

# UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO



## **JURY TRIAL PROTOCOLS – REVISED MARCH 8, 2022**

The U.S. District Court for the District of Colorado has adopted the following revised protocols for conducting jury and bench trials in the Arraj and Rogers Courthouses in Denver following the February 24, 2022 recommendations from the Centers for Disease Control and Prevention (“CDC”) regarding the COVID-19 pandemic. These protocols are effective as of March 8, 2022.

### **SUMMONING AND SCREENING OF POTENTIAL JURORS**

- All potential jurors must wear masks and be socially distanced at three feet in the Jury Assembly Room.
- Before their expected service, potential jurors will be contacted and screened for factors that would automatically excuse them from service. These factors include:
  - Currently experiencing any symptoms of COVID-19, including a fever, cough, shortness of breath, or recent loss of the sense of taste or smell;
  - Being unvaccinated and having had close contact in the last 10 days with any person who has been diagnosed within the last month with COVID-19;
  - Having been asked to self-quarantine by any doctor, hospital, or health agency;
  - Being unvaccinated and being recognized by the CDC as a person at higher risk for severe illness from COVID-19; or
  - Being fully vaccinated and being immunocompromised.
- On their reporting day, jurors will be asked again about the above-listed factors during the check-in process at the courthouse.
- A separate security line will be established for potential jurors in order to promote social distancing and provide for orderly entry into the courthouse.
- Juror check-in will occur in the Arraj Jury Assembly Room.

## **JURY SELECTION**

### **Civil Trials:**

- Jury selection will take place in the assigned judicial officer's courtroom.

### **Criminal Trials:**

- Jury selection will take place in either Courtroom 201 or in the assigned judicial officer's courtroom.
- Because the gallery will be occupied by the jury, spectators will not be permitted in the courtroom during jury selection. An audio link will be provided to allow members of the public to listen to the proceedings.

## **EMPANELED JURIES**

- Trial will take place in the presiding judicial officer's courtroom or, at the discretion of the presiding judicial officer, in Courtroom 201.
- Beginning on the morning of the second day of trial, and on all mornings thereafter, each juror will be required to call the assigned courtroom deputy before 7:30 a.m. if the juror is experiencing any COVID-19 symptoms.

## **TRIAL PROCEDURES**

- Each judicial officer shall have discretion regarding the rules for mask wearing and social distancing in his or her courtroom during the trial, which may include not requiring the jurors, witnesses, attorneys, and other persons in the courtroom to wear masks or to socially distance.
- At his or her discretion, a judicial officer may require protective measures that include, but are not limited to, the following:
  - That persons observe social distancing.
  - That requests to be socially distanced or to wear masks will be accommodated.
  - That persons in the courtroom wear masks.
  - That witnesses testify in the courtroom wearing masks or testify via video teleconference ("VTC") from another location in the courthouse without a mask. If so, two laptop computers will be set up in the courthouse, which will allow an attorney to conduct a witness examination via VTC without a mask. Attorneys who wish to do so, or have a witness appear from within the courthouse via VTC, should notify the presiding judicial officer one week in advance of the start of the trial.
- Attorneys who wish to maintain social distancing from their clients may use the Court's electronic transceiver system, which enables private encrypted conversations between people speaking in a quiet voice. The presiding judicial officer may also elect to use the transceiver system for bench conferences or for other purposes.

- Attorneys who wish to use the transceiver system should notify the presiding judicial officer at least one week in advance.
- At the discretion of the presiding judicial officer, the jury can either use the jury deliberation room or use another courtroom. If the jury deliberation room is used and if a juror is uncomfortable with using it because of a lack of social distancing, the juror will be given a chair in the internal hallway outside of the jury deliberation room for use during breaks. For that jury, deliberation will take place in an unused courtroom to allow for social distancing. Otherwise, deliberation will take place in the jury deliberation room.
- Spectators will be permitted in the courtroom after jury selection. However, in a trial with jurors seated in the gallery to allow for social distancing, spectators may be excluded if the presiding judicial officer believes that the presence of spectators will interfere with the trial. If spectators are not permitted, an audio link will be provided to allow members of the public to listen to the proceedings.

### **Bench Trials:**

- Bench trials will be conducted in accordance with the trial procedures outlined above adjusted for the absence of a jury.

### **GENERAL COURTHOUSE RULES**

- All entrants to courthouses must abide by the entry requirements specified in the applicable General Order.
- Hand sanitizer and disinfecting wipes will be available in all courtrooms.