

**DISTRICT COURT COVID-19 REOPENING COMMITTEE'S
REPORT AND GUIDANCE FOR TRIAL COURTS**

Trial by jury is a privilege of the highest and most beneficial nature and our most important guardian of both public and private liberty.

Sir William Blackstone
English jurist, lawyer, and commentator
1765

After fighting viruses all over the world for more than 40 years, I have become an expert in infections. . . . We must learn to live with COVID-19.

Dr. Peter Piot
Microbiologist and COVID-19 survivor
2020

Due to the COVID-19 pandemic, much of our Nation and our State have been brought to a near standstill. COVID-19 has affected everyone and nearly every aspect of our lives, including the Wyoming Court system, especially jury trials. Generally, the Wyoming Supreme Court has recommended that no courts conduct jury trials until August 3, 2020. Regardless of when a trial is held, it is incumbent on the trial court to have a plan to best ensure the health and safety of our jurors while still providing a fair trial. In addition, the Wyoming Supreme Court's COVID-19 Orders and Guidelines require District Courts to develop and submit jury trial operating plans before conducting a jury trial.

Although no person or government agency can guarantee that any of us will not be exposed to COVID-19, the Courts can, and must, take all reasonable precautions to ensure the safety of our citizens who serve on our juries. To this end, the District Court Judges Conference appointed a COVID-19 Reopening Committee to address what courts must do to ensure public safety while protecting our citizens' privilege of the highest and most beneficial nature, namely their right to be tried by a jury of their peers.

The Reopening Committee, in conjunction with the Wyoming Supreme Court, and our State Public Health Officer, Alexia Harrist, M.D., Ph.D., have developed the following guidance for trial courts in Wyoming. Each courthouse, and each courtroom, may face different challenges. Additionally, each community may be affected differently by COVID-19. However, the coronavirus that causes COVID-19 does not recognize city, county, or state boundaries. For these reasons, this guidance includes a variety of ideas and suggestions that courts may use alone, or in conjunction, to create the safest environment possible in which a fair jury trial can occur in their courtrooms.

This guidance identifies parts of the trial process and attempts to identify possible solutions to problems that may arise with parts of a trial due to COVID-19. Often, potential solutions will include changes to facilities, additional protective equipment, or modifications to operations, or a

combination of any (or all) of these strategies. We hope this guidance will provide you with a variety of alternative strategies that when used alone, or in combination with one another, will allow for jury trials while still protecting the health and safety of our jurors.

PRE-COURTHOUSE SCREENING	
<p>Courts should make efforts to ensure that vulnerable populations are not compelled to come to the courthouse and to educate potential jurors on the precautions each Court is taking to protect jurors' health and safety.</p>	
<p>Supplemental juror questionnaires</p>	<p>Consider sending a supplemental juror questionnaire with summons in advance of trial. A sample questionnaire is attached as Attachment A.</p> <p>A supplemental questionnaire may allow you to screen potentially high-risk individuals before they are even summoned to the courthouse for jury duty.</p> <p>Consider making the questionnaire voluntary. Do not require potential jurors to share sensitive health information in writing if they would prefer to discuss the matter in person with the judge.</p> <p>Make sure you send the supplemental questionnaire out early enough to allow time for jurors to return it to the court.</p> <p>Consider sharing responses with the parties depending upon the circumstances (i.e., whether a potential juror clearly meets the criteria as an “at-risk” person).</p> <p>If discuss responses with counsel, make sure there is a record of your discussion. Remember to include criminal defendants in the on-the-record discussion.</p> <p>If both parties agree, dismiss the potential juror for cause before trial date.</p> <p>If the parties do not agree, if possible, decide before trial starts and make that decision on the record after allowing both sides an opportunity to be heard</p> <p>Remember to monitor all responses. If you receive a large number of excuses, you may need to call additional venire members.</p> <p>Stay proactive to allow later-called venire members opportunity to complete supplemental juror questionnaire</p> <p>If a potential juror brings the supplemental questionnaire to the courthouse the day of trial, confer with counsel and excuse/retain the potential juror as soon as possible</p>

	Due to the likelihood of more jurors being excused for COVID-19 related reasons, consider summoning more jurors for each venire panel.
Safety Precaution Information	<p>Consider sending a letter with your juror summonses that outlines all precautions the Court and Clerk of District Court are taking to protect public health and safety.</p> <p style="padding-left: 40px;">A sample letter is attached as Attachment B.</p> <p style="padding-left: 40px;">For those in your venire pool who may have concerns about appearing for jury service, this will provide assurance that the courts are looking out for their safety within the courthouse facilities.</p> <p>Consider posting those precautions your courts are taking on the Internet (i.e., County webpage, Clerk of Court webpage, Facebook pages, etc.).</p>
COURTHOUSE PROTECTIONS	
Social distancing, barriers, personal protective equipment (PPE), health screenings, and changes in facilities and operations can all help protect potential jurors and minimize the risk of exposure while at the courthouse. There are things within the courthouse/rooms that courts may adjust to help the facility itself protect juror health and safety	
Facilities (Ventilation)	<p>Research indicates that proper air flow can help limit the spread of COVID-19. Courts should consider trying to improve air quality within the courtroom by:</p> <ul style="list-style-type: none"> <li style="padding-left: 40px;">Increasing ventilation rates. <li style="padding-left: 40px;">Ensuring ventilation systems operate properly and provide acceptable indoor air quality for the current occupancy level for each space. <li style="padding-left: 40px;">Increasing outdoor air ventilation, using caution in highly polluted areas. <li style="padding-left: 40px;">Disabling demand-controlled ventilation (DCV). <li style="padding-left: 40px;">Opening minimum outdoor air dampers (as high as 100%) to reduce or eliminate recirculation. <li style="padding-left: 40px;">Improving central air filtration to the MERV-13 or the highest compatible with the filter rack. <li style="padding-left: 40px;">Sealing edges of the filter to limit bypass. <li style="padding-left: 40px;">Checking air filters to ensure they are within service life and appropriately installed. <li style="padding-left: 40px;">Keeping systems running longer hours, 24/7 if possible, to enhance air exchanges in the building space.

<p>Facilities (Doors)</p>	<p>Consider leaving all doors open to minimize having potential jurors touch common surfaces.</p> <p>For those doors that have to be opened and closed during <i>voir dire</i>, only properly trained and clothed court personnel should open and close doors.</p>
<p><i>VOIR DIRE</i></p>	
<p><i>Voir dire</i> poses special problems due to the number of people that will be congregating at the courthouse. In addition, <i>voir dire</i> is the first time potential jurors will interact with court personnel so neither group may know what to expect.</p>	
<p>Court Procedures Information</p>	<p>Consider posting signs that outline the general parameters of your court operational plan as potential jurors enter the courthouse. Let jurors know that:</p> <p style="padding-left: 40px;">They will have their temperature taken.</p> <p style="padding-left: 40px;">They will have to answer some health questions.</p> <p style="padding-left: 40px;">The Court has PPE for them.</p> <p>Consider posting traffic flow signs with the courthouse that direct potential jurors where to go once they are inside the courthouse.</p>
<p>Social Distancing</p>	<p><u>Alternative Facilities</u></p> <p>Consider conducting <i>voir dire</i> and/or trials in larger facilities where more people can safely gather while practicing proper social distancing, if such facilities are available</p> <p style="padding-left: 40px;">Consider multi-use county buildings, school auditoriums, and performance centers.</p> <p><u>Using Existing Facilities</u></p> <p><u>Social Distancing</u></p> <p>Since most courtrooms cannot safely seat 30-40 prospective jurors, try summoning jurors in sub-panels (10-20 jurors at a time) as is consistent with social distancing in your courtroom.</p> <p style="padding-left: 40px;">Set staggered times for arrival. This means limiting <i>voir dire</i> to a set amount of time (e.g., 8:30, 10:30, 1:30 with 90 minutes for <i>voir dire</i> and 30 minutes for cleaning, disinfection and leaving the courtroom).</p> <p style="padding-left: 40px;">Between panels, use disinfecting spray on all common surfaces including, but not limited to, gallery, counsel tables, podium (if used), and microphones.</p>

Arrange for additional court screening personnel in common areas to direct each subpanel to maintain social distance in common areas.

Arrange for proper spacing of chairs in hallways and sufficiently large meeting rooms where *voir dire* may take place

Hygiene/Barriers

Place plexiglass barriers between prospective jurors to allow court to use existing courtrooms.

This may be very difficult for some courtrooms. Not only must the court create a barrier between jurors sitting side-by-side, the court must also create a barrier or distance between the front and back row of the jury.

Plexiglass stands are five feet (5') tall, which means when people stand up, they can sneeze on the person next to them.

Require face coverings when jurors enter and leave the courtroom.

Because barriers may cause difficulty for jurors hearing witnesses, the court should remind jurors that although Court cannot repeat testimony, if there is any difficulty receiving evidence, notify the Court immediately.

Using technology to conduct *Voir Dire*

Consider using technology to conduct remote *voir dire*. Technology can be used several ways to conduct *voir dire* while maintaining proper social distancing:

First, consider using computer classroom-like settings and use video conferencing to allow all venire members to participate from remote locations.

This may involve computer banks that simply are not available at this time.

Second, consider linking several locations via video conferencing.

This may require additional court screening personnel to provide screening services at multiple locations.

This will also require alternative facilities (like a multi-use community building) to host the remote *voir dire* groups.

Finally, consider allowing potential jurors to videoconference from their own device.

This use of technology will have to be done in coordination with other *voir dire* alternatives as some members of the venire will not have access to reliable Internet service (or devices) to participate in *voir dire*.

	<p>Consider using a combination of these alternatives that best fit your courthouse and your community.</p> <p>For example, even if it is not practical to conduct all of <i>voir dire</i> or a trial in a larger facility, consider qualifying jurors in a larger building, using video conferencing for qualifying jurors, or allowing jurors to appear for the qualification process via their own devices.</p>
<p>Health (Screening)</p>	<p>Courts should conduct health screenings for all persons participating in the trial. This should include court screening personnel:</p> <p>Taking temperatures before persons enter the courtroom.</p> <p>Although this will require some training, the IR thermometers are simple to use.</p> <p>This will require court screening personnel to wear face coverings and gloves, which will require training.</p> <p>Court screening personnel should ask COVID-19 screening questions.</p> <p>Completing a Health screening form for each panel of jurors. A sample form is attached as Attachment C.</p> <p>The Court should remind venire members to notify a bailiff or the Court of any changes in their health condition.</p> <p>If there is a change in health condition that relates to COVID-19 symptoms, the Court must be prepared to implement its Infectious Event Outline (below).</p>
<p>Hygiene/Personal Protective Equipment (Screening)</p>	<p>Courts must ensure that each venire member sanitizes their hands before entering the courtroom:</p> <p>After hands are sanitized, court screening personnel will provide each venire member a face covering (mask) and gloves (if requested).</p> <p>Court screening personnel must also instruct venire members how to put on, and take off, face coverings and disposable gloves.</p> <p>Court screening personnel or bailiffs will wear face coverings (i.e., masks) and gloves throughout <i>voir dire</i> process</p> <p>Courts must train court screening personnel and bailiffs on proper procedure for putting on/taking off PPE (masks and gloves) (see below).</p> <p>Courts should include in their informational letters whether venire members will be permitted to bring personal items, such as water bottles and face coverings into the courtroom.</p>

	<p>Courts should consider not allowing personal face coverings or water bottles in the courtroom.</p> <p>As an accommodation, a cooler of bottled water will be available inside the courtroom door where venire members may obtain a bottle of water after sanitizing their hands.</p>
<p>Social Distancing Within the Courtroom</p>	<p>Once in the courtroom, courts must ensure social distancing, face coverings, or a combination of both. As a minimum, either social distancing or a protective barrier must be used. If possible, social distancing combined with face coverings provides better protection.</p> <p>If the court chooses to conduct <i>voir dire</i> only in the courtroom (see above), then consider:</p> <p>Only allowing as many venire members in the courtroom as may maintain social distancing (minimum six feet apart) in the gallery.</p> <p>Mark benches in the gallery with six feet spacing.</p> <p>Some seats within the gallery may be set aside for members of the public. If your courtroom cannot accommodate the public, consider planning for live streaming or other broadcasting for public access.</p> <p>Bailiffs will be responsible for keeping the public separate from venire members.</p> <p>Court screening personnel will maintain information on all members of the public entering courtroom for contact tracing purposes.</p> <p>Include name, address, telephone number, and time of entry.</p>
<p>Health Screening</p>	<p>Court must ensure that bailiffs monitor venire sub-panels for signs of COVID-19 symptoms:</p> <p>This will require some training on spotting symptoms.</p> <p>Court should ensure that bailiffs ask COVID-19 screening questions (see Health Screening form, attached) and take temperatures at the beginning of each day when venire and/or jury members are in the courtroom.</p>
<p>Hygiene/ Personal Protective Equipment</p>	<p>Bailiffs will need to wear masks and gloves when using a microphone for venire members to respond to questions.</p> <p>First ask venire members to “speak up” and avoid use of microphone to avoid another surface vector.</p>

	<p>If you need to use a microphone, instruct (and require) that each venire member wear a face covering when responding to questions during <i>voir dire</i>.</p> <p>Remember to sanitize the handheld microphone between each use.</p> <p>This includes disinfecting the microphone surface and waiting at least 30 seconds for disinfectant to take effect (CDC guidelines). This may require training.</p> <p>Disinfectants must remain on the surface of the microphone (or other common surface) for the minimum amount of time as recommended by the EPA (See List N for disinfectant times).</p> <p>Venire members must sanitize their hands each time they re-enter the courtroom. Court/courthouse staff will clean the courtroom between venire sub-panels.</p> <p>All cleaning must be done by persons wearing face coverings and gloves.</p> <p>Cleaning personnel must first clean with soap and water or equivalent (i.e., bleach wipes).</p> <p>After initial cleaning, surfaces must be disinfected with approved disinfectant spray (i.e., Lysol or other spray approved for coronaviruses).</p>
--	---

Sidebars

Social distancing at sidebars presents substantial problems. The following are some suggestions to allow for safe, but effective sidebars.

<p>Social Distancing</p>	<p><u>Alternative 1.</u> Since it is a smaller group of venire members, consider excusing all venire members from the courtroom to conduct sidebars while maintaining social distancing:</p> <p>This requires the Court to maintain list of venire members that wish to speak privately.</p> <p>Must ensure that <i>only</i> bailiffs, who wear masks and gloves, open and close all doors when escorting venire members in and out of the courtroom.</p> <p>Bailiffs may return all venire members to the assigned seating in the hallway/alternative meeting rooms where bailiffs have assembled venire members before entering the courtroom.</p> <p>These areas should already be set up to maintain social distance.</p> <p>Bailiffs may encourage venire members to go outside (weather permitting) during any breaks.</p>
---------------------------------	--

	<p><u>Alternative 2.</u> Courtrooms with updated audio systems have “white noise” throughout the courtroom. Consider using this technology to exclude the gallery from private conversations.</p> <p>In these courtrooms, courts will obtain additional headphones to allow private conversations.</p> <p>During sidebars, Court will use alternate channel and apply white noise so that venire member, attorneys, and Court may have conversation outside the presence of venire members. (who do not have headphones and access to alternate channel).</p> <p>Venire member speaking into “common” microphone will still be required to use court-provided face covering.</p> <p>Common microphone must be disinfected using procedure described above.</p> <p><u>Alternative 3.</u> Since you will not be using your jury room consider moving sidebars to the jury room.</p> <p>Remember that this may create another cleaning area for whoever is cleaning facilities.</p>
<p>Hygiene/Personal Protective Equipment</p>	<p><u>Alternative 4.</u> Require face coverings be worn by all persons participating in sidebar (possibly including criminal defendant).</p> <p>Although studies indicate that face coverings limit the spread of COVID-19 from asymptomatic or pre-symptomatic people, we would still be forcing people to congregate in a small area and breathe on one another.</p> <p>Will also need to require/provide eye protection if using this method for sidebars whether at trial or during jury selection.</p>
<p>CALLING THE JURY</p>	
<p>Since the court will release subpanels of jurors, need to announce a time the Court will call venire members to let them know if they have been selected for the jury.</p> <p>Clerk of Court will be responsible for getting cell numbers for each venire member.</p> <p>Have juror report to courtroom and repeat pre-courtroom screening process above.</p>	
<p>SEATING THE JURY</p>	
<p>Maintaining Proper Distance or Barriers During the Trial</p>	
<p>Once the court has completed the <i>voir dire</i> process, the Court must determine how to socially distance, or place proper barriers, to protect the health and safety of the jury during the trial. There are several strategies and several parts of the trial that may require different strategies.</p>	

<p>Social Distancing</p>	<p><u>Alternative 1</u> Maintain social distancing between jurors. Consider seating jurors in the gallery.</p> <p>If seating jurors in gallery, need to orient courtroom to allow all jurors to see and hear witnesses.</p> <p>Evaluate the lines of sight to ensure that all parties are able to view witnesses without any obstruction.</p> <p><u>Alternative 2</u> Remote jury seating. This allows the jury (like in <i>voir dire</i>) to be in another room and watch the trial. Remote jury seating will require a lot of technological changes, but will eliminate sidebar issues.</p> <p>This does not appear to create a Confrontation Clause issue because defendant only has the right to confront witnesses against him.</p> <p>Be aware that Due Process will require this alternative to allow satisfactory evaluation of the remote jury and allow public viewing/access to satisfy public trial concerns.</p>
<p>Personal Protective Equipment</p>	<p><u>Alternative 3</u> Place plexiglass barriers between jurors to allow court to use existing jury boxes.</p> <p>This may be very difficult for some courtrooms. Not only must the court create a barrier between jurors sitting side-by-side, the court must also create a barrier or distance between the front and back row of the jury.</p> <p>Plexiglass stands are five feet (5') tall, which means when people stand up, they can sneeze on the person next to them.</p> <p>Require face coverings when jurors enter and leave the jury box.</p> <p>Plexiglass barriers may not protect participants from aerosolized droplets, so may want to use in conjunction with other barriers, i.e., face coverings.</p> <p>Because barriers may cause difficulty for jurors hearing witnesses, the court should remind jurors that although Court cannot repeat testimony, if there is any difficulty receiving evidence, notify the Court immediately.</p>
<p>Recesses</p>	
<p>Most jury rooms are not large enough to socially distance jury members (whether six or 12). Therefore, courts may need to find alternative jury rooms for the jury to retire at recesses and ultimately deliberate.</p>	
<p>Social Distancing</p>	<p>Consider using unused courtrooms as jury recess/deliberation areas.</p>

	Courtrooms may be surveilled by court security. Need to have this turned-off during trial.
Designated Jury Areas/Facilities	Since you will not be using your normal jury rooms, the courts will need to direct court personnel on where jurors should be accommodated to avoid contact with parties, witnesses, etc.
	<p>Identify public restrooms that jurors may access during recesses.</p> <p>Consider the court’s responsibilities regarding these bathrooms when conducting your jury trial. These should include:</p> <ul style="list-style-type: none"> Keep bathroom ventilation on high during the day. Arrange for mid-day and evening sanitation of high touch surfaces in the bathrooms. Ensure adequate supply of soap and paper towels. Have hand sanitizer available outside the bathrooms for use after exiting bathrooms. Consider social distancing measures in the bathroom such as decommissioning certain sinks and urinals and limiting the number of people in the bathrooms at one time.
	Consider identifying/establishing outdoor space (weather permitting) where bailiffs can allow jurors to go while still avoiding any unnecessary contact with participants or public.
Jury Deliberations	
Special Considerations Once Jury Begins Deliberating	<p>Once jury begins deliberating, will need to have bailiffs that can accompany jurors to bathrooms.</p> <p>Ensure that bailiffs notify the Court every 90 minutes as deliberations continue.</p> <p>Consider having an established protocol, with counsel input, as to when to allow the jury to separate during deliberations for fresh air.</p> <ul style="list-style-type: none"> Need to instruct jurors not to discuss the case, even with fellow jurors, when on a break. Need to have bailiffs supervise breaks. If possible (and weather permitting), arrange for an outside space where deliberations can continue without interruption or interference.
CONDUCTING THE TRIAL	
<p>Conducting a trial necessarily requires close, personal interaction between the participants of the trial. Not only will lawyers need to talk to their client, but attorneys in the well may need to converse regarding issues that arise during the trial. In addition, the court must ensure that common areas are disinfected during the trial to protect the health and safety of all participants.</p>	

Public Access	<p>State and Federal Constitutions require public access to the trial proceedings. In light of the limited space within courtrooms, court should consider marking off areas for public access when using the gallery to seat a jury.</p> <p>Consider planning for live streaming or other broadcast methods for public access.</p>
Social distancing	<p>Courtroom areas shall be clearly marked for “jurors” and “public” areas:</p> <p>Courts should mark gallery areas as “open” to avoid contact between jurors and public.</p> <p>Court screening personnel or bailiffs will maintain list of spectators for contact tracing.</p> <p>All participants will maintain proper social distance (minimum six feet)</p> <p>If participant is unable to maintain social distance, then they must implement approved personal protective equipment</p> <p>(Face covering, distance, or both, but not neither)</p> <p>Consider limiting access to common areas and/or make arrangement for making common areas safe for use by multiple persons.</p>
Common Areas	
Hygiene	<p>Consider not using podiums in the courtroom. Be prepared to offer attorneys alternatives, i.e., a music stand or other individualized platform.</p> <p>Allow counsel to question witnesses from counsel’s table.</p> <p>Limit the use of communal microphones to the greatest extent possible given the acoustics of the courtroom.</p> <p>If using microphones (i.e., witness stand, common microphone for <i>voir dire</i>, etc.), consider disposable microphone covers.</p> <p>If disposable covers are not available, designate a bailiff in the courtroom to clean communal areas after each use.</p> <p>Train bailiffs to use disinfectants according to label instructions regarding coronavirus.</p>
Personal Protective Equipment	<p>Consider barriers, including plexiglass, around common areas, such as the witness box and bench, to allow witnesses and attorneys to remove face coverings when testifying or arguing sidebars, respectively.</p> <p>This will require cleaning after each use.</p> <p>Consider requiring face coverings for all trial participants.</p> <p>Face coverings can include N95 masks, electrostatic surgical masks, face shields, other cloth face coverings, or a combination of all.</p>

	<p>Courts should consider using different strategies for different participants. For example, consider using a face shield for a witness while testifying or allowing a witness to remove their face covering while testifying.</p>
<p>Social Distancing</p>	<p>Generally, all participants, including attorneys and client, must maintain social distancing, which will mean spreading out in the courtroom.</p> <p><u>Attorneys/Clients</u> - if they need to communicate closer than six feet apart, must wear a face covering. This type of communication may be necessary to facilitate a fair trial.</p> <p>To facilitate confidential communication, consider allowing lawyers and clients to use their cell phone, tablets, or other electronic device at counsel’s table.</p> <p>Still no recording.</p> <p>Attorneys and their clients may only use electronic devices for communicating with one another about the current case.</p> <p>As noted below, courts should allow frequent recesses to allow jurors, court personnel, and all participants the opportunity to leave the courtroom to avoid prolonged sitting in one area.</p> <p>Jurors- if you choose to use your jury box, must have proper protective barrier (Alternative 3, above), to protect jurors from one another</p> <p>Face coverings optional so long as protective barrier is between jurors. Face coverings required when leaving the modified jury box</p> <p>(Face covering, barrier, or both, but not neither)</p> <p>Remote jury trials- this is an alternative in civil cases.</p>
<p>Hygiene</p>	<p>Consider not using podia in the courtroom.</p> <p>Allow counsel to question witnesses from counsel’s table.</p> <p>Limit the use of communal microphones to the greatest extent possible given the acoustics of the courtroom.</p> <p>If using microphones (i.e., witness stand, common microphone for <i>voir dire</i>, etc.), consider disposable microphone covers.</p> <p>If disposable covers are not available, designate a bailiff in the courtroom to clean communal areas after each use.</p> <p>Train bailiffs to use disinfectants according to label instructions regarding coronavirus.</p>

Ensure that courtroom is cleaned and disinfected by designated person following morning session and afternoon session.

Court must ensure that courtrooms are disinfected with an EPA approved disinfectant (List N), which is used according to EPA guidance.

Disinfectants from List N available for cleaning include:

Name	EPA Reg. No.	Wet Time (min)
Purell	84368-1	1
Clorox Cleaner	67619-17	5
Perk Wipes	6836-340	10
Rediquat	10324-85	10
Cidequat	1839-83	10

Jury rooms must be cleaned and disinfected after morning session and afternoon session.

Common usage areas, such as a podium, must be disinfected after each use.

Must train court personnel on the requirements for cleaning different surfaces.

All surfaces must be cleaned with disinfecting sprays (i.e., Lysol).

Bleach wipes may be used as a substitute for initial soap and water cleaning, but must be followed by disinfectant (List N) used according to EPA guidance.

Consistent with limiting the length of time the jurors remain in the confined area of the courtroom, witness stand/boxes, will be cleaned after each witness. Court will take recess to allow area to be cleaned/disinfected.

Scheduling

Courthouses may be limited by space to conducting only one trial at a time.

Remember to coordinate with the other judges in your courthouse to avoid overlapping trials.

Strategies could include different starting times or starting trials on different days of the week to avoid multiple venire panels in the courthouse.

Court should limit sessions to no more than 90 minutes (frequent recesses).

Before deliberation begins, consider setting specific break times so that jurors can be excused to the jury room and then permitted to leave the jury room to be in unconfined area.

<p>Exhibits and Documents</p>	<p>There is not much evidence supporting surface transmission of COVID-19. Still, the courts should minimize the risk of persons handling exhibits. Alternatives that courts should consider include:</p> <p><u>Alternative 1.</u> Pre-file to allow documents and tangible items to detoxify.</p> <p>The parties may file their exhibits in sealed containers to avoid disclosing trial strategy to their opponent.</p> <p>Court will maintain the exhibits in a sealed form. Exhibits will be available for trial.</p> <p>Persons handling exhibits during trial must sanitize their hands and wear gloves when handling exhibits.</p> <p>When a party seeks to admit an exhibit, the party will retrieve the exhibit from the sealed exhibit container.</p> <p>Follow normal procedure for seeking admission of the exhibit.</p> <p>If party seeks publish an exhibit, the party may use available technology or may have submitted sufficient copies of exhibit so that each juror receives a copy of the exhibit to avoid passing exhibits from juror to juror.</p> <p><u>Alternative 2.</u> No Direct Juror Contact with Exhibits until Deliberation.</p> <p>Follow the procedures for pre-filing exhibits described above or only have person wearing proper PPE (gloves and face covering) handle exhibits during trial process.</p> <p>This will mean, if an attorney wants to work with an exhibit during trial without using available technology, the attorney will need to be masked and gloved when handling the exhibit.</p> <p>Exhibits may be published <i>only</i> using available technology such as a document camera or digital images projected through the court’s A/V system.</p> <p>Actual exhibits will be placed on the exhibit table. They will be collected by the court reporter or clerk at the end of session in which the exhibit was admitted.</p> <p>All documents provided to jurors for deliberation shall be provided by a single person assigned by the Court.</p> <p>The person assigned by the Court to pass documents to the jury shall:</p> <p>Wear a face covering when providing documents, and;</p>
--------------------------------------	---

	<p>Only handle documents with gloved hands following proper glove protocol:</p> <p>Sanitize hands first.</p> <p>Inspect glove.</p> <p>Put hand in glove.</p>
<p>INFECTION EVENT PROTOCOL</p>	
<p>Trial Participant becomes Ill (In-person Screening)</p>	<p>If a person has a temperature (over 100°F), answers any health screening question in the affirmative, or indicates a condition identified on the supplemental questionnaire before entering the courtroom;</p> <p>Obtain mobile telephone number.</p> <p>Instruct the person to return to their vehicle.</p> <p>Remain at the courthouse in their vehicle until they are contacted by the presiding judge.</p> <p>Notify local public health official and follow local and State guidance on quarantine.</p>
<p>Trial Participant Becomes Ill in the Courtroom</p>	<p><u>Ill Person</u></p> <p>Require the person to wear a face covering and maintain social distance from all others in the courtroom.</p> <p><u>Others</u></p> <p>Keep all trial participants in the courtroom maintaining social distance and a barrier (face covering or otherwise)</p> <p>Contact local public health and follow recommendations and protocol as to ill person and remaining.</p>