

As a result of COVID-19, most courts have implemented new rules and procedures. This memorandum is intended to provide information regarding these measures in jurisdictions where Clark Hill has offices. When possible, it also provides information about expected plans and developments. To that end, it compiles information from court websites, local bar journals, and information provided by Clark Hill attorneys.

The memorandum is organized alphabetically by state with relevant courts included under each listing. This information was collected between March 31-April 30, 2020 and so will not reflect changes made subsequently. Moreover, some courts have not updated their websites with the most recent orders and guidelines. In turn, the information provided may not be up-to-date.

Please contact the relevant court to confirm the information contained within this memo.

For questions, please contact Clark Hill attorneys Sebastian Fischer (sfischer@clarkhill.com; (412) 394-2447) or Jerri Ryan (jryan@clarkhill.com; (412) 394-7765).

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ARIZONA

Federal Courts

Ninth Circuit – Oral arguments scheduled for March, April, and May 2020 are being evaluated on a case-by-case basis with orders to be issued giving direction to the parties. Panels are given discretion to submit cases without argument, postpone arguments to a later date, or hold argument via telephone or video. When argument is held, it will be live streamed to facilitate public access.

Courthouses are restricted to judges and court staff during non-court weeks. Attorneys and parties to access to CM/ECF should use it for everything, including new petitions for review and original proceedings. There is a drop box in the lobby of the Browning Courthouse in San Francisco and the Court will continue to receive filings sent via U.S. mail or commercial delivery services.

The court will extend non-jurisdictional filing dates as needed. Due dates for notices of appeal, petitions for review, and any document that confers jurisdiction on the court, are set by statute or rule and are unaffected by the court's notice. The court will also provide instructions for seeking extensions for other non-jurisdictional deadlines "in the coming days."

For cases that have not been calendared yet, the court has requested that parties do not submit paper copies of e-filed briefs or excerpts pending further order of the court. The court has also provided guidance regarding automatic 60-day extensions for filing briefs. Automatic extensions may not be used in cases that have been previously expedited and/or cases that have already been assigned to panels.

In addition to answering questions over the phone, the court is accepting questions via email to: questions@ca9.uscourts.gov. Lawyers seeking an emergency stay or relief that requires immediate attention should file a request per the instructions set out in the rules, by contacting the court at: emergency@ca9.uscourts.gov or (415) 355-8020.

For more information, please visit the court's website found at: <https://www.ca9.uscourts.gov/>. Please find the COVID-19 Notice (as of 3/26/20) at: <http://cdn.ca9.uscourts.gov/datastore/general/2020/03/16/COVID-19%20Notice.pdf>.

D. Ariz. – All proceedings, except those court proceedings deemed necessary by the court are continued until further order of the Court. Necessary proceedings include: initial appearances, arraignments, preliminary and detention hearings, changes of plea, sentencings, and necessary revocation hearings. Civil and criminal jury trials scheduled to commence on or before June 1, 2020 are continued pending further order of the court. Individual judges may hold hearings in civil matters as they deem necessary in the safest manner possible. To the extent possible, hearings will be conducted by video teleconference or telephone. Individual judges in civil cases may also continue trial-specific deadlines at their discretion.

For criminal proceedings, video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, is authorized for a number of proceedings with the consent of the defendant.

The Flagstaff Courthouse is closed to the public except for necessary court proceedings that cannot be done via video teleconference or telephone. This temporary closure remains in effect through May 3, 2020 but may be continued. Staff will be telecommuting and will, to the extent possible, be available by telephone. Attorney's scheduled to appear in court before a judge should contact the judge's chambers.

For more information, please visit the court's website found at: <http://www.azd.uscourts.gov/>.

State Courts

Arizona Generally – All in-person proceedings in all Arizona appellate, superior, justice, and municipal courts and before the presiding disciplinary judge are to “be avoided to the greatest extent possible consistent with core constitutional rights until further order of [the Arizona Supreme] court.” The empaneling of new petit juries scheduled through June 1, 2020 are to be rescheduled.

The presiding superior court judge of each county is to determine how any in-person proceedings are to be conducted in their respective county's court rooms and has been instructed to liberally grant continuances and additional accommodations to those who are at a high risk of illness from COVID-19. Any court rule that impedes a judge's or court clerk's ability to use available technology to eliminate or limit in-person contact is suspended through June 1, 2020.

The period of March 18 through June 1, 2020 is excluded from all calculation of time under rule provisions and statutory procedures that require court proceedings to be held within a specific period of time except for the following proceedings: initial appearances; arraignments; preliminary hearings; conditions of release; domestic violence protective; child protection temporary custody; civil commitment hearings and review; emergency protection of elderly or vulnerable persons; habeas corpus; COVID-19 public health emergency; juvenile detention hearings; and any other proceeding deemed necessary to determine whether to grant emergency relief.

Until June 1, 2020, notwithstanding Rule 6 (b)(2), Rules Civil Procedure, the court may, in individual cases, extend the time to act under Rules 50(b), 52(b), 59(b)(1), (c), and (d), and 60(c) as those rules allow, or alternatively, may extend the time to act under those rules for 30 days upon a showing of good cause.

Courts will now accept the filing of any document identified under Rule 14(a) Rules of Family Law Procedure without notarization if they are accompanied by a photocopy of the filer's driver license or other government-issued ID card. The applicant may redact a protected address from the ID.

The deadlines for both the completion of mandatory CLE hours and the required affidavit of compliance has been extended for the educational year 2019-2020. The deadlines for both have been extended through December 30, 2020. The court has also appointed a retired Judge, the Honorable Diane M. Johnsen, to serve in the Court of Appeals, Division one, beginning April 29, 2020, and ending June 15, 2020. Judge Johnsen will serve without compensation or benefits.

For more information, please visit the court's "2020 Administrative Orders" webpage found at: <http://www.azcourts.gov/orders/Administrative-Orders-Index/2020-Administrative-Orders>.

CALIFORNIA

Federal Courts

Ninth Circuit – Oral arguments scheduled for March, April, and May 2020 are being evaluated on a case-by-case basis with orders to be issued giving direction to the parties. Panels are given discretion to submit cases without argument, postpone arguments to a later date, or hold argument via telephone or video. When argument is held, it will be live streamed to facilitate public access.

Courthouses are restricted to judges and court staff during non-court weeks. Attorneys and parties to access to CM/ECF should use it for everything, including new petitions for review and original proceedings. There is a drop box in the lobby of the Browning Courthouse in San Francisco and the Court will continue to receive filings sent via U.S. mail or commercial delivery services.

The court will extend non-jurisdictional filing dates as needed. Due dates for notices of appeal, petitions for review, and any document that confers jurisdiction on the court, are set by statute or rule and are unaffected by the court's notice. The court will also provide instructions for seeking extensions for other non-jurisdictional deadlines "in the coming days."

For cases that have not been calendared yet, the court has requested that parties do not submit paper copies of e-filed briefs or excerpts pending further order of the court. The court has also provided guidance regarding automatic 60-day extensions for filing briefs. Automatic extensions may not be used in cases that have been previously expedited and/or cases that have already been assigned to panels.

In addition to answering questions over the phone, the court is accepting questions via email to: questions@ca9.uscourts.gov. Lawyers seeking an emergency stay or relief that requires immediate attention should file a request per the instructions set out in the rules, by contacting the court at: emergency@ca9.uscourts.gov or (415) 355-8020.

For more information, please visit the court's website found at: <https://www.ca9.uscourts.gov/>. Please find the COVID-19 Notice (as of 3/26/20) at: <http://cdn.ca9.uscourts.gov/datastore/general/2020/03/16/COVID-19%20Notice.pdf>.

C.D. Cal. – The court will not call jurors for service in either criminal or civil trials until after June 1, 2020. Individual judges are permitted to issue other orders concerning future continuances as they deem necessary and appropriate. In civil cases, no in-person hearings will go forward except emergency, time-sensitive matters, such as requests for TROs and preliminary injunctions. Hearings in civil matters will proceed telephonically or by video conference.

All filing deadlines remain in place, however, the intake sections in each courthouse have been closed to the public. The CM/ECF system is available 24/7 for e-filings. Attorneys who are required to manually file documents pursuant to the local rules must mail their filings to the clerk of court. Non-paper physical exhibits or other exhibits exempted from e-filing must be sent by U.S. Mail or commercial delivery. Additionally, district judges and magistrate judges do not require mandatory chamber copies until further notice or unless specifically required by a judge.

In criminal cases, criminal duty matters will continue in the Roybal Federal Building and U.S. Courthouse in Los Angeles only. In criminal proceedings, video teleconferencing, or telephone conferencing if video

teleconferencing is not reasonably available, is authorized for a number of proceedings with the consent of the defendant. All courthouses in the district are closed to the public except for hearings on criminal duty matters.

For more information, please visit the court's website found at: <https://www.cacd.uscourts.gov/> and/or call the court directly – The W. Div., Los Angeles' phone number is 213-894-1565.

N.D. Cal. – No jury trial will be commenced before May 1, 2020. Any trial dates scheduled during that period are vacated. All civil matters will be decided on the papers unless the presiding judge believes a hearing is necessary. If a hearing is deemed necessary, it will be by telephone or videoconference. This applies to motion hearings, case management conferences, pretrial conferences, settlement conferences, and ADR proceedings. For criminal proceedings, video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, is authorized for a number of proceedings with the consent of the defendant.

The court continues to accept e-filings through ECF. For documents traditionally filed in paper format, please contact the courthouse by phone to learn of alternative options for filing. Mail and drop box are still being accepted, although they are “strongly discouraged” and will only be picked up on Thursdays. Emergency filings should not be submitted to the San Francisco drop box, which will be checked only once per week.

The requirement under Civil Local Rule 5-1 that a courtesy copy of any filing be provided to the assigned judge's chambers is suspended pending further notice. Any requirement that personnel in the U.S. Marshals Service assigned to N.D. Cal. effect personal service of process under the federal rules of civil procedure for any case pending in the district or any other district is suspended until further order of the court. Service by process of mail, waiver(s) of service, or service by electronic means – unless otherwise ordered – is still required. In any civil case in which the U.S. Marshals Service has been ordered to serve process, the time for service under the federal rules of civil procedure is tolled until further notice.

All essential court proceedings are consolidated and relocated to the San Francisco Courthouse until at least May 1, 2020. Only persons having official court business that has been authorized may enter the San Francisco Courthouse property. Members of the press and public who have a legitimate need to observe an in-person hearing may do so and is considered “official court business.” All other courthouses of N.D. Cal. are closed to the general public until at least May 1, 2020.

For more information, please visit the court's website found at: <https://www.cand.uscourts.gov/>.

S.D. Cal. – In civil cases, the personal appearance of counsel, parties, witnesses, or other non-court personnel at proceedings, hearings, or conferences is excused, unless ordered to appear in person by a judicial officer after March 23, 2020. With the exception of jury trials, judges will retain discretion to schedule and hold proceedings, hearings, and conferences telephonically or by videoconferencing, as permitted by law. Most criminal proceedings have been continued until at least May 16, 2020. For criminal proceedings, video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, is authorized for a number of proceedings with the consent of the defendant.

All jury trials are continued until May 16, 2020. New trial or status dates will be set on or before May 16, 2020, unless the emergency suspension of trials is extended. All trial-specific deadlines in pending **criminal** cases are continued until May 16, 2020. Individual district judges may continue trial-specific deadlines in **civil** cases at their discretion. New dates will be set in individual cases on or before May 16, 2020, unless the emergency suspension of trials is extended.

In civil cases, documents are not to be filed in person at the courthouse. Counsel and parties should not come, or send others, to the courthouse to file or submit documents that can be mailed or e-filed. If filings can only be accomplished in person, counsel should deposit documents in the clerk's office's after-hours drop-off box. If payment is not made online, a check or money order covering any applicable filing fees should accompany the documents. Courtesy copies required by Civil Local Rule 5.4 is suspended, unless otherwise directed, until at least May 16, 2020.

The Schwartz and Keep U.S. Courthouses in San Diego and the Courthouse in El Centro remain open for business subject to visitor restrictions found here:

[https://www.casd.uscourts.gov/assets/pdf/rules/Order%20of%20the%20Chief%20Judge%2017%20\(002\).pdf](https://www.casd.uscourts.gov/assets/pdf/rules/Order%20of%20the%20Chief%20Judge%2017%20(002).pdf)

For more information, please visit the court's dedicated COVID-19 page found at:

<https://www.casd.uscourts.gov/covid19.aspx>.

State Courts

Cal. – Until further notice, all documents (including briefs) must be e-filed on the “TrueFiling” platform. Paper copies should not be submitted. Trial courts and pro se litigants are exempt from these guidelines. Additionally, any party may still ask to be excused from mandatory e-filing. All proceedings and/or acts required under the California Rules of Court, with deadlines from March 20-April 20, 2020, before the Supreme Court of California were extended 60 days. No application for an extension shall be required.

All in-person oral argument sessions at the court's San Francisco headquarters are suspended. Counsel will instead appear remotely via videoconference, teleconference, or by other electronic means. All oral argument sessions will be held in the San Francisco headquarters courtroom and will be open, however, counsel will appear remotely, and seating will be strictly limited. The public will also be able to access oral argument via live-streaming on the judicial branch's website: <https://www.courts.ca.gov/>.

For more information, please visit the court's website found at: <https://www.courts.ca.gov/supremecourt.htm>.

Los Angeles Superior Court – All trials set from April 17 to May 12, 2020 are continued until a date after June 22, 2020. The court has closed all courtrooms, except for enumerated, time-sensitive, essential functions, through May 12, 2020. All other matters than those enumerated are continued by the court.

The court has launched programs to hold certain types of hearings remotely. For example, juvenile dependency hearings will now take place via remote appearance technology. This includes the launching of a comprehensive video appearance project in 32 courtrooms in 17 courthouses. This project primarily utilizes Cisco's Webex system. The court will continue to prioritize time-sensitive, essential services and hearings at this time and will use these technologies where permissible. All courtrooms will remain closed for judicial business through May 12, 2020 except time-sensitive, essential functions.

San Diego Superior Court – All dates from April 6-April 30, 2020, inclusive, are deemed holidays for purposes of computing time for filing papers under Code of Civil Procedure §§ 12 and 12(a) and under Penal Code § 825. These dates are also deemed holidays for purposes of computing court deadlines. All courthouses and courtrooms will be closed to public during this period, except with regard to a limited number of enumerated time-sensitive, essential functions. All other matters scheduled during this time are continued and will be reset with notice provided to all parties.

To the extent that the court accepts and/or processes filings associate with time-sensitive and/or essential functions or performs preliminary administrative work on files, such acceptance and/or processing shall not alter the designation and application of the court holidays and extensions.

California Generally – Please find a continuously updated list of different court actions and responses throughout the state at: <https://www.firstlegal.com/covid-19-court-status-summary/>. This is a third-party commercial website, it is not maintained by the courts or by Clark Hill. All persons are advised to double-check all information found there, and in this memorandum, with the applicable court.

Practitioner's Perspective

People are on lockdown which has been interpreted to mean courts only remaining open for certain criminal matters and some, but very limited, civil ones.

Some counties have also continued all law and motion matters.

Counsel are now meeting and conferring regarding continuances, e-service, and e-depositions

DISTRICT OF COLUMBIA*Federal Courts*

D.C. Circuit – All in-person onsite oral arguments are suspended pending further order of the court. Each panel scheduled to hear argument on a particular day will determine whether the argument in the case will proceed by teleconference, be rescheduled, or decided without oral argument. The clerk's office will contact counsel directly for arguments that will proceed by teleconference. The clerk's office will provide notice by order, or telephone as necessary, for cases that will proceed without oral argument or that are postponed.

For briefs and appendices e-filed, the requirement to file paper copies is deferred until further order of the court. Parties may continue, when feasible, to submit paper copies in the normal course. The requirement to file paper copies for nearly all other e-filings, including, but not limited to, motions and responsive documents, memoranda, Rule 28(j) letters, petitions for rehearing and rehearing *en banc*, and other petitions, is suspended pending further order. The court may also, as it deems necessary, require the filing of paper copies of any e-filing.

The Courthouse and Annex are restricted to judges, court staff, members of the media, and persons with official business with the U.S. District, Bankruptcy, or Appeals Courts. All persons visiting the court, including litigants and attorneys, are required to wear a mask or face covering for their nose and mouth throughout their visit to common or public areas of the courthouse. All persons that have been diagnosed with the COVID-19 virus, have had known contact with a person so diagnosed, who have been asked to self-quarantine, or who are experiencing flu-like symptoms are not permitted to enter the courthouse without permission from a Chief Judge of one of the courts. All individuals who were scheduled or required to appear but are unable because of the restrictions must contact the appropriate court.

For more information please visit the court's COVID-19 response page, where all related information and announcements will be listed, found at: <https://www.cadc.uscourts.gov/internet/home.nsf/Content/COVID-19+Response+-+Information+and+Announcements>.

D.D.C. – All civil and criminal petit jury selections and jury trials scheduled to commence before June 11, 2020 are postponed and continued pending further order of court. All other civil, criminal, and bankruptcy proceedings scheduled to occur before June 1, 2020 are postponed unless the presiding judge in individual cases orders otherwise after April 2, 2020. In criminal proceedings, video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, is authorized for a number of proceedings with the consent of the defendant.

E-filings are still available through the CM/ECF system. Sealed submissions in criminal cases and emergency or sealed filings in civil cases may be submitted via email to the court for docketing. The specific email addresses to be used may be found on the court's website. Applicable statutes of limitations are unaffected.

Any requirement that personnel in the U.S. Marshals Service assigned to the District effect personal service is suspended until further order of the Court or June 15, 2020, whichever is earlier. Other processes of service, including by mail, waiver of service, or by electronic means is unaffected. Where service by a U.S. Marshal is required still, the time for service is tolled until further order of Court or June 15, 2020, which is earlier.

The district and Bankruptcy courts will remain open with limited operations and access to the courthouse and clerk's office has been severely restricted. All persons visiting the court, including litigants and attorneys, are required to wear a mask or face covering for their nose and mouth throughout their visit to common or public areas of the courthouse.

For more information, please visit the court's COVID-19 response page found at:
<https://www.dcd.uscourts.gov/coronavirus-covid-19-response-information-and-announcements>.

District of Columbia Courts

D.C. Court of Appeals – The court has cancelled oral arguments through May 31, 2020 but will be handling emergency matters. In all cases where oral argument has been cancelled, the court will decide the matter without oral argument unless the court determines that oral argument is necessary. Parties who believe oral argument is necessary are permitted to file a motion requesting oral argument and explaining why, in their view, argument is necessary. The court will also continue to consider and decide cases in which it would not normally grant oral argument, based on the parties' briefs and motions for summary disposition.

All filing deadlines, in all case types, are suspended/tolled/extended until May 31, 2020. When the court issues an order ending the suspension/tolling/extension period, parties will have 30 days to submit their filings. The court is asking parties to either e-file or email all new filings to efilehelp@dcapeals.gov. Emergency filings should still continue to follow the procedures outlined in the court's rules but may be submitted by email to emergencyfilings@dcapeals.gov.

D.C. Superior Court – All deadlines and time limits in statutes, court rules, and standing and other orders issued by the court that would otherwise expire before May 15, 2020 are suspended, tolled, and extended during the period of the current emergency. This May 15, 2020 deadline may be extended. The deadlines suspended, tolled, and extended include, but are not limited to: (1) statutes of limitations; (2) rule-based deadlines such as time limits for service of process, responding to discovery requests, and events leading to a pretrial conference; and (3) case-specific orders issued before March 18, 2020 such as scheduling orders and briefing orders. For examples of how this will work, please visit:
<https://www.dccourts.gov/sites/default/files/matters-docs/General%20Order%20pdf/addendum-to-general-order-re-pandemic-3-30-20.pdf>.

Except for emergencies, all court hearings until May 15, 2020 are cancelled. The court will mail notices of new court dates. The Civil Division is processing all documents submitted via e-filing. Emergency motions will be forwarded to the judge for review. Attorneys can e-file using Case File Express.

The court has only four courtrooms operating to hear adult arraignments and presentments; family court emergencies; neglect and juvenile hearing; criminal and domestic violence emergencies; and civil, probate, and tax emergencies. Most of these hearings are conducted remotely. Temporary Protection Orders that were issued for two weeks and were to expire in March will not expire until May 15th or the next assigned court date.

For more information on both the Superior Court and the Court of Appeals, please visit the court's coronavirus advisory webpage found at: <https://www.dccourts.gov/coronavirus>.

DELAWARE*Federal Courts*

Third Circuit – The Third Circuit is open and operational, though the Byrne Courthouse in Philadelphia was closed from March 25-29. Oral arguments will continue as scheduled pending further order of the Court. The merits panel will determine the manner of argument. Parties may also file a motion requesting to appear by audio conference.

Counsel and parties who are registered CM/ECF filers should continue to submit case filings through this system. Counsel who need to file a new original proceeding, such as a Petition for Review, a Petition for Writ of Mandamus or Prohibition, or a Motion for Leave to File a Second or Successive Habeas Petition, may send the document in PDF to the Clerk for filing via email addressed to emergency_motions@ca3.uscourts.gov. Parties may also continue to submit filings through the U.S. Mail and overnight mail. There is a Third Circuit specific drop box on the first floor of the courthouse that may be used; however, the processing of documents placed there may be delayed. Time sensitive filings should not be placed in the drop box and instead should be emailed. Any party intending to file an emergency motion should call 267-299-4904 and leave a detailed message regarding the emergency and the caller's contact information.

The majority of the clerk's office is working remotely meaning there may be a delay in response time. Parties that need to file motions seeking emergency relief are to call 267-299-4904 and leave a detailed message regarding the nature of the emergency, the relief requested, and contact information. Parties may also leave a voicemail with the clerk's office main number, 215-597-2995, or call their case manager if they have questions.

The 3-day time limit for requesting a verbal extension of time to file a brief is relaxed until the clerk's office resumes normal operations. These requests can be made by calling either the main number or the case manager directly. Routine requests for extensions of time to file a brief or other document may be made by filing a motion through the ECF system or in hard copy.

Any document received within three days of a current deadline will be deemed timely filed without the need to file a motion unless the parties are specifically advised otherwise. Due dates for a notice of appeal, petition for review, or other document that confers jurisdiction on the court are not altered.

For more information, please visit the court's "News and Announcements" page found at: <https://www.ca3.uscourts.gov/news/>.

D. Del. – All civil and criminal jury trials scheduled to begin before May 31, 2020 are continued pending further order of the court. All jury selections and trials affected will be reset by further order of the assigned judicial officer. All deadlines set by federal or local rules or by court order, including, but not limited to, scheduling orders in all civil and criminal cases, remain in effect unless modified by further order.

In criminal proceedings, video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, is authorized for a number of proceedings with the consent of the defendant.

Individual judicial officers may, at their discretion, continue to schedule and hold hearings, conferences, sentencings, change of plea hearings, and bench trials. Judicial officers have been encouraged to conduct proceedings by telephone or videoconferencing where practicable and permitted by law.

The Boggs Courthouse and Federal Building are open; however, all persons visiting the court, including litigants and attorneys, are required to wear a mask or face covering for their nose and mouth throughout their visit to common or public areas of the courthouse. The court has created a new electronic summons form for counsel to complete that does not require the Clerk to print, sign, seal, and handle the summons. The court's CM/ECF system will be unavailable from noon Friday, May 1 until 8AM Monday, May 4, 2020.

For more information, please visit the court's "Current News & Announcements" webpage found at: <https://www.ded.uscourts.gov/news/current>.

State Courts

Delaware Generally – Civil jury trials in the Superior Court have been suspended through and including May 29, 2020. Except as set forth in 10 Del. C. § 2007(c), deadlines in court rules or state or local statutes and ordinances applicable to the judiciary that expire between March 23-May 14, 2020 are extended through June 1, 2020. Statutes of limitations and statutes of repose that would otherwise expire during this period are extended through June 1, 2020. Deadlines, statutes of limitations, and statutes of repose that are not set to expire between March 23-May 14, 2020 are not extended or tolled. Deadlines imposed by court order continue to remain in place but may be extended for good cause shown, including COVID-19 related causes.

All courthouses and their administrative offices are closed to the public until May 14, 2020 or further order of the Chief Justice of the Supreme Court of Delaware. Access is restricted to identified personnel and emergency and essential hearings and operations. Visitors and staff should wear face masks and maintain a 6-foot separation from other individuals. State courts must have sufficient judicial officers and staff to hear emergency and essential matters in-person or remotely through video or teleconferencing. Each courthouse is required to provide a method, such as a drop box or mailing address, for attorneys and the public to fill out and file paper documents if e-filing is unavailable to them.

Non-emergency and non-essential telephonic arguments, telephonic hearings, or videoconferences will proceed at the discretion of each state court. The courts must post on their websites the date and time of the hearing or proceeding for all court proceedings conducted through May 14, 2020.

The requirement that at least 12 of the 24 CLE credit hours be earned in person during each two (2) year period is waived for the two (2) year periods ending between December 31, 2020 and December 31, 2021. All 24 CLE credit hours for those two (2) year periods may be satisfied by approved courses that do not require in-person, live appearance.

For more information regarding the operation of the Delaware Court system's response to COVID-19, please visit the dedicated webpage found at: <https://courts.delaware.gov/aoc/covid-19>.

Practitioner's Perspective

In federal court, judges are not deviating from the stated policies, but court staff remains helpful.

Hearings in federal court are being held telephonically for the most part with a few minor hiccups. By and large it is working though.

ILLINOIS

Federal Courts

Seventh Circuit – All cases scheduled for oral argument in May 2020 will be argued by counsel telephonically or by Zoom Video Communications. The courtroom will be closed to the public; however, arguments will be recorded and livestreamed on YouTube. If all parties agree to waive oral argument, they may jointly file a motion with the court seeking permission to do so. All Fed. R. App. P. Rule 33 Mediations will be conducted by telephone until further notice.

The court has implemented its Continuity of Operations Plan which means it is operating, but with a reduced staff. The court has also suspended the paper copy requirements for all e-filed briefs, appendices, and petitions for rehearing required by Fed. R. App. P. 30(a)(3), C.R. 31(b), and C.R. 40(b). The court may still direct parties or counsel to provide paper copies of filings but will do so on a case-by-case basis. At a future date, parties or counsel may be directed to provide paper copies previously submitted electronically. This suspension does not apply to paper copies that must still be served upon pro se litigants.

For more information, please visit the court’s “News and Announcements” page found at: <http://www.ca7.uscourts.gov/news/news7.htm>.

N.D. III. – All deadlines, in all civil cases and Executive Committee matters, whether set by the court, the Federal Rules of Civil Procedure, or the local rules are extended by a total of 77 days subject to following exceptions: rights to or deadlines concerning any appeal from any decision of the court in a civil case (though an extension can be requested under the appellate rules) and; deadlines imposed by Civil Rules 50(b) or (d), 59(b), (d), or (e), or 60(b). Civil case hearings, bench trials, and settlement conferences scheduled for on or before May 29, 2020 are stricken, to be re-set by the presiding judge to a date on or after June 1, 2020. Civil jury trials scheduled for on or after June 26, 2020 are stricken, to be re-set by the presiding judge to a date on or after June 29, 2020.

In most civil cases, where no docket entry or order has been posted by the assigned judge since March 16, 2020, the parties are required to file a joint status report by May 18, 2020. For details of what must be included in this report, please visit <https://www.ilnd.uscourts.gov/assets/documents/AMENDED%20GENERAL%20ORDER%2020-0012.pdf> at paragraph 5.

Criminal case proceedings that cannot be continued will be conducted in the Eastern Division by emergency district judges. Grand juries will continue to meet with reasonable limits imposed. For criminal proceedings, video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, is authorized for a number of proceedings with the consent of the defendant. Criminal jury and bench trials, as well as other criminal hearings have been continued.

Any party may seek emergency relief in any case or from the COVID-19 related general orders. In addition to filing the emergency motion in the case in which emergency relief is sought, the party must file the motion in Case No. 20-cv-01792, which is a docket created to receive emergency motions filed under the Second Amended General Order. The emergency motion must be filed electronically if possible, or if not possible by email, and only if neither CM/ECF nor email is available, by deposit in a courthouse drop box or mail.

The court remains closed to the public through May 29, 2020. Filings should be submitted through the CM/ECF system, deposited in a drop box provided at each courthouse location, or mailed to the appropriate courthouse. Please note that mail is not being processed on a regular basis at this time. As such, the court has suspended Local Rule 5.2(f) meaning “that no courtesy copies may be submitted for filings made through May 1, 2020.” (emphasis omitted). Motions filed on or before June 1, 2020 need not be noticed for presentment either.

For more information, please visit the court’s website found at: <https://www.ilnd.uscourts.gov/>.

State Courts

III. – The deadline to file any petition for leave to appeal due on or after March 24, 2020 is extended from thirty-five (35) days to seventy (70) days from the date of the appellate court judgment, order denying a petition for rehearing, entry of judgment on rehearing, opinion filed granting a motion to publish, or entry of an order denying a motion to publish. The appellate court is directed to hold its mandates for seventy (70) days from the appellate court judgment and applies to appellate court judgments entered thirty-five (35) days before March 24, 2020.

Except in cases where the Court previously granted an extension that was marked “final”, the deadline to file appellant and appellee briefs due on or after March 24, 2020 is extended by thirty-five (35) days, for a total of seventy (70) days. The deadline for filing a petition for rehearing due on or after March 24, 2020 is extended by twenty-one (21) days, for a total of forty-two (42) days. The requirement to provide the court with paper copies of specified e-filed documents is suspended until further order of the court. The Chief Judges of each circuit have been granted authority to continue trials until further order of the Illinois Supreme Court.

The Supreme Court of Illinois has amended Supreme Court Rule 206(h) in order to permit more discovery to occur by remote means. Details of this change can be found at:

<https://courts.illinois.gov/SupremeCourt/Announce/2020/042920.pdf>.

Circuit Court of Cook County – All court dates, except for emergencies) are continued through at least May 18, 2020. Briefing schedules and discovery dates are currently not continued. Court proceedings that are conducted should be conducted via videoconferencing. The court is building its capacity to livestream these proceedings on YouTube.

For Cook County updates, please visit

<http://www.cookcountycourt.org/HOME/INFORMATIONREGARDINGCORONAVIRUS.aspx>.

Illinois Generally – The Chief Judges of each circuit have been authorized to continue trials until further order of the Illinois Supreme Court.

The Chicago Daily Law Bulletin has developed an interactive online map that tracks COVID-19 related delays and postponements in cases at every circuit court across the state. This map can be found here:

<https://www.chicagolawbulletin.com/the-covid-19-call-what%E2%80%99s-canceled-around-the-legal-community-20200313>. The map also included links to orders issued by judges in all 102 counties and should be updated daily.

The Illinois Judicial Branch has set up a page to monitor recent updates and orders throughout the state. It can be found here: <http://illinoiscourts.gov/Administrative/covid-19.asp>. The list can be sorted by date or court.

Practitioner's Perspective

In practice, most attorneys are agreeing to continue briefing schedule and discovery dates based upon agreement of the parties. With limited exceptions that mainly apply to criminal matters, Illinois state courts do not have videoconferencing capabilities. Courts are currently in the process of implementing videoconference technology for certain emergency hearings. In practice, this will be very difficult to implement given the large number of cases heard on a daily basis.

Certain judges are still entering orders through the clerk's office and certain clerks are available through email to answer questions and facilitate the entry of orders remotely. Reach out to the court clerks (to the extent they have an available email address or phone number) to see if the courts have any specific procedures and will enter agreed orders off calls.

The sheriff in Cook County will not enforce eviction orders prior to May 18, 2020.

In federal court, most clerks are working remotely and are responding to calls and emails. For bankruptcy cases, refer to each judge's specific procedures. All Rule 341 meetings and other court hearings are being conducted telephonically through CourtSolutions.

INTERNATIONAL OFFICES

IRELAND

Court office are open for essential business by appointment only. Only those with urgent applications for any Court Office, which cannot be dealt with by email or post, will be given an appointment. Persons should not attend any court office without an appointment. Family law offices will continue to deal with urgent matters which include: new applications for Protection Orders of for Interim Barring Orders; applications for Emergency Barring Orders; and extension of care orders, interim care orders, emergency care orders, and exceptional or urgent interim care orders. The Central Office of the High Court will be open by appointment only to facilitate the making of applications for essential business only.

More information can be found at the Court Service of Ireland's website found at:

<http://www.courts.ie/home.nsf/lookuppagelink/home>. For more information on Circuit and District Court Notices, please visit the list of notices found at: <https://beta.courts.ie/covid-19-circuit-and-district-court-notices>.

Practitioner's Perspective

All existing non-urgent cases and interlocutory hearings/applications have been adjourned generally with liberty to apply. This means that each moving party will have to apply to Court when normal service resumes to have their application readmitted. Each Court President has worked with the relevant Courts Service staff to determine those urgent cases and work out the logistics necessary to safeguard the health of participants. Urgent family, childcare, and corporate insolvency cases are being heard as are injunctions.

Court judgments are being delivered electronically by email. Where a conference call trial or hearing has not yet taken place, there are plans being worked on to attempt this on or around April 20, 2020. Judges generally are adapting to the situation as best they can and are not necessarily deviating from published policies. Applications and hearings with witnesses are generally being adjourned. Parties have, at least in some instances, been contacted by a court and told not to attend the rendering of judgment. There, the court delivered judgment to an empty court and then emailed it to the parties.

There have been some difficulties in conducting trials via videoconferencing, although a pilot scheme is being introduced. Unfortunately, given a reliance on manual filings in the Court's Central Office, there have been some difficulties. For example, there have been challenges in filing interim applications to compel discovery and replies to particulars.

Despite some challenges, COVID-19 is accelerating some changes, such as a pilot trial for virtual hearings, establishing a more expansive Court IT infrastructure, and a positive reception to resolving matters via videoconference call mediation. In addition to procedural changes, there have also been noticeable substantive results, such as settlements being reached more quickly due to the potential impact of COVID-19. Practitioners have largely been very adaptive and willing to be pragmatic given the circumstances.

MEXICO

Mexico's civil law system relies more heavily on statutory law rather than case law. As such, there is a dearth of English-language materials related to the Mexican courts insofar as their response to the COVID-19 crises. Many Mexican courts have reduced their operations significantly for the next few weeks due to the COVID-19 pandemic. New case filings have been restricted to a limited number of emergency areas.

Additionally, the Federal Government has announced preventative measures as well as announced a declaration of a health emergency. This has resulted in the suspension of all non-essential activities in the public, private, and social sectors through April 30, 2020. Vulnerable persons, including individuals over sixty (60) years old, are not to work even on essential activities.

MICHIGAN

Federal Courts

Sixth Circuit –The court postponed oral arguments scheduled for March 17-20. In-person oral arguments have been cancelled for the weeks of April 27 and May 4, 2020. Some arguments will be rescheduled to be heard remotely. The Stewart Courthouse in Cincinnati is closed as of April 23, 2020. The court will continue to process electronically received documents but will not be able to process incoming mail or accept deliveries until further notice.

For more information, please visit the court’s “News, Notices and Announcements” page found at: <https://www.ca6.uscourts.gov/news>.

E.D. Mich. – The court has been closed indefinitely after 10 court security officers exhibited symptoms similar to COVID-19, four of whom have been hospitalized. The officers were in the building between March 12-21, 2020.

All civil and criminal matters scheduled for in-court appearances before any district or magistrate judge are postponed pending further order of the Court. **Questions concerning filing deadlines should be directed to the assigned judge.** Case-by-case exceptions to the postponements may be ordered for non-jury matters at the discretion of the Court after consultation with counsel. Criminal matters before magistrate judges, such as initial appearances, arraignments, detention hearings (and appeals to district judges from detention orders), and the issuance of search warrants are continuing to take place in the ordinary course. Motions that can be resolved without oral argument or handled by telephone or videoconference are unaffected.

For criminal proceedings, video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, is authorized for a number of proceedings with the consent of the defendant.

For more information, please visit the court’s COVID-19 guidance webpage found at: <https://www.mied.uscourts.gov/index.cfm?pageFunction=covidInfo>.

W.D. Mich. – The court is proceeding with initial steps toward the eventual return to normal operations. Judicial Officers are permitted to schedule hearings by audio or video conference, or on an in-person basis, as that officer believes is appropriate. If the Judicial Officer believes that the in-person hearing cannot wait until the anticipated return to normal facility access beginning May 18, 2020, that officer may hold the in-person hearing between May 1 and May 15, 2020 with special limitations.

From May 1-May 15, 2020, the Ford building and the Marquette facility will be open on an appointment only basis. The Kalamazoo facility will operate under the same terms starting May 11, 2020. Notices or orders entered by the Court for a hearing constitute an appointment for those persons required at the hearing. All other court facilities are closed to the public through the opening of business on Monday, May 18, 2020. The court has emphasized that this does not mean that normal operations will resume immediately and that video and audio conference calls will continue to be used at this time.

For criminal proceedings, video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, is authorized for a number of proceedings with the consent of the defendant.

For more information, please visit the court's "News & Announcements" webpage found at: <https://www.miwd.uscourts.gov/news>. For orders of court, including administrative orders, please visit <https://www.miwd.uscourts.gov/administrative-orders-0>.

State Courts

Mich. – The State Court Administrative Office is providing guidance to courts on setting up and using Zoom for court proceedings. A virtual courtroom task force has also been convened to identify and promote best practices for all Zoom proceedings, including many hearings. A pilot program has been authorized for remote jury trials to explore ways in which the need for social distancing can be reconciled with the rights of defendants, victims, and the public.

Jury trials have been suspended until June 22, 2020. In-person court activities should be limited to essential functions; however, other court activities should be conducted remotely where possible and permissible. Deadlines pertaining to the commencement of all civil and probate case-types, including but not limited to the deadline for the initial filing of a pleading under MCR 2.110, and any statutory prerequisites to the filing of such a pleading or motion has been extended during the state of emergency declared by the Governor relating to COVID-19. The suspension began as of March 10, 2020 and is continued until the end of the declared states of disaster and emergency. This time period is not included for purposes of MCR 1.108(1) regarding the computation of time. The State Court Administrator's Office has advised that statutes of limitations are not tolled by these Orders. Other deadlines, including the expiration of summons and stays of proceedings have been extended as well.

Judicial Officers have also been authorized and encouraged to conduct proceedings remotely using two-way videoconferencing technology or other remote participation tools so long as (1) any such procedures are consistent with a party's Constitutional rights; (2) the procedure enables confidential communication between a party and their counsel; (3) access is provided to the public during or immediately after an otherwise public proceeding occurs; and the procedure enables the creation of a transcript afterwards.

The Michigan Supreme Court has authorized trial courts to adjourn any civil matters or any criminal matters where the defendant is not in custody until further order of court. Trial courts should conduct matters remotely where possible though.

For questions regarding state court orders, processes or services, please email Court Services' triage account at courtservices@courts.mi.gov. For more information, please visit the Michigan Courts' COVID-19 response webpage found at: <https://courts.michigan.gov/News-Events/Pages/COVID-19.aspx>.

Grand Rapids, Kent County – Pursuant to AO 2020-07, the courthouse will be open; however, all face to face areas have been closed except for limited exceptions. Essential hearings are to be held via two-way interactive video technology or by phone. In extremely limited circumstances that appear only to be related to criminal matters, in-person hearings may occur but will be held with less than ten (10) persons in the courtroom.

All non-essential hearings will be decided based on the pleadings, with no oral arguments; be adjourned; or the hearing will be held over the phone. Jury trials and/or trials requiring witnesses to testify are postponed until at least June.

Wayne County – Jury service has been suspended until the week of August 17, 2020. Scheduling orders in every case have been extended by 60 days from each current deadline. Judges in the Civil Division are working

remotely, and all matters will be handled remotely. Courtrooms have been closed to the public and media but will have access via YouTube. All jury trials scheduled before September 1, 2020 are adjourned until further notice.

Practitioner's Perspective

At the federal level, cases are moving forward with the exceptions of trials at this time. Hearings are being conducted by telephone and more courts are ruling on the briefs when permitted.

Court staff have been very helpful.

There has been some confusion about the effect of certain rules and orders. If you require clarification, reach out to the appropriate office.

Court websites have not always been kept up-to-date. Contact the clerk's office by phone for the latest information.

NEVADA

Federal Courts

Ninth Circuit – Oral arguments scheduled for March, April, and May 2020 are being evaluated on a case-by-case basis with orders to be issued giving direction to the parties. Panels are given discretion to submit cases without argument, postpone arguments to a later date, or hold argument via telephone or video. When argument is held, it will be live streamed to facilitate public access.

Courthouses are restricted to judges and court staff during non-court weeks. Attorneys and parties to access to CM/ECF should use it for everything, including new petitions for review and original proceedings. There is a drop box in the lobby of the Browning Courthouse in San Francisco and the Court will continue to receive filings sent via U.S. mail or commercial delivery services.

The court will extend non-jurisdictional filing dates as needed. Due dates for notices of appeal, petitions for review, and any document that confers jurisdiction on the court, are set by statute or rule and are unaffected by the court's notice. The court will also provide instructions for seeking extensions for other non-jurisdictional deadlines "in the coming days."

For cases that have not been calendared yet, the court has requested that parties do not submit paper copies of e-filed briefs or excerpts pending further order of the court. The court has also provided guidance regarding automatic 60-day extensions for filing briefs. Automatic extensions may not be used in cases that have been previously expedited and/or cases that have already been assigned to panels.

In addition to answering questions over the phone, the court is accepting questions via email to: questions@ca9.uscourts.gov. Lawyers seeking an emergency stay or relief that requires immediate attention should file a request per the instructions set out in the rules, by contacting the court at: emergency@ca9.uscourts.gov or (415) 355-8020.

For more information, please visit the court's website found at: <https://www.ca9.uscourts.gov/>. Please find the COVID-19 Notice (as of 3/26/20) at: <http://cdn.ca9.uscourts.gov/datastore/general/2020/03/16/COVID-19%20Notice.pdf>.

D. Nev. – All civil and criminal trials, including associated deadlines, were continued until April 10, 2020. The court issued a general order noting that jury trials would need to be postponed further, however, each presiding judge was left to do so for individual cases. The court is attempting to eliminate in-person court appearances. When a hearing must go forward, the court will attempt to conduct the hearing by videoconference or telephone, and the courtroom will be closed. The court is planning to incrementally resume in-person court appearances. Members of the public may call in to listen to a scheduled hearing on a phone line provided.

For criminal proceedings, video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, is authorized for a number of proceedings with the consent of the defendant. Criminal jury and bench trials, as well as other criminal hearings have been continued. Pretrial Services has been authorized to email the pretrial services report to assigned counsel in order to facilitate videoconferencing or telephonic hearings. After completion of the hearing, counsel must permanently delete the report provided so that no record of the report, digital or physical, is kept or rediscovered by the recipient under any circumstance.

The clerk's office is closed to the public, but this closure does not affect any filings. All deadlines remain in full effect unless otherwise ordered by the presiding judge. Filings are to be processed via the e-filing system and via mail or delivery. The court announced on April 22, 2020 that it will accept documents submitted for filing by email by unregistered filers if in PDF and not exceeding 15mb in size. Paper documents delivered to the courthouses must be deposited in drop boxes located in each court's respective lobby. Filings sent by mail are deemed filed on the date indicated on the postage date stamp. Staff will be available by telephone, mail will be received, and new filings will be processed. All non-case related events scheduled to be held in the district's courthouses are postponed.

For more information, please visit the court's "News" webpage found at:

<https://www.nvd.uscourts.gov/category/news/>.

State Courts

Nevada Generally – All in-person oral arguments before the Nevada Supreme Court and the Court of Appeals are postponed until further notice. The appellate courts are now preparing to schedule oral arguments in individual cases by videoconferencing or other remote means. The administrative orders posted to the Nevada Appellate Case Management System did not discuss any effect, if any, on motions generally.

For more information, please visit the court's website found at: <https://nvcourts.gov/supreme/>.

Additionally, for COVID-19 related administrative orders affecting the Nevada Supreme Court and its Appellate Courts, please visit:

<http://caseinfo.nvsupremecourt.us/public/caseView.do;jsessionid=B16F6D3605DC78F8E2664414E6EE7433?csIID=58467>

Las Vegas, Clark County District Court – Jury trials are suspended and will be rescheduled as the court calendar allows, beginning six weeks after expiration of the order (30 days after the expiration of the April 17, 2020 Administrative Order 20-13). Given the difficulty of accomplishing personal service, properly documented service issues related to COVID-19 constitute good cause for the extension of time to serve. All lawyers and self-represented litigants are required to register for e-service and update any change of email address with the court.

The court may deny a motion at any time. It may grant all or any part of a motion after an opposition has been filed or twenty-one (21) days after service of the motion if no opposition was filed. The court may issue other written orders relating to motion filings as it deems appropriate.

Discovery is to be completed within the thirty (30) days following the expiration of Administrative Order 20-13.

Discovery may be conducted by telephone, teleconference, videoconference, or alternate means. If no stipulation or agreement as to modifying in-person depositions to adjust for social distancing requirements can be reached by the parties, the deposition will not be conducted while AO 20-13 is in effect. All pending discovery deadlines pursuant to NRCP 31, 33, 34, and/or 36 are stayed and tolled from March 18, 2020 until thirty (30) days after the expiration of AO 20-13. The stay also extends the thirty (30) day deadline for serving responses.

Filings must be completed electronically. All proposed orders, requests for orders shortening time, stipulations and orders, or any other document submitted to a judge for signature before filing must be submitted to the appropriate department electronically. No paper documents are being accepted by the court at this time except in very limited and enumerated circumstances.

For more information, please visit the court's "Administrative Orders: 2020" webpage found at:

<http://www.clarkcountycourts.us/general/court-rules-and-administrative-orders/#Administrative%20Orders>.

NEW JERSEY*Federal Courts*

Third Circuit – The Third Circuit is open and operational, though the Byrne Courthouse in Philadelphia was closed from March 25-29. Oral arguments will continue as scheduled pending further order of the Court. The merits panel will determine the manner of argument. Parties may also file a motion requesting to appear by audio conference.

Counsel and parties who are registered CM/ECF filers should continue to submit case filings through this system. Counsel who need to file a new original proceeding, such as a Petition for Review, a Petition for Writ of Mandamus or Prohibition, or a Motion for Leave to File a Second or Successive Habeas Petition, may send the document in PDF to the Clerk for filing via email addressed to emergency_motions@ca3.uscourts.gov. Parties may also continue to submit filings through the U.S. Mail and overnight mail. There is a Third Circuit specific drop box on the first floor of the courthouse that may be used; however, the processing of documents placed there may be delayed. Time sensitive filings should not be placed in the drop box and instead should be emailed. Any party intending to file an emergency motion should call 267-299-4904 and leave a detailed message regarding the emergency and the caller's contact information.

The majority of the clerk's office is working remotely meaning there may be a delay in response time. Parties that need to file motions seeking emergency relief are to call 267-299-4904 and leave a detailed message regarding the nature of the emergency, the relief requested, and contact information. Parties may also leave a voicemail with the clerk's office main number, 215-597-2995, or call their case manager if they have questions.

The 3-day time limit for requesting a verbal extension of time to file a brief is relaxed until the clerk's office resumes normal operations. These requests can be made by calling either the main number or the case manager directly. Routine requests for extensions of time to file a brief or other document may be made by filing a motion through the ECF system or in hard copy.

Any document received within three days of a current deadline will be deemed timely filed without the need to file a motion unless the parties are specifically advised otherwise. Due dates for a notice of appeal, petition for review, or other document that confers jurisdiction on the court are not altered.

For more information, please visit the court's "News and Announcements" page found at: <https://www.ca3.uscourts.gov/news/>.

D.N.J. – All civil and criminal jury selections and jury trials scheduled to begin before May 31, 2020 are continued pending order of the court. Individual judicial officers may continue to hold hearings, conferences, sentencings, change of plea hearings, and bench trials; however, they are encouraged to conduct proceedings by telephone or videoconferencing where practicable and as permitted by law. ADR is permitted to occur via video and/or telephone conference. For criminal proceedings, video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, is authorized for a number of proceedings with the consent of the defendant.

All filing and discovery deadlines in civil matters that currently fall between March 25, 2020 and April 30, 2020 are extended by forty-five (45) days, unless the presiding judge in a case directs otherwise after March 24,

2020. Filing and discovery deadlines in civil matters that fall between May 1 and May 31, 2020 are extended by 30 days, unless the presiding judge directs otherwise after April 17, 2020. The extensions do not apply to any scheduled dates of conferences, which are controlled by the presiding judge. The order does not toll or extend any applicable statute of limitations. Where a judge finds that obtaining an actual signature is impracticable or imprudent in light of COVID-19, any document may be signed electronically.

Several federal employees in the King and Lautenberg Courthouse located in Newark, New Jersey have tested positive for COVID-19. As such, both courthouses are closed through Monday April 6, 2020. The courthouses in Trenton and Camden Vicinages remain open at this time and parties may continue to e-file for matters in any courthouse.

For more information, please visit the court's website found at: <https://www.njd.uscourts.gov/>.

State Courts

New Jersey Generally – Petit and grand juries have been suspended through May 31, 2020. Many deadlines have been extended in criminal cases, including for discovery and service (for a complete list, please consult the New Jersey Supreme Court's COVID-19 Order issued March 27, 2020 found here: <https://njcourts.gov/public/covid19.html>). The same is true for many criminal deadlines (also found in the above Order). Many of these extensions will end as of May 10, 2020. Courtesy copies of thirty-five (35) pages or less not required at this time; however, submissions of more than thirty-five (35) pages must be mailed or delivered and postmarked within two days of the e-filing.

In the computation of time periods under the Rules of Court and under any applicable statute of limitations for matters in all courts, for purposes of filing deadlines, the period of March 16-April 26, 2020 is deemed the same as a legal holiday and shall be tolled. This extension of deadlines and tolling of time periods does not apply to pretrial detention filings.

The New Jersey Judiciary has implemented various modifications to court operations, including an ongoing transition to video and phone proceedings instead of in-person appearances.

Electronic service of process by email is now permitted upon the State of New Jersey. The court filing system has also been expanded to better accommodate litigants during the COVID-19 health emergency. To that end, the Judiciary Electronic Document Submission (JEDS) system will allow litigants to submit their filings electronically in matters where e-filings were previously unavailable. These changes are just two of many to accommodate the new restrictions and guidelines that are being promulgated in response to COVID-19.

For more information, please visit the court's COVID-19 updates page found at <https://njcourts.gov/public/covid19.html>.

Practitioner's Perspective

Some state courts are having problems with telephonic hearings. If this happens to you, respectfully inform the court of the technical issue.

If you are sending hard copies of any documents, to courts or any other recipient, be aware that there may not be someone to receive which might affect service requirements.

NEW YORK

Federal Courts

Second Circuit – The regular argued appeals and motions calendars continue to be heard as scheduled, however, oral arguments will be heard using a teleconference platform “until the COVID-19 crisis passes[.]” The clerk’s office will forward teleconference instructions to lawyers appearing each argument day.

Filings and deadlines that were originally due between March 16 and May 17, 2020 are now due beginning April 6, 2020 and ending June 5, 2020. This does not apply to filing dates set specifically by order after March 13, 2020 and the filing date for a notice of appeal or other document that confers jurisdiction on the court. Absent an extraordinary circumstance, defined as “serious personal illness or death in counsel’s immediate family”, no additional extensions of time to file will be granted. Papers and deadlines that are due on or after May 18, 2020 are due on the date specified in the order. The court does not anticipate issuing an order further extending all filing dates and other deadlines.

Access to the Thurgood Marshall Courthouse is restricted to those who have business with the court. Paper copies of documents that are otherwise required to complete a filing will not be required in any case pending further order or upon specific request of the clerk; however, paper copies must continue to be served on pro se litigants who are not filing users as defined in Local Rule 25.1(a)(1)(D). Papers, such as petitions for review and petitions for a writ seeking extraordinary relief, that cannot be e-filed, should be emailed to newcases@ca2.uscourts.gov. Additionally, papers may be deposited in the court’s night box, located in the lobby of the courthouse.

The majority of court staff are teleworking each day; however, a skeletal staff will report to the Courthouse to perform tasks that cannot be done remotely. The telephone numbers set out on the clerk’s office directory screen remain operational, found here: http://www.ca2.uscourts.gov/clerk/clerks_office_directory.html.

For more information, please visit the court’s homepage found at: <http://www.ca2.uscourts.gov/>.

E.D.N.Y. – All civil and criminal jury trials scheduled before June 15, 2020 are continued pending further order. Compliance with all trial-specific deadlines in civil and criminal cases is at the discretion of the assigned judge.

Judges may continue to hold hearings, conferences, and bench trials but have been strongly encouraged to conduct court proceedings by telephone or videoconferencing where practicable. Where in-person meetings, interviews, depositions, or travel is necessary, judges have received recommendations to adjourn matters or deadlines, or stay litigation. For criminal proceedings, video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, is authorized for a number of proceedings with the consent of the defendant.

The courthouses in Brooklyn and Central Islip remain open for business, however, access to the buildings is restricted and operation are limited.

For more information, please visit the court’s homepage found at: <https://www.nyed.uscourts.gov/>.

S.D.N.Y. – All jury trials have been suspended until further order of court. Counsel is urged to check the web pages of individual judges, who have been instructed to post thereon any orders of general applicability extending time in civil matters, adjourning conferences, and the like. In-court appearances will be strictly limited to Emergency Matters, and even these should be conducted by teleconference or, if the presence of

witnesses is required, videoconference if possible. Any requirement that the U.S. Marshals Service effect personal service of process under Fed. R. Civ. P. 4(c)(3) or 28 § 1915(d) is suspended until further notice. In any case in which the Marshals Service has been ordered to serve process, the time for service will be tolled until the stay is lifted.

For criminal proceedings, video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, is authorized for a number of proceedings with the consent of the defendant.

For the period April 13-May 4, 2020, the Marshall Courthouse will be closed for all SDNY activities except for grand jury matters. No staff will be on site. The Moynihan Courthouse will be open only for urgent criminal matters and matters in which immediate relief is sought pursuant to Fed. R. Civ. P. 65(b). The drop box will be emptied daily, but mail delivery within the courthouse will take place only twice a week. The Brieant Courthouse in White plains will be open, however, no presentments or arraignments there. There will be one person staffing the clerk's office and the courthouse is accepting emergency civil applications.

For more information, please visit the court's "Response to COVID-19 (Coronavirus)" webpage found at: <https://nysd.uscourts.gov/covid-19-coronavirus>.

State Courts

New York Generally – Virtual court operations for essential matters are now in effect statewide. In practice, this allows the courts to offer videoconferencing (Skype) for essential court functions thereby reducing the number of persons in the courthouses. As of April 13, 2020, courts have begun to hear pending non-essential matters via Skype or teleconference. The existing ban on filing new, non-essential matters remains in effect.

A list of essential proceedings, which is subject to change, can be found at: <https://www.nycourts.gov/whatsnew/pdf/Essential-Matters-ExhibitA.pdf>. Furthermore, judges are permitted to deem any individual matter as essential. Any civil discovery that requires in-person appearances or travel is strongly discouraged. Parties have been encouraged to use their best efforts to agree to postponing such discovery. Courts are also being encouraged to decide fully submitted motions.

For more information, please visit the New York State Unified Judicial System's dedicated COVID-19 webpage found at: <http://www.nycourts.gov/index.shtml>.

Practitioner's Perspective

Attorneys seeking *pro hac vice* admission should note that New York state courts are not accepting such motions at this time.

State courts are struggling or unable to process e-filed discovery at this time. Sending hard copies may not reach their recipient or be checked diligently.

OHIO

Sixth Circuit –The court postponed oral arguments scheduled for March 17-20. In-person oral arguments have been cancelled for the weeks of April 27 and May 4, 2020. Some arguments will be rescheduled to be heard remotely. The Stewart Courthouse in Cincinnati is closed as of April 23, 2020. The court will continue to process electronically received documents but will not be able to process incoming mail or accept deliveries until further notice. Please note that the Southern District of Ohio, which also utilizes the Stewart Courthouse has noted that it reopened April 28, 2020. The Sixth Circuit has not updated its website or orders to reflect this; however, it appears likely that the Sixth Circuit has also resumed operation there.

For more information, please visit the court’s “News, Notices and Announcements” page found at: <https://www.ca6.uscourts.gov/news>.

S.D. Ohio – Any civil or criminal matters scheduled for trial, whether jury or non-jury, before any district or magistrate judge between April 3 and June 1, 2020, including all associated deadlines, are continued for sixty (60) days, pending further order of court. Civil and criminal matters scheduled for trial after June 1, 2020, along with any attendant deadlines, are not affected by general order. All in-person criminal and civil hearings, such as, for example, a hearing on a motion for summary judgment, that are scheduled to occur between April 3 and June 1, 2020 are continued pending further order of court. The court may, however, proceed with video or teleconferences as appropriate and at the discretion of the presiding judge. The court will continue to consider civil and criminal motions that can be resolved without in-person appearance

The Kinneary and Rice Courthouses are temporarily closed to the public until June 1, 2020. Please be advised that a GSA Physical Security Officer at the Stewart Courthouse tested Positive for COVID-19. The officer was last present at the courthouse Sunday, April 19, 2020. Any requirement that personnel in the U.S. Marshals Service effect personal service of process under Fed. R. Civ. P. 4(c)(3), 28 U.S.C. § 1915(d), or 28 U.S.C. § 1916, is suspended until further order of court. Other processes of service, including by mail, waiver of service, or by electronic means is unaffected. Where service by a U.S. Marshal is required still, the time for service is tolled until further order of Court.

For criminal proceedings, video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, is authorized for a number of proceedings with the consent of the defendant. Attorneys are encouraged to continue to e-file documents with the court. New filings will be processed; however, the court’s intake window is closed.

For more information, please visit the court’s “Latest News & Announcements” webpage found at: <https://www.ohsd.uscourts.gov/news/>.

Ohio Generally – The Supreme Court and Ohio General Assembly have ordered the retroactive tolling of various time requirements, including statutes of limitations, from March 9-July 30, 2020 or the date the period of emergency ends, whichever is sooner. For more information about what time limitations are covered, please visit <http://www.supremecourt.ohio.gov/tolling/default.asp>. A specific order in a case issued on or after March 9, 2020 supersedes the tolling provision of the Supreme Court’s order, unless otherwise noted in that specific order. For the time requirements prescribed by the Rules of Practice of the Supreme Court (Ohio), any document filed between March 9-April 21, 2020 for which a time requirement had expired during that time period is deemed properly filed. Any document not yet filed that was due during that time period but for the March 27, 2020 order, shall be filed within thirty (30) days of April 14, 2020.

Local courts and judges have been encouraged to grant continuances *sua sponte* or as requested. Alternatively, courts are encouraged to hold non-essential court appearances as phone or videoconferences. While deadlines have been tolled and courts encouraged to avoid in-person hearings, there does not appear to be a statewide order regarding what in-person hearing or matters can or should be held. As such, it appears that each court and the individual judges may exercise their discretion as to if, when, and how matters should be handled.

For more information, please visit the Supreme Court of Ohio & The Ohio Judicial System's COVID-19 resource webpage found at: <http://www.supremecourt.ohio.gov/coronavirus/default.aspx>.

PENNSYLVANIA*Federal Courts*

Third Circuit – The Third Circuit is open and operational, though the Byrne Courthouse in Philadelphia was closed from March 25-29. Oral arguments will continue as scheduled pending further order of the Court. The merits panel will determine the manner of argument. Parties may also file a motion requesting to appear by audio conference.

Counsel and parties who are registered CM/ECF filers should continue to submit case filings through this system. Counsel who need to file a new original proceeding, such as a Petition for Review, a Petition for Writ of Mandamus or Prohibition, or a Motion for Leave to File a Second or Successive Habeas Petition, may send the document in PDF to the Clerk for filing via email addressed to emergency_motions@ca3.uscourts.gov. Parties may also continue to submit filings through the U.S. Mail and overnight mail. There is a Third Circuit specific drop box on the first floor of the courthouse that may be used; however, the processing of documents placed there may be delayed. Time sensitive filings should not be placed in the drop box and instead should be emailed. Any party intending to file an emergency motion should call 267-299-4904 and leave a detailed message regarding the emergency and the caller's contact information.

The majority of the clerk's office is working remotely meaning there may be a delay in response time. Parties that need to file motions seeking emergency relief are to call 267-299-4904 and leave a detailed message regarding the nature of the emergency, the relief requested, and contact information. Parties may also leave a voicemail with the clerk's office main number, 215-597-2995, or call their case manager if they have questions.

The 3-day time limit for requesting a verbal extension of time to file a brief is relaxed until the clerk's office resumes normal operations. These requests can be made by calling either the main number or the case manager directly. Routine requests for extensions of time to file a brief or other document may be made by filing a motion through the ECF system or in hard copy.

Any document received within three days of a current deadline will be deemed timely filed without the need to file a motion unless the parties are specifically advised otherwise. Due dates for a notice of appeal, petition for review, or other document that confers jurisdiction on the court are not altered.

For more information, please visit the court's "News and Announcements" page found at:

<https://www.ca3.uscourts.gov/news/>.

E.D. Pa. – All civil and criminal jury trials scheduled to begin before May 31, 2020 before any district or magistrate judge is continued pending further order. Judges in criminal proceedings may take any lawful and appropriate action other than ordering a jury trial. Local Rule 5.1.2 prohibiting the electronic filing of initial papers in civil cases has been suspended. Attorneys may e-file complaints using the court's CM/ECF system and are strongly discouraged from filing these documents in hard copy at this time. Additionally, arbitration hearings pursuant to Local Civil Rule 53.2 scheduled on or before May 31, 2020 are continued pending further order.

For criminal proceedings, video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, is authorized for a number of proceedings with the consent of the defendant.

Courthouses remain open; however, access is limited to judges, court personnel, and persons attending court proceedings or having other official business with the court. No paper filings will be accepted at the Cahn's Courthouse as the clerk's office is closed until further notice. Paper filings can be mailed to the Philadelphia clerk's office where they will be processed in a limited schedule. Importantly, all registered users of the ECF system are required to e-file any case-related documents that can be so filed. Any document that cannot be e-filed should be emailed to paed_documents@paed.uscourts.gov. While not expressly stated, context suggests that no suspension of deadlines, other than jury trials and arbitration, is in effect.

All paper filings, including sealed filings should be left in the drop box in the lobby of the Byrne Courthouse. Sealed filings should be clearly marked as such. Those requesting emergency relief and leaving a paper copy in the drop box should also email the above address notifying the court of the filing. No courtesy copies should not be submitted to judicial chambers. Access to courthouses is limited to judges, court personnel, and persons attending court proceedings, or having other official business with the court.

The district's bankruptcy court has suspended requirements for an original signature under Local Rule 5005-7(b). E-signatures may be used conditionally. Deadlines under Fed. R. Bankr. P. 4004 and (b); 4007(c); and 1017(e) that did not expire prior to March 18, 2020 has been extended to May 18, 2020.

For more information, please visit the court's "Response to COVID-19 (Coronavirus)" webpage found at: <https://www.paed.uscourts.gov/response-to-covid-19>.

W.D. Pa. – All civil and criminal jury selections and jury trials scheduled to begin on or before June 12, 2020 are continued pending further order. All trial-specific or other deadlines or scheduling orders in all civil and criminal cases remain in effect unless modified by further order of the court or by order of the assigned judicial officer. Individual judicial officers may continue to hold hearings, conferences, sentencings, change of plea hearings, and bench trials; however, they have been encouraged to conduct such proceedings by telephone or videoconferencing where practicable and as permitted by law. ADR may be conducted via video and/or teleconference. All obligations for counsel to deliver individual chambers paper "courtesy copies: of documents filed on the court's CM/ECF docket is suspended and held in abeyance pending further order of court.

For criminal proceedings, video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, is authorized for a number of proceedings with the consent of the defendant. Where a judge finds that obtaining an actual signature is impracticable or imprudent in light of the public health situation relating to COVID-19, and document may be signed electronically.

Courthouses are open; however, the physical courtrooms are not in use. Members of the public, including the media, may observe hearings and other court proceedings that ordinarily would have been conducted in open court. All visitors to the court are required to wear a mask or face covering when in the common or public areas of the courthouse. Some sample forms for motions regarding video conferencing have been provided by the court at <https://www.pawd.uscourts.gov/forms>.

For more information, please visit the court's COVID-19 related webpage found at: <https://www.pawd.uscourts.gov/court-operations-and-covid-19-administrative-orders>.

Commonwealth Courts

Pennsylvania Generally – With limited exceptions, all time calculations for purposes of time computation relevant to court cases or other judicial business, as well as time deadlines, are suspended through April 30, 2020. Longer suspensions directed by an appellate or local court shall remain in effect. Any legal papers or pleadings which are required to be filed between March 19-May 8, 2020 are generally deemed to have been timely filed if filed by May 11, 2020. This extension applies, with exceptions, to filings due in the Supreme Court (Pennsylvania). All courts are required to provide a means for filing other than in-person delivery whenever possible. Any state or local rule that impedes such alternative means of filing is suspended through June 1, 2020.

Statute of limitations are not affected and a *praecipe* for a writ of summons is still required to be filed. If the court of original jurisdiction is closed to filings, an emergency *praecipe* in the Superior Court is required. Filing of the *praecipe* will toll the applicable statute of limitation.

Jury trials in both civil and criminal cases are suspended and will be scheduled for a date in the future by the courts. Courts are authorized and encouraged to use advanced communication technology to conduct court proceedings, subject only to constitutional limitations. These advanced communication technologies include “systems providing for two-way simultaneous communication of image and sound; closed-circuit television; telephone and facsimile equipment; and electronic mail.”

To the extent that hearings and conferences can be held in the presence of counsel only, courts must permit the parties’ physical presence to be excused. Any necessary in-person proceeding is to be held in courtrooms designated by the individual courts to minimize person-to-person contact. Non-essential matters, including pretrial, status, and case management conferences, are generally permitted to move forward but should be done via advanced communication technologies. Courts must make provision to ensure access to the public in proceedings where such right would otherwise exist. The manner in which access is provided can include recordings and/or live-stream access.

For more information, please see the Unified Judicial System of Pennsylvania’s dedicated Coronavirus webpage found at: <http://www.pacourts.us/ujs-coronavirus-information>.

The Allegheny County Court of Common Pleas, Civil Division opened remote practices on April 15, 2020 for contested and uncontested general motions, calendar control motions, and discovery motions. Litigants should email the specific email address set up for each type to submit each type of motion. Emailing the motion does not constitute filing. For the motion to be filed and docketed it must be submitted to the Department of Court Records.

Practitioner’s Perspective

In federal court, individual judges have been given a lot of discretion as to what proceedings will continue and the manner in which they will do so. Stay on top of things to see what deadlines are still in effect and if any changes have been made otherwise.

In Allegheny County, general motions will be heard via conference line. There will be a special email in which you send your general motion. This may be expanded for all types of motions. These emails should make it easy for the person triaging the receipt of the motions – indicate the parties, certificate of service, 10-day notice was provided, etc.

Some county courts cannot accept e-filings currently. Be aware of the relevant court’s capabilities. Check with your court and bar association for updates, things are changing rapidly.

TEXAS

Federal Courts

Fifth Circuit – In-person oral arguments scheduled for April 27-30, 2020 are canceled. Panels have been authorized to conduct oral arguments via video- or audioconference. Oral arguments proceeding in this manner will be recorded and a “live” audio feed provided. The clerk’s office remains open for telephonic and electronic operations; however, mail operations are suspended until further notice.

All current deadlines for attorney filers remain in effect, except for those regarding production of paper copies. Extensions with justification may be requested from the clerk’s office following normal procedures and rules.

All requirements to file paper copies are suspended until further order of the court. The clerk of court may direct counsel to provide copies of filings on a case-by-case basis, and at a future date, counsel may be directed to provide paper copies of filings previously submitted electronically.

The John Minor Wisdom Building in New Orleans is closed to the public until further notice. For more information, please visit the court’s homepage found at: <http://www.ca5.uscourts.gov/>.

E.D. Tex. – All jury trials, criminal and civil, scheduled to begin from March 16-May 31, 2020 are continued, to a date to be reset by each presiding judge. The continuances do not continue any pending deadlines other than the trial dates. Attorneys in impacted cases should contact the presiding judge if they seek to modify such other deadlines. Individual judges may continue to hold bench trials, in-person hearings, sentencing proceedings, scheduling conference, and other court proceedings as they deem appropriate. The use of video and teleconferencing is welcomed where deemed appropriate by the presiding judge. Matters may still be decided on the papers alone.

For criminal proceedings, video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, is authorized for a number of proceedings with the consent of the defendant.

All courthouses, including the clerk’s offices, bankruptcy courts, and probation offices remain open; however, some restrictions on access have been imposed. Delivery directed to chambers will instead be delivered to the clerk’s office in each courthouse.

For more information, please visit the court’s website found at: <http://www.txed.uscourts.gov/>.

N.D. Tex. – All civil and criminal bench and jury trials, except for 7:18-cv-180, scheduled to begin from March 13-May 31, 2020 are continued, to a date to be reset by each presiding judge. The continuances do not continue any pending deadline other than the trial dates. Attorneys should contact the presiding judges in their continued cases if they seek modification of other deadlines. Individual judges may continue to hold in-person hearings, sentencing proceedings, and conferences, but counsel may seek relief from those matters by appropriate motion. Parties are encouraged, where applicable, to participate by telephone or video. Matters may still be decided on the papers alone.

For criminal proceedings, video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, is authorized for a number of proceedings with the consent of the defendant.

Courthouses remain open, but access is temporarily restricted. Delivery directed to chambers will instead be delivered to the clerk's office in each courthouse. For more information, please visit the court's website found at: <http://www.txnd.uscourts.gov/>.

S.D. Tex. – Each division within the Southern District of Texas has issued its own guidelines. Please check with the appropriate division for applicable orders. This analysis focuses on the court's headquarters in the Houston/Glaveston Division.

All jury, criminal and civil, scheduled to begin between March 17-July 6, 2020 are continued, to a date reset by each presiding judge. The continuances do not affect any other deadlines other than the jury trial dates. Attorneys should contact the presiding judges in their continued cases if they seek modification of other deadlines. Individual judges may continue to hold bench trials, in-person hearings, sentencing proceedings, scheduling conference, and other court proceedings. The use of video and teleconferencing is encouraged where deemed appropriate by the presiding judge and are permitted by legal and technology constraints. Matters may still be decided on the papers alone. Skype appears to be the preferred videoconferencing service.

For criminal proceedings, video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, is authorized for a number of proceedings with the consent of the defendant.

The Casey Courthouse is closed to the public through May 1, 2020 and will reopen on Monday, May 4, 2020, unless further developments cause another delay. The courthouse in Galveston is closed to the public. Despite the physical closure of the buildings, each court remains open for official business. E-filings, for example, are not affected by the closure. Delivery directed to chambers, aside from U.S. Mail, FedEx, and UPS, will be delivered instead to the clerk's office in each courthouse.

For more information, please visit the court's COVID-19 webpage found at <https://www.txs.uscourts.gov/page/covid-19-general-and-special-orders> and select the desired division and/or general orders.

W.D. Tex. – All civil and criminal bench and jury trials scheduled to begin before May 31, 2020 are continued. Individual judges may continue to hold in-person hearings, sentencing proceedings, and conferences; however, counsel may seek relief from those matters by appropriate motion. These proceedings may be conducted via audio or video conference. All deadlines in a scheduling order, other than a trial date, remain in effect unless modified by the assigned judge.

For criminal proceedings, video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, is authorized for a number of proceedings with the consent of the defendant.

For more information, please visit the court's COVID-19 guidance page found at: <https://www.txwd.uscourts.gov/coronavirus-covid-19-guidance/>.

State Courts

Texas Generally – The Office of Court Administration is providing Judges the ability to stream and host proceedings via Zoom and YouTube.

Subject only to constitutional limitations, all courts in Texas may modify or suspend any and all deadlines and procedures, whether prescribed by statute, rule, or order, for a period ending no later than 30 days after the

Governor's state of disaster has been lifted. Furthermore, all participants in any hearing, deposition, or other proceeding of any kind—including but not limited to a party, attorney, witness, court reporter, or grand juror, but not including a petit juror—may be permitted or required to participate remotely. Courts are not permitted to conduct in-person proceedings contrary to guidance regarding social distancing, maximum group size, and other restrictions and precautions issued by the Office of Court Administration.

Any deadline for the filing or service of any civil case that falls on a day between March 13-June 1, 2020 is extended until July 15, 2020. This does not include deadlines for perfecting appeal or for other appellate proceedings.

Many courthouses within Texas are closed at this time. For an updated list of current and upcoming closures, please visit: <https://www.txcourts.gov/programs-services/court-security/emergency-court-preparedness/closures/>.

Practitioner's Perspective

In the Northern District, most appearances have been continued through early May. The few matters that have not been continued and which are not constitutionally required to be performed in person, are being conducted via telephone.

There has been an uptick in video depositions. Continuances have been granted on the basis of inability to travel.

Consider whether your deposition can be done by video or phone because not all can. In that case, consider what arrangements need to be made including a continuance.

The Dallas Bar Association has collected some of the information regarding the closure of northern Texas courts. This information can be found on their website here: <https://www.dallasbar.org/index.cfm?pg=CourtClosings>.

Similarly, the Texas Bar Association has also collected COVID-19 related information and compiled it for practitioners. This information can be found here: https://www.texasbar.com/Content/NavigationMenu/Coronavirus_COVID_19/default.htm.

The Texas Supreme Court is providing clarifying advisories with at least some of the orders issued. Keep an eye out for these as they can be very helpful.

Most courthouses around Houston have been closed except for telephonic hearings. It is likely that there will be a rise in the use of such hearings in the near future.

The courts have generally been very proactive in sending out information. If you are not seeing this, speak with your colleagues or visit your bar association's or court's website(s).

Some practitioners have expressed reservations about travelling outside of the state for any practice.

UNITED STATES SUPREME COURT

The Supreme Court Building will be closed to the public until further notice; however, it remains open for official business. Oral arguments scheduled from March 23-April 1, April 20-22 and April 27-29, 2020 were postponed. The Court will hear oral arguments by telephone conference on May 4, 5, 6, 11, 12, and 13 in a limited number of previously postponed cases. The Court will consider rescheduling other cases from these sessions before the end of the Term, if circumstances permit.

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 judgment, order denying discretionary review, or order denying a timely petition for rehearing.

Motions for extensions of time pursuant to Supreme Court Rule 30.4¹ will ordinarily be granted by the Clerk as a matter of course if the grounds for the application are difficulties relating to COVID-19 and if the length of the extension requested is reasonable under the circumstances. Such motions should indicate whether the opposing party has an objection.

Notwithstanding Supreme Court Rules 15.5 and 15.6, the Clerk will entertain motions to delay distribution of a petition for writ of certiorari where the grounds for the motion are that the petitioner needs additional time to file a reply due to difficulties relating to COVID-19. Such motions will ordinarily be granted by the Clerk as a matter of course if the length of the extension requested is reasonable under the circumstances and if the motion is actually received by the Clerk at least two days prior to the relevant distribution date. Such motions should indicate whether the opposing party has an objection.

These modifications to the Court's Rules and practices do not apply to cases in which certiorari has been granted or a direct appeal or original action has been set for argument. The modifications will remain in effect until further order of the Court.

For more information, please visit the Court's website found at: <https://www.supremecourt.gov/>.

¹ A motion to extend the time to file any document or paper other than those specified in paragraph 3 of this Rule (writs of certiorari, jurisdictional statements, reply briefs on the merits, or petitions for rehearing of any judgment or decision of the Court on the merits) may be presented in the form of a letter to the Clerk setting out specific reasons why an extension of time is justified. The letter shall be served on all other parties as required by Rule 29. The motion may be acted on by the Clerk in the first instance, and any party aggrieved by the Clerk's action may request that the motion be submitted to a Justice or to the Court. The Clerk will report action under this paragraph to the Court as instructed.

WEST VIRGINIA

Federal Courts

Fourth Circuit – The court has suspended its requirement that cases must be presented at oral argument prior to the publication of opinions. Cases with oral argument scheduled for April 2020 but not so argued may be decided by published opinions with the unanimous consent of the panel. The court will not hold in-person oral argument during its May 5-8, 2020 argument session. The court will either schedule cases for remote oral argument via video- or teleconference, postpone argument, or decide the matter on the briefs.

Attorneys should file documents through CM/ECF. The court has suspended the requirement of paper copies of formal briefs and appendices pending further notice. Emergency matters should be filed electronically. If the matter cannot be filed electronically, it should be filed via email to 4cca-filing@ca4.uscourts.gov or by fax to 804-916-2737. Call the clerk's office at 804-916-2700 if a matter requires the court's immediate attention.

The Powell Courthouse is closed to the public. Papers to be filed with the court may be stamped and filed in the courthouse lobby; however, individuals who have been diagnosed with COVID-19, who have had contact with a person with COVID-19, who have been asked to self-quarantine, who have traveled internationally within the past fourteen (14) days, or who are experiencing flu-like symptoms are prohibited from entering the building for any reason. All business with the clerk's office should be conducted by phone at 804-916-2700.

For more information, please visit the court's "COVID-19 Announcements" page found at: <http://www.ca4.uscourts.gov/covid-19-announcements>. Additionally, the users can register to receive future court advisories via email by visiting <http://www.ca4.uscourts.gov/email-subscription>.

N.D. W. Va. – While the court is able to conduct hearings via telephone, and in some cases by videoconferencing, matters are still proceeding in person unless the parties request otherwise. The clerk's office reports that these requests have been granted liberally but still must be made and consented to by the parties – they are not automatic.

Court filings should be made through the CM/ECF system. The requirement of paper copies of formal briefs and appendices has been suspended pending further notice. Emergency matters should be e-filed as well. All deadlines and scheduled hearings will remain in place unless the presiding judge issues an order directing otherwise. Statutes of limitations are not tolled.

For criminal proceedings, video teleconferencing, or telephone conferencing if video teleconferencing is not reasonably available, is authorized for a number of proceedings with the consent of the defendant.

The court is conducting necessary judicial business, is accepting filings, and is responding to inquiries. Only essential staff are in the courthouses during business hours while most staff is teleworking. Access is closed to the general public at this time.

For more information, please visit the court's website found at: <https://www.wvnd.uscourts.gov/>.

State Courts

West Virginia Generally – All in-person proceedings and court deadlines, except for limited emergency proceedings, directed to take place or any act required to be done on any day falling within March 23-May 15, 2020, are stayed. Deadlines set forth in court rules, statutes, ordinances, administrative rules, scheduling orders, or otherwise, including statutes of limitations, that are set to expire between March 23 and May 15, 2020 are extended until May 18, 2020. Deadlines, statutes of limitations, and statutes of repose that are not set to expire between March 23 and May 15, 2020 are not extended or tolled. Proceedings previously scheduled between March 23 and May 15, 2020 that are not able to be held remotely are continued until a later date determined by the presiding judicial officer.

Emergency proceedings that are not extended or stayed should utilize available technology to limit person-to-person contact wherever possible so long as such use is lawful and in compliance with the state and local rules. Circuit court and family court judges may conduct hearings via telephone or video conference in non-emergency matters. Such a hearing may only occur with the mutual consent of the parties, which shall not be unreasonably withheld.

Discovery responses are still due, however, in recognition to the difficulties imposed by COVID-19, counsel and parties have been directed to respond as fully as possible and note any limitations, including reference to applicable governmental restrictions. Discovery requests and responses may be served on counsel via email or other readily accessible electronic means. Depositions by remote electronic methods are permitted, but depositions of health care providers and first responders involved in the treatment of COVID-19 patients are not permitted absent their agreement or court order showing clear and compelling good cause.

The administrative order issued April 24, 2020 supersedes any local administrative order issued by a judicial officer.

For more information, please visit the West Virginia's Judiciary's Pandemic Response webpage found at: <http://www.courtswv.gov/covid19/COVID19.html>.

SMF: