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Vermont Judiciary Announces the Resumption of Criminal Jury Trials

With Vermont's low COVID-19 rate, Judiciary is committed to safely restarting this Constitutional imperative

Montpelier, VT - The Vermont Judiciary will hold the first criminal jury trial to be scheduled since the onset of the pandemic. The jury draw for the first case is currently scheduled to begin in the Windham unit of the Vermont Superior Court in Brattleboro on December 7.

"When the governor first declared a state of emergency, Vermont—like most states—temporarily suspended jury trials due to the serious risk public health risk of gathering groups of people together," said the Honorable Karen Carroll, Associate Justice of the Vermont Supreme Court and co-chair of a committee formed to restart jury trials safely during the pandemic. "Now that Vermont has done so well in responding to COVID-19, we are taking steps to be able to resume this important part of our democracy," she explained.

"The right to a speedy trial by jury is guaranteed by our Constitution," Carroll noted. "We are committed to fulfilling that responsibility to Vermont defendants and to doing it safely for all involved."

Carroll acknowledged that during a pandemic, holding jury trials—like so many other public events where people gather—presents challenges the judiciary has been working to address.

The Supreme Court directed the state court administrator and chief superior judge to develop an implementation plan based on the recommendations informed by a committee composed of judicial officers, a court manager, a representative of the state's attorneys, a civil practitioner, and a public defender. This committee report, which was co-chaired by Carroll and Associate Justice Harold E. Eaton, Jr., lays out many safety precautions—including building modifications.

Eaton stressed that Vermonters who receive jury summons should be confident that courthouses will take every precaution to ensure their safety.

"Court staff are following applicable guidance from federal and state health experts. Social distancing and the wearing of face masks are key elements of this guidance and they are required in Vermont's courts," he explained. "Hand sanitizer will be available throughout the courthouse and the courtrooms, which will be cleaned and sanitized at the end of each day, and throughout the day as dictated by public health guidelines," he said. Additional measures include reconfiguration of some courtroom spaces where necessary to accommodate social distancing, installation of plexiglass barriers in some locations, and development of workable traffic flows of parties and trial participants within courthouse space.

As the jury trial process kicks off with the Windham unit, Presiding Judge John Treadwell will work with local court staff, the state's attorney, private counsel, self-represented litigants, and the public defender's office to identify cases appropriate for trial at this time.

"They will likely consider multiple cases in the coming months, since some of them might settle before our scheduled jury draw on December 7," Carroll related.

As this work takes place in Windham County, she noted, the Judiciary is working on opening up criminal jury trials in other areas of the state. Civil jury trials remain suspended until at least January 2021.

Detail regarding the steps the Judiciary is taking to promote safe operations during the pandemic is available on the COVID-19 page of the Judiciary's website at www.vermontjudiciary.org/COVID19. Information about being called for jury duty, serving as a juror, requesting a deferral from jury service for medical or other reasons, and about court operations and plans is available on these pages. This information will be updated as conditions warrant.

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