



**NOTICE REGARDING TRIAL PROCEDURES  
FOR THE LIMITED RESUMPTION OF JURY TRIALS**

Since March 13, 2020, the Court has issued a series of orders, suspending all jury trials in light of public-health concerns associated with COVID-19. At the point that the Court authorizes the resumption of jury trials and based on extant public-health conditions, trials will likely occur on a limited basis—*i.e.*, the Court intends to hold no more than one jury trial in each of its courthouses at a given time, and criminal trials will be given priority over civil trials.

The purpose of this notice is to provide all trial participants with the general procedures for jury trials when jury trials eventually resume. The following general procedures shall be in place for all jury trials until public-health conditions permit the Court to modify these procedures. These procedures were developed in consultation with a medical expert, members of the bar, and guidance from the Administrative Office of the U.S. Courts. As public-health conditions evolve, the Court will modify and provide notice to all members of the bar and public as to material changes with these procedures.

1. **Scheduling Considerations.** Jury trials will only proceed where the presiding judge finds that the health and safety of all participants can reasonably be assured and that proceeding to trial would not unduly prejudice any party. This includes the opportunity for trial participants to advise the presiding judge of any case or participant-specific health or logistical concerns.

2. **Type of Trials.** In light of social-distancing mandates and based upon the logistical/space limitations of the three courthouses across the District, trials will be limited based on such considerations as the complexity and number of trial participants. For example, in criminal trials, only cases in which there are no more than two

individual defendants to be tried together will be scheduled for trial at this time. Because only one jury trial can occur at a given time and to orderly schedule pending trials, the Court has developed internal master jury trial calendars in each of its divisions, with consideration and priority given to, among other things: (i) criminal trials; (ii) whether the defendant is nearing a time-served sentence; (iii) how long the case has been pending; (iv) time limitations under the Speedy Trial Act and U.S. Constitution; and (v) public-health issues (trials posing fewer health risks will be prioritized—*e.g.*, trials with few anticipated trial days; with a defendant on bond; with only one defendant; if with two detained defendants, with both defendants housed at the same detention facility; with fewer witnesses and participants).

3. **Number of Attorneys/Support Staff.** The Court may limit the number of attorneys and other support staff who can participate in any trial. That will depend on the ability to socially distance in the courtroom.

4. **Number of Jurors.** Given the possibility of juror illness, judges will likely select more jurors than is typical in any given case (*e.g.*, 16 jurors in a criminal case; 9 in a civil case).

5. **Courtrooms.** At least initially, there will be one designated trial courtroom in each courthouse: (i) Courtroom 3A in Pittsburgh; (ii) Courtroom C in Erie; and (iii) Courtroom A in Johnstown. Only trial participants will be permitted in the trial courtrooms. Counsel tables have been moved to accommodate social distancing. Jurors will be spaced six feet apart, spread across the jury box and the gallery. An audio/video feed to a second courtroom in each courthouse will be arranged so that members of the public can observe the trial in a socially distant manner. The parties will be charged with ensuring that no sequestered witnesses enter either the trial courtroom or overflow courtroom.

6. **Contact Tracing.** For purposes of informing participants of possible contamination, the Courtroom Deputy will maintain a list of all participants in the proceeding. Additionally, on a voluntary basis, members of the public who have physically attended a specific proceeding may request to be added to the involved “contact tracing” list by providing their names and contact information to the Courtroom Deputy.

7. **Jury Selection.** In order to limit the number of jurors having to come to the courthouse and to shorten the period for in-person *voir dire*, a jury questionnaire will be sent to all prospective jurors several weeks in advance of trial. The written questionnaire contains 20 questions generally applicable to most civil and criminal cases and captures much of the information covered by Local Rule 47. The completed questionnaires will be circulated to counsel about one week in advance of trial. The parties, counsel, and presiding judge will then confer to determine whether any obvious “cause” strikes can be used based on the written questionnaires, and the presiding judge will then submit any strikes to the jury office at least one business day before the trial commences.

8. **Voir Dire.** The remaining pool of jurors will be invited to participate in in-person *voir dire* which, in criminal cases, will take place in two courtrooms to maintain social distancing. Where applicable, in responding to *voir dire* questions, large signs with juror numbers will be used to identify each juror to avoid the need for jurors to speak or pass microphones. A third room will be used for individual “side-bar” follow-up *voir dire*.

9. **Sidebars.** Sidebars are discouraged. The parties must make every effort to address all evidentiary issues at separate scheduled sessions with the presiding judge. However, if a sidebar is necessary, the Court has procured headset technology by which counsel can communicate with the judge at sidebar, while all participants remain in their seats. The presiding judge will confer with counsel to determine if the headset technology will be used in a particular case.

10. **Health and Safety Features.** The Court has implemented health and safety requirements in each of its courthouses, and these will remain in effect. Additionally, prospective jurors will receive, with their summonses, COVID-19 related information, which will require them to report any illnesses or exposure risks before reporting. Trial participants and jurors will have to do daily self-health assessments. With respect to the trial courtrooms, all microphones will have disposable microphone covers. Hand sanitizer will be available throughout the courtroom. Plexiglass has been installed in select locations—including, specifically, around the witness box. Daily deep cleaning will occur in each trial courtroom.

11. **Face Masks.** All trial participants will be required to wear face masks at all times during the trial. The face masks will be supplied by the Court and will all be the same style mask—*i.e.*, plain, disposable, surgical-style masks. This requirement applies to even those individuals who have been fully vaccinated, until such time as the Court receives public-health guidance that such individuals need not wear masks. The only exception will be for the testifying witness, who, once he or she takes the stand, will remove the mask and wear a court-supplied clear face shield while testifying.

12. **Food and Drink.** Courthouse cafeterias are closed, and so all trial participants should plan accordingly with respect to lunch and other meals during trial. Water pitchers will not be provided at counsel tables. Counsel will be permitted to bring their own bottles of water into the trial courtrooms.

13. **Attorney Procedures.** Given the “high touch” nature of the projection system (ELMO) and the health risks of using hard-copy exhibits, all parties will be required to present evidence through digital technology. Additionally, all participants in proceedings (other than witnesses) will be instructed to speak and participate from their seats and not move around the courtroom. Participants cannot remove or pull down their masks to speak.

DATED: April 6, 2021