



17th JUDICIAL DISTRICT
STATE OF COLORADO
ADAMS AND BROOMFIELD COUNTIES

ADAMS County Jury Call and Trial Procedures in Response to the COVID-19 Pandemic

I. PREPARING TO RESUME JURY TRIAL OPERATIONS

Introduction: The Seventeenth Judicial District for the State of Colorado includes Adams County and the City and County of Broomfield. This Order serves to protect the health and safety of all court users, staff, and judicial officers of the Adams County Judicial Center (“ACJC”). A separate plan has been issued for Broomfield and jury trials commenced there on August 3, 2020.

During the challenging and unprecedented times of the COVID-19 pandemic, the 17th Judicial District has made diligent efforts to provide access to justice to the community it serves by ensuring its citizens’ due process and constitutional rights while protecting public health and safety.

Starting in March 2020, the 17th Judicial District decreased courthouse operations and focused on matters of public safety in compliance with orders issued by Chief Justice Nathan B. Coats of the Colorado Supreme Court and in conformity with the guidance, directives and orders issued from the Centers for Disease Control (CDC), the Colorado Department of Public Health and Environment (CDPHE) and the Tri-County Health Department.

- On March 26, 2020, Chief Judge Emily E. Anderson issued Chief Judge Order 2020-01 A, Second Amended Administrative Order Regarding Court Operations Under Covid-19 Advisory. Based on instruction from public health officials, the Order rescinded all jury summons with jury calls set to commence on or before May 15, 2020, excepting only those cases for which the statutory time limit for trial expires on or before May 15, 2020.
- On May 17, 2020, Chief Judge Order 2020-01 A4, Fourth Amended Administrative Order Regarding Court Operations Under Covid-19 Advisory issued, cancelling all jury calls between May 18, 2020 and July 3, 2020, and ordering that no jurors appear at the courts prior to July 6, 2020.
- A Fifth Amended Chief Judge Order 2020-01 A5 extended the moratorium on jury trials until August 3, 2020.
- A Sixth Amended Chief Judge Order 2020-01 A6 extended the moratorium on jury trials until August 31, 2020.
- An Addendum to that Sixth Amended CJO was issued on August 17, 2020, extending the moratorium on jury trials an additional three (3) weeks until September 21, 2020.

- A Seventh Amended Chief Judge Order 2020-01 A7 extended the moratorium on jury trials until September 21, 2020.

The Court has considered all of the factors listed in the above Orders. Importantly, the Court has considered the increased risk of exposure when larger groups of people are gathered for extended periods of time, which would occur when persons participate in jury selection and jury trials, as opposed to encounters of short duration, such as appearing on a hearing that lasts 15 minutes. Jury trials in the county court usually last one or two days, while jury trials in the district court can last between one day and several weeks.

On July 30, 2020, TCHD determined, in addition to all items stated in the official report:

- Jurors should be social distanced 6 feet apart;
- TCHD recommends that when jurors are gathered and are selected for a jury trial, that those jury trials be “bookended” and occur within one week, i.e. Monday – Friday without a weekend break in between start and finish;
- Jury trials longer than one week (M-F) should be postponed;
- Pools of jurors should be limited to 50 persons
- Health questionnaires and temperature taking should occur every day of juror service

On August 27, 2020, TCHD determined that jury trials could be longer than one week and would not need to be completed within one week. The judges and executive leaders in the ACJC have met regularly to discuss plans to safely resume jury trials. We have considered information from the Centers for Disease Control and Prevention (“CDC”) and the Colorado Department of Health and Environment (“CDPHE”), the executive orders issued by Colorado Governor Jared Polis and the TCHD’s recommendations and take these recommendations seriously.

The right to a jury trial in criminal cases is fundamental and guaranteed by the United States and Colorado constitutions, and it is of paramount importance to the judges in this district to resume jury trials in criminal and civil cases as soon as possible, but only when jury trials can safely resume. Due to serious public health issues related to the COVID-19 pandemic, jury trials throughout the state of Colorado have been suspended by the order of Colorado Supreme Chief Justice Nathan B. Coats dated April 16, 2020, and as extended by the Chief Justice’s orders of May 5, 2020 and June 15, 2020, precluding any person from being summoned to state courts to assemble for jury service to begin any time prior to August 3, 2020, subject to waiver by Chief Justice Coats.

I have determined that we can safely assemble, select and empanel jurors commencing September 21, 2020 in the Adams County Justice Center (“ACJC”). All jury trials at the ACJC will be conducted according to this Order. In consultation with the Tri-County Health Department, the following orders shall apply for safe assembly of jurors and return to jury trials in the ACJC:

It is our intent to resume jury calls in progressive phases in order to ensure that at each step a fair jury pool can safely be assembled. During each phase, the court may monitor community status of COVID-19, gather data and monitor reporting rates, postponement/ disqualification rates, appearance rates, facility and staff preparedness, availability of personal protective equipment, juror reaction to social distancing measures, trial readiness, trial concerns, and any other factors that may impact whether a fair jury pool may safely be assembled, and the number of jurors that may safely be assembled in our courthouses. The dates appearing below should be seen as tentative and are dependent on a determination that the court can safely move to the next phase.

We will closely monitor these jury trials and evaluate plans to implement subsequent phases throughout the process. We will seek to obtain feedback and suggestions from our jurors and use that information to refine the process for future jury calls. We will monitor state and local public health orders and guidelines, mindful of the health and safety of our jurors and staff.

A. Strategy – Phased Implementation

1. Jury trials resume in the 17th Judicial District, starting September 21, 2020
2. Phases planned:
 - a. Phase 1- September 21- October 2
 - b. Phase 2: October 6-23
 - c. Phase 3: October 26 – November 6
 - d. Phase 4: November 9 – further notice
3. On their reporting day, jurors will be directed to an outdoor station to screen them for factors that would automatically cause that potential juror’s service to be postponed. Additionally, they will have their temperatures taken at a touch free kiosk. Those with temperatures exceeding 100.4 will have their jury service automatically postponed.
4. A separate security line will be established for potential jurors in order to promote social distancing and provide for orderly entry into the ACJC.
5. Juror check-in will occur in the Jury Assembly Room (JAR), which will allow appropriate social distancing for not more than 50 persons.
6. Voir dire may be conducted in the JAR in one round. Voir dire may be conducted in two rounds in two courtrooms if necessary. An A/V link will be established between the two courtrooms so that the jurors seated in second courtroom can follow along with the voir dire questions asked in the first courtroom. In such case, peremptory challenges will be exercised at the conclusion of both rounds against the entire qualified venire.
7. Voir dire can be conducted in one courtroom for County Court jury trials.
8. Because the gallery will be occupied by the jury for voir dire, spectators will not be permitted in the JAR or in the two courtrooms in use. A Webex link will be provided to allow members of the public to call in and listen to the proceedings.
9. A separate jury elevator will be marked and used. TCHD allows 4 jurors to ride together in an elevator at one time while wearing masks.

10. If jury selection occurs in the JAR, the training room is set up for a back-up with socially distanced chairs. The presiding trial judge will request the JAR by Friday at noon before the trial is to start.
11. Prioritize District Court Criminal cases on Mon/Wed
12. Prioritize County Court Criminal cases Tues/Thurs
13. Prioritize Juvenile Delinquency jury trials on Tues, 10:30 a.m. morning panel following County Court panels, on an as needed basis, which is expected to be minimal.
14. Discuss incorporating Civil jury trials at the beginning of Phase 4.
15. Colorado law provides for juror postponements. C.R.S. §13-71-116 (juror entitled to one postponement of jury service for up to six months). A juror may also defer jury service for a variety of reasons pursuant to C.R.S. §13-71-119. In addition, a juror may be excused from jury service if jury service would “cause undue or extreme physical hardship” to the juror or someone under the direct care of the juror. C.R.S. §13-71-119.5. “Undue or extreme physical hardship” includes the possibility of the service resulting in illness or disease. §13-71-119.5(2)(d)(II). Either the court or jury commissioner is authorized to make the determination whether the juror would experience undue or extreme physical hardship. §13-71-119.5(2)(b).

The Court finds that “undue extreme physical hardship” and the possibility of jury service resulting in illness or disease should not be limited only to that individual juror, but also other persons participating in the case. Therefore, in addition to all other provisions of law relating to juror postponements, deferrals, and excusals, the Court hereby authorizes the jury commissioner and those persons working under her direction and supervision to immediately excuse a juror who: (1) has been diagnosed with COVID-19 and that person does not have written verification that the person has received a subsequent test confirming that the juror is currently virus-free; (2) the juror has been in direct contact with someone who has been diagnosed with COVID-19 within the past fourteen days; (3) the juror is experiencing a fever, cough, shortness of breath, or any other respiratory illness symptoms, either through a report made by the juror or observations made by the jury commissioner or staff members working with the jury commissioner. Other COVID-19 related hardships that the jury commissioner and those persons working under her direction and supervision to excuse a juror are stated in VI. E. 3. a-f. The goal is to keep persons who may be ill away from other prospective jurors as soon as practicable.

TCHD and the chief judge have entered orders concerning wearing face coverings in the courthouse. All potential jurors will be informed of the courthouse mask requirement and urged to bring their own mask. Anyone who refuses to wear a face covering or expresses a medical or personal reason

not to wear a face covering shall have their jury service postponed to a later date.

B. Considerations

1. Public Health Official Report (Tri-County Health Department, report dated June 17, 2020) and recommendations received on July 30, 2020 and August 27, 2020 as stated in the Sixth and Seventh Amended CJO's and here.
2. Gathering size and social distancing
 - a. Social distancing will be maintained during all stages of trial, from check-in to dismissal, in a manner consistent with the Tri-County Health Department's recommendations.
 - b. Gathering size and social distancing will be monitored and adjustments will be made over time as appropriate
 - c. Jury Assembly Room is limited to a capacity of 50 people.
 - d. Courtrooms have a limit of 50 people; however, the actual maximum occupancy of individual courtrooms may vary based on size, configurations, and the requirement to maintain social distancing as recommended by the Tri-County Health Department.
 - e. With 6 feet social distancing, there are space constraints. Jury selection for larger jury panels (25 or more) may be completed in the JAR or in two courtrooms.
 - f. The number of jury calls that may be conducted are restricted due to space constraints and A/V system needs.
3. Juror appearance rates
 - a. Juror hardships related to the pandemic may impact appearance rates. Initial jury calls will be used to develop a new baseline for the number of jurors to be summoned.
 - b. We will use the information from the first phases to determine the number of summonses required to meet the need for future jury calls.

II. PHASE 1: September 21, - October 2, 2020

- A. One DC criminal trial on 9/21 at 8:00 a.m. One County Court trial on 9/24 at 8:00 a.m., if feasible, depending on the number of jurors needed for the Dearing trial.
- B. One DC criminal trial on 9/28 and one DC criminal trial on 9/30 at 8:00 a.m.
- C. Two county court trials on 9/29, one at 8:00 a.m. and one at 9:30 a.m., and two on 10/1, one at 8:00 a.m. and one at 9:30 a.m.
- D. District Court jury panels may be selected in the JAR or in two courtrooms connected by A/V. County Court jury panels will be taken directly to the courtroom.
- E. Continued planning during Phase I

1. Refine overall plan after first two weeks of jury trials.
2. Meet with stakeholders and share plan details, request input.
3. Stage Jury Assembly Room
4. Signage in Jury Assembly Room
5. Finalize technical needs for Jury Assembly Room
6. Update summons, voicemail, website messaging with COVID-19 information and safety measures.
7. Information gathering, plan enhancements. Data collection will inform future modifications, summons alterations and additional jury calls.
8. Clerk of Court to prepare and oversee staff for jury trials under COVID-19.
9. Debrief with presiding judicial officers and staff following initial trials.

III. PHASE 2: October 6- October 16, 2020

- A. October 5, 2020 is a legal holiday
- B. One DC Criminal trial on Tuesday October 6 at 10:30 a.m. Two DC Criminal trials on October 7, 12, and 14, one at 8:00 a.m. and one at 9:30 a.m.
- C. Two County Court trials each Tuesday and two County Court trials on each Thursday (one at 8:00 am and one at 9:30 am)
- D. One DC JD trial on Tuesday at 10:30 a.m. if requested

IV. PHASE 3: October 19 – October 30, 2020

- A. Two DC criminal trials each Monday and two trials each Wednesday (one at 8:00 a.m. and one at 9:30 a.m.)
- B. Two County Court trials each Tuesday and each Thursday (two panels selected at 8:00 a.m. each day)
- C. One DC JD trial on Tuesday at 10:30 a.m. if requested.

V. PHASE 4: November 2 – UNTIL FURTHER NOTICE

- A. Three DC Criminal trials on Monday and Wednesdays, 8:00 a.m., 9:30 a.m. and 11:00 a.m.
- B. Three County Court trials on Tuesday and Thursday (two panels at 8:00 a.m. and one at 9:30 a.m.)
- C. One DC JD trial on Tuesday (or a different day to be determined, at 10:30 a.m. if requested)
- D. Discuss incorporating Civil jury trials into plan, considering Criminal jury trial needs
- E. Factors impacting Phase 4:
 1. Status of public health orders
 2. Changes in gathering size limitations and social distancing considerations
 3. Status of Civil jury trials

4. COVID-19 status
5. Reevaluate timing of phases in consideration of data collection and analysis
6. Trial readiness and actual need

VI. JUROR SUMMONS

A. Juror Summonses

1. First summonses issued on August 20, 2020 for the week of September 21, 2020.
2. The Jury Commissioner will issue a sufficient number of summonses to reach the goal of having 17-20 jurors report for each County Court trial and 35 jurors report for each District Court trial. The presiding trial judge may request an increased number of jurors depending on type of case.
3. Under normal circumstances , the 17th JD issues juror summonses 5-6 weeks in advance. The lead time may be temporarily reduced to: a) allow for information gathering related to individual cases set for trial; b) monitoring of numbers related to the pandemic; and c) better determine the number of actual summons to be mailed in order to ensure that enough prospective jurors are available.
4. Summons will include COVID-19 alerts and direct jurors to the district's website for further information, or to call or email the Jury Commissioner (Appendix A).

B. Jury Commissioner will respond to all juror inquiries within 1-2 business days. Jury Commissioner's authority is extended as stated above in I.A.6.

C. Website

1. Include details about COVID-19 and those who should not report, as well as safety precautions observed by the court for those who will be reporting.
2. Will include a link to animated video with instructions to guide jurors who receive a jury summons. The video can be viewed at the following link:
https://connect.courts.state.co.us/jury_adams/
3. The 17th Judicial District understands that members of our community may be concerned for their health and safety during the present time and has implemented a jury trial plan that has been approved by the Tri-County Health Department in response to the current COVID-19 pandemic. This plan includes safety precautions such as practicing social distancing, face covering requirement, and cleaning and disinfecting of public areas to assure jurors' safety and comfort during jury service.
4. Example:

PLEASE DO NOT REPORT FOR JURY SERVICE if any of the following apply:

- You have tested positive for COVID-19 within the past 14 days.
- You have been in direct contact with someone who has tested positive for COVID-19 within the past 14 days

- OR, you are experiencing:
 - Body temperature of 100.4 or higher or chills
 - Cough, shortness of breath or difficulty breathing
 - Fatigue, muscle or body aches that cannot be attributed to a specific activity such as physical exercise
 - Headache
 - Sore throat
 - New loss of taste or smell
 - Congestion or runny nose
 - Nausea, vomiting, or diarrhea
- If any of these criteria apply to you, **DO NOT REPORT**. Instead, please contact the Jury Commissioner by e-mail at adamsjury@judicial.state.co.us, or by phone at 303-654-3210 as soon as possible to reschedule your service. Please allow 1-2 business days for a response.

PLEASE MONITOR YOUR TEMPERATURE BEFORE REPORTING. For your individual safety, as well as that of your fellow jurors and court staff, monitor your temperature and do not report if you have a fever. If you have a temperature of 100.4 or higher, do not report. Contact the Jury Commissioner to reschedule your service.

FACE COVERINGS WILL BE REQUIRED. Protect yourself and others by frequently cleaning your hands and avoid touching your eyes, nose and mouth with unwashed hands. Please bring your own face covering/mask, wipes, gloves, reading materials, water bottles and writing utensils. Please bring only what you need in order to minimize time spent in security screening lines.

Your health is important to us. Please view the video below for information about jury service during the COVID-19

[pandemichttps://connect.courts.state.co.us/jury_adams/](https://connect.courts.state.co.us/jury_adams/)

D. Phone Message for Jurors Calling for Info or to Check the Reporting Range

1. Will include further details about COVID-19 and those who should not report.
2. Example:

PLEASE DO NOT REPORT FOR JURY SERVICE if any of the following apply:

- You have tested positive for COVID-19 in the past 14 days
- You have been in direct contact with someone who has tested positive for COVID-19 within the past 14 days
- Or, you are experiencing a fever, cough, shortness of breath, or any other respiratory illness symptoms.

If any of these criteria apply to you, do not report. Instead, please contact the Jury Commissioner by e-mail at adamsjury@judicial.state.co.us, or by phone at 303-654-3210 as soon as possible to reschedule your service.

E. Postponement/Excusals Prior to Check-In and Jury Selection

1. During the pendency of the COVID-19 pandemic, a generous postponement policy will be observed. In general, postponement requests must be submitted at least 1 week prior. However, exceptions will be made on a case-by-case basis, especially for those with COVID-19 related concerns.
2. For COVID-19 related hardships, jury service may be postponed to a date within 6 months from the original appearance date. Late and 2nd or 3rd postponements may be approved in these situations on a case-by-case basis.
3. COVID-19 related hardships that will be considered for exception under these special circumstances include the following:
 - a. [member of an at-risk group as defined by the Centers for Disease Control and Prevention \(CDC\): older adults \(65 years of age or older\), and people with underlying medical conditions](#)
 - b. those living with a member of an at-risk group
 - c. those exhibiting signs of illness (including, but not limited to, fever, shortness of breath, new loss of taste or smell, coughing, sneezing or other respiratory illness)
 - d. those under voluntary or doctor-ordered quarantine
 - e. health care workers, first responders, or long-term employer related hardships
 - f. anyone who has recently tested positive for COVID-19 in the past 14 days

VII. MANAGING JURY TRIALS

- A. Because of the limited number of jurors that can be summoned at one time, it is necessary for judges to collaborate and determine which cases will go to a jury trial.
1. All judges are asked to confirm with Jury Commissioner no later than 12pm Friday which trials will go the following week
 2. The judges shall confer with each other and consult with the Jury Commissioner regarding the cases set for jury trial scheduled on the same day to determine the priority of cases to be tried. The judges should consider the input of attorneys and parties to the cases when establishing a priority list. Judges should also consider:
 - a. Whether the trials are criminal or civil cases;
 - b. Whether the defendant in a criminal case is in custody or has been released on bond;
 - c. The nature of the cases, including community safety issues and, in the case of criminal offenses, the age of the case, speedy trial consideration, the level of offense(s) charged, whether any of the charges involve the Victim's Rights Amendment, as well as potential penalties in each case;

- d. Any other relevant factual or legal circumstance existing in the respective cases; and,
 - e. The public interest in completing one case prior to another.
 3. If more than one trial is scheduled to begin the same day, the judges shall create a priority list establishing the order in which each case will be tried. The Jury Commissioner shall consult with Judge Kirby and Judge Warner two business days before the trials are scheduled to see which trials will be heard. If the judges are unable to determine which case should have priority to be tried, the chief judge shall make the determination.

VIII. JUROR ASSEMBLY

A. Signs at the Courthouses

1. Clear signage with relevant information associated with COVID-19 is posted throughout the ACJC, including advisement regarding the importance of safety precautions such as frequently washing hands or using hand sanitizer, not touching face and/or mouth, protocols inside courtrooms for in person proceedings, restriction on entering the building if exhibiting signs of illness, limits on the number of people permitted in elevators at any time, and how to access virtual courtrooms.
2. Additionally, the floors are visibly marked for social distancing, and there are signs posted throughout the building indicating that face coverings are required while inside.

B. Juror Entry into Courthouses

1. On their reporting day, jurors will be directed to an outdoor station to screen them for factors that would automatically cause that potential juror's service to be postponed. Additionally, they will have their temperatures taken at a touch free kiosk. Those who refuse or have temperatures exceeding 100.4 will have their jury service automatically postponed. Those whose temperature is below 100.4 will be provided a juror sticker.
2. A separate security line will be established for potential jurors in order to promote social distancing and provide for orderly entry into the ACJC.
3. Juror check-in will occur in the Jury Assembly Room (JAR), which will allow appropriate social distancing for 50 persons total.
4. The Jury Commissioner and her staff will:
 - a) Ensure that each juror is wearing a mask or face covering.
 - b) Instruct each juror to wear a mask or face covering and to practice social distancing while in the building.
 - c) Instruct the jurors to take a seat in a designated seat in the Jury Assembly Room.

- d) Jurors will watch a video in the JAR concerning COVID-19 safety precautions and juror orientation.
- e) Jurors will be taken to their assigned courtrooms. Jurors who are physically able can walk from the JAR to the assigned courtroom. The juror elevator will be used, which can transport 4 at a time.

C. Juror Assembly Room (JAR)

1. Pursuant to recommendations from Tri-County Health Department (TCHD) the maximum occupancy in the Jury Assembly Room (JAR) at the ACJC is limited to 50 people (as of the date of this Order) to facilitate the implementation of social distancing and other safety precautions.
2. Seating in the jury assembly room will be arranged and marked with signage or tape to maintain 6' social distancing and to assist the public and staff in ensuring chairs are not moved.
3. Jury staff will be stationed at the check-in counter. Staff will wear masks or face coverings at all times.
4. After check-in, each juror will be assigned a seat number and will be instructed to proceed directly to that seat. Once jurors are seated in their assigned seat, except for scheduled breaks, they will not leave or move to other seats. If a juror is excused, that chair will remain unoccupied until it is sanitized after the reporting process or jury selection has been completed and before a new panel is scheduled to report.
5. The JAR will be supplied with basic hygiene products such as extra masks, sanitizing wipes, tissues, and hand sanitizer as supplies permit. Trash cans will be located throughout the room.
6. All magazines and shared community items have been removed from the jury assembly room.
7. All documents for jurors (i.e. reimbursement request forms, juror service certificate instructions, work excuses etc.) will be kept behind the counter and jury staff will distribute as needed.
8. Jurors may be allowed to eat and drink as long as they remain seated in their assigned chairs.
9. Bathrooms:
 - a) There are bathrooms located in the JAR.
 - b) Pursuant to TCHD guidance, the number of persons permitted to use each of the bathrooms at any given time will be limited by the number of stalls. Signage is posted alerting jurors of the restriction.
 - c) Signage reminding users to wash their hands is posted in the bathrooms.
10. Breakroom:
 - a) Pursuant to TCHD guidance, the breakroom can be open and available to jurors. Due to the small space and high touch areas, the coffee

machine is closed until further notice. The vending machines are open. Maximum occupancy in the breakroom area is limited to four (4) persons at any given time. Signage is posted alerting jurors of the restriction.

- b) All chairs have been removed from the room. Sanitizing wipes, hand sanitizer, tissues, and trash can will be available in the breakroom as supplies permit.
11. The JAR, breakroom, and restrooms will be cleaned and sanitized after a prospective jury panel has occupied those areas and before the next panel is scheduled to report and at the end of the day.
 12. Writing utensils and clipboards provided by court staff to jurors will be placed in bins labeled “dirty”; once used, those pens and clipboards will be cleaned by jury staff before they are placed back into use rotation.
 13. Juror questionnaires:
 - a) Jurors will complete their jury summons questionnaire in the JAR if it has not been completed.
 - b) Jurors will complete the juror questionnaire specific to the jury trial in the JAR, or in the courtroom, depending on the type of case.
 - c) Clipboards and pens will be available for jurors who do not complete their questionnaires prior to arrival. Used pens and clipboards will be placed in bins labeled “dirty”; once used, those pens and clipboards will be cleaned by jury staff before they are placed back into use rotation.
 - d) Jurors will be asked to place their completed summons questionnaires in a basket to limit person to person contact. Jury staff will retrieve the questionnaires from the basket, review for completeness and accuracy, and proceed with the check-in process.

IX. JURY SELECTION FOR LARGE JURY PANELS

- A. At the time of the writing of this Order, the maximum number of persons that can be assembled in the JAR is 50. Judges may conduct voir dire from start to finish in the jury assembly room for large jury panels. Alternatively, the presiding judge has discretion to conduct voir dire in two courtrooms connected by A/V equipment. The DC judges are responsible to secure the use of the additional courtroom for larger jury panels in advance of the trial commencing. The DC judges are maintaining a spreadsheet that indicates the availability of all of their courtrooms.
- B. All seats in JAR that can be used (meaning that are at least six feet apart) are numbered in advance and all members of the jury pool will be placed in a specific numbered seat.
- C. When voir dire occurs in the JAR, the jury assembly room will be configured so that there is a table and seating for the court reporter, the judge, the attorneys, the defendant,

and a sheriff's deputy, and staff. Social distancing shall be maintained per the Tri-County Health recommendation.

- D. If space allows after configuration of the Jury Assembly Room, limited standing room will be provided in the back of the jury assembly room for one to two members of the public to observe the proceedings. The locations for public observation will be marked on the floor.
- E. The jury commissioner will provide a list of jurors, including their name and juror numbers, to courtroom staff. Courtroom staff will be responsible for writing seat numbers next to names on the list.
- F. Each potential juror will be directed to a specifically numbered seat by staff and will be asked to remain in that seat throughout the process, including returning to the seat if the juror leaves for a break.
- G. Stationary microphone stands will be placed on either side of the Jury Assembly Room. Jurors will be asked to move to the nearest microphone when responding to questioning. Jurors will be asked not to touch the microphone or microphone stand and will be instructed to keep their masks on when responding.

X. INITIAL JURY ORIENTATION AND VOIR DIRE

A. Initial Orientation:

- 1. The jury commissioner will play the COVID-19 juror orientation video or will make an abbreviated orientation if time is limited.

B. Voir Dire

- 1. The judge will conduct the initial welcome and introduction, including COVID-19 precautions and protocols, and questioning of jurors for statutory qualification and statutory cause challenges.
- 2. The attorneys will conduct their questioning of the panel from their table, unless the presiding judge orders otherwise.
- 3. Sanitizing wipes and spray will be available to clean any shared microphones.
- 4. The court will exercise its discretion in determining how best to conduct any necessary bench conferences in a manner that keeps everyone safe
- 5. Jurors will remain in their assigned seats during voir dire, except as describe below, until they are either excused and directed to report to a courtroom.
- 6. If conducting voir dire in one courtroom, jurors will not be asked to physically move to a new location to replace an excused juror.

7. If conducting voir dire utilizing two different courtrooms, juror may be asked to move to another courtroom to replace an excused juror. Courtroom staff will wipe down seats with sanitizing wipe before seating new juror
8. When a question is directed to a specific juror in the Jury Assembly Room, the juror will approach the closest stationary microphone. Jurors will be asked not to touch the microphone.
9. When excused for cause jurors will be permitted to leave the courthouse.
10. The selected jury will be given their oath in the jury assembly room or the courtroom in which voir dire was conducted.

XI. GETTING JURORS TO THE COURTROOM AND SEATED FOR TRIAL

- A. After panel is selected in the jury assembly room or courtrooms, courtroom staff will assist moving jurors to the assigned courtroom for trial orientation, initial instructions, and remainder of trial.
- B. The judge will instruct jurors to remain socially distanced six feet apart and that no more than four jurors may ride the elevators to the courtroom at a time while wearing masks.
- C. One courtroom staff member will direct jurors to elevators and another courtroom staff member will direct jurors into the courtroom after they exit elevators, and to their assigned seat in the courtroom.
- D. The judge, attorneys, court reporter, and defendant will move to the courtroom by a route not taken by the jurors when feasible.
- E. A sign will be posted outside the courtroom advising members of the public for whom insufficient space is available in the courtroom how they may access the proceeding via Webex. At the judge's discretion, proceedings may be available by video or audio only.
- F. Jurors, courtroom staff, lawyers, and the defendant will wear masks at all times as they move through the courthouse.

XII. TRIAL PROCEDURES

- A. The Court will set a start time for the trial considering the anticipated length of time that it will take for jurors to go through the enhanced security screening, the limitations on elevator access, and more limited movement in hallways due to six-foot distancing requirements.
- B. Proceedings shall remain open to the public through open courtrooms and when possible, through the use of Webex.

- C. All courtroom staff, the judge, attorneys, the defendant, witnesses, interpreters and jurors will wear face coverings at all times, with the exceptions contained in Chief Judge Order TCJO 2020-09, and at the discretion of the presiding judicial officer for purposes of clear communication, identification and interpreting. Glass barriers have been installed around the witness boxes for additional protection during testimony.
- D. The location of counsel tables may be altered in the court's discretion to optimize social distancing. Tri-County Health Department does not recommend the installation of plexiglass barriers between attorneys or between attorneys and clients, provided participants wear a mask at all times.
- E. Juror notebooks
 - 1. At the judge's discretion, jurors may be provided with either an abbreviated disposable "juror notebook" and basic jury information, or a traditional 3-ring binder containing same. Disposable notebook will be comprised of pages only, stapled together. If using traditional 3-ring binder, courtroom staff will clean and sterilize all items after each trial, replacing copies as appropriate. Jurors will also be provided with a disposable notepad for notetaking and a pen.
 - 2. At the end of the trial, jurors will be asked to place any disposable notebooks and notepads, along with any copied pages from the 3-ring binder, in a labeled box as they exit, and the materials will be destroyed by dumping into the shredder bin.
- F. Position of participants in courtroom during trial presentation
 - 1. Remaining seats may be divided equitably at the Court's discretion.
 - 2. Webcams may be used in the courtroom to assist in making the trial public via WebEx, particularly where a very limited amount of public seating will be available.
- G. Exhibits
 - 1. Where possible, all exhibits should exist in an electronic format to minimize the exchange of materials among counsel and court personnel and to avoid the passing out or touching of paper.
 - 2. If shared technology is used, such as a projector or document camera to show an exhibit, each lawyer must wear gloves or wipe down the camera with disinfecting wipes after completing his/her examination or presentation.
 - 3. Physical evidence or any paper exhibits will be handled with gloves.
 - 4. If a witness must handle an exhibit, the witness will wear gloves.

H. Witness testimony

1. Before each witness testifies, the witness stand will be sanitized by courtroom staff, wiping down all surfaces with disinfecting wipes or spray.
2. Witnesses may be required to wear a face covering during testimony. A face covering may not be required for individuals who are testifying as a witness in a criminal proceeding while seated behind a glass barrier or wearing a plastic face shield, so long as such individual wears a face covering at all other times during the proceedings.
3. The presiding judge may allow the witness to bring his/her own water bottle to the stand or the attorney calling the witness may provide the witness with an individual water bottle to be taken by the witness after testifying. No water pitchers or cups will be provided.

I. Bench conferences

The presiding judge will advise attorneys in advance of trial as to how bench conferences will be safely handled. The judges agree that bench conferences may be limited to the most critical or essential issues that arise during trial. Non-essential issues may be left for times when jurors are not present. During bench conferences, social distancing shall be maintained and face coverings shall be worn.

J. Juror breaks and waiting periods for jurors (to argue legal issues, Curtis advisement, etc.)

1. The judge's admonishment before a recess will include language reminding jurors that they are to wear masks at all times, to remain six feet apart, and to wash their hands.
2. Jurors will take their morning and afternoon breaks, as well as lunch breaks if they desire to remain in the building, in a determined space established by the judge prior to trial, likely an adjacent courtroom, training room or lounge area.
3. Jurors shall also be supplied with an information sheet by the jury commissioner regarding how to contact the jury commissioner.
4. The presiding judge shall provide daily instructions to each juror of where to proceed upon entry.
5. Jurors reporting for the second day (or more) a jury shall:
 - Not report to court if they are experiencing one or more symptoms of COVID-19. Instead, Jurors with a fever or who are experiencing any other COVID-19 symptoms shall contact the assigned courtroom bailiff before 7:30 a.m. Such person need not disclose

their specific symptom(s) and the person that such individual has contacted shall not ask them to do so.

- Have their temperatures taken outdoors at the kiosk and be screened re: COVID-19 health factors prior to going to their assigned courtroom.
- Enter the ACJC and find the jury line
- Report to their assigned Courtroom wearing Juror badge

K. Jury Instructions

1. Courtroom staff will copy final instructions and hand a copy to each juror if requested by presiding judge.
2. The original jury instructions will be placed in an envelope and provided to the jurors for deliberations and verdict.
3. Jurors will be instructed to handle only their own copies of instructions. Only the foreperson, bailiff and judge may handle the original instructions and verdict forms.

L. Jury Questions

Due to social distancing requirements, the size and layout of the courtrooms, and the need to limit multiple persons touching the same item, it will be difficult to allow jurors to ask written questions in an efficient and safe manner. Each presiding judge shall consider whether good cause exists to exempt that case from juror questioning. If unusual circumstances exist, the presiding judge may modify the provisions of this order so long as the health and safety of the participants and spectators at the trial are not compromised.

M. Deliberations (District Court jury trials)

1. Judges may elect to have jurors deliberate in the second courtroom or any other safe space, maintaining social distancing and wearing masks.
2. Disinfecting wipes, hand sanitizer, and gloves will be available to the deliberating jury.
3. Jurors will be provided with courtroom contact information and jury foreperson may use a cell phone to call courtroom staff when they have a question or a verdict.

N. Verdict, and post-trial interactions

1. The jurors will be returned to the trial courtroom for the reading of the verdict.

2. Upon completion of the trial, the judge may excuse jurors to the deliberating room. The judge will complete any final matters in the trial courtroom and may then visit with jurors if they wish to do so.
3. The judge and courtroom staff will wear masks and maintain social distancing.

O. Refreshments/Food

1. Jurors will not have access to any communal coffee pot, refrigerator or microwave. ADA needs (i.e. refrigerator access for diabetic insulin) will be dealt with on a case by case basis.
2. The Court will not supply water pitchers or cups to witnesses or parties.
3. Jurors and other participants may bring their own individual clear water bottles or drinks into the courtroom at the discretion of the trial judge.
4. The Court will not supply food or snacks to jurors during the proceedings. Jurors may bring their own food or snacks at the discretion of the trial judge. Jurors will be responsible for their own lunches.
5. At the judge's discretion, each party may bring individual clear water bottles for their witnesses but must ensure that all water bottles are removed after each witness.

P. Protocol if a juror develops COVID-19 Symptoms during the trial

1. Jurors will be asked to report to the assigned bailiff if they experience any COVID-19 symptoms during the course of the trial.
2. The presiding judge will advise jurors at the end of the day not to return for jury duty the following day if either they or anyone in their household is experiencing COVID-19 symptoms. If so, they must contact the bailiff to report same so the judge can excuse the juror before coming to the ACJC.
3. If either #1 or #2 above occurs, if the trial can continue safely, the judge will explain the next steps. If not, the jury will be excused.

XIII. CLEANING

- A. The jury assembly room and common facilities will be cleaned nightly by court cleaning staff.
- B. Courtrooms will be cleaned nightly by court cleaning staff. During deliberation and at the judge's direction, courtroom staff may be required to move juror notebooks, flipcharts, etc. into the jury room overnight so the courtroom can be cleaned.
- C. Restrooms will be cleaned nightly by court cleaning staff.

- D. Jurors may clean/sanitize their own chairs at their discretion at any pause in the proceedings. Disinfecting wipes will be available in the courtroom.
- E. To facilitate cleaning, counsel will leave nothing in the courtroom or on the tables at the end of the day.
- F. At the end of each day, attorneys shall wipe down their tables, monitors, and chairs with disinfecting wipes. Adams County has supplied the court with a spray cleaning solution that does not damage wood surfaces and that product shall be used to clean wood products. They will be responsible for cleaning/sanitizing tables, chairs, and monitors during the trial at their discretion.

XIV. MODIFICATION TO PLAN

- A. Modifications to this plan may be made as state and local public health guidelines change.

SO ORDERED this 17th day of September, 2020.



Emily E. Anderson
Chief Judge 17th JD