

GUIDANCE FOR LOCAL COMMITTEES ON RESUMING JURY TRIALS

The resumption of jury trials in the midst of the pandemic presents an especially challenging task for the judiciary. Every jurisdiction is unique with respect to accommodations within courthouses, the availability of alternative facilities, technological needs, potential public reluctance to serve as jurors, and the level of COVID-19 infection within the community. Protective measures that might be prudent in one jurisdiction may be unnecessary in another. For this reason, the Chief Judge of the superior court of each judicial circuit shall convene a **local committee** of participants in the judicial system for each county within the circuit, who will develop a detailed and locally tailored plan to resume jury trials in that county. Each local committee's plan shall be consistent with the Chief Justice's Order Declaring Statewide Judicial Emergency, as extended, any local judicial emergency order, and the Judicial COVID-19 Task Force's Guidelines, and shall seek to ensure the health, safety, and constitutional protections of all participants in the judicial system, including jurors and potential jurors, litigants, witnesses, lawyers, judges, court personnel, and the public, after considering and inspecting the local court facilities and infrastructure.

The committees should generally consist of at least one representative from each of the following sources:

- Each class of court within the county that is authorized to conduct jury trials.
- The District Attorney and the Solicitor General, if applicable.
- The Circuit Public Defender or an experienced criminal defense attorney designated by the county's indigent defense coordinator.
- One or more attorneys designated by the local bar association, if one exists, or one or more attorneys who regularly handle jury trials in the county designated by the Chief Judge.
- The Sheriff.
- The clerk of each class of court that is authorized to conduct jury trials.
- One or more jury administration officials.

- Court administration official(s) of each class of court that is authorized to conduct jury trials.
- Court information technology (IT) officials.
- A designee of the local department of health or its equivalent.
- Any other person the Chief Judge deems helpful to the development of the plan.

Each local committee is also encouraged to include a representative of the local county commission in its discussions.

The local committee's plan shall include the following:

- Identification of facilities for jury assembly, voir dire, and jury trials, including the identification of rooms within the courthouse that are suitable for these functions and alternative locations where necessary.
- Development of written public health and safety guidelines consistent with public health guidance, including sanitization procedures, face-covering requirements, social distancing protocols, etc.
- Development of a notification procedure for alerting stakeholders when courthouse personnel or visitors to the courthouse have tested positive for COVID-19.
- Protection of constitutional and statutory rights for litigants, witnesses, victims, and observers.
- Notification to potential jurors, the public, and parties of public health precautions being taken by the court, including information on sanitization procedures, face-covering requirements, social distancing protocols, etc., and identification of the most effective means to ensure that information is provided.

The Chief Judge of each court that conducts jury trials will decide whether to fully adopt or amend the portions of the committee's recommended plan that are applicable to his or her court and will then incorporate a final jury trial plan into the court's written operating guidelines for in-person proceedings that have been developed pursuant to the statewide judicial emergency order as extended. Because of the

extensive preparations required to resume the jury trial process, the updated operating guidelines should be submitted to the Administrative Office of the Courts at <https://georgiacourts.gov/covid-19-court-operating-guidelines-form/> for posting as soon as possible and before the jury trial process begins.

Guidance Issued September 10, 2020

This guidance is based on recommendations made by the Criminal Law Subcommittee of the Judicial COVID-19 Task Force.