

Are Jury Trials Postponed Near You? Here's the Latest Court Updates Amid COVID-19 Surge

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By **Charles Toutant** | November 17, 2020 at 02:53 PM | The original version of this story was published on [New Jersey Law Journal](#)

Bill Tice, left, and Sam Tatman of J.D. Sign Company install a glass panel on a judge's bench at the Leonard L. Williams Justice Center in Wilmington, Delaware, on July 9, 2020.

With COVID-19 infections surging across the nation, some court systems have been calling off jury trials in hopes of containing the spread of the virus. Some others are taking a wait-and-see approach or allowing decisions to be made on the local level.

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What follows is a series of updates on the rising impact of the coronavirus on jury trials across the nation.

Connecticut

[In Connecticut](#), the state court system announced on Nov. 13 that no jury trials would be held through Nov. 20. On that date, the state is expected to announce whether jury trials will resume on Nov. 23.

Criminal and civil jury trials in Connecticut were originally slated to restart Nov. 2, but have been pushed back every week since that date.

In federal court, Connecticut might see one civil trial in December, but no criminal trials are planned before the end of the year, said Chief Judge Stefan Underhill of the U.S. District Court for the District of Connecticut on Monday.

Delaware

[**Delaware's courts**](#) on Monday paused jury trials for the second time this year following a rise in COVID-19 cases across the state.

The decision to freeze jury trials was made less than a month after the state had begun to hold its first jury trials since March and marks a return to the second phase of the judiciary's four-phase reopening plan. The extension of the state of judicial emergency, from Chief Justice Collins J. Seitz Jr., remains in place until Dec. 4.

Monday's order in Delaware doesn't stop courts from holding proceedings that don't involve people who are incarcerated, though the use of video or audio conferencing and having court employees work remotely when possible are still being encouraged, as is using discretion in whether to hold certain nonemergency hearings.

Criminal and civil trials that don't require juries can continue under Seitz's order, provided the defendants in criminal cases aren't incarcerated, as can grand jury proceedings and civil hearings involving witness participation. First and final case reviews in the cases of those who are in jail or prison can be held by video.

Georgia

[**In Georgia**](#), the state's 159 superior courts are starting to schedule in-person jury trials, notwithstanding the suspensions of such proceedings in other states.

The status of jury trials at the state court level in Georgia is fluid right now, said attorney Laura Voght of plaintiffs firm Cash Krugler Fredericks, after Georgia Supreme Court Chief Justice Harold Melton [told an emergency meeting](#) of the state Judicial Council on Oct. 26 that it is up to the chief judge of each courthouse to decide when it is safe to reopen. That followed a mid-

October order from Melton allowing courts to again hold in-person jury trials after a seven-month suspension.

Voght is leading a fundraising effort to supply courthouses with facial masks as trials resume.

Georgia had its first federal jury trial in October without incident after a criminal defendant asked for a speedy trial, despite a general moratorium on jury trials until January for the U.S. District Court for the Middle District of Georgia.

New Jersey

New Jersey suspended civil and criminal jury trials and in-person grand jury sessions under a Supreme Court order issued Monday.

The order permits one in-person jury trial, already in progress, to continue. Two ongoing jury selections may continue through the first phase, which occurs online, but will not proceed to the second, in-person phase of selection. Selections for new in-person jury trials are suspended pending further order.

In-person grand jury panels can switch to a virtual grand jury format, and existing virtual grand jury panels may continue to convene, under the order. Virtual grand juries have been established in all 21 counties.

In New Jersey's federal courts, there are no immediate plans to scale back the scope of proceedings, which are already limited, with no in-person trials, Chief Judge Freda Wolfson said. Virtually everything is done by Zoom in the federal courts, and that won't change anytime soon, she said. The federal courts have recently empaneled new grand juries in Newark and Camden, and are about to do so in Trenton, which will proceed, Wolfson said.

New York

In the [**state of New York**](#), new jury trials and new grand juries were shut down indefinitely effective Nov. 13. The decision, announced in a memorandum from Chief Administrative Judge Lawrence Marks, marks what is perhaps the most sweeping curb on in-person proceedings in the state since March.

No new prospective trial jurors were being summoned Monday for criminal or civil matters, and no new potential grand jurors were being summoned. The memo did not specify when new jury trials might start. Sitting grand juries and ongoing civil and criminal jury trials will continue until their conclusion, according to the memorandum.

New York Chief Judge Janet DiFiore said Monday that the court system is looking forward to resuming grand juries and restarting petit jury operations when it's safe. Since early September, state courts outside of New York City have tried 47 cases to verdict, she said.

Texas

[**In Texas, there was**](#) no statewide mandate in response to the recent spike in COVID-19 infections, but courts in some counties have reacted by canceling some in-person jury trials or moving them online.

Current orders from the Texas Supreme Court and guidance from the Texas Office of Court Administration have left it up to county judicial leaders to talk to their local health authorities and make decisions about their virus response.

Courts in Midland, Lubbock, El Paso, Amarillo and Dallas have pulled back on plans to bring jurors to their courthouses, said David Slayton, administrative director of the court administration office.

As some jurisdictions cancel in-person jury trials, Slayton said, he's seeing an upward trend in the number of courts embracing fully virtual jury trials. For

example, four courts in Austin, Dallas, McKinney and San Antonio plan to hold fully virtual jury trials during the week of Nov. 16.

Washington state

In Seattle, where King County Superior Court has regularly held in-person jury trials in the midst of the pandemic, judicial officials have not announced any changes, but are carefully considering whether they can continue in-person civil trials in the face of a new wave of coronavirus cases.

In order to hold 10 trials a week, King County has opened a “pop up” courthouse at a local convention center in order to provide more room. The extra space allows jurors to sit far apart from each other in banquet chairs, and the technology is impressive, although the acoustics are poor.

But whether the court can maintain in-person trials remains uncertain, said King County Superior Court Presiding Judge Jim Rogers.

“It’s been successful, but now we’re looking at what’s going to happen with this third wave,” Rogers said. “The next step is do we hold civil jury trials all virtual, if the pandemic worsens, as it looks like it is?”