

Charity (00:01):

Welcome back to INsight. I'm here with Dave Farnbauch from Sweeney Law Firm. We're going to talk today about what's happened in the court system since the COVID-19 pandemic. Is it safe to assume that there haven't been many jury trials since the stay-at-home order happened in late March and since everything that's gone on?

David Farnbauch (00:19):

Right. Just like every other, institution and organization, the court system has been impacted by COVID. And I'd say the biggest change that I've seen is the courts issuing orders this spring to put sort of a moratorium on jury trials. There have been some bench trials. That's where the judge is there. The courts have actually been very creative. I've heard of some trials by zoom. But the big change is putting potential jurors at risk by bringing them into a courthouse and putting them amongst other jurors. And so the courts have really been cautious about resuming jury trials and they put together, I think, a very careful plan so that when they do bring jurors back in it really minimizes the risk of COVID-19.

Charity (01:27):

Why am I not surprised that there've been some by zoom? I feel like we've done everything by zoom lately. Let's talk about that plan. What are they doing as they start to bring jurors back? What's the court going to do to make sure that people who are summoned to be jurors are going to be safe as they come into the courthouse.

David Farnbauch (01:45):

All right. So I'd say some of the basic things that they're doing for a lot of things, which is to obviously check the temperature of everybody comes in, masks are mandatory. And then what they've done is changed, Charity, the configuration of the courtroom. We don't have, we're not going to have the traditional jury box. We're going to use the whole courtroom, like traditionally where the audience would be the gallery in the courtroom, that's where the jurors are going to be. And of course they have rules about social distancing in the courtroom. Some courts have put in some plexiglass to minimize the transmission of COVID in the courtroom. So those are the main things, but it's taken awhile to sort of formulate a plan and implement all these things.

Charity (02:35):

Do you think the COVID-19 pandemic will make a difference in how many prospective jurors will respond to a summons?

David Farnbauch (02:45):

Well, that's the concern, in fact in an organization that I belong to we recently commissioned a company that does research and focus group testing to find out the answer to that question. Which is are people, prospective jurors that get a summons for jury service, are they likely to actually show up for jury service, given the risk. It's a fluid thing, but everybody would agree there are still risks there if you go to a public building like a courthouse. And what's interesting is the research that's been done shows that only about 20% of the people that they surveyed and these focus group tests are really sort of hard-line that they will not respond to a summons for jury service in the midst of a pandemic like this. And about one third are somewhat comfortable if the court implements these measures that I just talked about; mask and social distancing and not being in a jury box.

David Farnbauch (03:56):

And then to our surprise are there were about 40% of the respondents that said as long as we have masks, and as long as the court is saying that we've got appropriate measures in place to protect us, they felt very comfortable with showing up for jury service, which was kind of a big surprise to everybody. So we still have that segment of the population that feels that call of duty. They get a summons for jury service, and they feel like it's their civic duty to go to the courthouse, even in the midst of a pandemic to make sure that the justice system goes forward.

Charity (04:35):

It's our civic duty to serve our jury duty and to vote. That's what, that's what we have to do. If you have questions about something in the legal world I have to do is give Sweeney Law Firm a call 420-3137, check him out online. We'll be right back.