

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO



JURY TRIAL PROTOCOLS – REVISED AUGUST 9, 2021

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 July 27, 2021 recommendations from the Centers for Disease Control and Prevention (“CDC”) regarding the COVID-19 pandemic and the spread of the Delta variant. These protocols are effective as of August 9, 2021.

SUMMONING AND SCREENING OF POTENTIAL JURORS

- All potential jurors, whether vaccinated or unvaccinated, must wear masks during the jury selection process and throughout the trial. Disposable masks will be available for those who arrive without a mask.
- All potential jurors, whether vaccinated or unvaccinated, will be socially distanced at three feet through jury selection.
- 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 14 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.
- During jury selection, jurors must socially distance themselves when using the elevators, meaning that each should ride the elevator with three other persons only.

Criminal Trials:

- Jury selection will take place in Courtroom 201 to allow for three-foot social distancing of jurors.
- During jury selection, jurors must socially distance themselves when using the elevators, meaning that each should ride the elevator with three other persons only.
- Because the gallery will be occupied by the jury, spectators will not be permitted in Courtroom 201. An audio link will be provided to allow members of the public to call in and listen to the proceedings.

EMPANELED JURIES

- Trial will take place in the assigned courtroom of the presiding judicial officer or, at the discretion of the presiding judicial officer, in Courtroom 201.
- If jurors are fully vaccinated, which is defined as 14 days after the second dose in a two-dose series or 14 days after receiving a single-dose vaccine, they will sit in the jury box without social distancing or, if some or all prefer, in the gallery of the courtroom to provide for social distancing. Unvaccinated jurors will be seated in the gallery in order to provide for social distancing.
- Jurors seated in the gallery with sight or hearing issues will be seated towards the front of the gallery.
- 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 fully vaccinated juror is uncomfortable with using it, or if there are one or more unvaccinated jurors, these jurors will be given chairs 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.
- 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

- Fully vaccinated attorneys and their support team, parties, witnesses, and court staff are required to wear a mask, but not to socially distance, during the trial. Unvaccinated persons must wear masks and observe social distancing. The Court will accommodate the requests of fully vaccinated persons to be socially distanced.
- Fully vaccinated and unvaccinated witnesses must testify in the courtroom with masks or via video teleconference (“VTC”) from another location in the courthouse without a mask; however, in the discretion of the judicial officer, fully vaccinated witnesses may testify without masks.
- A judicial officer may allow any witness or party wearing a mask to remove the mask for purposes of in-court identification and for purposes of briefly allowing the jury to see the witness’s or party’s face by way of introducing the person to the jury.
- 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 and/or during bench conferences may use the Court’s electronic transceiver system, which enables private encrypted conversations between people speaking in a quiet voice.
- Attorneys who wish to use the transceiver system should notify the presiding judicial officer at least one week in advance and are encouraged to bring their own ear buds with a microphone for greater comfort when using the transceiver system. Bluetooth is not supported by this system.
- Unvaccinated witnesses waiting to testify shall observe proper social distancing and wear masks.
- Spectators will be permitted in the courtroom after jury selection. However, in a trial with jurors seated in the gallery, 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 call in and listen to the proceedings. Spectators must wear masks and, if unvaccinated, observe social distancing.

Bench Trials:

- Bench trials will be conducted in accordance with the trial procedures outlined above adjusted for the absence of a jury.
- Pursuant to the discretion of the presiding judicial officer, members of the public and other spectators will be permitted in the gallery of the courtroom. Spectators must wear masks and, if unvaccinated, observe social distancing. In the alternative, an audio link will be provided to allow members of the public and other spectators to call in and listen

to the proceedings.

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.