

NEWS FROM U.S. DISTRICT COURT
August 14, 2020

EXHIBITS: Since the Clerk's Office began filing trial and evidentiary hearing exhibits in CM/ECF pursuant to [Standing Order 20-01](#), we have had a few instances where counsel moved to seal exhibits *after* the conclusion of a trial or hearing. This creates additional work for both counsel and the Clerk's Office and can be quite cumbersome. From now on, the deputy courtroom clerk will endeavor to ask counsel if any exhibits should be sealed *before* a trial or evidentiary hearing is adjourned. This will allow counsel to make an oral motion to seal on the record that the Court can immediately rule upon. In the event there are exhibits that should be sealed and the clerk doesn't ask, counsel is still encouraged to make an oral motion to seal *before* the matter is adjourned or as soon thereafter as possible. The best practice is to redact personal data identifiers *before* offering any exhibits.

COVID-19 UPDATE: On July 22, 2020, Chief Judge Lange entered [Third Amended Standing Order 20-03](#). Although the ban on jury trials has been lifted, the latest standing order grants a presiding judge discretion to find that the ends of justice outweigh the right to a speedy trial under certain circumstances:

[I]f a judge is convinced that, due to COVID-19 spread in a particular division, there is an inability to safely call and retain an adequate cross-section of jurors, the judge may make a finding that the ends of justice served by continuing criminal jury trials outweigh the best interests of the public and any defendant's right to a speedy trial, and may exclude the periods of delay occasioned by such a continuance under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A).

Since the ban on jury trials was lifted, there have been three jury trials in Pierre, two in Sioux Falls, and one in Aberdeen.

Third Amended Standing Order 20-03 also clarifies that grand jury proceedings may convene throughout the District.