

FILED

MAY 20 2021

Serial: 236883

IN THE SUPREME COURT OF MISSISSIPPI

OFFICE OF THE CLERK
SUPREME COURT
COURT OF APPEALS

No. 2021-AD-00001-SCT

IN RE: EMERGENCY ORDER RELATED TO CORONAVIRUS (COVID-19)

EMERGENCY ADMINISTRATIVE ORDER-20

Since the entry of the Court's first Emergency Administrative Order related to the national and state emergencies created by Coronavirus (COVID-19) on March 13, 2020, the Court has strived to balance individual rights, public health and safety, and the constitutional requirement that Mississippi state courts remain open and accessible. *See* Miss. Const. art. 3, §§ 24-25. In so doing, the Court has monitored data provided by the Mississippi State Department of Health (MSDH) with respect to the impact of the pandemic on citizens of our state, along with the evolving guidelines issued by both the MSDH and the Centers for Disease Control and Prevention (CDC), and has entered additional Orders as dictated by the changing circumstances.

As of the date of this Order, MSDH COVID-19 Vaccination Reporting provides that 872,737 individuals have been "fully vaccinated[,]” with another 1,002,669 individuals having received “at least one dose.”¹ And, as noted in the Governor's Executive Order No. 1551 issued on April 30, 2021, “Mississippi has seen a sharp decline in COVID-19 infections and resulting hospitalizations since mid-January 2021,” and “the vaccine roll-out is continuing to proceed as expeditiously as possible with adequate vaccine supply available

¹https://msdh.ms.gov/msdhsite/_static/resources/12130.pdf

to ensure that every Mississippian who wants to receive the COVID-19 vaccine may do so”² COVID-19 vaccines are now so readily available within the United States that, on May 17, 2021, the federal government announced plans to donate at least twenty million vaccine doses in June to countries struggling against the pandemic.³ Finally, on May 13, 2021, the CDC updated its guidelines to provide that “[f]ully vaccinated people can resume activities without wearing a mask or physically distancing, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local business and workplace guidance.”⁴

In light of these developments, in my capacity as chief administrative officer of all courts in the state, I find that a comprehensive Order superseding all prior Emergency Administrative Orders, unless expressly excepted herein, is now warranted.

IT IS, THEREFORE, ORDERED:

1. Consistent with the Court’s prior Emergency Administrative Orders, all local and state courts—municipal, justice, county, chancery, circuit, and appellate courts—shall remain open to ensure the fulfillment of their constitutional and statutory duties. *See, e.g.*, Miss. Const. art. 3, § 24 (“All courts shall be open . . . and justice shall be administered without

² <https://www.sos.ms.gov/content/executiveorders/ExecutiveOrders/1551.pdf>

³ <https://www.nytimes.com/live/2021/05/17/world/covid-vaccine-coronavirus-cases#-covid-vaccine-global-doses>

⁴ <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html#vaccinated>

sale, denial, or delay”). Given the progress in defeating the pandemic, courts shall fully execute their constitutional and statutory duties.

2. In fulfilling the aforementioned duties, individual judges have the discretion to control their own dockets.⁵ Since COVID-19 has not been completely neutralized, in exercising their discretionary powers, individual judges are encouraged to refer to guidelines issued by the MSDH and the CDC for preventing the spread of COVID-19 (e.g., whether to conduct proceedings in-person or via interactive audiovisual equipment, if not otherwise prohibited).

3. I find that the following Emergency Administrative Order remains in effect:

Emergency Administrative Order-17 (Dec. 1, 2020) (addressing methods for completing Continuing Legal Education obligations for 2020-2021 CLE reporting year, as well as methods for completing courses for “the new lawyer program set forth in Rule 3b”).

4. I find that the following temporary amendments to the Rules and Regulations for Mandatory Continuing Judicial Education are warranted:

(A) Regulation 3.9 shall be temporarily suspended. Judges may complete their 2020-2021 CJE requirements through the method of their choosing, either online, webinars or live, in-person programs, as approved by the Committee on Continuing Judicial Education.

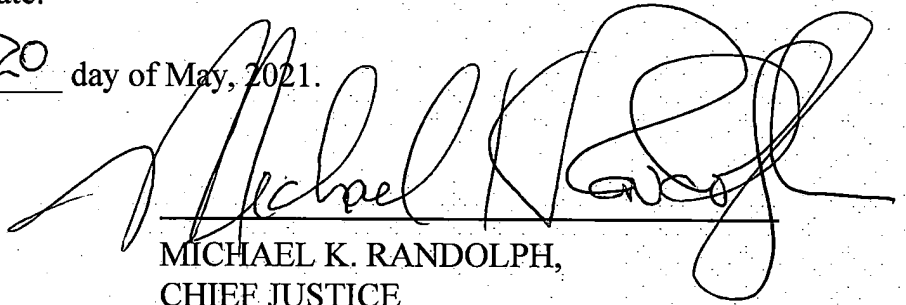
(B) Any judge who is unable to complete the temporarily amended requirements may seek a hardship exemption and/or extension from the Committee on Continuing Judicial Education.

5. All other provisions of earlier Emergency Administrative Orders not expressly referenced herein, including the temporary suspension of any rule(s), are hereby rescinded.

⁵ That discretion does not extend to prohibiting voluntary mask-wearing by individuals, unless it impairs the accuracy, integrity, or safety of the proceedings.

6. Given that the pandemic remains ongoing, this Order may be modified, as changing circumstances may dictate.

SO ORDERED, this the 20 day of May, 2021.

A handwritten signature in black ink, appearing to read "Michael K. Randolph", written over a horizontal line.

MICHAEL K. RANDOLPH,
CHIEF JUSTICE
FOR THE COURT