

October 27, 2021

Annual
Conference
CCJSCA,
Boston, MA

Roundtable Discussion

Pandemic Aftershocks:
Remote Work, Oral
Arguments and Jury
Trials

-Judge Gregory K.
Orme
Utah Court of Appeals

-Judge Jack M.
Sabatino
Superior Court of New
Jersey, Appellate
Division

Remote Working

Describe your
court's current
policies about
remote working by
Judges and by court
staff?



Has remote working
affected:
-productivity and efficiency?
-supervision?
-training/onboarding of new
employees/judges?
-collegiality?

What observations
or “best practices”
can you share that
may be beneficial
to other states?



Describe your court's current practices for conducting oral argument, and to what extent remote arguments are allowed?



What benefits have you seen in permitting remote arguments?
What disadvantages?

Oral Argument in the Virtual World



If your state has permitted remote oral arguments during the pandemic, do you envision a continued role for them post-pandemic?



What observations or "best practices" can you share that may be beneficial to other states?

COVID-19 AND JURY TRIALS

Describe what your state is currently doing with respect to jury trials in criminal cases? In civil cases?



To what extent are all or portions of the proceedings being conducted remotely? (e.g., jury selection; witness testimony; deliberations)

COURTS

Courts Suspending Jury Trials as COVID-19 Cases Surge

Published on November 20, 2020

About two dozen U.S. district courts have posted orders that suspend jury trials or grand jury proceedings, and scale back other courthouse activities in response to a sharp nationwide rise in coronavirus (COVID-19) cases. The surge in new court orders in recent weeks marks a significant pause in efforts by federal courts to resume full operations.

Although courts have safely conducted jury trials during the pandemic, and many of the nation's 94 districts are still scheduling jury trials, several judges said that spikes in new diagnoses and hospitalizations have made the convening of juries an unacceptable risk. Some said they expect conditions to worsen as winter hits.

"In order to resume jury trials, we will need to see the key health markers, as measured by the Colorado Department of Health, go down to acceptable levels," said Chief Judge Philip A. Brimmer, of the District of Colorado. "I am concerned that the markers will stay high for several months, despite recent efforts by the governor and metro-area mayors to put in place new restrictions."



- How do these circumstances affect:
- the Right to confrontation in a virtual world
 - the right to a speedy trial during a global health crisis
 - the right to assure the jury fairly represents a diverse cross-section of society



Has your court encountered these legal issues yet?