



## **Resumption of Jury Trials in Philadelphia and Montgomery Counties, March 2021**

As the pandemic enters its second year of affecting the daily life of residents of the greater Philadelphia area, the Courts of Common Pleas in Philadelphia and Montgomery Counties have recently announced plans to resume jury trials.

### **Philadelphia County Court of Common Pleas**

In Philadelphia, jury trials began on March 4<sup>th</sup>. The Court recently issued a 14 page memorandum explicitly detailing every aspect of how jury trials will proceed, to ensure the safety of all participants. For the month of March, jury selection will occur in two cases each Thursday and Friday. The number will increase to three cases in April, for six juries per week in that month.

Jurors will answer three covid-related screening questions upon entering the courthouse, and will then be sent to a specific jury courtroom for general voir dire. Each juror will be assigned a chair in the courtroom which is theirs alone for the duration of their time in the courtroom. The judge or judicial staff will conduct general voir dire in that room, with individual voir dire being held in a separate room. Lawyers will exercise preemptory strikes by marking a centrally located pad accessible to all attorneys, without touching the pad.

At all times, all persons inside the courthouse must wear masks, even if they are vaccinated. They may only remove their masks to drink water. The courtrooms chosen for trials will have their windows partially open to provide proper ventilation. Each trial will require two courtrooms, a “trial” courtroom and a “jury” courtroom for the jurors to assemble. Larger courtrooms will be used for the former purpose. Jurors will be seated in the gallery of the courtroom, not the jury box, to comply with social distancing requirements. All trial participants will likewise be seated at least six feet apart at all times. Plexiglass has been installed where social distancing cannot be observed.

For the conduct of the trial, counsel is permitted to use a podium provided that they maintain social distance. Examination of witnesses must be conducted in person, no virtual examinations via Zoom are permitted. Counsel must display all documents and evidence on a television screen unless otherwise permitted. If the presiding judge allows paper documents, enough copies must be provided to all participants so that sharing is not required.

Sidebar are strongly discouraged, for obvious reasons. Evidentiary issues should be raised before trial, during a recess or after the trial adjourns for the day. If a sidebar must be conducted, it will take place in the jury courtroom. All trial participants are prohibited from eating anywhere inside the courthouse. Jury deliberation will take place with each juror sitting

in their assigned seat. Finally, all trials will be livestreamed on YouTube, to comply with the court's public access policy.

### **Montgomery County Court of Common Pleas**

In a short notice, the Administrative Judge of the Montgomery County Court of Common Pleas recently advised that live civil jury trials will commence in early Summer 2021 if a case meets the following three criteria:

- The case definitively warrants a jury trial
- No insurance companies are involved in the matter
- All parties consent to a jury of eight individuals

If these criteria are met, counsel is advised to contact the Administrative Judge with the case caption, docket number and counsel of record.