

Summary of Plan for Resuming Jury Trials

May 12, 2021

The United States District Court for the District of Nevada is aware of public health concerns regarding the novel coronavirus, also known as COVID-19, and is deeply committed to the safety and wellbeing of every individual involved in our judicial system. We are closely following and reinforcing the guidelines from the CDC, and local and national health authorities, and have taken precautionary measures to limit the potential spread of the virus while also ensuring that we can continue with essential judicial proceedings—and resume jury trials. What follows is a summary of our plan for resuming jury trials.

Jury Trial Priorities

- The Court will follow a division-wide trial stack. Up to two trials at a time will be conducted in each division, in courtrooms large enough to accommodate social distancing equipped with plexiglass dividers.
- Most trials will start on Monday mornings, but some may start on Tuesday mornings if simultaneous trials are happening in the Courthouse. So long as the jury begins deliberating by the end of Friday, the next trial will start on Monday.
- On each trial stack, priority goes to the defendant who has been in custody longest. Second longest in custody gets second priority, etc. Civil jury trials will be scheduled for any open weeks in a stack. In other words, if all criminal cases on a stack resolve or move, any remaining civil cases will be set for trial on that stack.
- A master trial scheduling conference will take place three weeks before the trial start date.
- During the scheduling conference, the presiding judge will notify the parties of their priority ranking based on the master trial list and schedule a trial for each week of the stack.

Jury Selection

- To expedite voir dire, several of the standard, non-case-specific voir dire questions typically asked in this district will be posed in a questionnaire that potential jurors must complete online in advance of jury selection. A copy of the questionnaire is attached.
- Amended General Order 2020-10 authorizes jury administrators to grant jury service deferrals (referenced in the jury plan as temporary excuses) for COVID-19-related reasons, and other standard reasons consistent with this district's historical practices.
- Jury questionnaire responses will be provided to counsel the Thursday before trial, and the trial judge will likely conduct a hearing on Friday morning to discuss which prospective jurors can be excused for cause (clear bias issues, etc.) or temporarily excused based on a jury questionnaire response that does not trigger a deferral listed in Amended General Order 2020-10.

- Those prospective jurors who are either excused for cause or temporarily excused will be notified not to come to court that following Monday when trial starts.
- Jury selection will be conducted in a trial courtroom and an overflow courtroom to ensure sufficient social distancing.

COVID-19 Mitigating Measures

- As noted, each courtroom in which trials occur will be equipped with plexiglass dividers in the jury box, in front of the courtroom deputy and court reporter, on the witness stand, and between the judge and staff.
- Temporary General Order 2020-02 restricts individuals who have COVID-19, or may have COVID-19 symptoms, from accessing the courthouses.
- Amended Temporary General Order 2020-08 requires that everyone wear face coverings inside the public areas of the courthouses and during court proceedings, although the presiding judge has discretion to modify this requirement during court proceedings.
- Jurors will have expedited access to go through security screening if they present their summons or juror ID.
- Jurors will be provided with face coverings if they do not have one.
- Elevator usage will be limited to comply with current CDC guidance, and breaks for jurors will take place in designated rooms that accommodate the need for social distancing.
- The public will be allowed into the trial courtroom to the extent that social distancing rules allow.
- In general, all trial proceedings will allow for sufficient social distancing.