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[Home](#)

Close menu

Main Menu

Search USCourts.gov

- About Federal Courts The U.S. Courts were created under Article III of the Constitution to administer justice fairly.

[About Federal Courts](#)

Back to Main Menu

The U.S. Courts were created under Article III of the Constitution to administer justice fairly.

Popular

1. [Court Website Links](#)
2. [Authorized Judgeships](#)
3. [Supreme Court Landmarks](#)

[About Federal Courts](#)

- o Court Role and Structure The judicial branch is one of the three separate and distinct branches of the federal government.
[Court Role and Structure The judicial branch is one of the three separate and distinct branches of the federal government.](#)
[Back to About Federal Courts](#)

[Court Role and Structure](#)

- [About the U.S. Courts of Appeals](#)
- [About U.S. District Courts](#)
- [About U.S. Bankruptcy Courts](#)
- [Comparing Federal & State Courts](#)
- [Court Website Links](#)
- [FAQs: Court Information](#)
- o Types of Cases U.S. Courts hear cases over which they have jurisdiction granted by the Constitution or Congress.
[Types of Cases U.S. Courts hear cases over which they have jurisdiction granted by the Constitution or Congress.](#)
[Back to About Federal Courts](#)

[Types of Cases](#)

- [Appeals](#)
- [Bankruptcy Cases](#)
- [Civil Cases](#)
- [Criminal Cases](#)
- o About Federal Judges Federal judges work to ensure equal justice under the law. [About Federal Judges](#)
[Federal judges work to ensure equal justice under the law.](#)
[Back to About Federal Courts](#)

[About Federal Judges](#)

- [Types of Federal Judges](#)
- [Authorized Judgeships](#)
- [Judicial Compensation](#)
- [Judicial Milestones](#)
- o Probation and Pretrial Services U.S. probation and pretrial services officers serve the federal courts and protect communities.
[Probation and Pretrial Services U.S. probation and pretrial services officers serve the federal courts and protect communities.](#)
[Back to About Federal Courts](#)

[Probation and Pretrial Services](#)

- [Evidence-Based Practices](#)
- [Officers & Officer Assistants](#)
- [Pretrial Services](#)
- [Presentence Investigations](#)
- [Post-Conviction Supervision](#)
- [Data Release Regulations](#)
- [Federal Probation Journal](#)
- [Federal Probation and Pretrial Academy](#)
- [History](#)

- Defender Services The Constitution's Sixth Amendment guarantees an accused the right to representation by counsel.

[Defender Services The Constitution's Sixth Amendment guarantees an accused the right to representation by counsel.](#)

[Back to About Federal Courts](#)

[Defender Services](#)

- [Defender Services Mission](#)
- [Publications](#)

- Educational Resources Find realistic simulations and memorable, interactive approaches to court basics.

[Educational Resources Find realistic simulations and memorable, interactive approaches to court basics.](#)

[Back to About Federal Courts](#)

[Educational Resources](#)

- [Educational Activities](#)
- [Supreme Court Landmarks](#)
- [Annual Observances](#)
- [About Educational Outreach](#)

- Court Programs Learn about federal court programs and services to help provide fair and impartial justice.

[Court Programs](#)

[Back to Main Menu](#)

Learn about federal court programs and services to help provide fair and impartial justice.

Popular

1. [Bankruptcy Basics](#)
2. [Filing Without an Attorney](#)
3. [Summoned for Federal Jury Service?](#)

[Court Programs](#)

- Bankruptcy Bankruptcy helps people who can no longer pay their debts get a fresh start by liquidating assets.

[Bankruptcy Bankruptcy helps people who can no longer pay their debts get a fresh start by liquidating assets.](#)

[Back to Court Programs](#)

Bankruptcy

- [Bankruptcy Basics](#)
- [Filing Without an Attorney](#)
- [Credit Counseling and Debtor Education](#)
- [Trustees and Administrators](#)
- [Bankruptcy Noticing](#)
- [Bankruptcy Case Records & Credit Reporting](#)
- [Unclaimed Funds in Bankruptcy](#)
- Fees The U.S. courts publishes a list of fees that are charged for services provided by a specific court.
[Fees The U.S. courts publishes a list of fees that are charged for services provided by a specific court.](#)
[Back to Court Programs](#)

Fees

- [Court of Appeals Fees](#)
- [District Court Fees](#)
- [Bankruptcy Court Fees](#)
- [Electronic Public Access Fees](#)
- [U.S. Court of Federal Claims Fees](#)
- [Judicial Panel on Multidistrict Litigation Fees](#)
- [Post Judgement Interest Rate](#)
- Jury Service Jury service is an important civic duty to protect right and liberties. [Jury Service Jury service is an important civic duty to protect right and liberties.](#)
[Back to Court Programs](#)

Jury Service

- [Summoned for Federal Jury Service?](#)
- [Types of Juries](#)
- [Juror Selection Process](#)
- [Juror Qualifications, Exemptions, and Excuses](#)
- [Juror Pay](#)
- [Juror Scams](#)
- Federal Court Interpreters Interpreters ensure that justice is carried out fairly for defendants and other stakeholders.
[Federal Court Interpreters Interpreters ensure that justice is carried out fairly for defendants and other stakeholders.](#)
[Back to Court Programs](#)

Federal Court Interpreters

- [Interpreter Categories](#)
- [Federal Court Interpreter Certification Examination](#)
- [Interpreter Skills](#)
- [National Court Interpreter Database \(NCID\) Gateway](#)
- [Federal Court Reporting Federal court reporters record proceedings and produce transcripts of court proceedings.](#)
- Business Opportunities The U.S. courts provide business opportunities for organizations that follow its' policies.
[Business Opportunities The U.S. courts provide business opportunities for organizations that follow](#)

[its' policies.](#)

[Back to Court Programs](#)

Business Opportunities

- [FY 2025 Pre-Lapse in Appropriations Notice to Contractors](#)
- [Transfer of Excess Judiciary Personal Property](#)

Administration & Policies Administration and governance of the Judicial occurs at both a national and regional level.

Administration & Policies

[Back to Main Menu](#)

Administration and governance of the Judicial occurs at both a national and regional level.

Popular

1. [Code of Conduct for U.S. Judges](#)

Administration & Policies

- Governance & the Judicial Conference The Judicial Conference of the U.S. is the national policymaking body for the federal courts.

[Governance & the Judicial Conference The Judicial Conference of the U.S. is the national policymaking body for the federal courts.](#)

[Back to Administration & Policies](#)

Governance & the Judicial Conference

- [About the Judicial Conference](#)
- [Reports of the Judicial Conference Proceedings](#)
- [Congressional Budget Request](#)
- [Judicial Administration Federal courts individually manage their operations, with support from judicial branch agencies.](#)
- [Administrative Oversight & Accountability Oversight mechanisms work together to hold staff responsible for their conduct as officials.](#)

- Judicial Conduct & Disability Anyone can file a complaint alleging a federal judge has committed misconduct or has a disability.

[Judicial Conduct & Disability Anyone can file a complaint alleging a federal judge has committed misconduct or has a disability.](#)

[Back to Administration & Policies](#)

Judicial Conduct & Disability

- [FAQs: Filing a Judicial Conduct or Disability Complaint Against a Federal Judge](#)
- [Judicial Conduct and Disability Orders](#)
- [Archives of the Committee on Judicial Conduct and Disability](#)
- [Judiciary Financial Disclosure Reports Search for financial disclosure reports for judicial officers.](#)

- o Privately Funded Seminars Disclosure System This policy requires information about privately funded educational programs to be disclosed.

[Privately Funded Seminars Disclosure System This policy requires information about privately funded educational programs to be disclosed.](#)

[Back to Administration & Policies](#)

[Privately Funded Seminars Disclosure System](#)

- [Log In & Create Account](#)
- [Overview of Privately Funded Seminars Disclosure System](#)
- [Statement of Purpose](#)
- [Instructions](#)
- [Policy](#)
- [Frequently Asked Questions](#)

- o Workplace Conduct U.S. courts are committed to a workplace free from discrimination, sexual or other discrimination.

[Workplace Conduct U.S. courts are committed to a workplace free from discrimination, sexual or other discrimination.](#)

[Back to Administration & Policies](#)

[Workplace Conduct](#)

- [Director of Workplace Relations Contracts by Circuit](#)
- [Fact Sheet for Workplace Protections in the Federal Judiciary](#)
- [Background & Resources](#)

- o Judiciary Policies This policy guidance governs the national operations of the federal judiciary. [Judiciary Policies This policy guidance governs the national operations of the federal judiciary.](#)

[Back to Administration & Policies](#)

[Judiciary Policies](#)

- [Bankruptcy Case Policies](#)
- [Cameras in the Courtroom Policy](#)
- [Confidentiality Regulations for Pretrial Services Information](#)
- [Court Interpreting Guidance](#)
- [Court Reporting Guidance](#)
- [Ethics Policies](#)
- [Federal Tort Claims Against Federal Judiciary Personnel](#)
- [Fraud, Waste, or Abuse](#)
- [Garnishment Regulations](#)
- [Guidelines for administering the CJA and related statutes](#)
- [Judiciary Staff Travel Regulations](#)
- [Portable Communication Devices in the Courthouse](#)
- [Procurement Policies](#)
- [Rules Committee Procedures](#)
- [Subpoena Regulations](#)
- [U.S. Courts Design Guide](#)
- [Workplace Conduct and Protections](#)

- Data & News This section provides statistical data and news on the business of the federal Judiciary.

[Data & News](#)

[Back to Main Menu](#)

This section provides statistical data and news on the business of the federal Judiciary.

Popular

1. [Federal Court Scams](#)
2. [Director's Annual Report](#)

[Data & News](#)

- o [Data Tables Filter for caseload statistical data tables by topic, report, or date.](#)
- o Reports The following materials provide analysis and information related to the work of the U.S. courts. [Reports The following materials provide analysis and information related to the work of the U.S. courts.](#)

[Back to Data & News](#)

[Reports](#)

- [Statistical Reports](#)
- [Annual Reports](#)
- [Handbooks & Manuals](#)
- [Strategic Planning](#)
- o Judicial Vacancies Find a summary of current and future judicial vacancies. [Judicial Vacancies Find a summary of current and future judicial vacancies.](#)

[Back to Data & News](#)

[Judicial Vacancies](#)

- [Current Judicial Vacancies](#)
- [Future Judicial Vacancies](#)
- [Confirmation Listing](#)
- [Judicial Emergencies](#)
- [Archive of Judicial Vacancies](#)
- o News Learn about the work of the federal Judiciary. [News Learn about the work of the federal Judiciary.](#)

[Back to Data & News](#)

[News](#)

- [Email Updates & Sign Up](#)
- [Federal Judiciary Confronts Coronavirus Spread: Judicial Conference Acts on Court Administration Matters](#)
- [News Issues](#)
- [Federal Court Scams](#)
- Forms & Rules Link to the national federal rules of practice and procedures, and forms in effect.

[Forms & Rules](#)

[Back to Main Menu](#)

Link to the national federal rules of practice and procedures, and forms in effect.

Popular

1. [Bankruptcy: Proof of Claim Form](#)

Forms & Rules

- o Forms Find a national federal court form that can be used in all federal courts. [Forms Find a national federal court form that can be used in all federal courts.](#)

[Back to Forms & Rules](#)

Forms

- [Attorney Forms](#)
- [Bankruptcy Forms](#)
- [Civil Forms](#)
- [Court Reporter Forms](#)
- [Criminal Forms](#)
- [CJA Forms](#)
- [Human Resources Forms](#)
- [Jury Forms](#)
- [Other Forms](#)

- o Current Rules of Practice & Procedure The federal rules of practice and procedure govern litigation in the federal courts.

[Current Rules of Practice & Procedure The federal rules of practice and procedure govern litigation in the federal courts.](#)

[Back to Forms & Rules](#)

Current Rules of Practice & Procedure

- [Federal Rules of Appellate Procedure](#)
- [Federal Rules of Bankruptcy Procedure](#)
- [Federal Rules of Civil Procedure](#)
- [Federal Rules of Criminal Procedure](#)
- [Federal Rules of Evidence](#)
- [Rules Governing Section 2254 and Section 2255 Proceedings](#)

- o Pending Rules and Forms Amendment Find proposed rules and forms amendments organized by the year they are projected to take effect.

[Pending Rules and Forms Amendment Find proposed rules and forms amendments organized by the year they are projected to take effect.](#)

[Back to Forms & Rules](#)

Pending Rules and Forms Amendment

- [Pending Changes in the Bankruptcy Forms](#)
- o [Proposed Amendments Published for Public Comment Reference proposed federal rules and forms amendments published for public comment.](#)

- o About the Rulemaking Process Learn about the procedures, governing laws, and membership and meetings of the rules committees.

[About the Rulemaking Process Learn about the procedures, governing laws, and membership and meetings of the rules committees.](#)

[Back to Forms & Rules](#)

About the Rulemaking Process

- [Laws and Procedures Governing the Work of the Rules Committees](#)
- [How the Rulemaking Process Works](#)
- [How to Suggest a Change to Federal Court Rules and Forms](#)
- [How to Submit Input on a Pending Proposal](#)
- [Committee Membership Selection](#)
- [Open Meetings and Hearings of the Rules Committee](#)
- [Permitted Changes to Official Bankruptcy Forms](#)

- Records of the Rules Committees Reference the records of the rules committees, including agendas, minutes, and rules suggestions.

[Records of the Rules Committees Reference the records of the rules committees, including agendas, minutes, and rules suggestions.](#)

[Back to Forms & Rules](#)

Records of the Rules Committees

- [Agenda Books](#)
- [Committee Reports](#)
- [Congressional and Supreme Court Rules Packages](#)
- [FJC Studies and Related Publications](#)
- [Meeting Minutes](#)
- [Past Members of the Rules Committees](#)
- [Preliminary Drafts of Proposed Rule Amendments](#)
- [Rules Comments](#)
- [Rules Suggestions](#)
- [Special Projects of the Rules Committees](#)
- [Style Resources](#)
- [Superseded Rules Pamphlets](#)
- [Transcripts and Testimony](#)

- Court Records Learn how to file and access case files and court records information.

Court Records

[Back to Main Menu](#)

Learn how to file and access case files and court records information.

Court Records

- [Find a Case \(PACER\) Locate a federal court case by using PACER or by visiting the courthouse where the case was filed.](#)

- File a Case (CM/ECF) Attorneys and other filers can submit files to the court electronically using the CM/ECF system.

[File a Case \(CM/ECF\) Attorneys and other filers can submit files to the court electronically using the CM/ECF system.](#)

[Back to Court Records](#)

File a Case (CM/ECF)

- [FAQs: Case Management / Electronic Case Files \(CM/ECF\)](#)

Access to Court Proceedings The public may visit a federal court to watch each step of the federal judicial process.

[Access to Court Proceedings](#) The public may visit a federal court to watch each step of the federal judicial process.

[Back to Court Records](#)

[Access to Court Proceedings](#)

- [Remote Public Access to Proceedings](#)
- [Court Record Schedules](#) These national record disposition schedules govern most judiciary records, including case files.
- [Electronic Public Access Public User Group](#) The EPA Public User Group provides a forum for PACER users to share and recommend improvement ideas.

- [Select language](#)
- |
- [Find a Federal Court](#)

[Search Close](#)

Search USCourts.gov

Search 

[Menu](#)

[Data & News](#)

- [Data Tables](#)
- [Reports](#)
 - [Statistical Reports](#)
 - [Judicial Business of the United States](#)
 - [Federal Court Management Statistics](#)
 - [Wiretap Reports](#)
 - [Bankruptcy Filing Statistics](#)
 - [Bankruptcy Abuse Prevention and Consumer Protection Act Report](#)
 - [Civil Justice Reform Act Report](#)
 - [Federal Judicial Caseload Statistics](#)
 - [Statistical Tables for the Federal Judiciary](#)
 - [Judicial Facts and Figures](#)
 - [Director's Report on Foreign Intelligence Surveillance Courts' Activities](#)
 - [Delayed-Notice Search Warrant Report](#)
 - [Crime Victims' Rights Report](#)
 - [Annual Reports](#)
 - [Director's Annual Report](#)
 - [Dodd-Frank Act Report](#)
 - [Judiciary Conferences That Cost More Than \\$100,000](#)
 - [Handbooks & Manuals](#)
 - [A Journalist's Guide to the Federal Courts](#)
 - [Asset Management Planning Process](#)
 - [Civil Litigation Management Manual](#)
 - [Courtroom Technology Manual](#)
 - [Federal Court System in the U.S.](#)
 - [Strategic Planning](#)

- [Long Range Plan for Information Technology](#)
 - [Long Range Plan for the Federal Courts](#)
 - [Strategic Plan for the Federal Judiciary](#)
 - [Judicial Vacancies](#)
 - [Current Judicial Vacancies](#)
 - [Future Judicial Vacancies](#)
 - [Confirmation Listing](#)
 - [Judicial Emergencies](#)
 - [Archive of Judicial Vacancies](#)
 - [News](#)
 - [Email Updates & Sign Up](#)
 - [Federal Judiciary Confronts Coronavirus Spread: Judicial Conference Acts on Court Administration Matters](#)
 - [News Issues](#)
 - [Judicial Conference News Releases](#)
 - [1979: The Year Women Changed the Judiciary](#)
 - [Covid-19 Related News Articles](#)
 - [Courthouse Improvement Projects](#)
 - [Centennial of the Judicial Conference of the United States](#)
 - [Court Funding and Cost Containment](#)
 - [A Lifetime of Service](#)
 - [Federal Court Scams](#)
1. [Home](#)
 2. [Data & News](#)
 3. [News](#)
 4. Federal Judiciary Confronts Coronavirus Spread: Judicial Conference Acts on Court Administration Matters

Federal Judiciary Confronts Coronavirus Spread: Judicial Conference Acts on Court Administration Matters

Published on March 17, 2020

Federal courts throughout the country are taking steps to balance the health and safety of employees, litigants, and the public with their Constitutional responsibility to keep the courts operating during the coronavirus (COVID-19) pandemic. Many courts are asking their employees to work remotely and are [posting on their internet site orders and notices](#) that relate to jury service, filing deadlines, and other court business, as well as public access to the courthouse.

The latest step occurred today when the Judicial Conference of the United States, the Judiciary's administrative policy-making body, convened by teleconference, allowing its regular scheduled biannual meeting to continue with Conference members calling from all 13 circuits. The Conference traditionally meets at the Supreme Court of the United States.

A month ago, the Administrative Office of the U.S. Courts (AO) organized a task force, which now includes representatives from the General Services Administration, the U.S. Marshals Service, and the Federal Protective Service, as well as judges and court officials, to share information and guidance related to the coronavirus outbreak as it relates to the Judiciary. The AO also is providing courts, probation and pretrial offices, and defender services organizations with operational, human resources, funding, and other support and guidance.

Courts are reviewing their continuity of operations plans and Pandemic/Infectious Disease plans to help them continue essential court operations. In-person court training has been cancelled through May 31, 2020. Video and audio-conferencing are continuing as practicable.

At the session, the Conference approved an amended [Code of Conduct for employees who work in Federal Public Defender offices](#) that, among other things, explicitly states that employees should not engage in sexual or other forms of harassment or retaliation for reporting such conduct. These changes mirror the improvements the Conference made to the Codes of Conduct for [judges](#) and [court employees](#) in March 2019.

As a result of the Conferences approval of the Defenders Code, all Codes of Conduct – for judges, court employees, and defender staff – now clearly and uniformly prohibit any workplace misconduct, including any form of harassment, as well as retaliation for reporting misconduct; and encourage reporting and disclosure of such misconduct.

Taking these together with other workplace conduct reforms that have been enacted, the Judiciary has taken action on all the Federal Judiciary Workplace Conduct Working Group’s more than 30 recommendations contained in its [June 2018 report](#) (pdf). These include the creation of a national Office of Judicial Integrity to provide counseling and assistance regarding workplace conduct issues, improved procedures for reporting and addressing misconduct, and additional training preventing harassment and misconduct.

In other action, the Conference authorized a two-year pilot to evaluate live audio streaming of motion hearings in select civil cases of public interest in a limited number of district courts. Audio streaming would be subject to the discretion of the presiding judge, require the consent of the parties, and be prohibited in hearings involving jurors, witnesses, or sealed, confidential, or classified materials. The Conference’s Court Administration and Case Management Committee will issue guidelines for the pilot.

At its meeting today, the Judicial Conference also affirmed that civics education is a core component of judicial service; endorsed regularly held conferences to share and promote best practices of civics education; and encouraged circuits to coordinate and promote education programs.

In his [2019 Year End Report on the Federal Judiciary](#), Chief Justice John. G. Roberts, Jr., stated that “civic education, like all education, is a continuing enterprise and conversation” and noted that “by virtue of their judicial responsibilities, judges are necessarily engaged in civics education.”

The first national civics outreach conference, held last fall at the U.S. Court of Appeals for the Second Circuit, included judges and senior court staff from every circuit and provided an opportunity for attendees to share ideas and programs.

The [26-member Judicial Conference](#) is the policy-making body for the federal court system. By statute, the Chief Justice of the United States serves as its presiding officer and its members are the chief judges of the 13 courts of appeals, a district judge from each of the 12 geographic circuits, and the chief judge of the Court of International Trade. The Conference convenes twice a year to consider administrative and policy issues affecting the court system, and to make recommendations to Congress concerning legislation involving the Judicial Branch.

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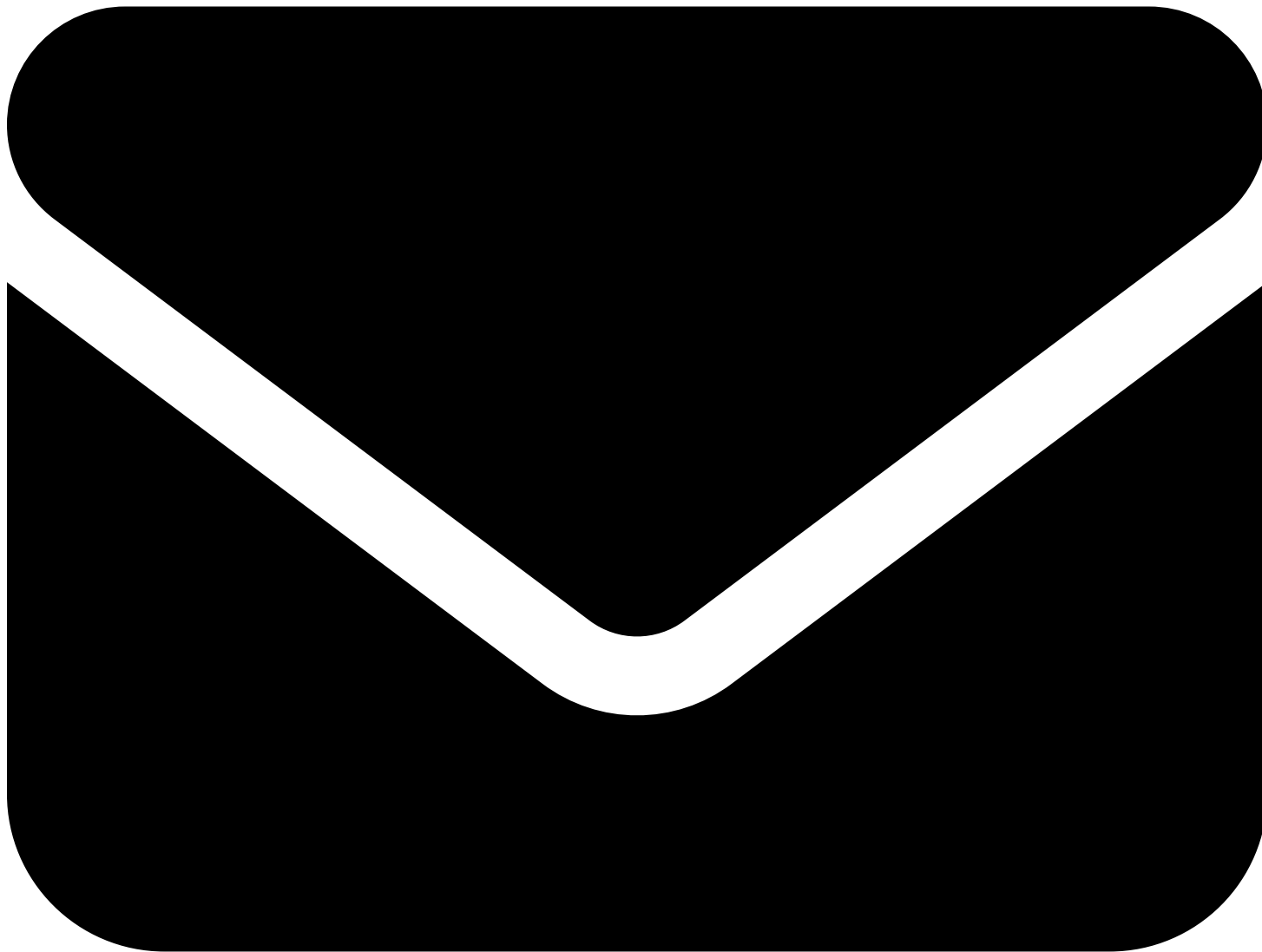
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Related Downloads

- [Judicial Conference Members, March 2020](#)
[89.65 KB](#)

Related Links

1. [Code of Conduct for Federal Public Defender Employees](#)
2. [Code of Conduct for United States Judges](#)
3. [Code of Conduct for Judicial Employees](#)



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[December 31, 2024](#)

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[December 24, 2024](#)

[New Courthouse Learning Center Teaches Minnesota Students About Judiciary](#)

[December 19, 2024](#)

[Return to top](#)

- [Glossary of Legal Terms](#)
- [Careers](#)
- [FAQs](#)
- [Contact Us](#)



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- [Privacy & Security Policy](#)
- [Operating Status](#)
- [Download Plug-Ins](#)

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