

CANADY: RESUMPTION OF JURY TRIALS LIKELY TO BE LIMITED AND REGIONAL

📅 May 18, 2020 👤 By Jim Ash ▶ Senior Editor 📁 Top Stories



Florida businesses may be coming back to life in the wake of the COVID-19 pandemic, but Chief Justice Charles Canady says it's too early to predict when Florida courts will be fully operational.

"I extended the prohibition on jury trial proceedings through early July," Justice Canady said. "But I can't tell you that in early July, we will go back to jury trials."

Addressing a May 15 video conference meeting of The Florida Bar Board of Governors, the chief justice acknowledged that the inability to hold jury trials is creating a backlog of cases that will have to be addressed.

"I recognize that a lot of things can't get decided until we have jury trials" the chief justice said. "Even things that aren't going to actually go to trial won't get determined until there is an immediate prospect of a jury trial...that's just the way our system works."

Canady said he is expecting additional recommendations from the Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19.

"We are intensely focused on this issue," he said.

The chief justice cautioned that any reopening will likely be temporary and regional.

"It's possible that initially we will go back to jury trials in some parts of the state but not in other parts of the state," he said. "Additionally, I would expect that when we start back, it will be on a limited basis, because, as we're feeling our way, we won't be able to go back to 100 percent."

Justice Canady said he wants to make sure that the courts are fully prepared for any possible resurgence of the pandemic after the initial rate of infection levels off.

“There’s likely going to be a recurrence, possibly a more intense recurrence of this virus, and we’ve got to be prepared for that eventuality,” he said. “Now, I don’t know exactly what’s going to happen, and how that’s going to come, and how that’s going to be manifested, but we have to be vigilant as we go forward.”

The state budget is also feeling the effects of the pandemic, Justice Canady warned.

Filing fee revenues that pay for most court operations have fallen off dramatically, but they are climbing again and there should be enough reserves in a state trust fund to last the fiscal year, he said.

“It’s not an immediate crisis for us,” he said, adding that the governor could authorize loans if necessary.

However, Florida’s court clerks, who rely on fines and fees, are on the brink of furloughing workers, the chief justice said.

“Of course, there’s so much of the work that we do that we can’t do without the work of our clerks, so that is a matter of urgent concern for our branch and we’re going to be expressing our concern,” he said.

On a brighter note, Canady said Florida law students will be able to take the Bar exam later this year at venues in Orlando and Tampa.

“We looked at that, with the Board of Bar Examiners, and we decided that we could do it safely based on the advice of the public health authorities.”

The chief justice said all participants will be required to take precautions.

“There is going to be extraordinary physical distancing as well as the use of personal protective equipment by all of the participants,” he said. “With those measures we feel that we can do it safely. We’re going forward with that plan based on the circumstances that now exist.”

Canady said Florida's legal community deserves to be praised for the way it has responded to the health crisis.

"I am very pleased with the work that our courts have been doing through the use of remote technology. A great deal of the work of our branch is now being carried on in that way," Canady said. "All of us have reason to be proud of the legal profession, and we're going to soldier on, we're going to get beyond this, we just don't know when."