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Articles

November 17, 2020

Vermont Judiciary Delays the Resumption of Criminal Jury Trials Due to Spike in COVID-19 Cases in Vermont and Across the Country

Judiciary Remains Committed to Restart When it is Safe to do so

The Vermont Chief Superior Judge and the Vermont State Court Administrator today announced a delay in the restart of criminal jury trials scheduled to begin in the Windham unit of the Vermont Superior Court in Brattleboro on December 7. The delay is in response to a recent significant increase in COVID-19 cases in Vermont, which is expected to continue in the coming days and weeks. Chief Superior Judge Brian Grearson and Vermont State Court Administrator Patricia Gabel, Esq. made the decision to postpone the restart in consultation with Judge John Treadwell, who would have presided over the trial.

"We are disappointed to delay this critical component of our democracy—the right to a trial by a jury of one's peers—however, the safety and wellbeing of all is critical; that is why we have determined that now is not the time to

restart this work," said the Honorable Karen R. Carroll, Associate Justice of the Vermont Supreme Court and co-chair of a committee formed to restart jury trials safely during the pandemic.

The Supreme Court directed the State Court Administrator and Chief Superior Judge to develop an implementation plan based on the recommendations informed by the Jury Restart Committee, which included judicial officers, a court manager, a state's attorney, a public defender and a civil practitioner. That work has been ongoing for months to be sure the courts can operate in-person as safely and efficiently as possible.

The state recently engaged Erin Bromage, PhD, an infectious disease specialist and professor at University of Massachusetts Dartmouth, to conduct an assessment and suggest best practices for both Vermont's physical court facilities and its planned procedures. Bromage said the Windham County Court was on track with modifications necessary for a safe restart.

"For important court proceedings, we can go forward with changes to our workflow and some changes to the infrastructure; most of those things can be done fairly simply," he related.

While the court has made many such changes and was poised to draw a jury for its first trial, recent COVID-19 case numbers caused judicial leaders to postpone until the courts can more confidently ensure the safety of jurors, trial participants, and court staff.

"It is critical that all of us work together to reduce our contact with others and slow the spread of the virus. We've done it before, and we can do it again. When this latest wave is behind us, the Judiciary will again look to restart in-person jury trials safely," Justice Carroll concluded.

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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