

Summary of Northern District of Illinois jury trial plan

This memorandum summarizes the Northern District of Illinois' plan for conducting jury trials during the ongoing pandemic. The Court's goal is to permit jury trials to be conducted in a way that enables litigants to have a fair trial and protects the health and safety of jurors, litigants, court staff, and the public.

1. Judges are encouraged to hold jury trials only when no other disposition, such as a bench trial, a negotiated resolution, mediation (for civil cases), or a continuance, is possible.

2. No more than one jury trial may begin on any given day, to minimize the number of prospective jurors who have to come to the courthouse at one time. The Court has established an internal mechanism to allocate jury trial dates and resolve conflicting schedules.

3. Prospective jurors are sent information in advance of their reporting date describing required health and safety practices at the courthouse, which include the mandatory wearing of facemasks, social distancing, and frequent cleaning. Prospective jurors are given an opportunity to request, in advance, deferral of their service for legitimate pandemic-related reasons. For jurors reluctant to take public transportation for health-related reasons, the Court has established a plan to pay for jurors' parking costs.

4. The jury assembly room, where prospective jurors report on the date they are summoned, has been reconfigured to allow social distancing and no-contact during entry and exit and during the time spent waiting to be taken to a courtroom for jury selection.

5. While in the jury assembly room, prospective jurors will be shown a newly-created video discussing health and safety precautions that will be followed in the courthouse.

6. Prospective jurors will also complete written questionnaires, provided by the trial judge, that include common questions asked of all jurors. Because common questions will be answered by all jurors at the same time, this will reduce the amount of time needed for questioning in the courtroom. The completed questionnaires will be

provided to the judge and counsel for use during jury selection.

7. Movement of prospective jurors from the jury assembly room to the courtroom will be conducted in a manner that permits adequate distancing during relocation.

8. Trial courtrooms and jury seating have been reconfigured to ensure adequate spacing between jurors, counsel, witnesses, and courtroom staff. The size of a civil jury is limited to 8 in order to allow adequate distancing in all or most regular courtrooms. Criminal trials will be conducted in particular courtrooms that have sufficient space to allow 12 jurors plus alternates, with adequate spacing. In most courtrooms, the number of people who may sit at counsel table will be limited due to necessary reconfiguration of courtrooms.

9. Jury selection will require use of the entire courtroom to allow adequate spacing among prospective jurors. In criminal cases, jury selection will be conducted in shifts for the same reason. In both civil and criminal cases, the need for extra room for jurors will preclude members of the public and press from being in the courtroom during jury selection. An overflow courtroom on a different floor will be available for any observation of jury selection by the public and the press.

10. During trials, seating in the public gallery of reconfigured courtrooms will be reduced to accommodate social distancing of jurors and other case participants. If needed, an overflow courtroom on a different floor will be available for observation by the public and the press.

11. In the courthouse and in the trial courtroom, all case participants, including lawyers, parties, jurors, and members of the public or press who are observing, will be required to follow courthouse-wide rules that require wearing facemasks, social distancing, limiting the number of people on an elevator, etc. During the trial, participants will be permitted to remove or lower facemasks only with the judge's permission.

12. Facemasks will be provided for jurors who do not bring them to court. The trial judge may make face shields available to empaneled jurors as well.

13. Jurors will be provided note-taking material (notebooks and pens) in individual plastic bags which will be used for separate overnight storage.

14. Jurors will be instructed not to come to court and to call in to report if either they or members of their household have symptoms consistent with COVID-19. If this happens during a trial, the trial judge will determine whether it is necessary to recess the trial or terminate and reschedule it for a later date.

15. During trial, counsel will be precluded from approaching witnesses or roaming through the courtroom. All questioning must take place from counsel table or from a podium, as determined by the trial judge. All exhibits will be displayed to witnesses and jurors electronically, either via computer or overhead projection, using technology available in each courtroom. If a witness needs to use paper copies of exhibits, they will have to be placed on the witness stand before the witness takes the stand.

16. Microphone covers will be used for multi-use microphones, with the cover being removed by the user when he or she is finished and the next user or a member of courtroom staff putting on a new cover.

17. "Sidebars" as traditionally conducted cannot be conducted consistently with social distancing requirements. Discussions that must occur outside the jury's presence, whether during jury selection or during the trial, will require sending the jury out of the room or can be accomplished using a technological solution involving white noise and the use of headphones. Some judges may avoid sidebars altogether.

18. Extra witness waiting rooms will be made available for each trial to enable each room to be limited to a single occupant.

19. Current jury rooms are not large enough to permit breaks or deliberations with adequate distancing, so a separate courtroom on the same floor as the trial will be used as the jury room for both breaks and deliberations. Extra security will be provided.

20. The court will provide lunch for empaneled jurors.