

MIFFLIN COUNTY JURY SELECTIONS & TRIALS  
COVID-19 FAQ  
AUGUST 2020

Will lawyers be required to wear a mask during opening and closing or is it sufficient to stay six feet away from other people?

President Judge Barron is requiring counsel to wear masks at all times while in the courtroom. Exception, counsel may remove their mask to speak only if they remain seated at counsel table. If counsel wishes to stand and walk within the taped area of the well, mask must be worn. In addition to counsel tables, there will be a podium placed where counsel can see the Judge, all jurors, witness and parties to the case. Whether counsel wears a mask or not when standing at the podium will be determined by the presiding Judge at time of trial.

Will witnesses be required to wear a mask when testifying or is it sufficient to stay six feet away from other people?

Witnesses must wear a mask to testify. Court provides face shields as an alternative if the witness so chooses. If face shield is chosen, witness wears both the mask and face shield while walking to and from the witness box. Witness may remove the mask while seated in the witness box. Face shield remains on.

Official court reporters prefer witnesses wear face shields while testifying; the court reporter and the jurors can hear the witness's testimony more clearly than with a face mask. Also, facial expressions and demeanor may be better evaluated through a face shield. The witness will determine what face covering he/she will use while testifying.

Will the defendant be sitting next to defense counsel; will the affiant be sitting next to the DA?

CR1 cannot accommodate a six-foot separation between defense counsel and defendant and DA and affiant. Defendant and defense counsel are seated next to each other at the defense table; affiant and the DA are seated next to each other at the Commonwealth's table. Past trials, defense counsel/defendant and the DA/affiant preferred to remain seated next to each other.

Tipstaves clean/disinfect essential workspaces and microphones within the courtroom throughout the day. Masks, face shields, gloves and hand sanitizers are available for use by counsel and trial participants.

Are the jurors screened and where will the jurors be sitting during jury selection/jury trial?

Prior to entering the courthouse, potential jurors are screened per review of the recommended health questions. They are also temperature checked before they are permitted access. A limited panel is summoned (approximately 35 jurors). Two juries are selected.

Jury selection is held utilizing both CR1 and CR2. Audio/video technology permits transmission between both courtrooms. A tipstaff is present in CR2 to alert the Judge in the event of any video or audio issues. Disposable juror badges are provided.

Seating is identified. During jury selection, jurors will be socially distanced between CR1 and CR2. All seating in the jury box and entire gallery is designated juror seating. During trial, jurors will be seated in the jury box, left and center within the gallery. Limited seating is available on the right within the gallery for the media and trial spectators during trial.

Jurors remain in their designated seats in CR1 during lunch and deliberation. Tipstaves individually serve lunch to each juror. Jurors who have been empaneled for jury trials during the pandemic have indicated this worked well for them.

Are there any restrictions on the number of trial spectators?

Limited seating is available on the right within the gallery for the media and trial spectators. The seats are identified in an effort to maintain social distancing. Once full, a tipstaff or Sheriff's Deputy will ask the remaining spectators to leave the courtroom. The trial will then be live streamed via YouTube.

For this reason, the DA and defense counsel must refrain from encouraging in-person attendance by staff not necessary to the trial and non-trial participants. The Court makes every effort to comply with CDC guidelines and recommendations; the Court expects counsel will do the same.

Do we need to provide a list of witnesses and spectators to the Sheriff ahead of time so they will be permitted entry?

The Sheriff needs no list. The Commissioners aren't turning anyone away, they currently aren't temperature checking anyone entering the courthouse and they aren't keeping a list of those who enter for purposes for contact tracing. However, masks are required for entry into the courthouse. Masks are available at the front door for those in need.

However, if a witness has the Judge's prior permission to testify via Zoom, counsel must provide court administration the name and contact information for that witness not less than 72 hours prior to trial. The judicial law clerk will subsequently issue a Zoom eVite.

Additionally, if counsel has an extensive witness list, counsel must provide that list to court administration not less than 72 hours prior to trial so we may ensure social distancing for those several witnesses during day of trial, i.e., designated seating in the third floor hallway, Hearing Rooms 320 and 322, library, etc.