



State Court Administrative Office

Michigan Trial Courts Social Distancing Recommendations for In-Person Jury Trials

July 20, 2020

INDEPENDENCE · ACCESSIBILITY · ENGAGEMENT · EFFICIENCY



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The Centers for Disease Control and Prevention (CDC) provides [recommendations](#) for reducing the transmission of COVID-19 and maintains information about [how COVID-19 spreads](#). The CDC information on these topics is updated frequently. It is important that courts regularly review current CDC guidelines and consider the recommendations that follow in light of the most recent information available.

General Recommendations

Recommendation 1 – Reassure Participants

Jurors and other jury trial participants have health and safety on their minds. Consider including a letter from the chief judge with juror summonses, making information widely available about the precautions in place at the court to ensure COVID-19 transmission is lessened. Consider creating a video for your court’s website about check-in procedures, social distancing precautions, and health and safety protections that jurors can expect, similar to this [video](#) used in Indiana.

Recommendation 2 – Location

Consider locations other than a court where social distancing may be accomplished more effectively. Example locations include gymnasiums, auditoriums, parking garages, outdoor pavilions, theaters, vacant retail space, and convention centers.

Recommendation 3 – Courtroom Design

If a trial will be held in a courtroom, consider adjusting the layout of the courtroom to ensure social distancing. One option is to seat the jurors in the gallery with a minimum of six feet of distance between jurors. Counsel tables can be turned sideways so that counsel face one another and jurors see at least a side view of the parties. Alternatively, consider Plexiglass physical dividers between juror seats in the jury box. Encourage counsel to speak from the counsel tables and remove the common lectern or sterilize the lectern and microphone between each use.

Recommendation 4 – Cleaning and Sanitation

Frequently deep clean and sanitize commonly shared items such as tables, microphones, and armrests. Remove unnecessary items from the courtroom. Consider propping doors open to remove the need to touch doorknobs or handles. Provide hand sanitizer and cleaning supplies in multiple courtroom locations.

Recommendation 5 – Face Coverings and Personal Protective Equipment

Require the use of face coverings while in enclosed indoor spaces when individuals are not speaking. When individuals are speaking, either allow clear face shields, clear masks, or install Plexiglass dividers at the witness stand, counsel tables, and bench. Allow interpreters to wear clear face shields or clear masks.

Recommendation 6 – Amplify Voices

Due to the use of face coverings and/or Plexiglass barriers, participants may have difficulty hearing the proceedings. Amplify voices and test that all participants can hear and that an accurate record can be made of the proceedings.

Recommendation 7 – Encourage Social Distancing with Physical Reminders

Use floor markings, signs, and cordoned off areas to identify where participants should sit or stand to accomplish social distancing. Enforce that participants abide by the physical designations.

Recommendation 8 – Screening for Symptoms

Require all parties, court staff, and jurors to self-screen for COVID-19 symptoms prior to entering the courthouse each time or screen participants at entry by taking their temperatures using contactless thermometers and asking about other symptoms. Do not allow participants to enter the courthouse if they are experiencing symptoms of illness.

Jury Selection Recommendations

Recommendation 9 – Summoning

Some potential jurors may be hesitant to come to the courthouse during the pandemic. Consider summoning a larger number of jurors than normal and excusing or delaying those with legitimate health concerns, and those who live with at-risk individuals, from jury service.

Recommendation 10 – Staggered Juror Reporting

When a large number of potential jurors are needed for multiple cases or judges, consider randomly assigning jurors to separate panels and having them report to the court with staggered reporting times, in order to reduce the size of the in-person gathering for the jury check-in process. For example, fifty potential jurors may be told to report at 8:00 AM, fifty at 10:00 AM, and fifty at noon.

Recommendation 11 – Placing Jurors in Separate Rooms

If a large number of jurors is needed for a case, consider separating the extra jurors into smaller groups and place them in other rooms to watch/participate in voir dire via livestream. These extra jurors would be brought into the main courtroom if the first groups of jurors is depleted. The court could pre-randomize all the jurors that appear and group them in their random order (although attorneys and parties should not know the random order).

Trial Recommendations

Recommendation 12 – Maintain Social Distancing During Proceedings

Prohibit attorneys from physically approaching witnesses during the trial. Hold sidebars and bench conferences during a scheduled recess in open court, or in chambers with social distancing.

Recommendation 13 – Provide Personal Protective Equipment to Participants

Consider providing hand sanitizer, facial coverings, disposable gloves, and cleaning supplies to trial participants for the proceedings.

Recommendation 14 – Exhibits

Consider using technology to display exhibits, when possible, to reduce the need for multiple people touching physical exhibits. When physical exhibits are required, consider providing a personal copy to each participant rather than requiring the exhibits to be passed between participants. When physical exhibits must be handled by multiple participants, require those handling the exhibits to wear disposable gloves that are removed and discarded immediately after handling the exhibit.

Deliberations

Recommendation 15 – Juror Questions

Some jurors' questions can be asked and answered in writing. Consider providing an email address to the jury to use when asking questions. If questions are submitted by paper, ensure that disposable gloves are worn when participants touch the paper in transit, and that gloves are removed and discarded immediately following contact with the paper. Pens or pencils used to create the note should be cleaned immediately after contact.

Recommendation 16 – Juror Meals

Plan meals for jurors if local restaurants are not able to accommodate them. If providing meals at the courthouse, ensure that surfaces where meals will be served are sanitized before and after the meal. Meals should be individually prepared rather than buffet style requiring the sharing of serving utensils. Disposable plates and cutlery are recommended. Provide jurors the opportunity to wash their hands before and after the meal.

Recommendation 17 – Electronic Signatures

Allow electronic signatures on verdict forms to avoid multiple participants touching paper. If using paper, ensure that all individuals who touch the paper wear disposable gloves that are removed and discarded immediately after contact with the verdict form and writing implements are cleaned immediately after contact.