



These Protocols held in abeyance pursuant to Administrative Order dated 3/7/2022 at 2:20-mc-593

**NOTICE REGARDING UPDATED TRIAL PROCEDURES
FOR THE CONDUCT OF JURY TRIALS—JUNE 29, 2021**

Since March 13, 2020, the Court has issued a series of orders concerning the conduct of jury trials in light of public-health concerns associated with COVID-19.

The purpose of this notice is to provide all trial participants with the updated general procedures for jury trials in effect in this Court effective as of June 29, 2021. The following general procedures shall be in place for all jury trials until public-health conditions advise that the Court further modify these procedures. As public-health conditions evolve, the Court will modify and provide notice to all members of the bar and public as to material changes in these procedures.

1. Scheduling Considerations. Jury trials will 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, logistical or other concerns that might affect trial scheduling. Unless otherwise ordered by the presiding judge, jury selection and trials will take place in the Courtroom regularly assigned to the presiding judge and will be scheduled directly by the presiding judge on that judge's individual trial calendar. The Court's pre-pandemic jury summons, selection and trial scheduling processes will generally apply, subject to case-specific modification by the presiding judge.

2. Jury Trial Procedures. The presiding judge may set and implement jury selection and trial procedures relative to the methods of the presentation of evidence and the locations from which presentations and questioning may occur, along with all other similar trial management procedures. Unless otherwise ordered by the presiding judge, jurors will be seated in the jury box during trial. The Court may limit the number of attorneys and other support staff who can participate in any trial.

3. Number of Jurors. Judges may elect to select more jurors than is typical in any given case (*e.g.*, 16 jurors in a criminal case, 9 in a civil case).

4. Contact Tracing. 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.

5. Voir Dire. Where applicable, in responding to *voir dire* questions, large signs with juror numbers may be used to identify each juror to avoid the need for jurors to speak or pass microphones. The presiding judge may elect to use a form of questionnaire at the time of juror reporting/selection in order to gather information from members of the *venire* in a particular case.

6. Sidebars. The parties must make every effort to address all evidentiary issues at separate scheduled sessions with the presiding judge in order to avoid the necessity of sidebar proceedings during trial. The presiding judge may elect to clear the courtroom or move the sidebar into another location in order to reduce crowding in the event that a sidebar is required.

7. Face Masks. All trial participants and others present in the jury assembly room and the trial courtroom will be required to wear face masks at all times during jury selection and trial (other than those times that the participant is speaking in open Court or during jury selection if such is so authorized by the presiding judge). Face masks will be worn by all participants during sidebar conferences. The face masks for counsel, litigants, jurors, witnesses and affiliated individuals will be supplied by the Court and will all be the same style mask—*i.e.*, plain, disposable, surgical-style masks. This

requirement for the use of masks applies to all individuals, including those who have been fully vaccinated for COVID-19.

8. Food and Drink. Courthouse cafeterias are closed, and 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.

DATED: June 29, 2021