

JURY MANAGEMENT SUBGROUP OF THE COVID-19 CONTINUITY OF COURT OPERATIONS DURING A PUBLIC HEALTH EMERGENCY

State Courts Building ♦ 1501 West Washington Street ♦ Phoenix, AZ 85007

June 1, 2020

Chief Justice Robert M. Brutinel
Arizona Supreme Court
1501 West Washington Street
Phoenix, Arizona 85007

Jury Management Subgroup of the COVID-19 Continuity of Court Operations During a Public Health Emergency Workgroup Best Practice Recommendations

Dear Chief Justice Brutinel,

Enclosed, and submitted to the Arizona Supreme Court, is the *Jury Management Subgroup Best Practice Recommendations During the COVID-19 Public Health Emergency*. We are delighted to facilitate the work of this Subgroup, and our hope is that these *Recommendations* will be communicated to, and used as a reference, throughout Arizona and beyond.

Established by the “Plan B” Workgroup just a few weeks ago, this Subgroup includes judges, clerks of court, jury commissioners, and a court administrator. This Report recommends best practices, as of today’s date, courts should take into account to resume jury operations in light of the COVID-19 pandemic. These *Recommendations* represent best practices identified by the Subgroup after surveying Arizona courts and researching these issues nationally. Many of these precautions and recommendations will be implemented on a temporary basis, subject to change based on CDC guidance, user experience, and local court discretion.

The amazing volunteer Subgroup members, along with fabulous support of Court Staff, have worked hard in crafting these *Recommendations*. The *Recommendations* encompass the following issues: (1) remote grand jury proceedings; (2) taking measures to ensure the health and safety of all participants; (3) ensuring a jury pool that is a fair cross section of the community; (4) voir dire; (5) pretrial preparation, including resolving

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motions, scheduling, and preliminary jury instructions; (6) conducting jury trials; (7) attorney conduct and evidence during trial; and (8) final jury instructions and return of verdict. The appendix includes selected additional resources. The Subgroup's findings and recommendations will be shared with the Arizona trial courts in a statewide webinar, *Resumption of Jury Trials*, presented by some of the Subgroup members and others on June 8, 2020.

Although these *Recommendations* are a key part of the Subgroup's mission, it is anticipated that the effort of the Subgroup may continue, through weekly virtual meetings, capturing and circulating resources, and facilitating communications until that effort is no longer needed. In the meantime, we would request permission to circulate these *Recommendations* broadly, both within Arizona and nationally, given the substantial, time-sensitive need for guidance in these uncertain times.

As courts begin resuming jury trials, better ideas will likely become apparent and more changes will be required as the recommendations in this report are implemented. In order to keep current with the best practices developing in Arizona and around the country, the Subgroup recommends forming a standing committee to examine current and future jury practices in an ongoing effort to improve jury operations in Arizona.

It is an honor to participate in the planning efforts of the Subgroup. Each Subgroup member, and the Court Staff involved in the work, are to be commended for their commitment to this important project. Their work truly benefits the administration of justice, the Arizona judiciary, and all Arizonans in these uncertain times as we deal with the pandemic and prepare for a "new normal."

Should you have any questions or need additional information, please do not hesitate to contact us.

Very truly yours,

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Enclosure

Copy with enclosure via email to:

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