met.

5. The Clerk of Court and Chief United States Probation Officer shall require all staff to work remotely to the greatest extent possible and shall direct staff to report to a courthouse only to the extent necessary to perform essential court functions or to support court hearings. The Clerk of Court and Chief United States Probation Officer may support court proceedings remotely by assigning court reporters, courtroom deputies, or probation officers to participate from another courthouse location where practicable.
6. This order applies to all five federal courthouse locations in the District of Montana.
7. The Court will continue to assess the public health situation during the pendency of this order. The Court may vacate or amend this administrative order as circumstances require.

DATED this 2nd day of December, 2020.



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Brian Morris, Chief Judge  
United States District Court