



**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 (sample attached) 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

Instructions for Jury Questionnaire

This questionnaire is designed to obtain information about your background as it relates to your service as a juror in this case. By answering these questions completely and promptly, we hope that your time spent in Court will be much shorter.

The purpose of these questions is to determine whether prospective jurors can decide this case fairly, based solely on the evidence presented at trial and the instructions on the law given by the judge. The parties and the Court have agreed that all information contained in this questionnaire will be kept confidential; to the extent the Court is ever required to release any responses in the questionnaires, your name will not be publicly released.

Please write your assigned juror number at the top of each page. Except at the bottom of this page, please DO NOT put your name or any identifying information other than your juror number anywhere else in this document. Respond to each question. Your candor and honesty are necessary so that the parties have a full understanding of your background and viewpoints. Your cooperation is vital to the selection of an impartial jury.

You are submitting these answers under sworn oath. You are sworn to give true and complete answers, and those answers will be available only to the Court and the parties in this case. From this day forward, until you have been formally excused from service, you are instructed not to communicate in person, in writing, or electronically about this case or the questionnaire with anyone, including your family and fellow jurors.

You should not go online or look at any source to learn more about any case pending in this Court or any participant in the case.

Please fill out the entire questionnaire. Do not leave any questions blank. If a question does not apply to you in any way, write "N/A" rather than leaving the form blank.

**PLEASE PRINT LEGIBLY - PLEASE USE ONLY BLACK OR BLUE INK
(NO PENCILS)**

I DECLARE UNDER PENALTY OF PERJURY THAT ALL OF THE WITHIN ANSWERS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Please state your name: _____ Age: _____

Signature: _____ Date: _____

My Juror Number is: _____ (please only provide your number; do **not** provide your name)

1. Where do you live? (City/State) _____

2. Are you (check all that apply):

_____ Self-employed

_____ Unemployed, looking for work

_____ Employed full-time

_____ Unemployed, not looking for work

_____ Employed part-time

_____ Retired

_____ Homemaker

_____ Student

_____ Disabled and unable to work

3. What is your present occupation? (If retired, unemployed, or disabled, please state your former occupation.)

4. By whom are/were you employed? How long?

5. What is the highest level of education you have completed?

_____ Grade school or less

_____ Some high school

_____ High school graduate

_____ Technical or business school

_____ Some college

_____ College Graduate

_____ Graduate Degree

6. Are you currently?

_____ Married If so, number of years _____

_____ Single, never married

_____ Single, but living with non-marital partner

_____ Divorced

_____ Separated

_____ Widow/Widower

My Juror Number is: _____ (please only provide your number; do **not** provide your name)

7. If applicable, what is the occupation of your spouse or partner and by whom are they employed?

8. What is the highest level of education completed by your spouse or partner?

- _____ Grade school or less
- _____ Some high school
- _____ High school graduate
- _____ Technical or business school
- _____ Some college
- _____ College Graduate
- _____ Graduate Degree

9. If you have children or stepchildren that are employed, please list their ages, sex, and employment

Age	Sex	Occupation
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_____	_____	_____
_____	_____	_____
_____	_____	_____

10. Have you or any member of your “immediate family”¹ ever worked for an agency or department of the federal government (with the exception of military service)?

_____ Yes _____ No

If yes, please indicate who held such position, which agency or department, and the nature of the position:

¹ For purposes of this entire questionnaire, “immediate family” means your spouse, partner, sibling, children, parents, grandparents, and anyone living in your home or anyone with whom you have a relationship similar to that of a member of your immediate family.

My Juror Number is: _____ (please only provide your number; do **not** provide your name)

11. Have you or any member of your immediate family been employed by any law enforcement agency?

If yes, please indicate who held such position, which agency or department, and the nature of the position?

12. Have you or any immediate member of your family ever filed a claim or initiated a lawsuit of any kind?

_____ Yes _____ No

If yes, please explain: _____

13. Have you or any member of your immediate family ever been sued?

_____ Yes _____ No

If yes, please explain: _____

14. Have you or any immediate member of your family ever been a victim of a crime?

_____ Yes _____ No

If yes, please explain: _____

15. Do you or any member of your immediate family have legal training of any kind?

_____ Yes _____ No

If yes, please explain: _____

My Juror Number is: _____ (please only provide your number; do **not** provide your name)

16. Have you ever been a witness in a legal proceeding, or a defendant in a criminal case?

_____ Yes _____ No

If yes, please explain: _____

17. Have you ever served on a jury before?

_____ Yes _____ No

If yes, please explain the nature of the case, and dates of service: _____

18. At this point, we do not know the type of case for which you might be selected to serve as a juror, so the details in this question may not apply to you or the case for which you might be selected. Nonetheless, please respond to this question in the event these matters are applicable if you are selected to serve.

You may be selected to serve as a juror in a criminal case. If the case involves a defendant charged with a crime related to the illegal distribution of drugs or the illegal possession or sale of a firearm, would such subject matters affect your ability to render a fair and impartial verdict?

If yes, please explain: _____

19. Have you, or any member of your immediate family, received training in medicine, pharmacy, pathology, or toxicology?

If yes, please explain: _____

20. Is there anything you wish to bring to the attention of the Court which would bear upon your ability to serve as an impartial juror?
