

## COVID- 19 Brunswick County Jury Trial Operations Plan

1. Pretrial Conference/Hearing - Prior to any case being called for trial a conference or hearing shall be conducted to discuss the guidelines which are set forth in this Plan and resolve any issues regarding the Plan.
2. Juror Questionnaires - To minimize the time necessary for jury selection, each prospective juror shall receive, along with their jury summons, a copy of the Juror Questionnaire (Attachment "C") and a copy of the Juror COVID-19 Screening Document (Attachment "B"). Prospective jurors will be instructed to return the Juror COVID-19 Screening Document by mail or email at least ten (10) days prior to their service if the prospective juror is requesting a deferral/excuse due to COVID-19 or other health issues to allow enough time for screening by the appropriate judicial official. Jurors will be instructed to complete the Juror Questionnaire provided to them prior to reporting for jury service, and to bring the completed document with them when they report.
3. Excuses and Deferrals - Pursuant to N.C.G.S. § 9-6, any summoned juror who has answered "yes" to any of the questions set forth in the Juror COVID-19 Screening Document, or who does not meet the basic qualifications for jury service, or who requests to be excused or deferred from jury service due to hardship, may have his/her jury service excused or deferred prior to the date he/she was to report for jury service, provided that the prospective juror is not a supplemental juror who has been summoned for a case that has already been called for trial. Additionally, prospective jurors may be deferred, even without having requested to be, if the appropriate judicial official reviewing their questionnaire determines that the juror's service at this time would be contrary to the public welfare, health, or safety.
4. Juror Personal Protection Equipment (PPE) - Enclosed with their jury summons, each prospective juror shall receive a letter briefly explaining the steps that the court is taking to keep them safe and advising them of any PPE that they should bring with them when reporting for jury duty (Attachment "A").
5. Screening Procedures - All jurors will complete a short COVID-19 screening questionnaire when they report for jury duty their first day. All jurors, court personnel, attorneys, witnesses, and parties shall be subjected each time to a temperature check by courthouse personnel, to ensure they are not running a fever, prior to being admitted into the courthouse facility. Additionally, all jurors, court personnel, attorneys, witnesses, and parties shall be instructed that, for their safety as well as for the safety of those around them, they are to immediately notify the court if they become aware of COVID-19 exposure or infection.
6. COVID-19 Exposure - In the event that any judge, juror, court personnel, attorney, witness, or party becomes symptomatic, tests positive with COVID-19, or has a known exposure to someone who tested positive for COVID-19 during the trial, the COVID-19

Coordinator in Brunswick County (Judge Disbrow) will be notified immediately. The COVID-19 Coordinator, in consultation with the presiding judge and the County Health Director, and in accordance with the directives of the Chief Justice and CDC guidelines, shall determine the appropriate actions to be taken to ensure the health and safety of all individuals in the trial.

7. COVID-19 Infection - In the event that any juror, court personnel, attorney, witness, or party becomes infected with COVID-19, the court shall follow the then current CDC guidelines for isolation of sick individuals and take any appropriate action necessary, which may include excusal and replacement of a juror, continuance of the proceedings for an appropriate period of time, or declaring a mistrial, if necessary, to avoid manifest injustice.
8. Use of Jury Panels - To help ensure social distance with larger numbers of potential jurors, jurors will be divided into smaller panels who will then be instructed when to report to the main courthouse facility where jury voir dire and selection will take place. A more specific plan has already been discussed with court personnel input and will be implemented at the commencement of jury trials.
9. Voir Dire Process - To expedite the voir dire process, prior to questioning a prospective juror, counsel (and any pro se plaintiff or defendant) shall be given sufficient time to review the Juror Questionnaire submitted by that juror.
10. Distancing - All courtrooms shall remain reconfigured as necessary to accommodate social distancing as much as possible. During jury selection and at all times during the trial, jurors, court personnel, attorneys, witnesses, parties, and members of the press and public shall use best efforts to remain at least six feet apart in all directions and/or be separated by installed plexiglass dividers.
11. Face Coverings - The county shall provide face coverings to all jurors upon entry into the courthouse (if the juror does not have their own approved face covering). These coverings, or coverings provided by each juror, shall be worn throughout the proceedings unless otherwise permitted by the presiding judge.
12. Disinfecting/Cleaning During Trial – Provided the County has proper staffing, the County shall ensure that a housekeeping staff member is available during all trials for the purpose of cleaning and sanitizing the entire witness stand area in between witnesses and the jury box area during recesses in the trial.
13. Visibility and Audibility of Exhibits and Witnesses - Sufficient projectors, screens, monitors, microphones, and speakers and/or headsets shall be placed in the courtroom to display exhibits and enable jurors, at appropriate physical distances, to adequately view and hear the testimony of witnesses.



14. Spectator Seating - There will be limited seating for spectators during trials to comply with seating capacity regulations as previously set forth by the Brunswick County Health Director.
15. Social Distancing of Counsel and Clients - Counsel and parties will comply with social distancing requirements while seated at counsel table. Judges shall accommodate counsels' need to confer with their clients while court is in session and, considering social distancing requirements may, for example, permit counsel and clients to text or to use some similar means of electronic communication, rather than verbally confer or pass notes back and forth while court is in session.
16. Sidebars - The Court shall inform counsel before trial where and how sidebar conferences will occur, if necessary. Sidebar conferences should be discouraged because of potential difficulties in maintaining proper distancing and in order to avoid unnecessary time delays.
17. Notetaking by Jurors - The court, if notetaking during the trial is permitted, shall provide each juror a large envelope in which the juror can store their own notes and pen during breaks and at the end of each trial day in the jury room, with no one else handling the notebooks and pens.
18. Physical Evidence - To the extent reasonably possible, paper exhibits shall not be physically published to the jury, and whenever handling physical evidence, the person handling the item of evidence must wear gloves. In the event a party wishes to publish paper exhibits to the jury, the party shall ensure individual copies for each juror in an effort to prevent the spread of COVID-19.
19. Modifications to Plan - The court shall continue to review and, if appropriate, modify this plan upon commencement of jury trials in accordance with directives and/or recommended health and safety best practices.
20. This Jury Trial Operations Plan shall act as an Administrative Order and be treated as such upon filing of same.

This the 14<sup>th</sup> day of January 2021.

  
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Jason C. Dishrow  
Senior Resident Superior Court Judge