

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**



**JURY TRIAL PROTOCOL
DURING COVID 19 PANDEMIC**

Effec. October 7, 2020.

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The COVID-19 pandemic has proven to be the ultimate disruptor in every facet of life, at a personal and professional level. The Judiciary, not being exempted, has faced unprecedented challenges as it relates to its internal operations and its mission of dispensing justice, while ensuring the health and safety of every participant.

Since the pandemic began, an array of measures, protocols and guidelines have been set in place by the United States District Court for the District of Puerto Rico (“USDCPR”) to enable continuity of operations. In devising secured operational protocols, we adhered to the Centers for Disease Control and Prevention (“CDC”) recommendations and those issued by federal and state agencies.

The Court has gone to great lengths and taken extraordinary measures in securing the health and safety of our court personnel, jurors, the public and members of the Bar. Among our efforts, the USDCPR retained the expert services of epidemiologist Dr. Julio Cádiz, and a thorough inspection of all court sites and work locations at the José V. Toledo and Clemente Ruiz-Nazario Courthouses and the Federico Degetau Federal Building (“FOB”) was conducted³. Recommendations to prevent exposure to COVID-19 were obtained for all court facilities regarding social distancing, maximum capacity of individuals per area, sanitation procedures and appropriate air flow/air conditioning system. All recommendations have been implemented to ensure the safety and wellbeing of all.

The following document outlines the general approach and protocol for conducting civil and criminal trials in our District. The purpose of this document is to provide jury trial participants with an understanding of the precautions that are being taken district-wide to protect jurors, attorneys, court staff and members of the public during a trial.

Handwritten signature of Gustavo A. Gelpí in black ink.

Hon. Gustavo A. Gelpí
Chief Judge

Handwritten signature of Aida M. Delgado-Colón in black ink.

Hon. Aida M. Delgado-Colón
Chair, Security Committee

Handwritten signature of María Antongiorgi in black ink.

María Antongiorgi
Clerk of Court

October 7, 2020
Date

¹ Prepared by Maria Antongiorgi, Clerk of Court. Revised by the Honorable Aida M. Delgado, Chair of the Court’s Security Committee and Honorable Gustavo A. Gelpí, Chief Judge.

² The Jury Trial Plan of the OHND was used as reference.

³ A walkthrough of the FOB and the Ruiz-Nazario Courthouse was performed on July 3, 2020. The Toledo Courthouse was inspected on July 6, 2020.

BUILDING PREPARATIONS

Trials Site:

All trials will be conducted at the Clemente Ruíz-Nazario Courthouse in Hato Rey.

The Clemente Ruíz Nazario Courthouse (“the Courthouse”):

- A. Courtrooms to be Used for Trials:
- Trials will be held at either Courtrooms 2 or 3.
 - Only one (1) trial will be held at the time.
- B. Facial Masks Requirement:
- Facial masks are mandatory in order to enter the Courthouse and the FOB. See District of Puerto Rico’s *Notice of the Clerk 20-13: Policy of Mandatory Use of Masks or Cloth Face Coverings in the Clemente Ruíz-Nazario US Courthouse and the Federico Degetau Office Building in San Juan.*
- C. HVAC Systems:
- Daily inspections of the ventilation systems are being performed.
 - Equipped with a UV Light Disinfection System, killing 99.9% of pathogens.
 - Air conditioning systems are being turned on two (2) hours earlier than usual to increase air exchanges.
 - The amount of air exchanges is 9-12 per hour.
- D. Air Filtration MERV Rating:
- All existing dynamic air filtration systems provide Minimum Efficiency Reporting Value (MERV) of 13.
- E. Plumbing:
- Flushing of the building’s water system (drinking fountains, toilets, faucets, etc.) is performed daily.
- F. Cleaning:
- Janitorial contracts have been modified and implemented to include specific requirements to be met for COVID 19. Disinfectants identified as effective against COVID 19 are utilized throughout the Courthouse and the FOB, with high touch surfaces being routinely cleaned.

G. Hand Sanitizer:

- Hand sanitizer dispensers have been placed throughout the Courthouse and the FOB.

Social Distancing:

- Courtrooms, Jury Rooms, Witness Rooms, Attorney’s Lounge, and the Press Room have been measured to ensure compliance with social distancing guidelines. Accordingly, maximum occupancy in each area has been modified in compliance with distancing requirements.
- The presiding judicial officer will issue an order with the specific maximum occupancy permitted for the trial courtroom.

Health Screening for Courthouse Entrance:

- Temperature screening will be conducted by court personnel prior to entering the Courthouse. A non-contact infrared temperature detector will be used.
- A health screening will also be conducted by court personnel. Individuals who do not pass the temperature check (100°F or more)⁴ or respond “yes” to any screening question will be denied entrance to the Courthouse. Screening questions may include the following:
 - Have you or anyone in your household been diagnosed with COVID-19 within the last 14 days?
 - Have you or anyone in your household been exposed to COVID 19 within the last 14 days?
 - Have you experienced symptoms such as fever, cough, difficulty breathing, chills, muscle aches, nausea, loss of smell or taste within the last 14 days?

Facial Masks:

- Facial masks should be worn at all times and must NOT be removed unless authorized by the presiding judicial officer.
- Bandana, t-shirts masks, neck gaiters and balaclavas are NOT permitted.
- Attorneys MUST ensure strict facial mask compliance by their clients, witnesses, and interpreters.

⁴ According to the CDC, a person is considered to have “fever” when he/she has measured temperature of 100.4°F. Nonetheless, the Court will not permit the entrance on any individual with over 100°F temperature.

SUMMONING AND CHECK-IN PROCEDURE

General Information:

- A letter to prospective jurors will be sent with summons explaining all safety precautions taken by the Court to ensure their safety. See *Attachment 1*.
- COVID 19 *Frequently Asked Questions* has been added to the Jury Section of the Court's website. <https://www.prd.uscourts.gov/jury-service-frequently-asked-questions-faq-about-covid-19>

COVID 19 Screening:

- Jury questionnaires have been modified to include COVID 19 screening questions.
- A couple of days before trial date, jury services personnel will contact all prospective jurors by phone to conduct a COVID 19 related health screening and to address any question they might have.

Check-In Procedures:

- In order to prevent congestion at the courthouse entrance, prospective jurors may be asked to arrive on staggered times.
- Upon arrival, all prospective jurors will be provided with a "COVID 19 kit", including: disposable masks (3), a package of sanitizing wipes, a small bottle of hand sanitizer, a pen, and a key-clean tool.
- After having their temperature checked, Clerk's Office personnel will escort prospective jurors to the Court's Atrium for check-in, ensuring that distancing is being kept during the process. Once seated at designated seats, an orientation will be given explaining all COVID 19 safety related procedures.

JURY SELECTION

Location:

- *Voir dire* will take place at the Court's Atrium, which will permit social distancing for prospective jurors. Chairs will be labeled to denote where each juror should sit. A courtroom may be used as overflow to accommodate additional prospective jurors. Should that be the case, the presiding judicial officer and attorneys will be able to see inside the overflow courtroom through a monitor and vice versa.
- Attorneys' tables will be positioned facing the prospective jurors and in accordance with social distancing requirements.
- A small stage will be placed to accommodate the presiding judicial officer.
- Free standing microphones will be positioned across the Atrium. These may be used by prospective jurors, as needed. Each microphone will have a disposable microphone cover that will be replaced by court personnel after each speaker.
- A wireless communication system will be provided for sidebars or private questioning of prospective jurors. Disposable headsets will be provided by the Court. Attorneys are encouraged to bring their own set of headphones.
- Prospective Jurors released for cause or challenge will exit the building immediately upon being excused by the presiding judge.
- Selected jurors will be escorted to a courtroom that will serve as the designated Jury Room during the duration of trial. This will ensure compliance with social distancing requirements.

TRIAL

Courtrooms:

- Only Courtrooms 2 and 3 will be used for jury trials.
- The selected courtroom will be re-arranged to ensure compliance with distancing requirements. Counsels' tables will remain inside the well of the Court, but moved to a vertical position, instead of the traditional horizontal one. The benches traditionally occupied by the public, will now be designated as the Jury Box. The upper and lower benches, witness stand, and court interpreter's locations will remain as is. See *Layouts, Attachment 2.*
- Lectern, ELMO (document presenter camera) and all other electronic equipment will be fully operational.

Video Conferencing:

- Courtrooms are equipped with video conferencing tools. Attorneys in need to present testimonies by video conference shall seek authorization from the presiding judge prior to trial. The Court currently utilizes the ZOOM for government platform.

Courtroom Safety Measures:

- All courtrooms have been measured to ensure compliance with distancing requirements. Maximum occupancy varies by court and will be notified by the presiding judge.
- Counsel tables have been also measured. Maximum occupancy per table varies per courtroom and will be notified by the presiding judge. Attorneys will have an assigned seat and microphone to be used at counsel table.
- Plexiglasses have been installed around the upper and lower bench, witness stand, interpreter's area, and the lectern.
- Disposable microphone covers will be provided for microphones located at the witness stand and the lectern. Microphone covers will be replaced after each witness/speaker.
- Seat and surface of the witness stand will be cleaned upon conclusion of each witness' testimony.

- Transparent face masks will be provided to witnesses, ensuring that facial expressions can be observed by the Jury during testimonies.
- All surface areas, including the witness stand, lectern, counsel tables and interpreter's area will be cleaned and disinfected during the lunch break. The courtroom, including the jury box, attorneys' chairs, and upper and lower benches, will be disinfected every morning before trial resumes and at the end of the day. Cleaning process will be done using CDC approved cleaning supplies.
- Hand sanitizer, anti-bacterial wipes, disposable masks, and gloves will be available in the courtroom.

Sidebar Conferences:

- A two-way radio will be used to conduct sidebars. Attorneys are encouraged to bring their own wired headphones. Wireless headphones (Air Pods, Beats, etc.) cannot be used. During a sidebar, all participants will remain in their seats to comply with social distancing requirements.

Interpreters:

- Parties should notify in advance if they will be retaining an interpreter.

Witnesses Traveling from Abroad:

- Parties should notify in advance of any witnesses traveling from abroad to provide in-person testimony. The party presenting the witness must instruct the witness to take all necessary safety precautions to avoid exposure to COVID 19.

Jury Room:

- A designated courtroom will be used as the jury room. Jurors will have assigned seating in compliance with distancing requirements.
- Hand sanitizer, anti-bacterial wipes, masks, and gloves will be available at the jury room.
- JERS will be setup and utilized to view exhibits during deliberations.

Witness Room:

- A designated courtroom will be used as a witness room. Witnesses will also have assigned seats to ensure social distancing.
- Hand sanitizer, anti-bacterial wipes, masks, and gloves will be available at the witness room.

Attorney's Lounge:

- The attorneys' lounge will be opened during the trial. To safeguard distancing requirements, capacity is limited to two (2) attorneys at the time.

Communication with the Courtroom Deputy:

- Attorneys are encouraged to contact the courtroom deputy in advance and visit the courtroom and atrium to familiarize themselves with the setting prior to the trial.

Public/Media:

- If approved by the presiding judicial officer, members of the media and the public may view a trial in an overflow courtroom, the press room, or the video conference room. Spaces will be limited to abide by distancing requirements. Members of the press may request access to audio feed, instead of in-person attendance.

Juror's Lunch and Breaks

- To minimize COVID 19 exposure, the presiding judge will enter an order semi sequestering the Jury during lunch time. Accordingly, lunch will be provided to the Jury.
- If an afternoon break is granted by the presiding judge, coffee and snacks will be provided to the Jury.

Verdict:

- At the conclusion of the trial, jurors will return to the Jury Room where they will wait to be escorted out of the Courthouse.

Cafeteria Services:

- Cafeteria Services will not be available at the FOB.

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO
FEDERAL BUILDING, SUITE 150
150 CARLOS CHARDON AVENUE
SAN JUAN, P.R. 00918

MARIA ANTONGIORGI, ESQ.
CLERK OF COURT

TELEPHONE: (787)772-3009
FAX: (787)772-3415

September 14, 2020

Re: Jury Service in the Coronavirus Era

Dear Prospective Jurors:

As Clerk of the United States District Court for the District of Puerto Rico (USDC-PR), I am writing to address concerns you may have due to the Coronavirus pandemic.

Since the pandemic started last March, the USDC-PR has continued to advance its mission of dispensing justice. With the assistance of our I.T. staff, 13 virtual courtrooms were created, allowing for video teleconferencing hearings, while protecting the health and wellbeing of judicial officers, parties, members of the bar and the public. To date, over 1500 virtual hearings have been held by our Judicial Officers.

Due to its nature, jury trials are the only hearings that cannot be held remotely. These must be held in person. As we move forward with our jury trial schedule, I want to ensure you that we are taking every reasonable precaution to protect the health and safety of jurors, court staff, lawyers and the parties during jury selection and the jury trial process.

Below you will find a summary of the measures we have adopted:

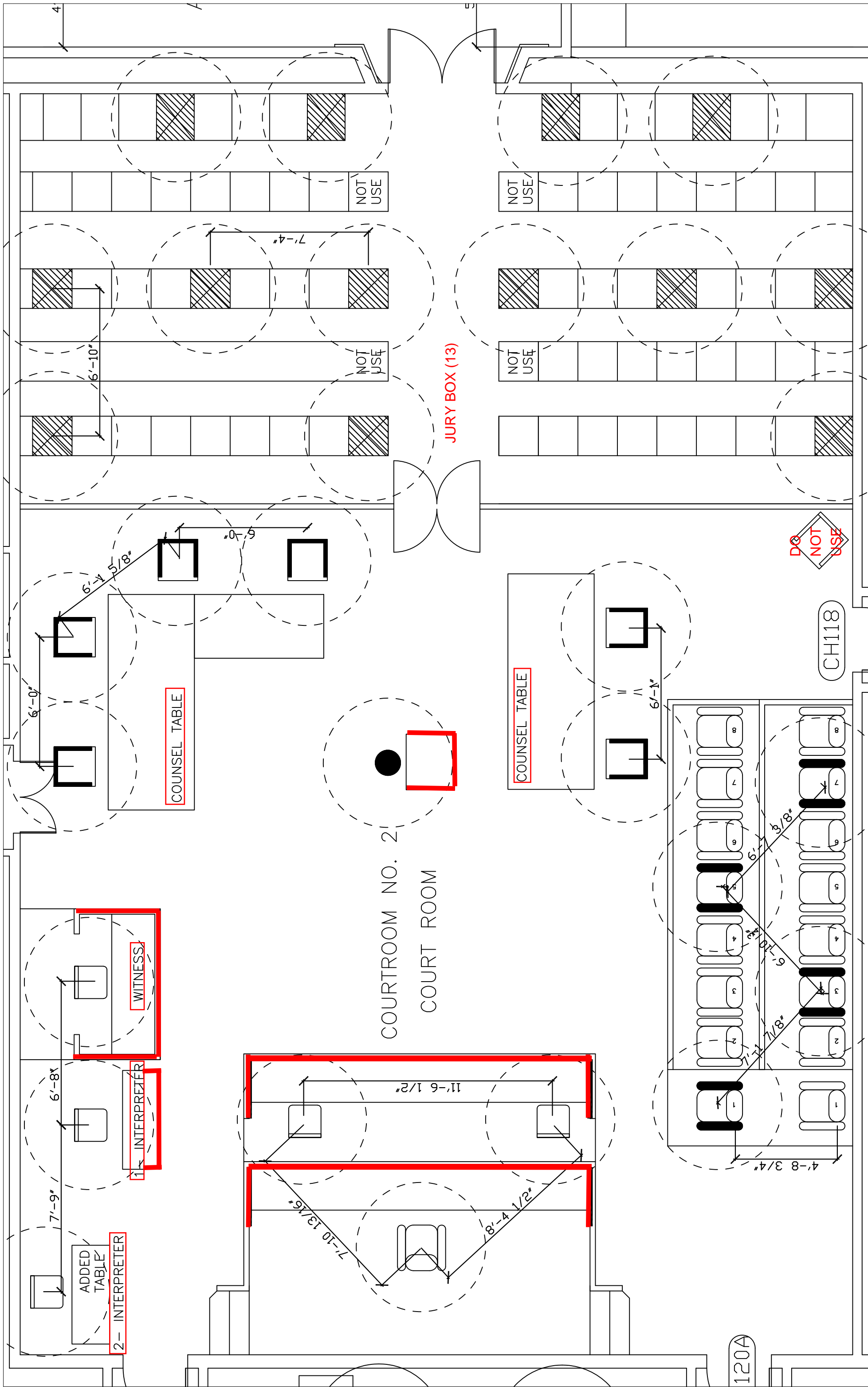
1. **Face masks** are required in all areas of the Federico Degetau Federal Office Building ("FOB") building and the Clemente Ruíz Nazario Courthouse ("Courthouse"), including inside jury rooms and each courtroom. No one will be allowed to remove their face masks unless authorized by the presiding judge.
2. **Temperature checks** will be conducted by our staff prior to entering the building.
3. **Social distancing** measures have been adopted at the initial security checkpoint and in the lobby of the Courthouse. We have modified entry procedures to guarantee appropriate spacing.

4. **Hand sanitizer** will be available to you at multiple locations in the Courthouse and in the jury room.
5. We have modified jury selection and jury trial procedures so that you will be able to maintain adequate distancing from other jurors and others who are in the atrium and courtroom. These include conducting the jury selection process at the Court's atrium instead of a courtroom, relocating the jury box to where the courtroom benches are normally located, splitting up jurors into different jury rooms for breaks and using one of our largest courtrooms as the jury deliberating room.
6. The courtroom and jury rooms will be cleaned during the day and at the end of each court day.
7. If you are selected as a juror, you will be provided lunch daily. This will avoid the need for you to visit local restaurants and any possible exposure.
8. If you are instructed to report for jury service, and you develop any of the following symptoms, do not report to the Courthouse. Instead, contact Carlos Rodríguez at (787)-925-0782 or (787) 925-0783 for further guidance:
 - Cough
 - Fatigue
 - Headache
 - Sore Throat
 - Fever or Chills
 - Muscle or body aches
 - Loss of taste or smell
 - Diarrhea
 - Nasal Congestion
 - Breathing Difficulty

These are challenging times for all of us and safe participation of jurors is vitally important to this process. I want to thank you in advance for your timely response to this summons and for your participation in this important endeavor.

Cordially,

María Antongiorgi, Esq.
Clerk of Court
U.S. District Court for Puerto Rico



COURTROOM NO. 2
COURT ROOM

JURY BOX (13)

COUNSEL TABLE

COUNSEL TABLE

WITNESS

1- INTERPRETER

2- INTERPRETER

ADDED TABLE

CH118

120A

DO NOT USE

NOT USE

NOT USE

NOT USE

NOT USE

4'-8 3/4"

6'-3/8"

6'-8"

6'-10"

6'-1"

6'-0"

7'-9"

6'-8"

6'-4 5/8"

6'-0"

7'-4"

6'-10"

4'

