

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
1 COURTHOUSE WAY
BOSTON, MASSACHUSETTS 02210

F. DENNIS SAYLOR IV
CHIEF JUDGE - MASSACHUSETTS

TIMOTHY S. HILLMAN
DISTRICT JUDGE - WORCESTER

MARK G. MASTROIANNI
DISTRICT JUDGE - SPRINGFIELD

THIS LETTER IS IMPORTANT – PLEASE READ

You have received a summons that requires you to report for jury duty. Because the COVID-19 pandemic has required substantial changes to the way our court empanels juries and conducts trials, this letter explains what we are doing, why we are doing it, and what measures we are taking to keep you safe.

Why is the court holding jury trials during the pandemic emergency?

The Sixth Amendment to the United States Constitution guarantees defendants in criminal cases the right to a speedy and public trial. The Seventh Amendment guarantees the right to a jury trial in most civil cases. We do not have the option of cancelling all jury trials.

Why can't the court postpone all trials indefinitely?

Our court has not held any jury trials since the pandemic began in early March. There are large numbers of cases awaiting trial, and every week the list grows longer. We need to resume conducting trials as soon as it is safe to do so. To wait longer is unfair to the parties, and especially to criminal defendants, who again have a right to a speedy trial under the Constitution.

Why can't the court conduct trials by video?

The Constitution and laws of the United States do not permit jury trials to be conducted by video.

What are you doing to ensure that the trial is safe?

We have been working with public-health consultants from Tufts Medical Center to advise us how to conduct a trial while providing a reasonable degree of safety to everyone concerned. Among other things, we will be using health-screening processes, physical barriers, social distancing, masks, and enhanced cleaning in order to try to provide a reasonably safe environment. A more detailed description of how we plan to operate is attached.

What about potential jurors who are sick or have symptoms of COVID-19?

It is important that we try to keep anyone who has COVID-19, or who may have symptoms of the disease, from coming to the courthouse. Do not attempt to serve on a jury if there is any reasonable possibility that you may be sick or infectious.

How will the court assess the health status of potential jurors?

With these materials, we are asking you to answer certain questions that will help us determine whether you should be excused from jury service before you have to report in person to the courthouse. You may do so online at the end of the eJuror questionnaire. If you do not have access to a computer, you may call 617-748-4578 for a paper version of this questionnaire to be mailed to you. Please be careful to provide truthful and accurate information.

If you are not excused, as the date for your jury duty approaches, you will be asked to complete an online questionnaire that will ask whether you have COVID-19 or any of its symptoms before reporting to the courthouse. If you are chosen to serve as a juror, you will be asked to assess your health every morning before reporting to the courthouse for trial.

What about potential jurors who have higher risk factors?

We understand that there will be jurors who may be at higher risk from COVID-19, based on their own health situation, or who may be living with or caring for people who are at higher risk. If you think you fall into one of those categories, and seek to be excused on that basis, you should let us know by completing the online eJuror questionnaire. The presiding judge and the court staff will review those requests on an individual basis.

What about potential jurors who have child care issues?

We also understand that the pandemic has had an effect on our daily lives, including the schedules of school-aged children. We recognize that some jurors may have greater child care issues, due to the remote learning and/or modified schedules that schools, day care centers, and other facilities may have adopted. If you seek to be excused on that basis, there will be an opportunity to address that basis for being excused from jury service when you are called to report to the Courthouse. The presiding judge and the court staff will review those requests on an individual basis.

What else do you expect from potential jurors?

First and foremost, we need your cooperation in assessing and disclosing any signs or symptoms of COVID-19, now and as the date for your jury duty approaches. Again, it is important to try to keep anyone who is sick, or who thinks they may be sick, from coming to the courthouse. We also need your cooperation in abiding by the various requirements and restrictions that we are

putting into place, such as wearing a mask and maintaining proper distances. A more detailed description of what we expect from potential jurors is attached.

* * *

We trust that you will take your obligations as a citizen and potential juror seriously, and that you make every effort to comply with our instructions. We also understand that many of you may be anxious about your jury service, or may have additional questions about the process. You may email any questions to ejury@mad.uscourts.gov or call a member of our clerk's office at 1-800-843-5879.

Our system of justice depends on jury trials—that is, it depends on the good judgment and common sense of ordinary citizens, of all ages and from all walks of life, who are willing and able to serve as jurors. Serving as a juror is perhaps one of the most important responsibilities we have as citizens in a democratic society. You will also find it to be a rewarding experience. Jury service is a vital service to the community and your fellow citizens. Thank you for your cooperation and willingness to serve.

[FDS]

CHANGES TO COURT PROCEDURES TO PROMOTE HEALTH AND SAFETY DURING COURT PROCEEDINGS

The following are examples of some of the changes we are adopting, with the advice of our public health consultants, to try to ensure that jury trials will be reasonably safe for all participants.

Courtroom Size. Trials will occur only in our largest courtrooms, in order to maximize social distancing of the participants.

Courtroom Layout. We are rearranging the layout of our courtrooms, again to provide for proper social distancing. The jurors will not all be seated in the jury box; some will be seated in chairs elsewhere in the courtroom. Some spectator benches are being removed in order to permit tables for the lawyers to be spaced farther away from the jury. Lawyers will be restricted in their ability to move about the courtroom.

Physical Barriers. We are installing plexiglass barriers at various points in the courtroom to further separate the participants from one another.

Masks. All participants other than a witness who is testifying will be required to wear masks. Please make sure the mask covers your nose and mouth.

Hand Sanitizers. Hand sanitizer and disinfecting wipes will be made available at strategic locations throughout the courthouse.

Use of Electronics. Certain types of communications, such as sidebar conferences between the lawyers and the judge, will be conducted electronically with headsets.

Air Exchange and Filtration. Our heating, ventilating, and air conditioning (HVAC) systems are being set to maximize the amount of fresh air entering the courtroom and to ensure appropriate air circulation, exchange, and filtration.

Staggered Entry Times. Jurors will be instructed to arrive at the courthouse on the day of jury empanelment in small numbers, and at staggered times, in order to reduce the number of people in the jury assembly area and the courtrooms.

Jury Meeting and Deliberation Rooms. In order to permit social distancing, larger juries will meet, and ultimately deliberate, in an adjacent courtroom rather than the standard jury deliberation rooms.

Stairways and Elevators. Stairways will be marked as one-way, and elevator occupancy has been limited.

Because public health information and recommended practices continue to evolve, we will continue to work with our public-health consultants to ensure that our precautions remain appropriate and provide a safe environment for jurors, parties, witnesses, lawyers, and other participants in the trial process.

WHAT WE EXPECT FROM JURORS

You will receive instructions from the court about your duties and obligations as jurors, both during the empanelment process and the trial itself. In addition, the following special instructions apply because of the COVID-19 pandemic:

Do not come to court if you are sick. Again, it is important that you do NOT report for jury duty, or come to the courthouse, if you are sick or showing any symptoms of COVID-19.

Provide accurate information when requested. Please respond carefully and accurately to all requests for information concerning your health or your personal circumstances, beginning with the questions that you are being asked with this summons.

Wear a mask. You must wear a mask in the courthouse, and it must be worn properly, covering the nose and mouth.

Bring a lunch, snacks, and water. Our cafeteria is closed at present, and your ability to leave the courthouse to pick up a takeout lunch may be limited. Our drinking fountains will be blocked off.

Bring reading materials. We will make every effort to avoid unnecessary delays, but we do expect that jury empanelment will proceed much more slowly than usual.

Thank you for your cooperation and patience!