

# Planning to Conduct Jury Trials in Existing Courtrooms

A Pandemic Resource from NCSC

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## Planning Considerations for Conducting Jury Trials in Existing Courtrooms

Resuming in-person jury trials in existing courtrooms takes planning. Adjustments to how proceedings are conducted inside the courtroom are needed to keep court participants as safe as possible. Courts need practical solutions that can be implemented temporarily in existing courtrooms until the pandemic is over. Those solutions may be a combination of operational adjustments and changes to how space in the courtroom is used and occupied.

The amount of space required for the jury selection process needs to be considered too and can pose a significant challenge to some courts. Typically, 30-50 potential jurors may be called at one time, which would require an assembly area greater than 2,000 square feet. Many courthouses do not have large assembly spaces and may need to move the jury selection process off-site or consider online options. Information on the voir dire process is forthcoming in a subsequent publication.

When planning to resume jury trials in existing courtrooms, take into consideration the following:

1. Existing Courtrooms
  - a. Inventory existing courtroom sizes.
  - b. Pay particular attention to the public gallery size and capacity for seating the jury.
  - c. Consider all courtrooms even if they are not currently designed for jury trials.
2. Functional Requirements
  - a. Accessibility
  - b. Acoustics
  - c. Sightlines
  - d. Technology
3. Jury Deliberation
  - a. Assess spaces that may be large enough for jury deliberation.
  - b. Consider the proximity to the courtroom.
4. Health and Safety
  - a. Air Quality
  - b. Cleanliness and Hygiene

De-densifying the courtroom is essential to create space for vital court participants. Therefore, spectators should view the proceedings virtually from another room inside the courthouse or outside of the courthouse entirely. Removing the public from the physical courtroom will allow the gallery to be used as a temporary jury box.

## Existing Courtrooms

Understanding the sizes and number of existing courtrooms is necessary to decide which courtrooms are appropriate for jury trials during the pandemic. Courtroom configurations and sizes vary, but by applying typical dimensions, we can estimate the approximate courtroom size needed to space participants six feet apart.

Approximate courtroom sizes needed to conduct a jury trial:

- 12-person + 2 alternates = 1,800 SF courtroom
- 6-person + 2 alternates = 1,150 SF courtroom

Refer to the proceeding diagrams for additional information. Your courtroom's unique configuration will impact the exact amount of space needed.

## Functional Requirements

Without proper planning, arranging court participants differently than initially intended could compromise courtroom functionality. Essential functional aspects should be preserved even though the new arrangement is temporary. Accessibility, acoustics, and sightlines cannot be compromised. All participants must be able to hear and see all participants and proceedings clearly.

### Accessibility

- Utilize courtrooms located on the ground floor to reduce the need for vertical transportation.
- ADA compliance cannot be compromised. A clear and unobstructed path of travel at the proper width is required throughout.
- Consider the proximity of a jury deliberation space large enough to social distance, and the circulation path from the courtroom.

### Acoustics

- Audio amplification is needed in most courtrooms larger than 800 square feet.
- Sound will be diminished if the distance from the source exceeds approximately 45 feet.
- Without sound amplification, speech traveling directly from a person to a listener will begin to fade at a distance of 30 to 40 feet.
- The finishes inside the courtroom will affect the acoustic quality of the space.

- The jury deliberation space requires acoustical privacy.

### Sightlines

- Consider sightlines from jury to evidence display, witness, counsel, and judge. An unobstructed view is required.
- An enhanced/supplemental evidence display will need to be located near the jury, who is seated in the gallery.
- A view of the witness may need to be enhanced for the jury and could be achieved using a video camera.
- Orient the lectern to face the new jury location.
- A 60-degree cone of vision is recommended but may not be easily achieved in an alternative layout.

### Technology

- Courtrooms with integrated technology might not have the desired flexibility to relocate participants; therefore, audiovisual capabilities need to be thought through.
- Furniture with integrated technology can be a challenge when it comes to rearranging.
- If cables or power cords extend across the floor, secure them using the appropriate conduit or cover to avoid a tripping hazard.
- The gallery, where the jurors will be seated, will need enhanced audiovisual capabilities.

### Courtroom Functional Areas

Courtrooms vary in size and configuration, and there is no one size fits all solution. For planning purposes, consider the following four functional courtroom areas: jury, judge and court staff, witness, and attorney/client.

De-densifying the courtroom is necessary to allow space for participants to be six feet apart. Therefore, the public should view the proceedings remotely, allowing the jury to utilize the gallery seating area. In a typical courtroom of 1800 square feet, the witness and judge's distance to the furthest juror is 24-27 feet. Utilizing the gallery for jury seating can result in a distance of 51 feet or more. At that distance, sightlines and acoustics may need to be enhanced.

### Area 1: Jury

- The public gallery area could be used for seating the jury at six feet apart.
- Sound amplification will be needed due to the increased distance from other participants.
- Enhanced audiovisual displays, including supplemental evidence display and a close up of the witness, is needed in the gallery area.

### Area 2: Judge & Court Staff

- Install sneeze guards at the judge's bench, clerk station, and recorder station.

### Area 3: Witness

- It is critical that all courtroom participants clearly hear and see all verbal and nonverbal communication from the witness.
- Witnesses should wait in a separate room until called into the courtroom. Existing meeting rooms adjacent to the courtroom could serve this purpose.
- Install a sneeze guard at the witness stand.

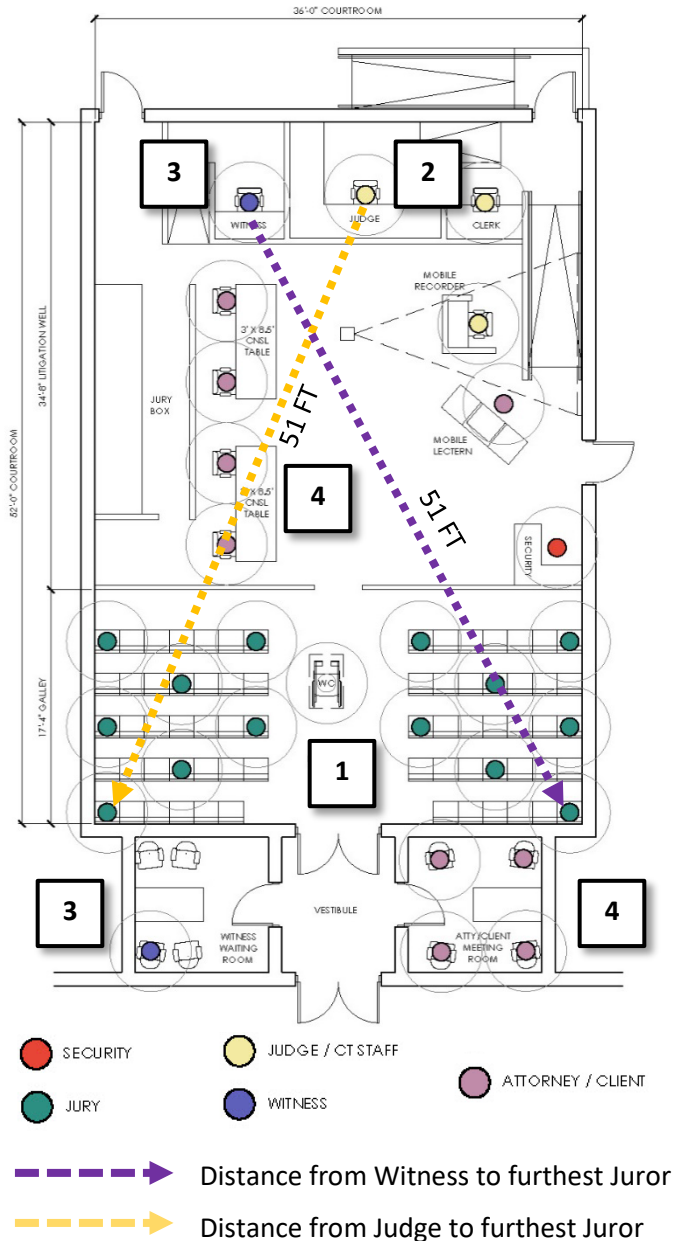
### Area 4: Attorney/Client

- Counsel tables will need to be rearranged so that the jury is not looking at the backs of attorneys and their clients. In most cases, the tables can be rotated so that their backs are to the unoccupied jury box.
- Seating at the counsel tables will need to be spread out. An 8.5-foot long table is required to seat two people six feet apart.
- A transparent sneeze guard could be installed at the lectern and counsel tables. Temporary options that do not need to be physically attached to furniture are widely available.
- Often, counsel tables have technology built into the furniture and are hardwired to a fixed position. Consider how technology might need to be modified if the tables are moved.
- Furniture in attorney/client meeting rooms should be arranged to enforce social distancing. Remove extra chairs.
- Ideally, counsel tables are spaced three feet apart.

### Center Bench Example: 12-Person Jury

The following is an example of a 2,040 square foot courtroom with a center bench configuration. The room is 52-feet-long by 36-feet-wide, which may result in participant sightlines as far as 51 feet. A courtroom this size will need enhanced audiovisual systems to ensure all participants can hear and view the proceedings.

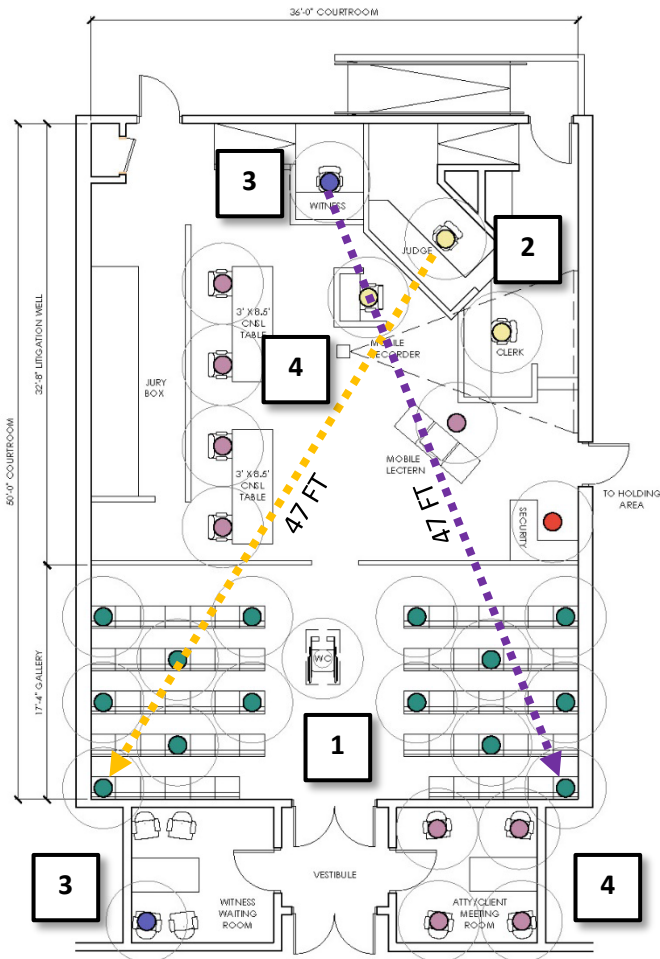
1: Center Bench Example: 2,040 Square Foot Courtroom



**Corner Bench Example: 12-Person Jury**

The following example is a corner bench configuration. The room is 50-feet-long by 36-feet-wide and 1,800 square feet. The distance from the witness or judge to the furthest juror is 47 feet. At this distance, acoustic amplification and enhanced evidence display will be needed.

3: Corner Bench: Socially Distanced Layout (1,800 Square Feet)

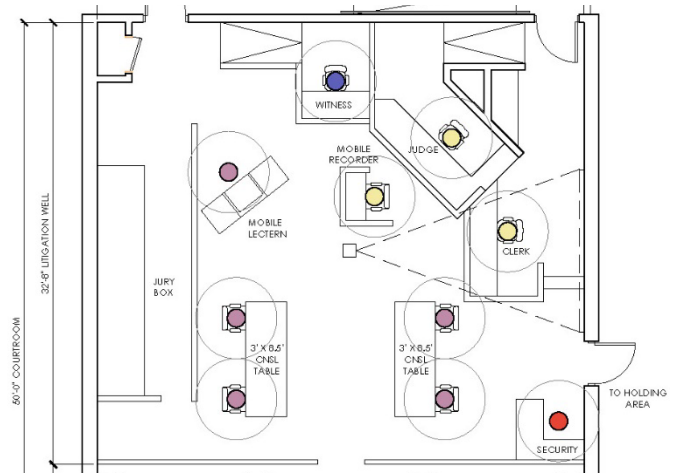


- - - - - ➔ Distance from Witness to furthest Juror
- - - - - ➔ Distance from Judge to furthest Juror

**Alternative Counsel Table Arrangement**

The size of litigation wells can vary. The following layout shows an alternative arrangement for the counsel tables and lectern.

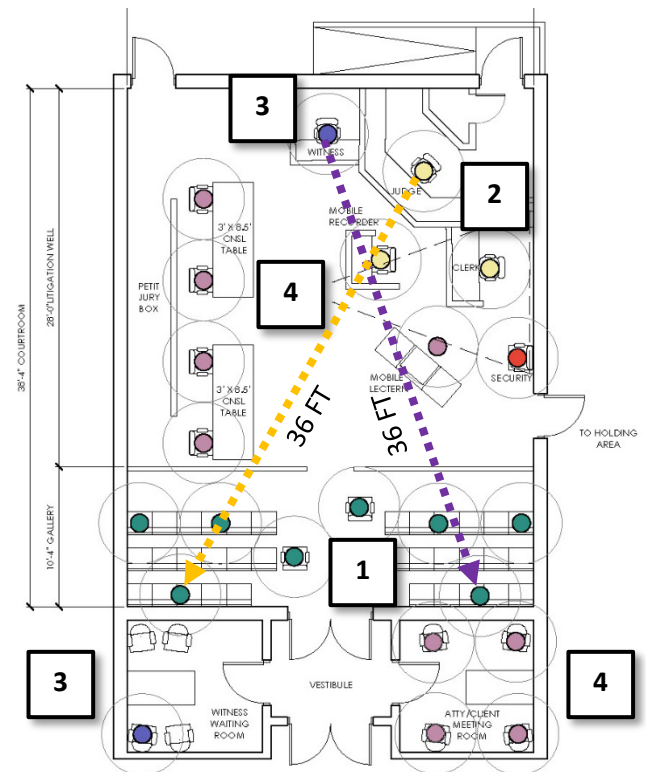
4: Alternative Counsel Table Arrangement



**Corner Bench Configuration: 6-Person Petit Jury**

Approximately 1,150 square feet is needed to accommodate a petit jury of six jurors and two alternates. The example below is a 36-foot-long by 30-foot-wide courtroom. The distance from the witness or judge to the furthest juror is 36 feet. A courtroom of this size is on the cusp of needing audiovisual enhancement.

2: Corner Bench: Petit Jury Layout (1,150 Square Feet)



## Jury Deliberation

Deliberation rooms should be arranged to promote conversation and be as comfortable as possible. Rooms that were not originally designed to be used for jury deliberation may not have the necessary acoustic privacy. If this is the case, consider strategies to improve privacy, such as a white noise machine and temporary sound dampening material added inside the room. Installing door seals may also help. An acoustic engineer can assess your court's condition and provide custom solutions.

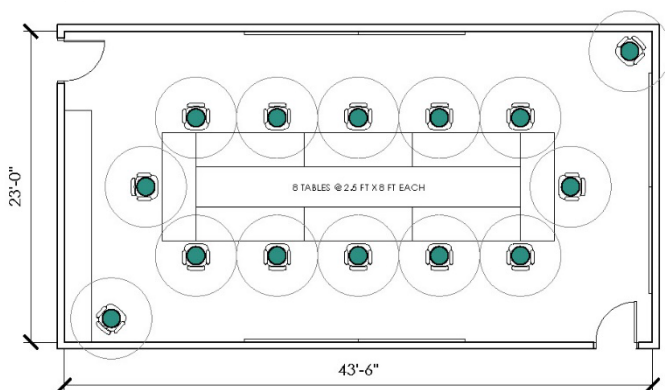
Depending on the room size and configuration, air circulation may need to be increased. Talking increases the spread of COVID droplets, so masks should be required, and supplemental air filtration may be needed.

Considerations for alternative deliberation rooms:

- Adequate space for social distancing
- Acoustic privacy
- Conversational arrangement
- Proximity to the courtroom
- Proper ventilation
- Evidence display and viewing

### 12-Person Jury Deliberation Room Example

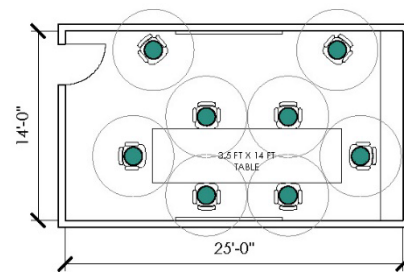
Approximately 1,000 square feet is needed to accommodate a 12-person jury plus two alternates. Many facilities have training rooms or large conference rooms with furniture that can be rearranged. This configuration illustrates a conversational layout and the amount of space needed for twelve jurors to sit six feet apart while the two alternates sit to the side. This room size would allow jurors to circulate in the room, outside of a juror's social distance "bubble."



### 6-Person Petit Jury Deliberation Room Example

Approximately 350 square feet is needed to accommodate a 6-person jury plus two alternates.

This room depicts jurors seated 6 feet apart in a conversational arrangement. The two alternates are not sitting at the table but are close. In this example, circulation inside the space should be thought through. Jurors would need to enter and exit the room in an orderly fashion to avoid crossing into other juror's social distancing "bubbles."



## Health and Safety

Refer to the RRT paper: [Considerations for Reopening the Courthouse](#) for additional information and resources regarding health and safety measures.

### Air Quality

Proper air filtration is crucial to a healthy indoor environment. Often, courtrooms and meeting rooms have their own thermostat. A qualified person should balance the temperature and relative humidity level per the latest COVID-related recommendations. Once the system is set, the thermostat must not be tampered with. Installing a lockbox over the controller may be needed.

- Run HVAC systems for longer hours and increase ventilation air changes
- Prioritize fresh air intake versus recycled air where possible
- Monitor and maintain the recommended relative humidity levels.
- Disable demand-controlled ventilation.

- Consider the use of a portable room air cleaner with a HEPA filter.

### **Cleanliness and Hygiene**

Routine cleaning is essential in reducing the potential spread of COVID-19. Assign staff to monitor routine cleaning processes.

- Routinely clean and disinfect.
- Require and provide face masks to be worn during proceedings. Have a procedure in place for when it is appropriate to remove face masks.
- Provide easily accessible hand sanitizer in multiple locations.
- Sanitize and wipe down high-touch surfaces regularly.

- Avoid sharing writing utensils when possible, and implement a process for sanitizing pens and pencils.
- Install hands-free foot pedals to open doors where possible.
- Install sneeze guards.
- Demarcate travel paths inside the courtroom and to the jury deliberation room to keep people separated.
- Install signage to remind folks to practice good hygiene. Free signs can be downloaded and printed from the Centers for Disease Control and Prevention (CDC) and World Health Organization (WHO) websites.

### **Additional Resources**

The following sources offer information on various topics related to buildings and COVID-19. The pandemic is an unfolding situation; monitoring the latest data is critical to building occupants' safety.

New Jersey Courts: A Socially Distant Criminal Trial video

<https://www.youtube.com/watch?v= OM6fNRnZsE&feature=youtu.be>

Courthouse Planning and Design Guide

<https://www.ncsc.org/services-and-experts/areas-of-expertise/facilities-planning/planning-and-design-guide>

Lane County: Serving on Jury Duty During COVID-19

<https://www.courts.oregon.gov/courts/lane/jury/Pages/Video-Gallery.aspx>

Considerations for Reopening the Courthouse, A Pandemic Resource from NCSC, June 1, 2020

[https://www.ncsc.org/\\_data/assets/pdf\\_file/0024/38751/Considerations-for-Reopening-Courthouses.pdf](https://www.ncsc.org/_data/assets/pdf_file/0024/38751/Considerations-for-Reopening-Courthouses.pdf)

Considerations in Resuming Court Operations, A Pandemic Resource from NCSC, May 1, 2020

[https://www.ncsc.org/\\_data/assets/pdf\\_file/0015/34314/Considerations-in-Resuming-Court-Operations.pdf](https://www.ncsc.org/_data/assets/pdf_file/0015/34314/Considerations-in-Resuming-Court-Operations.pdf)

Reestablishing Jury Pools in the COVID-19 Era

Webinar: <https://vimeo.com/426265829>

How State Courts are Using Innovative Technologies and Responsible Health and Safety Practices to Resume Jury Trials,

Webinar: <https://vimeo.com/426265829>

For questions, please contact:

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