

## NEWS FROM U.S. DISTRICT COURT

December 11, 2020

**Court Operations and COVID:** The pandemic has created challenges for court operations. Initially, the District of South Dakota postponed all civil and criminal jury trials and grand jury proceedings until late April due to COVID, but the date was later pushed to early July. Since then, there have been 14 jury trials, with the heaviest trial activity in the Central and Northern divisions, which had seven and four jury trials respectively. The Southern division has had two jury trials and the Western Division has had one. This compares with 33 jury trials for the district during the same period last year.

On November 25, 2020, Chief Judge Lange entered the [Fourth Amended Standing Order 20-03](#). This latest order once again continues jury trials—this time until January 25, 2021.

Not all proceedings have been halted, however. Under the CARES Act, the court has been able to hold many hearings, including change of plea and sentencing hearings, by video with the consent of the defendants. In the Southern division, hearings have been held with defendants at over a dozen different jail facilities as well as with defendants on bond across the country. The in-custody defendants are connected through the State of South Dakota's videoconference system, a court owned iPad and, in Rapid City, through a court owned video conference unit at the Pennington County Jail. Defendants on bond have appeared in their attorney's offices as well as from their own homes. The most important thing for a successful video hearing continues to be a good internet connection.

As we mentioned in the July newsletter, Judge Schreier held a six-day court trial that was completely virtual in June. In September, she held a two-day virtual preliminary injunction hearing. Our magistrate judges have also gotten in on the act. Judge Duffy has held four virtual mediations and Judge Wollmann has held two.

Most of the Clerk's Office staff and some chambers' staff continue to work from home to limit potential exposure in the office. All personnel and visitors are required to wear masks in federal courthouses. In addition, plexiglass barriers have been erected in most courtrooms and some offices.

**Pro Bono Services Needed:** The Pro Bono Work to Empower and Represent Act, known as the POWER Act, requires the federal court to promote pro bono legal services for victims of domestic violence, dating violence, sexual assault, and stalking. The statistics on domestic and sexual violence in this country are sobering, and the statistics regarding violence against women on South Dakota's nine Indian reservations are particularly sad and startling. The South Dakota Rules of Professional Conduct impose an obligation on lawyers under Rule 6.1 to "render public interest legal service." If you haven't already done so, please click [here](#) to watch Chief Judge Lange's video message on the POWER Act which is posted on the district court's website. If

you are a lawyer, some of the organizations to which you can volunteer include the State Bar of South Dakota Access to Justice Program, South Dakota Coalition Ending Domestic & Sexual Violence, South Dakota Network Against Family Violence and Sexual Assault, White Buffalo Calf Women's Society, the Children's Inn, and Working Against Violence, Inc. If you are a victim of domestic or sexual violence, please reach out to these supporting agencies.