

MCPHERSON COUNTY DISTRICT COURT

**PROTOCOL FOR CONDUCTING JURY TRIALS UNDER
PANDEMIC CONDITIONS**

JURY TRIAL PROTOCOL FOR MCPHERSON COUNTY DISTRICT COURT

9th Judicial District

1. The task force video “Safe Juries in Kansas Courts” will be posted to the McPherson County District Court website.
2. Prior to the pandemic, our court summoned 250-300 people for jury service each month. We will increase the number of summons to 450-600 to provide an adequate pool after allowing for persons who don’t 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 particular 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 the clerk and sensitive health information will be redacted prior to distributing the questionnaires to counsel.
5. Potential jurors may be excused from service after review by court personnel if:
 - 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 a 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.

Potential jurors are to contact the Clerk of the District Court if they answer yes to any of the above. The Clerk will either excuse the person or refer the question to the district judge.

- 6. The Bank IV Building is owned by the county and is located diagonally across the street from the Courthouse. It can accommodate 40 people on the first floor with social distancing. The Court is able to seat up to 21 potential jurors in the courtroom with social distancing. The Court will be utilizing both locations to seat a jury in the courtroom.
- 7. At both the Bank IV Building and the courthouse, signage will be posted at entrances and in the court areas advising face masks are required and reminding everyone to social distance.
- 8. Signage will be placed outside the elevators advising no more than two people may occupy the elevator. Signs will be placed at the bottom of the stairwells advising to maintain six feet of distance while ascending or descending the stairs.
- 9. All signage will be in English and Spanish and in compliance with Americans with Disabilities Act requirements.

10. Potential jurors will initially be directed to report to the Bank IV Building for processing. Staggered check in times will ensure social distancing is maintained. Upon reporting, potential jurors will be screened to include having their temperature taken. Potential jurors will be provided a mask or they may bring and wear their own. All persons in the Court areas, including court personnel, are required to wear masks at all times.
11. 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 medical conditions, mental health conditions 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.

Upon request or on the court's own motion, the judge may enter an order authorizing a waiver of executive Order 20-52 for a witness testifying at a hearing or trial. Our courtroom has been equipped with plexiglass barriers around the witness stand and the person will be required to wear a mask up until being seated in the witness stand and shall resume wearing a mask immediately after testifying. In addition, plexiglass barriers will be installed for the judge's bench, bailiff, court reporter and counsel tables.

12. Once screened and checked in by court personnel, the bailiff will randomly pull 21 names and then escort these individuals across the street to the 2nd Floor Courtroom. They will be

assigned seats and will be seated six feet apart. The remaining potential jurors will be seated in the atrium of the Bank IV Building and will be seated six feet apart.

13. The proceedings in the Courtroom will be broadcast via Zoom to potential jurors at the Bank IV Building, and will be live-streamed to the general public via YouTube on the 9th District Court YouTube channel.
14. Jury orientation will be conducted by the judge and will include a review of all COVID-19 protocol. The judge will 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 distancing at all times. The panel will be advised that Court Staff will monitor the Court areas at both locations to ensure that all prospective jurors are engaging in social distancing. The panel will be reminded to practice robust hygiene including washing hands frequently for at least 20 seconds.
15. Voir dire groups of 21 potential jurors will be seated in the courtroom using all available space including the gallery portion of the courtroom and jury box. Seating will be clearly marked and will be a minimum six feet apart.
16. At all times while in court areas, social distancing will be observed. The two areas where people are likely to congregate are the atrium area of the Bank IV Building and the second floor hallway outside the courtroom. These areas will be marked with tape to alert members of the public, court employees and jury participants to remain socially distanced at all times. All other areas where people might congregate will be marked as CLOSED. The court areas will be closed to the general public to avoid unnecessary contact with potential jurors and court personnel.
17. Court and counsel will conduct voir dire. When potential jurors have been excused for cause and additional names need to be called, the bailiff will pull names from the panel. The bailiff will then notify court staff remaining at the Bank IV Building of the names

drawn who will then escort the individuals to the courtroom. Before being seated, the empty seats will be cleaned and sanitized by court staff. This process will continue until the panel is passed for cause.

18. When jurors are passed for cause they will be taken by court staff to the atrium area of the Bank IV Building for seating until peremptory challenges are exercised and a jury is chosen.
19. 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 McPherson County.
20. Jurors will be required to sit in the same seat throughout the voir dire and the trial. Seating will be sanitized every evening.
21. Jurors will be instructed 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 the bailiff or court clerk 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.
22. Jurors will be instructed to report any violations of COVID-19 protocol to the bailiff, security staff or court personnel.
23. Jurors will not deliberate in the jury room as it does not allow social distance. Deliberation will occur in the courtroom itself, sealed to restrict access.
24. Hand sanitizer will be provided in the atrium area of the Bank IV Building and at various locations around the courthouse.

25. The courtroom area on the second 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 wiped down with disinfectant wipes frequently during the day and at the end of every day proceedings are held.
26. Counsel will be required to remove all trial materials at the lunch break and at the end of each day to allow for cleaning of counsel tables.
27. All surplus furniture, fixtures and conveniences have been removed from the jury trial courtrooms to minimize the need for sanitization.
28. The witness stand, including the seat and microphone, will be sanitized after each witness has testified.
29. Attorneys or pro se participants will address the Court from the table assigned. Microphones are placed on each table. If the podium is used, counsel or the pro se participant will be required to sanitize it after use. Cleaning supplies will be provided.
30. During trial, a conference between Court and counsel or Court, counsel and pro se litigant will occur off the bench in the judge's conference room with all participants remaining socially distanced.
31. In a criminal proceeding, a defendant will be allowed to confer with their attorney in private in a conference room that allows for social distancing.
32. If an interpreter is needed, the interpreter will meet with the judge prior to proceedings. The 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.

33. Jurors will retain their personal items during voir dire. After the jury is empaneled the court staff will collect their personal belongings and place them in individual bags for each juror. The bags will be locked in a secure location and will be distributed to each juror during the lunch hour and at the end of proceedings each day.
34. 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. Paper exhibits will be placed in plastic sleeves. All jurors will be provided disposable gloves to use for handling exhibits. In addition, evidence may be displayed electronically through the “clickshare” hardware device. This will allow jurors to view the exhibits on the 82" flat screen televisions which have been mounted on the walls on both sides of the bench. An enhanced sound system and assisted listening devices have been installed for improved audio capabilities.
35. The court will provide bottled water, coffee and wrapped snacks which will be handed to the juror 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.
36. The trial proceedings in the courtroom will be live streamed to the general public via YouTube on the 9th District Court YouTube channel.
37. Upon approval of the plan for the 9th Judicial District, a meeting with all security, screening staff and court clerks will be called. The Chief Judge and/or District 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 District Judge presiding over the proceedings who will take appropriate action.
38. The McPherson County District Court will review this plan with the staff, attorneys, court security, county maintenance department and all court personnel prior to the start of each

jury trial. During this review we will go over all procedures from jury summons through the jury exit survey with all persons involved in the jury trial process.

After the conclusion of each trial, the McPherson County District Court will review the effectiveness of above jury plan. The court shall include our own judges and staff, court security, facilities, and jury trial attorneys during the review of the jury trial and the above listed plan. Changes will be made as needed to the McPherson County District Court's Jury Trial Plan. Any changes that are suggested will be changed in our Jury Trial Plan and sent to the Office of Judicial Administration for approval.

Submitted by:



9th Judicial District Chief Judge Joe Dickinson



9th Judicial District Judge John B. Klenda

Approved by:



Shalei Shea, Director, McPherson County Health Department
and McPherson County Health Officer

LETTER TO POTENTIAL JURORS

Dear Prospective Juror,

We find ourselves living in extraordinary times due to the COVID-19 virus. Each of us has been affected in some way by this pandemic. There are many efforts underway within our court system, both locally and statewide. We have purposely implemented these efforts in an attempt to slow the spread of the COVID-19 virus. When you report for jury duty, you will notice significant changes in the daily operation of court functions. As demonstrated in this short video on the Kansas Judicial Branch website [Ad Hoc Jury Task Force page](#), your health and safety are our priority.

What we're doing to protect you:

- **Cleaning and sanitizing**
- **Physical distancing**
- **Symptom screening**
- **Requiring masks and providing hand sanitizer**

What we need you to do:

- **Wash your hands**
- **Wear a mask**
- **Tell us if you are sick**
- **Tell us if you are at high risk**

Certain health conditions, as well as contact with or travel to certain geographical areas, may result in the need to excuse or defer your jury services. Questions about the process and requests for excusals and/or deferrals should be directed to _____.

Given the constant changes in health guidelines, there is a possibility your date to report for jury duty may change. **The evening before the jury trial, please call the jury trial recording phone line at (____)_____ after 5:00 p.m.** The recorded message will inform you whether the trial is still proceeding, and indicate whether you need to appear. If there is no answer or message, you should appear for jury duty as ordered.

We appreciate your participation in this important process and commend you for upholding your civic duty of jury service in these challenging times.

Thank you and stay safe,

Jury Clerk

Juror Name: JurorName

ADDITIONAL JUROR QUESTIONNAIRE REGARDING COVID-19

The following questions will assist the court to determine your eligibility as a prospective juror within the next four to six weeks. Kansas Supreme Court Rule 167 provides that juror questionnaires are not public records and are not subject to disclosure under the Kansas Open Records Act.

Please answer the following questions and return to the court within one week. You may remit your answers via encrypted e-mail at NeedPrompt Jury Clerk Email EndPrompt or via postal mail.

Please contact the jury coordinator immediately where any answers to the following questions change at the above email address or call NeedPrompt Jury Clerk Phone EndPrompt.

1. Have you been exposed to COVID-19?

YES NO

If yes, approximate date of exposure:

2. Have you tested positive for COVID-19?

YES NO

If yes, approximate date of exposure:

3. Are you currently experiencing any symptoms of COVID-19 (including fever, cough, sore throat, respiratory illness, or difficulty breathing) and been told to quarantine?

YES NO

If yes, what date were you instructed to quarantine?

4. Are you an employee who has been laid off due to COVID-19 and have recently returned to work?

YES NO

If yes, where are you employed, how long were you laid off, and when did you return to work?

5. Are you over age 60, or a person of any age with an underlying medical condition that puts you at a higher risk of developing serious health complications from COVID-19?

YES NO

If yes, please explain:

Juror Name: JurorName

6. Do you live with or provide direct care for a vulnerable person?

YES NO

If yes, please explain:

7. Do you have children at home who require your direct supervision due to school and/or daycare closings? Note: Only answer YES if there is NO ONE else in the household who can provide care during your jury service.

YES NO

If yes, please explain:

8. Have you done any of the following in the last 14-days:

a. Traveled internationally: YES NO

Location(s): _____

b. Traveled outside of Kansas: YES NO

Location(s): _____

c. Traveled on a river boat or cruise ship: YES NO

Location(s): _____

If you answer "yes" to any of the above questions, your jury service may be deferred. You will receive written confirmation of the court's determination by electronic or postal mail. Jurors who are deferred will receive a new summons later this year or in early 2021.

I SWEAR OR AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE ABOVE STATEMENTS, REPRESENTATIONS, AND ANSWERS ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SIGNATURE OF JUROR