

IN THE MATTER OF:
COVID-19
JURY TRIAL PROTOCOL

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IN THE
CIRCUIT COURT
FOR HARFORD COUNTY
ORDER NO. _____

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ADMINISTRATIVE ORDER

WHEREAS, on June 3, 2020, the Chief Judge of the Court of Appeals of Maryland and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution issued an Amended Administrative Order on the Progressive Resumption of Full Function of Judiciary Operations Previously Restricted Due to the COVID-19 Emergency; and

WHEREAS, pursuant to the Amended Administrative Order, the Chief Judge determined that a five phased progressive return to reopening full operation of the courts in the Maryland Judiciary shall occur; and

WHEREAS, pursuant to the Amended Administrative Order that in Phase V, courts will resume full operations, including jury trials beginning October 5, 2020 with continued restrictions to limit the concentration of individuals and allow social distancing, consistent with the guidance of the Centers for Disease Control or the Maryland Department of Health, or both,

NOW THEREFORE, pursuant to the authority vested in the undersigned Administrative Judge of this Court, and consistent with the aforementioned Amended Administrative Order of the Chief Judge of the Court of Appeals of Maryland, it is hereby

FILED
2020 OCT -8 A.M. 12
CLERK OF THE CIRCUIT COURT
HARFORD COUNTY, MD.
CIVIL DEPT

ORDERED, that effective October 5, 2020, the Circuit Court for Harford County hereby resumes jury trials for matters eligible for such pursuant to the Maryland Constitution and other law, and establishes a protocol appended hereto for the safe and orderly resumption of jury trials.

October 5, 2020
Date

Angela M. Eaves
ANGELA M. EAVES
Administrative Judge

COVID-19 JURY INSTRUCTION

In light of the Covid-19 emergency, the court is taking extra precautions for the safety of all trial participants including the jury. During the trial, all persons are required to maintain social distancing whenever possible. All persons are required to wear masks. The only exception to the mask requirement is that I may approve a request to temporarily allow a person, while speaking, to use a shield to ensure that the speaker can be clearly heard.

You may also see the use of plexiglass or shields to prevent potential exposure to the Covid-19 virus. The fact that the court is taking safety precautions during the trial should not be held against any party, and you should not draw any inference regarding the health of any individual involved in the trial. All persons who enter the courthouse, including judges, court staff, attorneys, litigants, and jurors, are required to answer health screening questions and participate in a temperature check.

[During the course of the trial, a witness may appear by video or on a remote platform such as Zoom. You should treat the testimony of a witness who appears by remote means in the same manner as you would if the witness had testified in this courtroom. You should not draw any inference for or against any party based on the fact that a witness testifies by remote means.]

If you become ill or experience a fever during the course of trial, you should notify my chambers immediately. If you experience symptoms while at home, or you are exposed to another person who has symptoms or who has tested positive for Covid-19, even though you do not have symptoms, please contact my chambers and await further instructions before you return to the courthouse.

JURY TRIAL PROTOCOL—CIRCUIT COURT FOR HARFORD COUNTY

Jury trials in the Circuit Court for Harford County will resume on October 5, 2020, and will be in person and, as COVID-19 safety protocols permit, open to the public. Criminal trials will be given priority for jury trial. This protocol is meant to be a general guide, and is not intended to be the sole determinant of all issues relating to jury trials for which there is existing Maryland law or authority. Therefore, to the extent that this protocol must be tailored for a specific trial, each judge presiding over a trial has the authority to do so to ensure the safety and security and legal rights of those involved in jury trials before this Court. The presiding trial judge in consultation with the Administrative Judge, the Court Administrator, the Jury Commissioner, and Court Security will tailor the protocol for the jury trial as well as determine additional protocols to be implemented. And, where necessary, the presiding judge will seek input in advance from the attorneys entered in a case. Attorneys should also seek the judge's guidance in advance to address appropriate issues for the resolution of issues at the earliest possible time.

REQUIREMENTS FOR ENTERING AND REMAINING IN THE COURTHOUSE

- Any person entering the Courthouse must wear a mask at all times while inside the Courthouse. Exceptions will be made for witnesses and attorneys at specific times during trial. *See Trial Proceedings below.*
- Any person entering the Courthouse must submit to a temperature check.
- Any person entering the Courthouse must complete a COVID-19 Screening Questionnaire provided by the Court.
- Any person entering the Courthouse must adhere to social distancing protocols throughout the Courthouse.
- Any person denied entry will be provided with information advising them how to contact the judge for the proceeding the person was required to attend.

MEDIA AND PUBLIC/SPECTATOR ACCOMMODATIONS

- During a trial in any courtroom, subject to any social distancing protocols or other security protocols, the media and public/spectators will be accommodated after all required persons and family members have been seated. The media will be given priority before the public/spectators.
- The Court will endeavor to accommodate the public/spectators in a separate courtroom subject to the Court's ability to provide electronic monitoring of a trial in another courtroom.
- The Court will endeavor to accommodate the public/spectators via remote transmission on a secure telephone line of any required public proceeding, if in person seating is not available.
- The broadcast, airing, or non-court recording of any trial proceedings is strictly prohibited in accordance with Title 16 of the Maryland Rules of Practice and Procedure.

JURY SELECTION IN THE COURTHOUSE OR AT AN ALTERNATIVE VENUE

- The Ceremonial Courtroom will be used for jury selection in the Courthouse, and the Court will provide an alternative venue for jury selection in criminal cases outside of the Courthouse where jury selection in misdemeanor and felony cases cannot be reasonably accommodated within the Courthouse. The trial judge, in consultation with the Administrative Judge, the Court Administrator, and Court Security will determine, in advance, whether an alternative venue is appropriate and available for jury selection.

- For general voir dire, a total of 120 jurors will be summoned for jury service each day, as needed.
 - For jury selection in the Courthouse, two panels of 25 jurors will be required to report each day, with one panel reporting in the morning and one panel reporting in the afternoon. Jurors will report to the Jury Assembly Room at the time indicated on the jury summons.
 - Jurors will then be directed to the Ceremonial Courtroom for general voir dire.
- The following protocol below is applicable to jury selection in the Courthouse:
 - Individual voir dire will take place in the Grand Jury Room or a courtroom located in close proximity to the Ceremonial Courtroom where general voir dire occurred.
 - The trial judge may provide written questions for jury selection, with the input of attorneys in a case, to be distributed in advance of the first date for jury selection.
 - The Court will stagger report times for jurors to limit the number of people in the Courthouse (or alternative venue) as needed.
 - The trial judge in consultation with the attorneys in the case will determine how to impanel jurors. E.g., at the end of each day or at the end of individual voir dire.
 - The movement of prospective jurors inside the Courthouse for jury selection will be via a combination of elevators (no more than 2 individuals) and the stairs, with social distancing protocols adhered to.
 - The Court will provide a special jury instruction regarding COVID-19. *See attached.*
 - Jurors that are qualified to serve will be informed as to when to return for final selection.
 - The Jury Assembly Room and additional courtrooms will be designated as jury rooms for prospective jurors until the Court is ready to seat the jury. Before final jury selection, attorneys and defendants will have the opportunity to review the entire panel before exercising any peremptory strikes.
- For jury selection at an alternative venue, the following is applicable:
 - An alternative venue for jury selection is the equivalent of jury selection at the Courthouse and the same protocols for security, rules of procedure, and decorum apply at the venue.
 - The Court will provide reporting instructions for prospective jurors as to the location of the alternative venue where separate areas for security check-in, general voir dire, and individual voir dire have been designated.
 - Prior to jury selection, the presiding judge will meet with the attorneys and other required persons to conduct a walk-through of the venue to orient them with the logistics for jury selection at the venue.
 - The trial will take place at the Courthouse, and the protocols below are applicable.

TRIAL COURTROOM CONFIGURATION & EQUIPMENT

- Trial courtrooms will be assigned depending on the type of case and the required accommodations (juror seating, attorney/client seating, and public/spectator seating) for the trial.
- A trial courtroom will be re-configured prior to a trial to determine the seating of trial participants (jurors, attorneys, litigants) to maximize social distancing, and for the appropriate placement of amplification devices and plexiglass on witness stands, trial tables, and other key areas in a courtroom.
- A system for confidential bench conferences and attorney-client communications will be provided.

- Each trial courtroom will have hand sanitizers and other cleaning materials and equipment (gloves, sanitizing spray) available for use during the proceedings. A trial courtroom will be sanitized as the daily proceedings require and at the end of the proceedings for each day of trial.

TRIAL PROCEEDINGS

- To the extent possible, exhibits should be pre-filed electronically. Any exhibits that cannot be filed electronically must be placed in plastic sleeves, if possible. Attorneys should meet with the trial judge in advance to seek agreement on what exhibits may be admitted and the appropriate manner in which to publish exhibits to the jury.
- Any person physically handling exhibits will be provided with gloves to do so if necessary, and when possible, exhibits will be displayed on electronic equipment to preclude or minimize the need for physical handling.
- If a secure electronic device is not available or cannot be used for confidential bench conferences, those conferences will take place behind the security entrance for the judge's chambers.
- If possible, court proceedings may be viewed by spectators in another courtroom via the courtroom flat screen televisions. The number of spectators permitted will be subject to social distancing.
- The Court will follow the guidance of the Centers for Disease Control, the Maryland Department of Health, and the Maryland Judiciary with respect to any person who contracts COVID-19 or who may have had close contact with a person who has COVID-19. To the extent that the proceedings must be temporarily halted to address these issues, the trial judge will determine when the proceedings may resume.
- Witnesses will be permitted to testify without mask, unless for good cause shown (e.g., health concerns), a witness must wear a mask.
- Attorneys may remove mask for questioning and for opening and closing arguments, but must either use a personal face shield or remain behind plexiglass.

JURY DELIBERATIONS

- To permit social distancing, jury deliberations will take place in a pre-designated courtroom (with the recording system de-activated) or the Jury Assembly Room. No one other than approved Court personnel will be permitted access to the jury prior to or during jury deliberations. In the Courthouse or an alternative venue, Court Security will assist the Court in preventing access to jurors by non-Court personnel.
- Jurors will be permitted to view exhibits in protective sleeves. A law clerk will assist a jury with viewing exhibits electronically, if needed, with prior notice to the attorneys/parties.

ADDITIONAL PROTOCOLS

This Court reserves the right to implement any additional protocols necessary for the safe and orderly provision of jury trials in the Circuit Court for Harford County.