

**FIRST CIRCUIT JUDICIAL COUNCIL
POST-PANDEMIC OPERATIONS COMMITTEE CHARTER, MISSION STATEMENT, AND
COMPOSITION**

SEPTEMBER 2022

The COVID-19 pandemic has been an unprecedented event, which necessitated changes to the way the U.S. courts fulfilled the obligation to deliver justice in a timely, efficient, and publicly accessible fashion. The statutory authorization to host certain criminal court proceedings remotely provided by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Pub. L. 116-136, 134 Stat. 281, and related temporary policy changes endorsed by the Judicial Conference of the United States have been critical to the many strategies that courts across the country have implemented to continue to fulfill their mission. A number of the tools utilized to continue essential court operations during the pandemic have been recognized as potentially more efficient methods of doing business in general. In recognition of the opportunity for the First Circuit to explore the impacts of the pandemic on the courts' operations, specifically hosting remote court proceedings, and to consider which practices may be worthwhile and appropriate to retain on an ongoing or permanent basis, Chief Judge Barron, as Chair of the First Circuit Judicial Council, has established a First Circuit Post-Pandemic Operations Committee (Committee).

The Committee is charged with sharing information across First Circuit courts, examining the legal and practical complexities associated with remote proceedings, and developing best practices and a model local rule that have the potential to benefit not only the First Circuit courts but the federal judiciary. In doing so, the Committee will consider: (1) the legal and policy implications of conducting remote proceedings before the enactment of the CARES Act, now, and after its expiration, and in relation to both criminal and civil proceedings; (2) the differences between and policy implications of holding remote proceedings and providing remote access to proceedings; and (3) the impact and implications of access to justice and public access requirements on remote court operations in the federal courts. In fulfilling its mission, the Committee will:

- Define the legal and policy landscape of remote court operations nationally, both before and after the passing of the CARES Act, including required public access to judicial proceedings;
- Summarize the status of current court operations with respect to remote proceedings in First Circuit civil, criminal, and bankruptcy matters;
- Explore the legal and practical benefits and drawbacks of remote operations, including access to justice issues, mechanisms for mitigating potential drawbacks, and defining those proceedings that are not amenable to remote technology;
- Explore resource and technology issues with remote proceedings; and
- Explore the use of remote technology to increase public access to court proceedings.

The Committee shall report directly to the Judicial Council of the First Circuit. All members of the Committee are appointed by the Chief Circuit Judge.