

A TALE OF THREE TRIALS (DURING COVID-TIME)

S.D.Cal. Federal Court Criminal trial

LA Superior Court Criminal trial

Alameda Superior Court Civil trial (asbestos – 4 wks)

Summoning Jurors – Yield

50% (usually 60%)

10% (usually 30%)

Higher than usual

Diversity of Jury Venire Who Appeared

Seemed normal

Normal, except fewer > age 65 (new automatic excuse for > age 65)

Seemed normal

How Voir Dire Was Conducted

In jury assembly room (large with outdoor patio). Started with venire of 60. All participants wore clear masks.

In courtroom. 15 prospective jurors at a time. All participants wore opaque masks. Voir dire took 3 times longer than normal.

Written questionnaires in jury assembly room: hardship and ability to access technology at home. 4 of 69 said no access. For those with access, voir dire continued via Zoom. Although jurors had opportunity to complete questionnaires online, few did (but may have been software glitch).

Reaction of Venire During Voir Dire

Those with COVID hardship symptoms were asked to call in before appearing. Few asked to be excused during voir dire.

Judge did not perceive that anyone was trying to “get out of” jury duty with responses. All jurors said they felt safe. Three jurors had COVID hardships (out of 55).

Prospective jurors did not try to avoid service. They appeared to appreciate not having to commute in order to serve.

**S.D.Cal. (federal) Court
Criminal trial**

**LA Superior Court
Criminal trial**

**Alameda Superior Court
Civil trial (asbestos – 4 wks)**

Presentation of Evidence

In courtroom facing the jurors, who sat in the gallery. All participants wore clear masks provided by the court.

In courtroom, with jurors seated both in jury box and in gallery. All participants wore opaque masks and no counsel objected.

Started with jury on Zoom and lawyers/witnesses in courtroom. Interface problems led to lawyers and witnesses also participating via Zoom. One court staff person assigned to watch the jurors to be sure they paid attention.

Special Arrangements in Courthouse

Jurors were sequestered from 9am-5pm and lunch/snacks were provided by the court (\$ from AOC). Judges limited number of trials in courthouse to preserve social distancing.

Breaks were longer so that facilities could be used with social distancing. Jurors complained about delays with elevators given limited capacity (19 story building).

None after initial voir dire in courthouse – but some issues regarding juror attention (“Objection: Juror No. 3 has a cat on her lap.”)

Jury Deliberations

Deliberations in locked courtroom.

Deliberations in locked courtroom.

Deliberations in dedicated “room” on Zoom – copies of exhibits and jury instructions were delivered to jurors’ homes. Foreperson to send smartphone picture of verdict form.

Public Access

Another courtroom made available for press and public with video feed from trial.

2 seats set aside for media and public.

Audio broadcast from the court website for all hearings and trial. Access to Zoom was by invitation and password only.