

## **Jury Trial Protocol During COVID-19 Pandemic**

### **General guidelines**

- All persons entering the courtroom will check in with the Clerk of Court prior to entry into the courtroom
- Entry into the courtroom constitutes agreement with this protocol
- Masks and/or face shields are required and will be made available for use by all
- Prior to entry, all persons entering the courtroom will utilize the sanitary station to clean hands
- Participants will sit in assigned seating
- Observers/members of the public will sit in marked places only.
  - Only persons attending with members of their immediate family unit, those within the same office, or the Defendant and his/her counsel will be allowed to violate the 6-foot rule—they will be allowed to violate the rule, but space will be provided to allow for adherence to the 6-foot rule.
- Counsel are encouraged to socially distance from their clients and staff, and to utilize masks when violating social distancing protocols
- The courtroom and jury room will be cleaned each evening and between the morning and afternoon sessions

### **Pre-Trial Matters**

- The Parties will submit to the Court all exhibits they intend to publish to the jury (other than audio/visual files) along with 8 copies of the exhibits. There will be an exhibit notebook provided for the Court along with an exhibit notebook utilized on the witness stand

### **Voir Dire**

- During check-in, each potential juror will be asked about their health and willingness to serve
- Ask COVID screening questions and take temperatures
- During Voir Dire—the panel, attorneys, Defendant will be provided with face shields to wear so expressions can be observed
- Those not selected for Jury Duty will be excused

### **Sequestration / Welcome of Observers**

- Following the selection of the jury which will hear the case, witnesses will be sequestered, and observers/members of the public will be admitted subject to courtroom protocols outlined herein.

### **Opening Statements:**

- The litigants will deliver opening statements and questioning from their own podium where social distancing can be maintained.

### **Witness examination**

- Witnesses will testify from the witness box
- Counsel will examine witnesses from the counsel tables or from their assigned podium

- Exhibits will not be published to the jury by hand; any exhibits counsel wish to be published will be shown using available multimedia technology or through exhibit notebooks stipulated too prior to the commencement of trial

#### **Bench conferences**

- All participants will wear a mask during any bench conference

#### **Jury Instructions / Exhibits**

- Jury instructions, once agreed upon and delivered by the Court, will remain with the Court
  - The jury will receive a copy of the jury instructions reproduced by the Court and handled only by an individual following proper protocol
- The prosecution and the defense will, not later than the first morning of the first day of trial, provide the Court with a Binder containing all exhibits intended to be introduced
  - The Court will secure the jury binder(s) until the case is handed to the jury, at which point the court will remove any exhibit(s) not entered into evidence
  - The Court will then provide the binder(s) to the jury

#### **Jury Deliberations**


- Jurors will deliberate from assigned seating in jury room
- Jurors will be encouraged to take a 10-minute respite every hour and to exit the jury room during that time
- Food items provided to the jurors will be individually wrapped items and the jurors will need to maintain social distancing

#### **Return of Verdict**

- Presiding Juror will deliver verdict to the Court
- Court will read

Approved and Adopted:

 Date: 7/23/20  
Susan K. Stipe  
2<sup>nd</sup> Judicial Dist. Circuit Court of Carbon County

 Date: 7/23/2020  
M. Wayne Couch II, M.D.  
Carbon County Health Officer