

# SOUTH CENTRAL JUDICIAL DISTRICT

## STANDARD OPERATING PROCEDURES (SOPs)

### JURY TRIALS

### DURING COVID – 19

1. Administrative Order 25 issued by the North Dakota Supreme Court will end soon and the SCJD will implement the following rules to allow for social distancing and COVID – 19 concerns, as the Court moves forward with jury trials.
2. The Court’s previous operating procedure for court trials dated May 4, 2020, remains in effect with these additional procedures for jury trials.
3. The Court has to reconfigure courtrooms, installed protective acrylic, and marked areas to allow for social distancing in the courtroom for jury selection, and the ultimate seating of a trial jury.
4. Prospective jurors will be brought to the courthouse in smaller groups. The first group will assemble in the courtroom to begin jury selection. Subsequent groups will arrive later and be placed in a holding area (commission room, additional courtroom, court admin area). To make a record, a juror may have to approach a podium to allow for use of the microphone to allow recording.
5. Bailiffs will ensure spacing for the jury throughout selection and the trial, to include restroom and break periods. Deliberations will take place in the courtroom. Jurors shall

be allowed to continue mask use at all times and shall use their gloves when handling exhibits.

6. Hand sanitizer will be available for use in the courtroom.
7. Face masks, gloves, and other personal protective equipment may be worn at all times. Face masks and gloves will be provided to jurors by the Court but not to other participants in the trial.
8. All witnesses are sequestered during trial. Counsel will have potential witnesses available in a location to allow for social distancing and available to be summoned to testify. Witnesses should not be lingering in the hallways, but in a dedicated room/location or in their car subject to contact via text or telephone call.
9. All exhibits must be pre-marked and filed in odyssey. A list of exhibits to be offered, and a copy of all documentary exhibits must be served on opposing counsel. This does not apply to rebuttal evidence.
10. Parties must provide an electronic version of all exhibits on a storage device to be provided to the jury to review exhibits electronically.
11. At least ten days prior to trial, counsel will provide to the Court and opposing parties a list of all proposed witnesses. This does not apply to rebuttal witnesses.
12. Counsel is not to approach the bench, a witness, a clerk, a court recorder/reporter, or within six feet of the jury without permission of the Court.
13. Counsel are encouraged to make use of technology such as laptops or other devices to communicate with the Court and opposing counsel to avoid in chamber conferences.
14. All questioning is to be done from counsel table, or an available podium.

15. Exhibits must be presented to the jury, if possible, through the use of ELMO, or other video/audio means.
16. The Court may limit time for jury selection to accommodate the necessity of calling multiple panels of proposed jurors for particular cases. Counsel is advised that when preemptory challenges are made the entire panel may not necessarily be present in the courtroom.
17. Further restrictions or accommodation may be ordered to address concerns as they arise in a particular case.

Dated July 7, 2020.

A handwritten signature in black ink, appearing to read 'B. Romanick', written over a horizontal line.

Bruce A. Romanick  
Presiding Judge SCJD