



UNITED STATES DISTRICT COURT
Southern District of Mississippi
Office of the Clerk

COVID-19 JURY RESUMPTION PLAN

TO: U. S. District Judges
Senior U. S. District Judges
Courtroom Deputy Clerks (CRDs)
Jury Department Staff

FROM: Arthur Johnston, Clerk

DATE: August 10, 2020

SUBJECT: COVID-19 Jury Resumption Plan

I. PRELIMINARY CONSIDERATIONS

This Plan is designed to permit the safe resumption of jury trials during the coronavirus pandemic. All individuals involved in the process must recognize that jury service, including reporting, selection, trial participation, and deliberation will be different, unpredictable, and likely more time-consuming. Logistical issues will inevitably arise, and the Jury Department and the Clerk's Office as a whole are committed to working through those issues and ensuring the ends of justice are met in our District.

Moreover, jury duty, by its very nature, has the potential to contribute to the spread of the virus, so the measures described in this Plan are necessary and are designed to maximize the safety of all trial participants and potential jurors while minimizing unpredictability and delay. Patience and a cooperative spirit are essential.

Finally, conducting multi-defendant trials will be difficult due to spacing requirements at counsel table; consequently, this plan only applies to single defendant trials at present, although multi-defendant trials may be possible in our district's two ceremonial courtrooms.

II. CURRENT STATUS OF JURY TRIALS IN THE SOUTHERN DISTRICT OF MISSISSIPPI.

A. Jurors Summoned for Previous Months. All jurors summoned following the entry of Special Order # 2 had their service deferred to a later date. The Jury Department received many requests from jurors to be excused or deferred. We have continued to respond to and accommodate jurors with a focus on expressing our concerns and understanding with the goal of assuring them that their health and safety are a priority for the Court. Our current recorded message instructs jurors summoned for the month of May that their service has been postponed to a future date.

B. Jurors Summoned for Subsequent Months.

1. 850 potential jurors have been summoned for each subsequent month. Jurors should have plenty of time to respond and make requests for deferrals or excusals.

2. Additional information was added to the mailout regarding many of the policies the Court will have in place to ensure their safety and encouraging them to bring and wear masks. The Court will provide masks as needed.

3. The phone message on our Court's standard call-in number will reference COVID-19 measures and likewise encourage prospective jurors to bring masks with them to court.

4. Once a jury trial resumption date has been set, we will add the following COVID-19 information to the website under the Jury Information section to ensure potential jurors know that we have safety measures in place:

Please note that the Court is committed to the safety and well-being of our jurors. We are closely following and reinforcing the guidelines from the CDC and local health authorities and have taken precautionary measures to limit the potential spread of the virus while also ensuring that we are able to continue with essential judicial proceedings. Our Jury Department continues to monitor the COVID-19 situation in real time and is responding as conditions evolve.

5. In addition, we will include a special letter from the Chief Judge with the summonses re-assuring potential jurors of our safety precautions and encouraging their participation.

III. PRE-JURY SELECTION MATTERS

A. Jury Trial Scheduling. Courtroom Deputy Clerks will closely coordinate with each other and the Jury Department to ensure we have the space and availability to hold the trials they believe will go forward. For the reasons described below, in Jackson and Gulfport it is recommended that –

1. The start days of jury trials be staggered such that one panel would report on Monday and a second on Wednesday; and

2. No more than two (2) jury trials be conducted in the same courthouse in any given week.

B. Reporting for Duty. Due to social distancing requirements, our jury assembly areas (the Jury Assembly Rooms in Jackson and Gulfport and the courtrooms in Hattiesburg and Natchez) will not have the capacity to handle large panel groups as normal, so the following accommodations should be made to allow most usual trials to proceed.

1. Number of Jurors Requested. Judges are encouraged to request more than the usual number of prospective jurors and to plan for a full complement of alternates. The Jury Department can offer guidance in this area.

2. Seating. In the Jury Assembly Rooms (Gulfport and Jackson) chairs will be removed or roped off, allowing for at least 6 feet of distance between individuals.

3. Capacity. We have determined that with social distancing in place, our jury assembly areas in each respective courthouse will hold a maximum number of individual jurors, as follows:

a. Jackson (2 nd Floor Jury Assembly Room)	--	45
b. Gulfport (2 nd Floor Jury Assembly Room)	--	26
c. Hattiesburg (Starrett Courtroom)	--	34
d. Natchez (Bramlette Courtroom)	--	34.

For trials in which more than the respective maximum number of potential jurors listed above are needed, the following additional jury assembly options are available:

a. Jackson – extra portable seating will be made available in the 2nd Floor lobby with appropriate spacing. Alternatively, overflow jurors may be assembled in the gallery of Courtroom 5C.

b. Gulfport – extra portable seating will be made available in the lobby area adjacent to the Jury Assembly Room. Alternatively, overflow jurors may be assembled in the gallery of the visiting judge courtrooms on the 5th Floor.

c. Hattiesburg – extra portable seating will be made available in the lobby areas on the 2nd Floor. Alternatively, overflow jurors may be assembled in the gallery of Judge Parker’s courtroom.

d. Natchez – some seating for jury assembly is available in the vestibule immediately outside the courtroom. However, this option is limited and we recommend any trial requiring more than 45 jurors be moved to Jackson.

Jury Department or Clerk’s Office personnel will coordinate closely with CSOs and Courtroom Deputy Clerks to ensure a smooth transition from both the regular and additional assembly areas.

4. Arrival and Check-in.

a. Jurors will undergo current pre-screening protocols by CSOs upon building entry at all courthouses.

b. Using thermal thermometers (which have been received by the Clerk’s Office), Jury Department or Clerk’s Office personnel will take the temperature of each prospective juror upon arrival in Jury Assembly Rooms. Those registering a temperature above 99 degrees will be excused.

c. Floor decals will be placed in front of juror check-in counters at six-foot intervals in both Jackson and Gulfport.

d. Masks and gloves will be required for Jury Department and Clerk’s Office personnel during check-in, and masks will be available for both prospective and selected jurors. Sufficient supplies of masks have been procured and distributed to each courthouse for juror use as necessary. Whether the use of masks is to be required or strongly encouraged is a decision for the presiding judge.

e. Sufficient quantities of hand sanitizer have also been procured and received such that multiple stations will be available in each Jury Assembly Room, courtroom, and jury deliberation room. Sanitization of lecterns and witness boxes will be as directed by the presiding judge.

IV. JURY SELECTION/VOIR DIRE

A. Juror Movement. To maintain social distancing in elevators and hallways, CSOs will need to move potential jurors into the courtroom in groups of no more than four at a time.

B. Seating.

1. For purposes of juror seating during both voir dire and trial, the Clerk's Office will procure a sufficient number of portable, plexiglass or vinyl "sneeze guard" panels to place between each seat in the jury box and between the rows in each jury box. One set will be procured for Hattiesburg, one set for Natchez, and two sets each for Jackson and Gulfport. This will enable full utilization of jury box seating during voir dire (and trial) without the need for further separation. Alternatively, jurors could be seated in every other (or every third) seat in the jury box for voir dire, in which case such panels may or may not be required. Either way, and particularly with respect to criminal trials, the entire gallery of the courtroom will be devoted to prospective juror seating, with appropriate markings and signage to ensure six-foot spacing and promptness and ease of access.

2. Because there will be little or no room for public seating during voir dire, the IT Department will provide a live audio feed to an adjoining and unoccupied courtroom when directed by the presiding judge. The IT Department will prepare small flyers which may be distributed by CSOs to those interested.

3. For particularly large panels and panels in criminal cases –

a. Voir dire will take place in stages, with one group being questioned while the other(s) remain(s) in an alternate location (jury assembly or a nearby courtroom). Once questioning of the first group is concluded, the second group will be brought in.

b. Masks will be required but the presiding judge may direct that masks be removed during voir dire. Judges may require counsel, witnesses and all others in the courtroom wear masks when not speaking.

C. Capacity. We have determined that with social distancing in place, our courtrooms in each respective courthouse will hold a maximum number of individual jurors for voir dire purposes, as follows:

a. Jackson (Wingate)	34, but 40 with extra front row
b. Jackson (Visiting 6B)	30, but 36 with extra front row
c. Jackson (Jordan)	30, but 36 with extra front row
d. Jackson (Reeves)	30, but 36 with extra front row
e. Jackson (Lee)	30, but 36 with extra front row
f. Gulfport (Guirola)	42 with side seating & extra front row
g. Gulfport (Ozerden)	38 with side seating & extra front row
h. Gulfport (Visiting 6W)	38 with side seating & extra front row
i. Hattiesburg (Starrett)	34, maybe a few more with side seats
j. Natchez (Bramlette)	34, maybe a few more with side seats

V. TRIAL, DELIBERATIONS, AND CLEANING

A. Trial. Given the use of the plexiglass or vinyl “sneeze guards,” it is believed that jurors may sit in regular seats in jury boxes. In civil cases, jurors should have sufficient room to spread six feet apart, and that will be required. During breaks, jurors will be ushered into an adjacent or nearby courtroom and kept secure by CSOs while maintaining social distance. During sidebars, either jurors will be excused to the interior hallway escorted by CSOs, or temporary plexiglass will be installed at the bench with a vinyl retractable divider between attorneys. The latter option would allow the jurors to remain in the box during sidebars.

B. Deliberations. Although some jury deliberation rooms may be sufficient to allow social distancing of the smaller number of jurors utilized in civil trials, to fully accommodate social distancing and minimize juror anxiety, juror deliberations should take place in an adjacent or nearby courtroom whenever possible. The Grand Jury or Jury Assembly Rooms in Jackson and Gulfport are other options to consider. Hattiesburg is limited to Judge Parker’s courtroom, and there are no alternatives for Natchez. Jury Department staff will make water and coffee available in the vestibules of such adjacent courtrooms.

C. Cleaning. The GSA will be notified and will perform enhanced cleaning of all jury assembly, courtroom and deliberation areas each evening. For this reason, it is recommended that courtroom proceedings conclude by 5:30 pm each day. In addition, sanitary spray and wipes will be provided at the witness stands and

lecterns, and judges may request witnesses and attorneys to wipe down areas as appropriate.

VI. ATTORNEYS, CLIENTS, AND WITNESSES

A. Attorneys and Clients.

1. Attorneys and their clients may elect to be treated as a “family” for trial purposes. This designation will enable clients to sit at counsel table and communicate with counsel freely and without social distancing. Masks will be required but may be removed during actual attorney and client consultation.

2. Alternatively, attorneys and clients may elect to socially distance as between themselves during trial. In this event, attorneys and clients may elect to communicate during trial either by:

a. text, email or instant messaging using a smart device such as an iPhone or iPad, or

b. using the court’s two-way electronic transceiver audio equipment normally utilized for court interpreting.

3. During pretrial conferences or other pretrial events, attorneys should advise the court which method they and their clients prefer.

B. Witnesses. Because the court’s witness rooms are small, no more than one person will be permitted in each room. Thus, additional courtrooms, conference rooms, or hallways may be used to station witnesses before testifying. Should witnesses need physical separation prior to trial or if large numbers of witnesses are expected, counsel should advise the Courtroom Deputy Clerk of the presiding judge in advance. Witnesses will observe social distancing and wear masks at all times except when speaking.