

**United States Court of Appeals  
for the Armed Forces  
Washington, D.C.**

**In Re:**

**2020 TERM OF COURT  
HEARING PROCEDURES**

**NOTICE AND ORDER**

In view of the continuing public health concerns regarding the COVID-19 pandemic, by order of the Chief Judge the following information and procedures pertain to Court hearings:

The Court will resume in-person hearings for the 2020 term of court on Tuesday, September 29, and Wednesday, September 30, 2020. Additional hearings will be held consistent with the previously published court calendar. While prior practice was to schedule the first hearing for 0930 with the second hearing “to follow” at the order of the Chief Judge, for the foreseeable future hearings will instead be specifically set for 0930 and 1045. This timing will permit the courtroom to be sanitized between arguments and will allow persons departing after the first hearing to minimize their contact with persons arriving for the second hearing.

Masks will be required to enter the courthouse and must be worn at all times. All visitors must legibly sign the access logs at the front desk or basement entrance in the event contact tracing is later required. All visitors will have their temperature checked using a contact-free scanner and will be asked to complete a brief health questionnaire. Consistent with standing policy, the Court will allow members of the public to observe the hearings absent exceptional circumstances. Such circumstances include those instances where an individual clearly presents a health risk to others.

The courtroom will be reconfigured for oral argument in order to maintain social distancing. For example, each counsel table will have a lectern on it with a microphone to eliminate common use of the

standard podium. However, in the interest of clarity of communication and of the proper recording of the hearing, first chair advocates will be permitted to unmask when they are called to present argument. Also, additional time may be granted to permit first and second chair counsel to consult with one another prior to the conclusion of argument. It is the Court's expectation that counsel will exchange notes rather than communicate orally in close proximity to one another.

The gallery of the courtroom will be marked to identify individual seated positions where masked attendees may observe the hearings. The courthouse has been upgraded with numerous contact-free amenities in the public restroom areas to enable proper hygiene with minimal contact.

As we have requested previously, individuals who do not have a professional need to be present are requested to seriously consider whether the public interest would be better served by staying away from the hearings. Consistent with past practice, and absent any unforeseen technical difficulty, the audio recordings of these hearings will be posted to the Court's website the same day.

As an additional note, the Court and host institutions cancelled Project Outreach hearings this past spring and the program remains suspended this fall. The feasibility of resuming Project Outreach in the spring of 2021 will be addressed at a future date.

For the Court,

/s/ Joseph R. Perlak  
Clerk of the Court

August 26, 2020