Order Promulgating Amendments to Administrative Order No. 49

Pursuant to the Vermont Constitution, Chapter II, § 30 and Administrative Order No. 48, it is hereby ordered:

1. That ¶ 3 of Administrative Order No. 49 be amended to read as follows (new matter underlined; deleted matter struck through):

3. **Suspension of Jury Trials:** ~~Jury trials in criminal cases are suspended until at least September 1, 2020. Jury summonses will not be sent before August 3, 2020.~~ Jury trials in civil cases are suspended until <u>at least</u> January 1, 2021.

Explanatory Note—October 5, 2020, Amendment

The October 5 amendment deletes language formally suspending jury trials in criminal cases until at least September 1, 2020. Criminal jury trials are no longer suspended but resuming jury trials remains challenging under the circumstances. In preparation for resumption of criminal jury trials, the Judiciary is taking steps to make courthouses and courtrooms as safe as possible for the conduct of jury trials. Given the large number of people involved in jury trials, these steps include evaluations of and, if necessary, adjustments to ventilation systems, enhanced cleaning protocols, installation of plexiglass barriers in some locations, reconfiguration of some courtroom space where necessary to accommodate social distancing, and development of workable traffic flows of parties and trial participants within courthouse space. In addition, courts are revising their protocols for summoning and selecting jurors in an effort to reduce the number of prospective jurors in a courtroom at any given time, and to facilitate the early identification of jurors with conflicts or other grounds to excuse them from service. Courts are also developing staffing plans to safely and effectively meet the needs associated with pandemic-era jury trials. Finally, the Judiciary is undertaking a public-education campaign to communicate to prospective jurors, and the public more broadly, the steps the Judiciary is taking to prepare to safely resume jury trials consistent with CDC and Vermont Department of Health guidelines.

Resumption of criminal jury trials will not happen simultaneously in all units. Some courts are further along than others in the preparations described above, and some courthouses are more amenable to socially distanced jury trials than others. The first criminal jury trial is currently scheduled in Windham County. Other units are expected to

begin conducting criminal jury trials on a staggered basis after that time.

The October 5 amendment retains the suspension of civil jury trials, and adds language reflecting that civil jury trials will be suspended until at least January 1, 2021.

2. That this order is effective immediately and extends until January 1, 2021, unless extended by order of this Court.

3. That the Chief Justice is authorized to report this order to the General Assembly in accordance with the provisions of 12 V.S.A. § 1, as amended.

Done in Chambers in Montpelier, Vermont, this 5th day of October, 2020.

Signed by the Vermont Supreme Court

Paul L. Reiber, Chief Justice

Beth Robinson, Associate Justice

Harold E. Eaton, Jr., Associate Justice

Karen R. Carroll, Associate Justice

William D. Cohen, Associate Justice