

**RESUMING JURY TRIALS DURING THE COVID-19 PANDEMIC**

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**RESUMING JURY TRIALS DURING COVID-19**

- Jumpstart Jury Trials Task Force
- Iowa Supreme Court Orders
- Pilot Jury Trial Reports
  - Scott County
  - Muscatine County
- Practical Considerations
- North Lee County Civil Jury Trial (tried Nov. 3-10, 2020)
- “Serving Safely” public service announcement

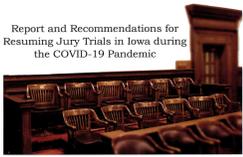
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**JUMPSTART JURY TRIALS TASK FORCE**

FILED  
JUL 9 9 23 AM  
IOWA SUPREME COURT

**JUMPSTART JURY TRIALS TASK FORCE**

Report and Recommendations for Resuming Jury Trials in Iowa during the COVID-19 Pandemic



July 6, 2020

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**RECOMMENDATIONS**

- Communicating with the public about safety measures and the importance of jury service
- Preparing the courthouse
- Screening and personal protective equipment
- Pretrial preparations
- Juror summoning and check-in
- Jury selection
- Conducting jury trials
- Deliberations
- Pilot trials

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**SUPREME COURT ORDERS**

- July 9, 2020 Order—Resuming In-Person Court Services
- July 20, 2020 Order—Resuming Jury Trials

▪ <https://www.iowacourts.gov/iowa-courts/covid-19-information-and-updates/>

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**PILOT JURY TRIAL REPORTS**

- Muscatine County Pilot Jury Trial Report
- Scott County Jury Trial Report

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### JURY INFORMATION—MUSCATINE COUNTY

- 310 jury summons—increase of 25%
- 138 asked to report
- 76 jurors available and 66 reported for jury duty
- None excused for COVID-related concerns

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### JURY INFORMATION—SCOTT COUNTY

- 600 jury summons—increase of 50%
- 155 asked to report
- 109 available and 65 reported for jury duty
- None excused for COVID-related concerns

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### JURY CHECK-IN AND VOIR DIRE

- Muscatine—Central Middle School Auditorium
- Scott—Rivercenter



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### COUNSEL TABLE AND JURY LAYOUT



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### PRACTICAL CONSIDERATIONS

- Remote voir dire
- Pre-screening vs. questionnaires
- PPE for jurors during jury selection process
- Increasing number of alternates?

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### MITCHELL COUNTY TRIAL

- October 7 – 10, 2020
- Health Department Pre-screened at front door of Courthouse
- Large lobby for jury selection, remainder in courtroom
- Pool was 67
- No requested Covid dismissals
- Exhibits on large screen after admitted
- Started with shields only for speakers, court reporter requested switch to masks
- Jury room large enough for social distancing

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**THOUGHTS ON MITCHELL COUNTY TRIAL**

- Need monitor for witness only for yet to be admitted exhibits and depositions, interrogatories for cross
- Get a Covid test and encourage clients to test prior to trial?
- Other counties don't have the same facilities in the courthouse
- Covid trials WILL take longer – Expedited?

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**MADISON COUNTY CIVIL JURY TRIAL – OCTOBER 2020**

- Use pre-trial conference wisely.
  - Technology set-up
  - Size of venire/panel (larger)
- Flexibility re: trial location.
  - Some courtrooms not large enough
  - Alternate counties or locations (e.g, fair grounds)
- Masks v. Face Shields.
  - Body language/non-verbals – witness, client, attorney, jurors
  - More jury members may be dismissed due to hearing issues
- Jurors increasingly impatient.

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**NORTH LEE COUNTY CIVIL JURY TRIAL, NOVEMBER 3, 2020**

**Special Message Regarding the Ongoing COVID-19 Pandemic**

The court acknowledges this is a very trying time in our nation's history and many potential jurors have had their lives disrupted as a result of the COVID-19 pandemic. Jury trials are among the core foundations of our freedom and democracy, and the Court hopes you can make the necessary sacrifice to assist by serving as a potential juror.

If you do not feel you can serve as a potential juror for any of the reasons listed below, the Court encourages you to request a postponement or contact the Jury Manager at 319-372-3523.

- You are experiencing COVID-19 symptoms (fever greater than 100 degrees, new loss of taste or smell, unusual shortness of breath, fatigue) and:
  - o You have tested positive for COVID-19 or
  - o You believe you will test positive for COVID-19
- You are caring for someone who tested positive for COVID-19
- You are a member of a high-risk population
- You are caring for or living with someone who is high-risk
- You are afraid to be in a large group for an extended period even if physically distanced six feet from others and everyone is wearing a face covering
- You are a medical professional currently treating COVID-19 patients

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**NORTH LEE COUNTY CIVIL JURY TRIAL**

- Four panels of ten jurors (1 hour and 15 minutes for both Plaintiff & Defendant) scheduled on day one of trial
- Face shields provided for jurors during voir dire
- Attorneys and witnesses wore face shields while speaking
- Witness stand was relocated to the jury box
- Jurors reported directly to the courtroom (not the jury room) and deliberated in the courtroom

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**JURY PANEL SEATING**

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**LESSONS LEARNED—A WISH LIST**

- Microphones
- Large TV or projector screen—able to be seen by everyone
- Loud and clear voices
- Flexibility, patience, and cooperation with co-counsel and the court

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**JURY TRIAL POSTPONEMENT (NOVEMBER 10, 2020)**

**FILED**  
NOV 10 2020

In the Iowa Supreme Court  
For Coronavirus/COVID-19 Impact  
On Court Services

CLERK SUPREME COURT  
November 10, 2020

- Supreme Court noted the “current high rate of COVID-19 positive tests in the state”
- Continued all jury trials that had not commenced between November 16, 2020 and February 1, 2021.

**Iowa Coronavirus Map and Case Count**

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**SERVING SAFELY**

- Public service announcement released January 27, 2021
  - Provides information regarding jury service during COVID-19
- Justice Matthew McDermott:
  - “We’ve continued to monitor the situation closely as we move to resume jury trials throughout the state. To our knowledge there were no infections connected with the trials that took place last fall and we believe that is a testament to the safeguards we have in place.”




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