

REVISED JURY TRIAL PROTOCOL  
January 2021  
27<sup>th</sup> Judicial District  
Patricia Macke Dick, Chief Judge

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 800 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. The letter and Additional Juror Questionnaire are attached as exhibits to this protocol.
4. All Juror Questionnaires will be reviewed by a clerk and sensitive health information will be redacted prior to distributing the questionnaires to counsel.
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 over age 65 or a person of any age with an underlying medical condition that puts them at higher risk of developing serious health complications from Covid-19;
  - d. They are actively caring for a family member or loved one who has tested positive for Covid-19;
  - e. They have children at home who require their direct supervision due to school and/or daycare closings.
  - f. They live with or provide care for a vulnerable person.
  - g. They have traveled internationally or outside of Kansas within the last 14 days.

6. 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.
7. Signs will be placed outside the elevator on days of jury trials advising no more than three people may occupy the elevator. Signs will be placed at the bottom and top of the stairwell advising to maintain six feet of distance while ascending or descending stairs.
8. All signage will be in English and Spanish and in compliance with Americans with Disabilities Act requirements.
9. Upon reporting potential jurors will be screened and have their temperature taken. Potential jurors will be provided a mask or they may bring and wear their own. All persons in the courthouse including court personnel are required to wear masks at all times. The Covid 19 supplemental juror questionnaire shall be provided to court staff at the time of check-in. A blank questionnaire will need to be completed by those who forget to bring the one sent to them.
10. Kansas Supreme Court Administrative Order 2020-PR-94 requiring masks or other face covering will be observed. The exemptions provided by Governor's Executive Order 20-52 will apply 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.

Defendants and witnesses (when testifying) will be provided CDC guideline approved face shields instead of masks which will be worn at all times in the courtroom by defendants and by witnesses when testifying. When not testifying, witnesses must wear masks. There will be a vertical shield between defendant and defense counsel at the table. This has been approved by Karen Hammersmith, Reno County Department of Health based on the size of the room, the height of the ceilings, and the Plexiglas enclosure of the witness stand.

11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. The court 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.
17. 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.
18. 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.

19. 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.
20. Jurors will not deliberate in the jury room as it does not allow for adequate social distance. Deliberation will occur in the courtroom itself, sealed to restrict access.
21. Hand sanitizer will be provided in the atrium area of the courthouse and at various locations around the courthouse.
22. 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 frequently during the day and at the end of every day proceedings are held.
23. Counsel will be required to remove all trial materials at the end of each day to allow for cleaning of counsel tables.
24. Potential jurors will not be allowed access to the vending machine area in the basement of the courthouse.
25. All surplus furniture, fixture and conveniences have been removed from the jury trial courtrooms to minimize the need for sanitization.
26. The witness stand including the seat and microphone will be sanitized after each witness has testified.
27. 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.
28. 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 masked and the conference is less than 3 minutes in length.

29. 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.
30. 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.
31. 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.
32. 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.
33. 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.
34. The proceedings will be available for public viewing in the atrium area of the courthouse via Zoom or similar streaming program.
35. Upon approval of this revised plan for the 27<sup>th</sup> 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.