

JURY TRIAL PLAN

DOUGHERTY JUDICIAL CIRCUIT Albany, GA

JURY TRIAL PLANNING COMMITTEE

Chief Judge Willie E. Lockette (Superior Court)

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Judge Victoria Darrisaw (Superior Court),

Judge John Stephenson (State Court),

Judge Leisa Johnson (Probate Court),

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DOUGHERTY JUDICIAL CIRCUIT JURY TRIAL PLAN

In the Sixth and Seventh Orders Extending Declaration of Judicial Emergency, Supreme Court of Georgia Chief Justice Harold Melton directed the Chief Judges of each superior court to convene in the circuit a local committee of specified judicial system participants to develop detailed guidelines for the resumption of jury trials in the circuit, utilizing the "Guidance For Resuming Jury Trials" provided.

As directed by the Chief Justice, Chief Judge Lockette of the Dougherty Judicial Circuit convened a committee of judicial system participants listed on the cover page. That committee adopted the final **JURY TRIAL PLAN ("Jury Trial Plan")** which follows.

June 15, 2020 the Judges of the Dougherty Judicial Circuit adopted **Guidelines For In-Court Non-Jury Judicial Proceedings ("Non-Jury Guidelines")** and amended them on July 15, 2020. Those Non-Jury Guidelines contains many protocols and requirements that also apply to jury trials. The Jury Trial Plan identifies and incorporates by reference the relevant provisions of the Non-Jury Guidelines.

September 21, 2020 the Chief Judge of Superior Court in consultation with the District Attorney as well as members of the Dougherty Judicial Circuit Committee For Resumption of Jury Trials adopted a **Grand Jury Operations Plan ("Grand Jury Plan")**. The Grand Jury Plan contains protocols and requirements that also apply to jury trials. This Jury Trial Plan also identifies and incorporates by reference the relevant provisions of the Grand Jury Plan.

WILLIE E. LOCKETTE
Chief Judge
Dougherty Judicial Circuit

A. GENERAL PROTOCOLS

1. In addition to its standard cleaning routine, the Facilities Management ("Facilities Management") staff of the Dougherty Judicial Building ("Judicial Building") shall perform additional cleaning of all facilities in the Judicial Building as required and specified under Non-Jury Guidelines III. A.k., III. C. e., III. D2. f.

2. Facilities Management shall maintain the HVAC system at the optimized air flow level authorized by the system manufacturer's guidelines, and clean and replace air filters regularly in accordance with the schedule recommended by the manufacturer.

3. Facilities Management shall continue to prominently display with appropriate signage the mask/face covering, social distancing and other public health protocols throughout the Judicial Building, and place additional signage and directional markers at the counter check-in area, elevators and in stairwells. The signage shall encourage using stairs as an alternative to elevators. See Non-Jury Guidelines III. D2.(d), (3), (f).

4. Regarding social distancing, directional markers, etc. see 3 above.

5. Facilities Management shall maintain all existing automatic hand sanitizer dispensers at the entrances, near security checkpoints, and in every room where trial participants or the public will be present, and shall promptly install additional automatic hand sanitizer dispensers at every such location within the Judicial Building.

6. Each Judge shall designate a room or other witness area at or near the Judge's assigned courtroom for participants to wait. The room or area designated shall not permit participants to see or hear proceedings in the courtroom. The waiting area so designated shall fully comply with all signage, mask/face covering, social distancing and other public health protocols that apply throughout the Judicial Building.

7. Facilities Management has installed physical barriers between court personnel and visitors in the courtrooms as requested by the assigned Judges. Facilities Management shall promptly install such additional plexiglass temporary or permanent physical barriers as deemed necessary by the Judges.

8. The restrooms adjacent to the Jury Assembly Room, Room 217, shall be reserved for use by jurors only during those times when juries are being impaneled, trials are being conducted and breaks during such proceedings.

Once selected for service in a particular trial, jurors will use the restrooms located in the jury rooms attached to the particular courtroom. At all times, including breaks, jurors shall comply with mask/face covering, social distancing and other protocols that apply throughout the Judicial Building.

After each break for lunch, and after the jury has been excused for the day, the bailiff shall notify Facilities Management to come clean and disinfect the restrooms before court resumes the following day.

9. Facilities Management shall provide an adequate supply of disinfectant products in all restrooms at all times. The bailiffs shall notify Facilities Management if at any time the supply of such products should run low and need to be replenished.

B. COURTROOMS

1. In accordance with Non-Jury Guidelines III. JC. a. through f., each courtroom in the Judicial Building has been evaluated and the available seating, with six feet of separation, marked to comply with social distancing requirements.

2. Each Judge shall designate in that Judge's courtroom some space for the general public and the media while giving priority in criminal cases to the defendant's immediate family members, victims and immediate family.

Because of the size and configuration of the courtrooms, it is anticipated that the jurors will sit in the gallery rather than in the jury boxes during trials which require a 12-person jury. Family members may be allowed to sit in the gallery opposite the jury, in the jury box itself, or some other suitable location in the courtroom as designated by the Judge.

If the limited space in the courtroom will not provide adequate seating for the general public and the media, a place will be provided in another courtroom or other room where persons can observe the trial by livestreaming or other similar means.

3. As noted in A.7. above, Facilities Management has installed physical barriers between court personnel and visitors in the courtrooms where requested by the assigned Judges, and shall promptly install additional plexiglass temporary or permanent physical barriers in the other courtrooms as deemed necessary by the assigned Judge.

4. As noted in B.2. above, it is anticipated that jurors will have to be placed in the gallery rather than in the jury box when a 12-person jury is required by social distancing standards. Therefore, there is no plan at this time that requires plexiglass barriers for jurors in the jury box.

5. Each courtroom in the Judicial Building is equipped with an amplified sound system for all trial participants, i.e. the Judge, counsel, and the witnesses. The Judge assigned to the courtroom will frequently inquire and insure that all parties and jurors can hear the proceedings. Each of the courtrooms in the Judicial Building is configured in such a way that jurors seated in the gallery when necessary, as well as parties, media

and the public, in the courtroom will be able to see everything that transpires during trials.

In order to comply with social distancing requirements, the two courtrooms that are not in use at a given time will be used as jury deliberation rooms. Bailiffs will notify Facilities Management when the jurors break for lunch and at the end of the day, to deep clean the room, including HVAC filters if needed, and particularly sanitize the jury seating areas in the jury deliberation room if the jury is deliberating, the restrooms, and the courtroom where the trial is being conducted and restrooms.

As part of the jury instructions, the Judge shall instruct the jurors to continue to comply with the social distancing, mask/facial covering, hand washing, use of sanitizers, individual wearing of gloves when handling physical evidence, and not sharing items such as coffee cups, napkins, eating utensils, etc.

6. In order to comply with social distancing requirements, the two courtrooms that are not in use at a given time will be used as jury deliberation rooms. Bailiffs will notify Facilities Management when the jurors break for lunch and at the end of the day, to deep clean the courtroom/jury room, including HVAC filters if needed, and particularly sanitize juror seating areas as well as the courtroom in which the trial is being conducted, and the restrooms.

As part of the jury instructions, the Judge shall instruct the jurors to continue to comply with social distancing, mask/face covering, hand washing, use of sanitizers, wearing of gloves when handling physical evidence, not sharing items such as pens, coffee cups, napkins, eating utensils, etc. throughout the trial and deliberations.

7. Regarding public access to court proceedings, see B.2. above. In connection with jury trials under this plan, the Judges shall comply with Uniform Superior Court Rule 22, which deals with the use of electronic devices in courtrooms and recording of judicial proceedings.

C. SECURITY

1. The Chief Judge met with the Security Staff (Sheriff, Deputies and Civilian Bailiffs, etc.) prior to implementing the **Non-Jury Guidelines**, as well as the **Grand Jury Plan**. The Chief Judge will again meet with the Security Staff to insure compliance with the Guidelines and Plan and any additional requirements and protocols that relate to jury trials.

2. The **Non-Jury Guidelines** adopted in June 2020, and followed in the Judicial Building since that date, contain procedures which include a predetermined set of screening questions the Security Staff uses to determine each visitor's COVID-19 status. See **Non-Jury Guidelines** at III. A. c., III. D. d. through g.

3. The Sheriff will assign up to six bailiffs, including at least three deputies, to handle juror management, and as many additional as requested by the Judge for jury trials.

The **Non-Jury Guidelines**, at III. D2. a. through h. detail the requirements and procedures the Sheriff shall comply with regarding transport and monitoring of in-custody defendants, and in-court witnesses, as well as for sanitizing transport vehicles, mask wearing, social distancing, and other public health measures.

4. The procedure for immediately notifying the presiding trial judge, on a written form designed for that purpose, when any trial participant, for COVID-19 exposure reasons, is not allowed into the Judicial Building is set out in the **Non-Jury Guidelines** at III. D. f. through g.

5. The Security Staff will provide masks or other face covering at the Judicial Building Entrance for any persons who do not have their own.

6. Persons who have been summoned for jury service shall NOT be required to sign in when they arrived at the Judicial Building. Instead, the Security Staff shall instruct them to go immediately to the Jury Assembly Room 217 and be scanned in by the Jury Staff. Once the prospective jurors have been scanned, the jury management system already has the date, and each juror's name, address and telephone numbers. If needed for contact tracing, the Jury Staff can print a daily juror attendance sheet which contains all such contact information.

All persons who enter the Judicial Building who are not employees or jurors must complete a sign-in sheet which contains their names, addresses and telephone numbers for possible use in contact tracing related to COVID-19.

7. The individual Judges shall determine whether reasonable accommodation, consistent with public health requirements, can be made for persons who can not wear a mask for Americans With Disabilities Act (ADA) reasons. If allowed by public health standards, such a person may be allowed to wear a protective shield or other device which is designed to provide the maximum protection against the spread of COVID-19 possible.

If such persons request it, the Judge may have their jury service excused, or alternatively deferred until a later date when the public health restrictions have been terminated, or the Judge can make reasonable accommodations for them to serve without wearing a mask.

D. JURY TRIAL SCHEDULING

1. Each Superior Court Judge shall have reserved at least two (2) weeks each Trial Term, i.e. January, March, May, July, September, November and December, to conduct civil and criminal jury trials. The Superior Court trial weeks shall be assigned so that

only one Judge will be trying cases at any given time, and so that the other two courtrooms will be available to serve as jury rooms.

In their discretion, each Superior Court Judge shall compile a list of cases the Judge wants to be tried during those two week periods. The Judge shall give advanced notice to the parties, and hold status conferences prior to trial in each of those cases.

The State Court Judge has designated three (3) weeks during each State Court Term, i.e. February, April, June, August, October and December, during which State Court will conduct civil and criminal trials.

The State Court Judge will determine which cases are set for trial, whether to conduct status conferences or to hold in-person or remote calendar calls to determine which cases will be tried.

2. The Superior Court Case Coordinator has prepared a composite or master calendar for all the Judges in the Judicial Building who regularly conduct civil and criminal jury trials, and has assigned trial weeks (see 1 above) in a manner, and to the extent possible, that avoids or reduces scheduling conflicts and limits the number of judges and courts that will be conducting jury trials during the same time periods.

3. The Master Calendar referred to above does not contain any in-person court arraignments or calendar calls for Superior Court. The Superior Court Judges will continue the current practice of requesting all defendants to waive arraignment in writing by a specified deadline, or have their arraignments conducted by video conference if a waiver is not filed.

In lieu of calendar calls, the Superior Court Judges will conduct status conferences as discussed below to determine, from a list compiled by the Judges in consultation with the parties and their attorneys, which cases to schedule for trial and when.

The State Court Judge will determine whether to conduct status conferences or to hold in-person or remote calendar calls to determine which cases will be tried and when.

E. PRETRIAL CONFERENCES

1. In lieu of in-person calendar calls, the Superior Court Judges will conduct pretrial conferences in all but the most routine cases before scheduling cases for jury trials.

The State Court Judge may elect to hold in-person calendar calls. If so, they shall comply with the social distancing limits for each courtroom used and use a staggered schedule to limit the number of persons who appear at any given time.

2. Preferably, all Judges will conduct the pretrial conference remotely instead of in-person. If the Judge decides to hold in-person status conferences, the Judge will use a staggered schedule with a specific time slot for a pretrial conference in each case to

reduce the number of persons who appear in person at a given time.

3. Superior Court jury selection in criminal cases will preferably be held in the Jury Assembly Room. This room can seat forty-two (42) socially distanced prospective jurors, the Judge, the District Attorney, the defendant and defendant's counsel, the Clerk and a Court Reporter.

With a panel of 42 jurors who are qualified and remain after excusals for cause, each party in a criminal case can exercise nine (9) strikes, select a jury of 12, and at least four (4) alternates.

In criminal cases with more than one defendant, a Judge who grants additional strikes may choose a larger panel than 42, seat the prospective jurors in a socially distanced manner in another courtroom or other courtrooms, and have the lawyers exercise their strikes outside the presence of the jury panel, or use some other system. (Such as having members of the panel appear in smaller groups during selection.)

If counsel elects to examine jurors in panels of twelve (12), the Judge may conduct jury selection in the Jury Assembly Room, or in a courtroom, with the panels of 12 prospective jurors socially distanced. Counsel which desire to examine jurors in panels of twelve (12) shall inform the Judge of this fact at the status conference.

When examining prospective jurors in panels of 12, the Judge should set specific times for each panel to be present in order to reduce the number of persons assembled at any given time, or have the panels wait in the Jury Assembly room socially distanced until that panel is called into the courtroom to be examined. Alternatively, the Judge may establish a schedule for panels to arrive at the Judicial Building to be examined at specified times.

The Judge shall inform the parties of the place and manner of selection at the status conference or calendar call, accept any objections on the record, and rule on them.

State Court normally uses panels of twenty (20) jurors to select six-person juries for criminal trials. Because the State courtroom is large enough to seat twenty prospective jurors with social distancing, the State Court Judge may conduct jury selection in that courtroom.

When the Superior or State Court has to select a 12-person jury in a civil case, the Judge may have a panel of twenty-four (24) qualified prospective jurors examined and selected in the Jury Assembly room as mentioned above, or in the State courtroom if the courtroom can seat 24 socially distanced prospective jurors.

In case which involve multiple defendants, the Judge, on a case by case basis, shall determine, in consultation with the parties, the appropriate manner and place to examine the prospective jurors while complying with social distancing and other public health protocols.

The Judges, in their discretion, will decide whether to have a panel of jurors, after being qualified, complete a written questionnaire containing general or case-specific questions to expedite voir dire. The questionnaire may be composed by the Judge and should consider suggestions from the attorneys.

It is not anticipated that jurors will be asked to complete a general questionnaire in advance and mail it back to the Clerk given the large amount of written information already sent with the summons and the questions, affidavits, etc. regarding the juror qualifications, exemptions, hardships and other forms they must already answer in writing and return.

4. A. In the Order Scheduling Status Conference, the Judge shall direct the parties to confer prior to the conference, exchange copies of the pre-marked exhibits each party may seek to introduce during the trial, and request a stipulation of authenticity and admissibility of each. All stipulations shall be reduced to writing, filed with the Clerk, and a copy provided to the Judge at or before the Status Conference.

If a party objects to or refuses to stipulate or objects to particular exhibits, the objecting party shall put such objections in writing, or file a motion in limine as to such evidence, state clearly the legal and factual basis for such objection or motion, serve the other party, and present the objections, motions in limine etc. to the Judge at the Status Conference for a ruling.

4. B. The Order Scheduling Status Conference should direct the parties to use digital exhibits whenever feasible to reduce the handling of paper or physical evidence in the courtroom. A party who intends to present evidence in a digital format shall notify the other party prior to the status conference of the exhibit(s) involved and of the software platform to be used, and make the digital exhibits available for the other party to view before the Status Conference.

If a party objects to the proposed introduction of evidence in this manner, the objecting party shall put such objections in writing, or file a motion in limine as to this matter, serve the other party, and present the objections, etc. to the Judge at the Status Conference for a ruling.

The Judge shall instruct the jury that if it becomes necessary for jurors to handle and examine physical exhibits admitted during the trial, that each juror must use hand sanitizer after handling such exhibits or individually use gloves and discard them immediately after use to avoid cross-contamination before passing the exhibit to another juror.

4. C. The Judge shall instruct the jury to maintain social distancing at all time, and that they should take socially distanced turns in reviewing exhibits by placing them on a table rather than handing the exhibits around among jurors.

5. The Judge shall direct the parties to advise the court promptly, including at the pretrial conference, and on an ongoing basis until the trial has concluded and a verdict has been rendered if any trial participants associated with the particular party (including litigants, counsel, and witnesses) are individuals at increased risk for severe illness from COVID-19, have tested positive for or are exhibiting symptoms of

COVID-19, have had recent exposure to COVID-19, or otherwise may not be able to attend trial proceedings.

F. SUMMONING JURORS

1. Jurors shall be summoned only for a specific term of court, normally for one week unless a particular trial runs more than a week.

2. The Clerk will summon considerably more jurors than normal in anticipation that fewer jurors will report due to pandemic-related vulnerabilities or hardships such as being in a health or age-related risk category for COVID-19, lacking childcare, or holding a job in an essential industry.

3. The Clerk shall issue and mail summonses (two weeks) earlier than normal to hopefully ensure that requests for hardship excusals or deferments are timely received, reviewed, decided and the Clerk can notify prospective jurors by mail, e-mail or telephone to report as directed in the summons, or not to report because they have been excused or their service deferred. In this process, the Clerk shall follow the steps contained in the **Grand Jury Plan II** through IX. insofar as it is applicable to trial jurors.

4. The Notice of Courthouse COVID-19 Health and Safety Measures, COVID-19 Excusal Instructions and COVID-19 Excusal Affidavit that accompany the jury summons shall include language regarding the public health emergency and the specific steps the court is taking to ensure the jurors' safety together with an e-mail address and telephone number jurors may use to obtain additional information or answers to any questions they may have.

The Court does not provide food for jurors, only water and coffee in the jury deliberation rooms. The Judge will instruct jurors not to share drinking cups or bottles, stirrers, or other items or utensils.

For security purposes, jurors are not allowed to bring liquids, i.e. water or other drinks into the Judicial Building, but may bring snacks or lunches which must be scanned before entering the Judicial Building as part of the general security plan.

5. The Notice of Courthouse COVID-19 Health and Safety Measures shall contain a phone number prospective jurors may call for additional safety information and an e-mail address, as stated above. At this time we do not have safety information or a video on the county website. The Notice does contain the specific COVID-19 precautions that the Court is undertaking.

6. The Notice of Courthouse COVID-19 Health and Safety Measures instructs persons who are deaf, hard of hearing or have English-Language difficulties to contact

the Clerk so that accommodations, including interpreters when needed, can be made.

7. The COVID-19 Excusal Instructions and Excusal Affidavit in particular, included with the summons, contain written questions for prospective jurors to answer in order for the Clerk to identify individuals who are at increased risk for severe illness from COVID-19, and persons with known or suspected exposure to or symptoms of COVID-19 so that they can be excused or deferred in advance and instructed not to appear at the courthouse at all unless they receive another summons in the future. See Grand Jury Plan III. c. through d.

8. The instruction letter included with the summons informs persons that excusal or deferral of jury lies within the discretion of the Judge.

9. The Chief Judge entered an order several years ago which gives definitions and guidance to the Clerk regarding what constitutes a hardship. That order also delegates to the Clerk, in accordance with law, the authority to excuse or defer jurors who have a hardship as defined in it and applicable law.

In addition to the definitions and guidance contained in that order, the Chief Judge further authorizes the Clerk to excuse or defer prospective jurors who either submit a COVID-19 EXCUSAL AFFIDAVIT in advance as instructed in the notice provided with the summons, or who request to be excused on that basis once they arrive.

Persons who submit a COVID-19 EXCUSAL AFFIDAVIT in advance shall be notified by mail, e-mail or telephone that the Clerk approves it, and that they are not to report for jury service on the date stated on the summons, but may be contacted to report for service at a later date.

In doubtful or other appropriate cases, the Clerk shall contact jurors by telephone to determine whether they need to be excused or deferred due to COVID-19. If a juror is excused or deferred based on a telephone conversation without the Affidavit, a notation of this fact shall be entered in the Clerk's jury management data base.

10. This Judicial Circuit does not intend to employ remote impaneling of juries or remote trial proceedings at this time. If a decision is later made to do so, this plan will be amended accordingly.

G. JUROR ARRIVAL AND ASSEMBLY

1. For Superior Court, jurors will be summoned to appear on a day before the beginning of the trial week, preferably the Friday before trials begin the following Monday.

Half of the jurors will be summoned to appear at 8:30 a. m. on the date selected, and the other half will be summoned to appear at 1:30 p. m.

The steps which the Clerk will follow shall be as follows:

1. Ask if there are any jurors who did not return completed Juror Questionnaires. If so, have them complete them, scan into computer and review to see if jurors are qualified to serve.
2. Ask if any jurors have any last minute hardships or exemption requests based on circumstances that arose after they returned their Questionnaires, etc. If so, consider and decide whether to grant hardship excuses, deferrals, etc., or request an Affidavit, etc.
3. Ask the general qualification questions, and excuse jurors who are not legally qualified, re-code their questionnaires and note the disqualification in jury management data base.
4. Have the jury management computer print a list of the qualified jurors that remain, seat the prospective jurors in numbered seats the order in which they appear on the list, and issue them juror numbers to wear.
5. Give first list of qualified jurors a panel number, i.e. Panel One, and instruct that panel to report for trials at 8:30 a.m. the following Monday. Designate the afternoon list of qualified jurors as Panel Two, pay them for that day's service, collect their juror badges and numbers, instruct them that they are placed "on call," and give them instructions how to contact the Clerk to see if and when they have to report for service later during the week for which they were summoned to serve.

Provide a written notice to each of the "on call" jurors on the panel to go to work if employed, but to call (229) 878-3187 after 5:00 p. m. every day for a recorded message which will inform them if they have to report for jury service and when.

State Court jurors will be summoned to appear on the Monday of the designated State Court trial weeks, qualified and assigned to panels as described above, except that for criminal trials the panels will contain only twenty (20) prospective jurors.

The State Court Judge will inform the Clerk of the dates and times that the jury panels are to report for service, whether "on call" jurors have to report, and if so when.

2. At this time, the Judicial Building does not have a specific designated parking area for jurors. However, all persons, including jurors, who enter the Judicial Building must submit to COVID-19 screening, temperature checking, social distancing and other public health protocols that apply throughout the building.

3. Regarding a seating chart in the jury assembly room for jurors at check-in, see G.1. above and **Grand Jury Plan, VIII**.

4. The Jury Assembly Room can seat forty-two (42) socially distanced prospective jurors. Up to twenty-four (24) additional jurors can be seated in a socially distanced manner in nearby Courtroom 218, also socially distanced.

5. The chairs in the jury assembly room and the benches in Courtroom have been configured to provide social distancing between each juror. See G. 4. above and **Grand Jury Plan, VIII.**

6. Each Judge shall exercise discretion in determining how many alternate jurors may be needed for a particular trial, and the number of extra prospective jurors from which to select alternates, and follow all applicable public health protocols.

7. Any juror who, after having been selected and sworn to serve as a juror, who tests positive, begins to have symptoms of, is isolated or quarantined for, or becomes exposed to someone who lives in the person's household or elsewhere, to COVID-19 must:

- a. not come to the Courthouse for any further sessions unless instructed to do so.
- b. notify the Clerk by telephone immediately so that the Clerk can notify the Judge that a juror has possibly been exposed and/or has COVID-19 symptoms;
- c. The Judge shall notify the attorneys in the case, consult with the Georgia Department of Public Health, investigate whether other jurors who served with the juror in question, and witnesses who testified, have possibly been exposed, and if so, what action should be taken, including providing notification to other jurors, possible having all potentially exposed persons test, isolating or quarantining other jurors, bailiffs, attorneys, staff, and witnesses, implementing contact tracing, replacing the juror with an alternate, and/or postponing for an appropriate time any further proceedings by that jury, or declaring a mistrial and discharging that jury from further service.
- d. the Clerk shall inform the jurors during orientation of their duty to report as stated above if at any time a juror begins to experience symptoms, tests positive, has been exposed to COVID-19 after being selected and sworn, and provide a telephone number or e-mail address for such a juror to contact the Clerk immediately when necessary to report such information.

H. IMPANELING AND QUALIFYING JURORS

1. Transparent shields will be used to accommodate hearing-impaired or language-challenged jurors.

2. We have been advised by Public Health that masks and face shields are not required if persons are socially distanced at least six (6) feet apart during questioning. Generally jurors shall wear masks during all questioning. A party may ask the Judge to allow a juror to remove his or her mask and put on a face shield instead if it is not possible for all participants to hear and understand a juror's statements or answers to voir dire questions because of the juror's mask. Only the individual juror answering questions at the time will be allowed to remove his or her mask, and must put it back

on as soon as the juror has answered the particular question asked.

Whenever possible, lawyers should ask questions, particularly general screening type questions in a manner that does not require a verbal answer, such as questions that can be answered by a juror raising his or her hand or standing.

3. Generally speaking, attorneys shall question jurors only from their counsel tables, and use podiums only with court permission, in which case the podiums and the microphones shall be cleaned between each use.

4. This Judicial Circuit does not plan to do virtual jury selection at this time. If a decision is later made to do so, this plan will be amended accordingly.

5. Jurors will be socially distanced for questioning, and lawyers will be instructed to ask specific follow up questions immediately after general voir dire. See G.4. above and **Grand Jury Plan, VIII**.

6. See E. 3. above regarding questioning jurors in panels of 12, and scheduling of such panels.

7. Juror seat locations for each panel will be numbered, and the jurors will wear a number which corresponds with their particular numbered seat locations. The jurors will be instructed to sit only in the seats that correspond with their juror numbers unless instructed by the Clerk or Judge otherwise. The juror numbers which each juror must wear shall be visible to the lawyers, parties, Judge, court reporter, etc. throughout the jury selection.

Seating areas shall be disinfected between panels, and jurors shall be socially distanced at all times.

8. Judges will deal with challenges for cause either immediately as grounds for the challenge arise or after the entire panel has been examined and prior to being excused for examination of the next panel. This will allow for the prompt excusal of unqualified jurors.

9. See F. 7. above, regarding each Judge's discretion to streamline the process by using a written case-specific or general questionnaire for juror to complete after they have been qualified and assigned by the Clerk to a panel.

10. See E.3. above. Because of space limitations, jurors will be seated in the gallery during questioning, except when 6-persons jurors in State Court can be seated in the jury box with social distancing, or when a party elects panels of 12 .

11. For practical reasons, the entire panel of qualified jurors generally shall remain in the Jury Assembly Room along with the parties while the parties conduct their strikes, unless the Judge uses a different arrangement as discussed above.

12. See G. 7. above for the contingency plan and procedure to be followed in case COVID-19 issues arise during jury selection or at other times during trials.

13. Each Judge shall in their discretion designate a space outside of the courthouse for jurors to take off their masks to get fresh air while remaining socially distanced from each other. A bailiff shall accompany the jurors during such breaks.

I. REMOTE VOIR DIRE

1-6. This Judicial Circuit does not plan to do remote voir dire at this time. If a decision is later made to do so, this plan will be amended accordingly.

J. JURORS WHO REFUSE TO APPEAR

1-2. The Judge may have any juror who is qualified and not excused who fails to appear to be served with a notice to appear before the court remotely or in person to show cause why they should not be held in contempt.

K. SEATING THE JURY AND CONDUCTING THE TRIAL

1. 12-person juries in Superior Court shall be seated in the courtroom gallery instead of the jury boxes.

6-person juries in State Court may, if social distancing is possible, be seated in the jury boxes during trials.

Witnesses shall testify from the witness stand and use the courtroom sound system to that each juror, party, counsel, media or member of the general public can see and hear the witnesses.

Social distancing shall be maintained by all parties, etc. at all times in the courtroom.

2. Jury deliberations by 12-person juries shall occur in a vacant courtroom. The Judicial Building's central audio and video system for the courtroom in which the jury is deliberating shall be turned off during trials and particularly during deliberations. Also 8. and 9.

3. See D. 3. above regarding Master Calendar.

4. The procedures contained in this plan shall apply to self-represented litigants

unless the Judge modifies them for a particular case.

5. See A. 3. above for discussion of guidelines and signage regarding how jurors are to conduct themselves during breaks, i.e. (maintain social distancing, directional arrows and six-foot markers, frequent hand washing or use of hand sanitizer, etc.).

6. See F. 4. above regarding snacks and drinks for jurors.

7. The courts provide legal pads and pencils for use by jurors.

8. Jurors will use a vacant courtroom as a jury room. See K. 2. above.

9. All security cameras, recording devices, and microphones in the room used as jury rooms shall be disabled while the jury is present. See K. 2. above.

L. PRESENTATION OF EVIDENCE

1. In those courtrooms equipped with digital monitors, they will be used to enable jurors to view digital evidence. A courtroom bailiff wearing a mask or face shield will be primarily responsible for transferring exhibits between counsel and witnesses.

2. 4. B. above addresses the fact that when it is necessary for jurors to handle physical exhibits, the court will provide hand sanitizer or gloves to jurors, and discard them immediately after use to avoid cross-contamination.

3. See E. 4. C. above. The Judge shall instruct the jury to maintain social distancing at all time, and that they should take socially distanced turns in reviewing exhibits by placing them on a table rather than handing the exhibits around among jurors.

4. Whenever allowed by law or agreed to by the parties in civil cases the Court shall have certain witnesses to testify remotely via ZOOM or WebEx or a similar live-streaming platform, preferably with a "share screen" function to display and explain certain exhibits.

M. HANDLING SIDEBAR CONVERSATIONS

1-2. Judges shall send the jury to a separate location (the Jury Assembly Room or a vacant court room) whenever a sidebar conversation is required, and require counsel to remain at counsel table during sidebar conversations along with their clients.

Because sending juries to a separate location can cause serious disruption and delay

of trials, judges shall request counsel to request sidebar conversations only when absolutely necessary.

N. MANAGING WITNESSES

1. Judges should remind jurors not to access any social media or other sources which contain any information or testimony regarding any court proceedings, and inquire throughout the trial whether any jurors have done so.

2. Counsel shall advise their witnesses of the rule of sequestration prior to calling them to testify. After a witness testifies, the Judge shall further instruct the witnesses of the rule, and further advise them not to access any social media or other sources which contain any testimony of any other witnesses in the trial. For this purpose, Judges may use the pattern jury instruction on this subject matter.

3. If witnesses are not socially distanced from others in the courtroom at the time, they shall testify behind plexiglass without masks or wear face shields rather than masks so their demeanor can be fully evaluated. The judge shall make sure that the jurors, parties, defendant, etc. can view and hear the witnesses when they testify.

4. On each day of trial, parties shall confirm that their witnesses are not exhibiting COVID-19 symptoms and have not had recent exposure to someone with COVID-19 by asking such witnesses the usual screening questions. If a witness is exhibiting symptoms or has had recent exposure, parties shall immediately notify the Judge of that fact, so that the proper protocol can be followed.

O. Attorney Communications with Client During Trial

1. For criminal trials, starting at least 30 days before trial and then during the proceeding, the defense attorney shall be provided confidential and safe access to any detained client to discuss trial proceedings. Doing so will ensure that scheduled trials can stay on schedule and the parties can be prepared to go forward as scheduled.

2. For criminal and civil cases, the Judge shall ensure that the attorney and client can communicate confidentially at all times during the trial proceedings.

3. Headphones and microphones for the attorney and client to confidentially and quietly communicate with one another are not available at this time.

4. Handwritten notes may be shared between the attorney and client, which can then be destroyed by the attorney when the attorney leaves the courtroom.

5. Courts shall allow the use of electronic devices, such as tablets or computers, for the attorney and clients to send text messages to one another.

6. Courts shall provide a room or space outside of the courtroom for the lawyer and client to communicate.

7. This Judicial Circuit does not have any white noise machines to mask communications between the attorney and client. Whenever requested, the Judge may call a recess to allow extended discussion and communication between the attorney and client.

8. Judges shall comply with rules regarding the use of interpreters, including provision of interpreters needed by litigants to protect confidential communications.

9. Judges shall take necessary steps to assure social distancing when the trial team consists of more than one attorney in accordance with public health guidance and this Jury Trial Plan.