

REVISED JURY TRIAL AND COVID PROTOCOL

Order 21-01

July 2021

27th Judicial District

Patricia Macke Dick, Chief Judge

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CLERK OF DISTRICT COURT
RENO COUNTY KANSAS

BY _____

1. The task force video "Safe Juries in Kansas Courts" has been posted to the Reno County District Court website.
2. Prior to the pandemic our court summoned 500 people for jury service each month. We have increased the number of summons to 600 to provide an adequate pool after allowing for persons who do not respond and persons who will be excused due to health and safety concerns.
3. The task force Letter to Potential Jurors and Additional Juror Questionnaire Regarding COVID-19 with a few modifications pertinent to our district will be mailed to the panel.
4. All Juror Questionnaires will be reviewed by a clerk and sensitive health information will be redacted prior to distributing the questionnaires to counsel. Potential jurors will be asked if they are fully vaccinated.
5. Potential jurors are to contact the jury coordinator if any of the following conditions apply to the juror. The coordinator will consult a District Judge to determine whether the person will be excused from service:
 - a. they have been diagnosed with or had close contact with a person who has been diagnosed with Covid-19 within the last 14 days.
 - b. They have experienced any cold or flu-like symptoms in the last 14 days including fever, cough, sore throat, respiratory illness or difficulty breathing.
 - c. They are actively caring for a family member or loved one who has tested positive for Covid-19.
6. In accordance with Centers for Disease Control Guidance issued on May 13, 2021, all individuals – including employees – who are fully vaccinated are no longer required to wear masks or other face coverings, except where required by federal, state, local, tribal, or territorial laws, rules, and regulations, including local businesses and workplace guidance. Should fully vaccinated individuals feel more comfortable wearing a mask, they are welcome to continue doing so.
7. For each person who is not fully vaccinated, signs are posted at the entrance of the courthouse and throughout the courthouse advising face masks are required and reminding everyone to socially distance and marking six-foot intervals. These

requirements are not applicable to fully vaccinated individuals, but they are recommended to wear masks and socially distance if they choose.

8. Limits on how many people can ride an elevator at the same time will be removed for vaccinated individuals. Unvaccinated individuals should ride with no more than three other people in the same elevator. Signs will be placed outside the elevator advising no more than three unvaccinated people may occupy the elevator at the same time. There is not a limit on the number of vaccinated persons in the elevator. Signs will also be placed at the bottom and top of the stairwell advising to maintain six feet of distance while ascending or descending stairs.
9. All signage will be in English and Spanish and in compliance with Americans with Disabilities Act requirements.
10. Pursuant to 2021-PR-048, Courthouse Security shall complete COVID-19 screening measures for visitors in public entrances consistent with minimum standard health protocols, either in writing, verbally or through a combination of written or verbal communications. These screening measures shall include communications that: (a) if a person is not fully vaccinated against COVID-19, that person would need to wear a mask within the Courthouse; and (b) any unvaccinated person who is experiencing COVID-19 symptoms or has been exposed to someone with COVID-19 within the last 14 days should contact the Court Clerk's office. For any person described within subsection (b), such person should be denied entrance and given instructions about calling the clerk's office to reschedule their court hearing. Also, a Visitor Alert notice should be posted at all entrances to all courthouses and all court offices.
11. The exemptions to wearing a mask or face covering provided by Governor's Executive Order 20-52 will apply to those not fully vaccinated as follows:
 - Persons age five years or under;
 - Persons with a medical condition, mental health condition or disability that prevents wearing a face covering—this includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;
 - Persons who are deaf or hard of hearing, or communicating with a person who is deaf or hard of hearing, where the ability to see the mouth is essential for communication.
12. After passing through court security potential jurors will be seated in the open atrium of the Reno County courthouse where chairs will be a minimum of 6 feet apart.
13. Jury orientation will be conducted by the assigned judge and will include a review of COVID-19 protocol. Brochures will be provided to jurors to inform the jury panel of all sanitation procedures used by the district court, what is being cleaned and how. The

panel will be reminded to maintain six feet of distancing at all times. The panel will be reminded to practice robust hygiene including washing hands frequently for at least 20 seconds.

14. For voir dire, a group of up to 24 potential jurors will be seated in the Division One courtroom using all available space including the audience portion of the courtroom and the jury box with all seating to be a minimum of 6 feet apart. Seating will be clearly marked. Each juror will be required to remove his or her mask when answering a voir dire question.
15. At all times while in the courthouse social distancing will be observed. The two areas where people are likely to congregate are the atrium area and the third-floor hallway outside the jury trial courtrooms. The atrium area and the third-floor hallway will be marked with tape to alert members of the public, court employees and jury trial participants to remain socially distant at all times. All other areas where people might congregate will be marked as CLOSED. Jurors will be instructed to remain on the first and third floors of the courthouse when not in transit.
16. When potential jurors are passed for cause they will return to the atrium area of the courthouse or to another courtroom for socially distanced seating until peremptory challenges are exercised and a jury is chosen.
17. The presiding judge will assess each case to determine whether to include alternate jurors. The factors the court will consider include the number of days the trial is predicted to last and the current Covid-19 positive case rate in Reno County.
18. Jurors will be required to sit in their assigned seats throughout the voir dire and the trial. Seating for the trial may occur in a different courtroom than the courtroom used for voir dire. Jurors will keep their personal belongings with them. Seating will be sanitized every evening.
19. Jurors will be given information on the procedure to follow if they develop COVID-19 symptoms during the trial. They will be provided the number to call if symptoms develop overnight during a trial. They will be instructed to advise a bailiff or court staff if symptoms develop during court hours. They will be instructed if they have any question about a symptom to report the symptom and follow directions.
20. Court staff will monitor compliance with pandemic precautions set out in this plan and report any perceived safety issues to the judge conducting the trial. Jurors will be instructed to report any violations of COVID-19 protocol to any bailiff, security staff or court personnel.

21. Jurors will not deliberate in the jury room as it does not allow for adequate social distance. Deliberation will occur in one of the third floor courtrooms, supervised to restrict access.
22. Hand sanitizer will be provided in the atrium area of the courthouse and at various locations around the courthouse.
23. The courtrooms, the atrium area on the first floor, stairwells, elevators, restrooms and areas used for jury deliberations and breaks will be sanitized each evening when the court recesses and this will continue throughout the trial. High touch surfaces such as chairs, tables, stairwell banisters and counters will be disinfected during the day and at the end of every day proceedings are held.
24. Counsel will be required to remove all trial materials at the end of each day to allow for cleaning of counsel tables.
25. Potential jurors will not be allowed access to the vending machine area in the basement of the courthouse.
26. All surplus furniture, fixture and conveniences have been removed from the jury trial courtrooms to minimize the need for sanitization.
27. The witness stand including the seat and microphone will be sanitized after each witness has testified.
28. Attorneys or pro se participants will address the court from the table assigned. Microphones are placed on each table. The lecterns will not be used.
29. During trial a conference between court and counsel or court, counsel and pro se litigant will occur off the bench in the judge's chambers with all participants remaining socially distanced, except that the conference may occur at the bench if all participants are fully vaccinated or masked and the conference is less than 3 minutes in length.
30. In a criminal proceeding a defendant will be allowed to confer with his or her attorney in private in a conference room that allows for social distancing if they are not fully vaccinated.
31. If an interpreter is needed the interpreter will meet with the assigned judge prior to proceedings. The assigned judge will review all COVID-19 protocol and will advise the

interpreter that absolute compliance is required in order to serve as an interpreter for the court.

32. Persons reporting for jury service will be encouraged to leave personal items at home. Jurors will retain their personal items during all court proceedings so they should bring only what they are able to keep on their person.
33. Members of the jury will not be required to handle exhibits at any time during the trial. If exhibits are admitted the exhibits will be available to the jurors during deliberation and all jurors will be provided gloves to use for handling exhibits.
34. The court will provide bottled water, coffee and wrapped snacks which will be handed to the jurors by staff. Jurors will be allowed to bring coffee provided it is in a closed container. We will not have self-serve food or snacks. If a meal is required meals will be individually served by staff.
35. The proceedings will be available for public viewing in the atrium area of the courthouse via Zoom or similar streaming program.
36. Upon approval of this revised plan for the 27th judicial district all security, screening staff and court clerks will be advised of their duties under this protocol. The Chief Judge will review all Covid-19 plan requirements. All staff will be advised to enforce the requirements and if an individual is noncompliant to report to the Chief Judge or the District Judge presiding over the proceedings who will take appropriate action.

IT IS SO ORDERED THIS 1ST DAY OF JULY, 2021.



Patricia Macke Dick, Chief Judge