

# GUIDELINES FOR JURY TRIALS IN THE SIXTEENTH JUDICIAL CIRCUIT DUE TO COVID-19 PANDEMIC

## Criminal Division Recommendations



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## Guidelines for Jury Trials in the Sixteenth Judicial Circuit Due to COVID-19 Pandemic: Criminal Division Recommendations

Jury trials are one of the bedrock principles of our justice system and serving as a juror is one the highest duties of citizenship. The accused has the constitutional right to a trial by a jury of one's peers. That said, the presence of the novel coronavirus/COVID-19 pandemic in our community requires us all to be vigilant in instituting what procedures we can to limit the spread of the virus.

With this in mind, the Illinois Supreme Court temporarily paused jury trials in response to guidance from public health officials. Based on new public health information and Illinois Supreme Court guidance, jury trials will resume in the near future. The Chief Judge tasked this committee with developing procedures for conducting jury trials that will adhere to the social distancing guidelines established by public health officials for the prevention of the spread of the novel coronavirus. The objective is to allow an accused party to exercise their constitutional right to a jury trial while balancing the safety of the clerks, court reporters, bailiffs, security officers, witnesses, attorneys, judges, as well as the members of the public who may serve as jurors in these trials. Following the social distancing guidelines established by public health officials, **which include limiting the number of essential personnel in the building**, the committee formulated the following procedures and recommendations for jury trials in both the Civil and Criminal Divisions of the Sixteenth Judicial Circuit. These procedures and recommendations should assist judicial officers and other courtroom personnel in safely and efficiently conducting jury trials while following social distancing guidelines.

### A. Re-Introduction of Jury Trials

1. On May 20, 2020, the Illinois Supreme Court entered order [number M.R. 30370](#). In this order, effective June 1, 2020, the Illinois Supreme Court modified their earlier M.R. 30370 orders dated March 17, 2020, March 20, 2020, April 3, 2020, and April 7, 2020. Order M.R. 30370 states in pertinent part as follows:

“The Chief Judges of each circuit may continue trials until further order of this Court. The continuances occasioned by this Order serve the ends of justice and outweigh the best interests of the public and defendants in a speedy trial. Therefore, such continuances shall be excluded from speedy trial computations contained in section 103-5 of the Code of Criminal Procedure of 1963 ([725 ILCS 5/103-5](#) (West 2018)) and section 5-601 of the Illinois Juvenile Court Act ([705 ILCS 405/5-601](#) (West 2018)). Statutory time restrictions in section 103-5 of the Code of Criminal Procedure of 1963 and section 5-601 of the Juvenile Court Act shall be tolled until further order of this Court. **This provision also applies when a trial is delayed when the court determines proper distancing and facilities limitations prevent the trial from proceeding safely. The judge in the case must find that such limitations necessitated the delay and shall make a record thereof.**” (emphasis added)

2. On August 3, 2020, in accordance with the provisions of Illinois Supreme Court order number [M.R. 30370](#) and the guidelines established by the CDC and state and local public health departments, the Sixteenth Judicial Circuit, will begin conducting criminal jury trials at the Kane County Judicial Center. An inspection of the facilities in the Kane County Judicial Center, taking into account the current social distancing guidelines, reveals several limitations. Due to the facility limitations, the jury boxes in the courtrooms and the jury deliberation rooms on the second and third floors do not allow strict compliance with the social distancing guidelines recommended by the CDC and state and local public health officials. Courtroom 201, as currently configured, does allow for strict compliance with these social distancing guidelines if jurors sit in the pews in the gallery portion of the courtroom during the jury trial. Jury deliberations will occur in the jury assembly area with the wall partition in place.
3. In consideration of the facility limitations, the Sixteenth Judicial Circuit will conduct two **12-person** criminal jury trials each week in Courtroom 201 in the Kane County Judicial Center. The two **12-person** criminal jury trials will begin on Monday and Wednesday mornings. ***In the event that the Monday jury trial lasts into Wednesday, the second 12-person jury trial will begin on Thursday morning.***
4. The Sixteenth Judicial Circuit will also conduct up to one **6-person** misdemeanor criminal jury trial each week. This **6-person** misdemeanor criminal jury trial will begin on Tuesday morning. This 6-person criminal jury trial will take place in the trial judge's courtroom (in either Courtroom 203 or 209).
5. Six-person criminal misdemeanor jury trials will consist of traffic and misdemeanor, DUI, and misdemeanor domestic violence cases. These 6-person jury trials will be completed in one day.
6. This jury trial schedule will remain in effect until the CDC and state and local public health departments relax the current social distancing guidelines to allow the use of other courtrooms and jury deliberation rooms.
7. The Jury Commission will send out jury summonses to help ensure there will be at least 40 to 50 potential jurors on both Monday and Wednesday mornings. For those weeks in which there is a court holiday on Monday, the Jury Commission will send out jury summonses to help ensure there will be at least 40 to 50 potential jurors on Wednesday morning. Potential jurors will receive instructions to call the Jury Commission the night before their scheduled jury service, to learn if they need to appear on their scheduled date. Potential jurors will report to the jury assembly area between 7:30 a.m. and 8:30 a.m. on their scheduled date. The first 30 potential jurors will remain in the jury assembly area. The remaining potential jurors will sit in the multi-purpose room (Courtroom 001) until called up to Courtroom 201 for jury selection.
8. The Jury Commission will send out enough jury summons to help ensure there will be at least 25 potential jurors present on Tuesday morning, for the for the 6-person jury trial. Potential jurors will receive instructions to call the jury commission the night before their scheduled jury service, to determine if they need to appear on their scheduled date.

Potential jurors will report to the jury assembly area between 7:30 a.m. and 8:30 a.m. on their scheduled date. In the event that the jury assembly area is not available on Tuesday morning when the 25 potential jurors arrive, the Jury Commission will place these 25 jurors in the cafeteria, where they will remain until they are called up to the courtroom for jury selection.

## B. For the Health and Safety of all Participants at the Kane County Judicial Center, the Court ensures that:

1. All surfaces in the jury assembly area, cafeteria, the multipurpose room, each of the courtrooms, the public hallways, and the restrooms, are cleaned and sanitized before any jurors arrive in the morning each day, during the day, and at the end of the day.
2. The number of summoned jurors is to allow for at least 40 to 50 potential jurors on Mondays and Wednesdays. **Limiting the number of summoned jurors to 25 jurors on Tuesdays.**
3. Social distancing guidelines established by the CDC and state and local public health departments, are being followed throughout the Judicial Center.
4. In keeping with current public health guidelines, every person entering the Judicial Center will have their temperature taken to determine if anyone is exhibiting a fever in excess of public health guidelines. Every person entering the Judicial Center will be asked screening questions regarding whether they are exhibiting any coronavirus symptoms and whether or not they have come into contact with any person who tested positive for the coronavirus. Every person exhibiting symptoms of the coronavirus or who has come into contact with any person who tested positive for the coronavirus, will be denied entry into the Judicial Center.
5. All persons entering the Judicial Center are wearing masks/face coverings. No person will be allowed to enter into the Judicial Center without a mask/face covering.
6. Masks/face coverings are available for any potential juror that did not bring a mask/face covering to wear during jury duty.
7. Hand sanitizer will be ample and available to all persons in the Judicial Center.
8. The jury assembly area, cafeteria, the multi-purpose room, and the public hallways are marked in a way to ensure social distancing of at least six feet.
9. The gallery pews in the courtrooms are marked in a way to ensure social distancing of at least six feet.
10. The number of people in elevators is limited.
11. Twelve-person Jury trials are limited to Courtroom 201.
12. Jury deliberations are limited to the jury assembly area.
13. Six-person jury trials will be limited to one per week, beginning on Tuesdays.
14. The number of potential jurors in Courtroom 201 will be limited to 16 at a time during the jury selection process.

15. The number of potential jurors in 6-person juries will be limited to 10 at a time during the jury selection process.

### C. Commencement of Jury Trials

1. In accordance with the [Administrative Order for the Criminal Division regarding criminal jury trials](#), effective July 1, 2020, all criminal jury trials will commence on Thursday at 1:30 p.m. Jurors will not be called in until the following Monday.
2. Trial judges will set cases for jury trial beginning on Thursdays at 1:30 p.m. When the court initially sets a case for jury trial, the trial judge should inquire of the parties to determine how long they believe the jury trial will last. The trial judge should also determine if there are special issues with the case, such as special witnesses or victims, which would require the Jury Commission to have more than 40 to 50 potential jurors available for jury selection. The trial judge should notify the Jury Commission about these special cases as soon as possible.
3. Upon the completion of the Thursday afternoon court call, all felony, traffic and misdemeanor, domestic violence, and DUI judges will inform the Presiding Judge of the felony division which cases they have ruled ready for trial. A case is ruled ready for trial, pursuant to the criteria set forth in the [Administrative Order for the Criminal Division regarding criminal jury trials](#). The Presiding Judge will evaluate the number of cases ruled ready for trial and will prepare a list ranking the cases set for trial.
4. The factors that will be considered by the Presiding Judge when setting the trial schedule include, but are not limited to, the following:
  - a) the nature of the charge;
  - b) the custodial status of the defendant;
  - c) if a speedy trial demand has been made by the defendant;
  - d) if the speedy trial clock is running or has been tolled;
  - e) the number of days remaining on the speedy trial clock calendar;
  - f) special considerations based upon witness issues (limited availability, travel plans, etc.); and
  - g) any requests made by the parties.
5. No later than 9:00 a.m. on the Friday following the Thursday trial setting, the Presiding Judge will issue a written order ranking the cases and scheduling cases for trial on either Monday or Wednesday.
6. All parties whose trials commenced on Thursday and continued over to Monday or Wednesday must appear at 8:30 a.m. in the courtroom on the date set. The trial listed first will be the trial that will proceed. If the trial scheduled first is unable to go, the next scheduled trial will proceed. This same process will be utilized until a trial proceeds.
7. On Thursday afternoon, after answering ready for trial in accordance with the [Administrative Order for the Criminal Division regarding criminal jury trials](#), defense counsel may indicate that his/her client is waiving their right to a 12-person jury and wishes to proceed with a 6-person jury trial. The trial judge will ensure that the defendant

is making a knowing and voluntary waiver of their right to a 12-person jury. The trial judge will also ensure that the defendant is making a knowing and voluntary decision on the record that they want a 6-person jury trial.

8. Upon completion of the Thursday afternoon court call, all traffic and misdemeanor, misdemeanor domestic violence, and DUI judges will inform the Presiding Judge of the felony division which of the cases those judges have ruled ready for trial, has knowingly and voluntarily requested a 6-person jury trial. In the event that more than one defendant has indicated that he wants a 6-person jury trial, the Presiding Judge will evaluate the number of cases ruled ready for trial and will prepare a list ranking these misdemeanor cases set for a 6-person jury trial beginning on Tuesday morning. The Presiding Judge will use the same criteria listed in Sec. C-4 above.
9. The 6-person misdemeanor jury trials will be set to begin jury selection on Tuesday morning. These 6-person jury trials will be conducted in the trial judge's courtroom on Tuesday morning. These 6-person jury trials will be completed in one day.
10. Any cases that have been ruled ready for trial, but are unable to proceed to jury trial due to another case proceeding to jury trial, will be continued to another trial date. The Court will continue all other cases set for trial that day pursuant to [Supreme Court of Illinois Order M.R. 30370](#) signed on May 20, 2020. The trial judge should make a record citing the Illinois Supreme Court order number [M.R. 30370](#). In addition to citing Illinois Supreme Court order number [M.R. 30370](#), the trial judge must make a record stating that the delay in the trial is being necessitated by the facility limitations of the Kane County Judicial Center caused by the COVID-19 pandemic, preventing the trial from proceeding safely within the social distancing guidelines established by public health officials.
11. During the weeks where there is a court holiday on a Monday there will be no jurors brought to the Judicial Center on Monday. During those weeks, potential jurors will arrive at the Judicial Center on Wednesday morning and there will only be one jury trial at the Judicial Center.

#### D. Jury Selection and *Voir Dire* For 12-Person Juries

1. Prior to jury selection beginning, preferably at the Thursday start of the trial, the trial judge may require the parties to submit jury questions that the parties wish the Court to ask during the jury selection process. The trial judge will have the discretion whether or not to ask the questions that the parties have submitted.
2. As of June 1, 2020, in accordance with the social distancing guidelines established by the CDC and state and local public health officials, Kane County Court Administrators have limited the number of persons who can be inside Courtroom 201 at one time 22 persons, including courtroom staff. The Chief Judge has given the judges the discretion to increase the number of persons in the courtroom at any one time.
3. With the permission of the trial judge, Courtroom 201 can seat 16 potential jurors in the gallery portion of the courtroom. The 16 potential jurors will sit six feet apart from each other in the pews with an empty row between them.



4. Prior to the potential jurors arriving in Courtroom 201, the Circuit Clerk will have reviewed the jury profiles and created a 12-person jury-seating chart. The bailiff will then bring up the initial 16 potential jurors, which will include the 12 potential jurors that the Circuit Clerk has written in the jury-seating chart. The bailiff will seat the 16 potential jurors in the pews in the gallery observing social distancing guidelines. The remaining 24 to 34 potential jurors will remain in the jury assembly area.
5. The judge will make opening remarks and begin group questioning of the potential jurors in Courtroom 201. After concluding the group questioning, the Circuit Clerk will announce the first panel of four from the jury-seating chart that they had completed earlier.
6. The potential jurors will wear masks/face coverings while seated in the gallery pews or the jury box during jury selection. When a potential juror is responding to a question from either the trial judge or the parties, the potential juror will remove their mask/face covering, so that the potential juror's face and mouth are clearly visible, allowing the judge, the court reporter, and the parties to clearly hear the juror's responses to questions.
7. The four potential jurors will sit in the jury box. Two of the four potential jurors will sit in the top row of the jury box, with a minimum of two chairs between each of the jurors. The other two potential jurors will sit in the front row of the jury box, with a minimum of two chairs between each of the jurors. No one will sit in the middle row of the jury box.
8. The judge and the attorneys will proceed to ask individual questions, including the Zehr principles, of the potential jurors located in the jury box in panels of four. The judge and the attorneys will only use the juror number to refer to or question a potential juror. After the individual questioning of these four potential jurors is complete, the judge will ask the attorneys whether they are going to accept or excuse those potential jurors. **Under this method, there will be no back striking. The judge will use the struck method of jury selection rather than the strike and replace method. The excused jurors will not be replaced in the panel.** The accepted jurors from the panel will go to the jury assembly room, in an area separated from the other potential jurors. A bailiff will remain with these selected jurors in the jury assembly area. The excused jurors will return to the jury assembly area to pick up their belongings and will be free to leave the Judicial Center.
9. The Circuit Clerk will then call the next panel of four from the jury-seating chart into the jury box for individual questioning by the judge and the attorneys. The judge will repeat this process until the jury is selected, or the initial 16 potential jurors have either been accepted or excused without seating a jury of 12 with alternates. In the event that a jury is not selected from the initial 16 potential jurors, a bailiff will bring up the next 16 potential jurors from the jury assembly area. The judge will repeat their earlier remarks and conduct the group questioning with these potential jurors. The Circuit Clerk will then place an additional panel of four into the jury box for individual questioning using the procedures listed above.

## E. Jury Selection and *Voir Dire* For 6-Person Juries

1. As of June 1, 2020, in accordance with the social distancing guidelines established by the CDC and state and local public health officials, Kane County Court Administrators have limited the number of persons who can be inside the criminal courtrooms at one time other than Courtroom 201 to be 19 persons, including courtroom staff. The Chief Judge has given the judges the discretion to increase the number of persons in the courtroom at any one time.
2. The 6-person jury trial will be a one-day trial. Jurors will be instructed that they will be at the Judicial Center until the trial is completed. Jurors will be provided with lunch and dinner if necessary.
3. **In a 6-person jury trial, there will be no alternates selected.** In a 6-person jury trial, with the permission of the trial judge, courtrooms other than Courtroom 201, can seat ten potential jurors in the gallery portion of the courtroom. The 10 potential jurors will sit six feet apart from each other in the pews with an empty row between the potential jurors.
4. Prior to the potential jurors arriving in Courtroom 201, the Circuit Clerk will have already reviewed the jury profiles and will have put six persons in the jury-seating chart. The bailiff will then bring up the initial 10 potential jurors, which will include the six potential jurors that the Circuit Clerk has written in the jury-seating chart. The bailiff will seat the 10 potential jurors in the pews in the gallery observing social distancing guidelines. The remaining 15 potential jurors will remain in the jury assembly area or the multi-purpose room until called up to the courtroom by the trial judge for jury selection.
5. At this point, the judge will make the opening remarks and begin group questioning of all of the potential jurors in the courtroom. After concluding the group questioning, the Circuit Clerk will announce the first panel of six from the jury-seating chart that they had completed earlier.
6. Three of these six potential jurors will sit in the back row of the jury box. These three potential jurors will have two chairs between each of the jurors. The other three potential jurors will sit in front of the jury box, in the chairs that have been placed in front of the jury box, observing the social distancing guidelines. No one will sit in the front row of the jury box. (See attached diagram marked as 6-person jury trial).
7. The potential jurors will wear their face coverings or face masks while seated in the gallery pews or the jury box during jury selection. When a potential juror is responding to a question from either the trial judge or the parties, the potential juror will remove their face covering or face mask, so that the potential juror's face and mouth are clearly visible, allowing the judge, the court reporter, and the parties to clearly hear the juror's responses to questions.
8. The judge and the attorneys will proceed to ask individual questions, including the Zehr principles, of the potential jurors in the panel of six. The judge and the attorneys will only use the juror number to refer to or question a potential juror. After all of the individual questioning of the six potential jurors is completed, the judge will ask the attorneys

whether they are going to accept or excuse those potential jurors. **Under this method, there would be no back striking. The judge will use the struck method of jury selection rather than the strike and replace method. The excused jurors will not be replaced in the panel.** The accepted jurors from the panel will go to the large jury deliberation room on whichever floor the trial is located. A bailiff will remain with these selected jurors in the large jury deliberation room. The excused jurors will return to the jury assembly area to pick up their belongings and will be free to leave the Judicial Center.

9. If the 6-person jury is not selected in the first panel of six, the Circuit Clerk will then call the remaining four potential jurors into the jury box for individual questioning by the judge and the attorneys. The four jurors will sit three across the top row of the jury box, with two seats between jurors. The fourth juror will sit in the row in front of the jury box. No one will sit in the first row in the jury box. The judge will repeat this process until the jury is selected, or the initial ten potential jurors have either been accepted or excused without seating a jury of six **without alternates**. In the event that a jury is not selected from the initial ten potential jurors, a bailiff will bring up the next 10 potential jurors from the jury assembly area or cafeteria. The judge will repeat their earlier remarks and conduct the group questioning with these potential jurors. The Circuit Clerk will then place an additional panel of four into the jury box for individual questioning using the procedures listed above.

## F. Conducting the Jury Trial and Jury Deliberations with a 12-Person Jury

1. Court Security will bring the in-custody defendant into Courtroom 201 from the lockup via the elevator between Courtroom 203 and Courtroom 209. Court Security will then bring the in-custody defendant from Courtroom 203 or 209 through the back hallway and through the back door of Courtroom 201. When the court is in recess, after the jury has left the courtroom, the in-custody defendant will be brought back to the lockup holding area between Courtroom 203 and Courtroom 209. The defendant will always be in place in Courtroom 201 before the jury is returned into that courtroom.
2. The trial judge will conduct sidebars in the courtroom. With jurors seated in gallery pews, the well area of Courtroom 201 is large enough to allow social distancing between parties while at the bench. During sidebars in the courtroom, the trial judge may want to consider wearing a mask/face covering due to the closer proximity of the parties to the bench. If the sidebar requires more than a couple of minutes of time, the trial judge should take a recess and allow the jurors to be removed from the courtroom during arguments of the issues that caused the sidebar.
3. Once the jurors are selected, the jurors and alternates will sit in the pews in the gallery portion of Courtroom 201 during the trial. The jurors should wear masks/face coverings during the trial. Observing the social distancing guidelines, the jurors will sit six feet apart in the pews with one empty row between the jurors. **(See diagram of Courtroom 201)**

4. The witness box in Courtroom 201 is movable. The counsel tables will be positioned to allow the witness box to be placed in such a way that the judge and the jurors will be able to hear and observe the witnesses as they testify. Counsel tables will be positioned by the rail during the jury selection process. After the jury selection process, the counsel tables will be positioned in front of the jury box during the trial.
5. During the trial, when a witness enters the courtroom, the witness will be required to wear a mask/face covering while walking to and from the witness stand. The witness will remove their mask/face covering while they are testifying, so that the trial judge, the jurors, the court reporter, and the parties can all clearly see the witness's face and hear what the witness is saying.
6. When the trial judge takes a recess during the trial, two bailiffs will escort the jury back to the jury assembly area. This will allow the jurors to use the bathrooms in the jury assembly area during recesses. The trial judge should take longer recesses than normal, due to the jurors having to go downstairs and then come back upstairs.
7. Due to the social distancing guidelines currently in place, the current jury deliberation rooms are not suitable for jury deliberations of larger than six person juries. At the conclusion of the evidence and argument portions of the trial, jury deliberations will take place in the jury assembly area with the wall partition in place. A minimum of two bailiffs will escort the jury downstairs to the jury assembly area. Using the jury assembly area with the wall partition will allow jurors to use the bathrooms in the jury assembly area and will allow the jury to continue deliberating without interruption when someone has to use the bathroom. The bailiffs will ensure that the jury deliberations are private and confidential and will limit access into the jury assembly area. One bailiff will monitor the jury for any jury questions or other logistical matters such as dinner. A second bailiff will take any questions from the jury to the trial judge and assist the first bailiff as necessary. This second bailiff will assist the first bailiff when the jury needs to be escorted to Courtroom 201 for the verdict or any other occasion that the jury is requested by the trial judge to return to the courtroom. While the jury is deliberating, the trial judge can either remain in Courtroom 201 or return to his or her courtroom to handle any additional matters required to be handled outside the presence of the jury, such as decisions on what evidence should go back to the jury and any questions from the jury.
8. When the jury has reached a verdict, two bailiffs will escort the jurors from the jury assembly area to Courtroom 201 for the pronouncement of the verdict.

## G. Conducting the Jury Trial and Jury Deliberations with a 6-Person Jury

1. As the front three jurors will be located closer to the bench, sidebars may be overheard by the jurors. Due to this factor, the trial judge will conduct sidebars in the back hallway behind the courtroom. During sidebars, the trial judge may consider wearing a mask/face covering due to the closer proximity of the parties to the judge. If the sidebar requires more than a couple of minutes of time, the trial judge should take a recess and allow the

jurors to be removed from the courtroom during arguments of the issues that caused the sidebar.

2. Once the jury selection process is over, three of the jurors will sit in the back row of the jury box with two empty chairs between jurors. No jurors will sit in the front row of the jury box. The remaining three jurors will sit in the three chairs located in front of the jury box. The jurors will continue to wear mask/face coverings during the actual trial.
3. Counsel tables will be positioned in a way to allow six feet of social distancing between the front three jurors as well as rival counsel's table. Counsel tables will be in these positions during jury selection as well as during the trial.
4. During the trial, when a witness enters the courtroom, the witness will be required to wear a mask/face covering while walking to and from the witness stand. The witness will remove their mask/face covering while they are testifying, so that the trial judge, the jurors, the court reporter, and the parties can all clearly see the witness's face and hear what the witness is saying.
5. When the trial judge takes a recess during the trial, the bailiff will escort the jury back to the large jury deliberation room on the second floor.
6. At the conclusion of the evidence and argument portions of the trial, the 6-person jury deliberations will take place in the large jury deliberation room on the second floor. The bailiffs will ensure that the jury deliberations are private and confidential. One bailiff will monitor the jury for any jury questions or other logistical matters such as dinner. This bailiff will take any questions from the jury to the trial judge.
7. When the jury has reached a verdict, the bailiff will escort the jurors from the jury deliberation room on the second floor to Courtroom 203 or 209 for the pronouncement of the verdict.

## H. Public Trial

1. Criminal jury trials must be open to the public. With the jury sitting in the gallery portion of Courtroom 201, the space for the public is limited by the number of persons allowed in the gallery portion of the courtroom.
2. The court will establish a closed circuit TV system to allow the public access to watch jury trials. With closed circuit TV cameras, the public will go to the trial judge's original courtroom or another designated location, where a large screen television will be set up to allow the public to have access to the trial. Caution will be taken to ensure that the faces of jurors and potential jurors are not shown on the closed circuit telecasts.

## I. Issues Regarding Objections to the Jury Pool

1. "The American concept of the jury trial contemplates a jury drawn from a fair cross-section of the community." Taylor v. Louisiana, (1975) 419 U.S. 522, 42 L.Ed. 2d 690, 95 S.Ct. 692.

2. With certain segments of the population being more at risk to the coronavirus, there may be objections raised as to the jury pool for a given trial being representative of the community. Currently, individuals with pre-existing conditions, individuals who are over the age of 65, health care professionals who are working with COVID-19 patients, and members of minority communities, appear to be more at risk of contracting the coronavirus than other segments of the population. There is also a sizable portion of the population that is experiencing extreme financial hardships due to the coronavirus, which makes it difficult for these individuals to serve as jurors at this time. These types of individuals will be subject to pre-qualification excusals, exemptions, and deferrals of jury service by the Jury Commission before they get to the courtroom.
3. It is possible that there will be motions filed by attorneys objecting to the make-up of the jury pool. If defense counsel files a motion alleging that the jury venire is not a fair cross-section of the community, defense counsel will have to establish the following criteria: “In order to establish a prima facie violation of the fair-cross-section requirement the defendant must show: (1) the group alleged to be excluded is a “distinctive” group in the community; (2) the representation of this group in venires from which juries are selected is not fair and reasonable in relation to the number of such persons in the community; and (3) the under-representation is due to systematic exclusion of the group in the jury selection process. Duren v. Missouri (1979) 439 U.S. 357, 364, 58 L.Ed. 2d 579, 586-87, 99 S.Ct. 664, 668.
4. In Duren, the United States Supreme Court struck down a Missouri statute which exempted any woman from jury service if she did not want to serve. The United States Supreme Court held that such systematic exclusion of women that resulted in jury venires that averaged less than 15 percent female violated the United States Constitution’s Sixth Amendment’s fair cross-section requirement.
5. In People v. Simms (1995), 168 Ill. 2d 176, 659 N.E.2d 922, 213 Ill. Dec. 576, the defendant argued that the venire from which the jury was chosen was not a fair cross-section of the community since it contained no African-Americans. Defense counsel made a timely oral challenge of the jury panel prior to the beginning of *voir dire*. The trial court denied the oral motion. The Supreme Court of Illinois used the Duren criteria to determine that the defendant failed to state a prima facie challenge because he was unable to fulfill the second and third elements. The Supreme Court found “that African-Americans were a distinctive group, but found that they comprised no more than 2% of the population of DuPage County.” The Supreme Court found that “therefore it is fair and reasonable that some venires in DuPage County will lack African-Americans.” The Supreme Court further found that the defendant had “shown no evidence that African-Americans were systematically excluded from jury service in DuPage County beyond his mere assertion to that effect.” People v. Simms (1995), 168 Ill. 2d 176, 190, 659 N.E.2d 922, 213 Ill. Dec. 576.
6. In People v. Omar (2d Dist. 1996), 281 Ill. App. 3d 407, 666 N.E.2d 383, 216 Ill. Dec. 933, the defendant argued that because there was only one African-American in the jury

venire, he was denied his sixth and fourteenth amendment rights to a grand and petit jury drawn from a fair cross-section of the community. The Second District used the Duren criteria to determine if the defendant was able to establish a prima facie challenge. The Second District found that the defendant had established the first prong of the Duren test, that African-Americans were a distinctive group for purposes of the Duren test. The Second District moved to the second prong of the Duren test, stating that there are two separate tests, which courts have employed in determining whether the venire adequately represents the distinctive group. The two tests are the “absolute disparity” test and the “comparative disparity” test. The Second District used the “absolute disparity” test to find that the defendant did not meet the second prong of the Duren test. The Second District also found that the defendant did not meet the third prong of the Duren test, in that the defendant did not show that the under-representation of the distinctive group was due to the systematic exclusion of the distinctive group in the jury selection process. People v. Omar (2d Dist. 1996), 281 Ill. App. 3d 407, 414-16, 666 N.E.2d 383, 388-89, 216 Ill. Dec. 933, 938-39.

7. It is unlikely that high-risk individuals would qualify as a “distinctive” group in the community. Excusing potential jurors due to the COVID-19 pandemic and in the name of safety concerns for other potential jurors and court staff, is not the systematic exclusion of jurors from the venire that occurred in Duren.

## APPENDIX A: Duties of the Court Administration – Jury Trial at the Kane County Judicial Center

1. Ensure that the witness box in Courtroom 201 is in a position that makes the witness visible to the judge, court reporter, attorneys, and jurors who will be sitting in the gallery area of the courtroom.
2. Ensure that the gallery pews are marked in a way to ensure social distancing of at least six feet in the courtroom galleries. In Courtroom 201, rows one, three, and five should be marked in a way to ensure social distancing of at least six feet in the courtroom gallery. Rows two, four, and six will be roped off and will not be used.
3. Ensure that in the event of a 6-person criminal misdemeanor jury trial in either Courtroom 203 or Courtroom 209, that there are three chairs set up in front of the jury box in those courtrooms, observing six feet of social distancing, for three jurors.
4. Ensure that the jury assembly area, cafeteria, and multi-purpose rooms are marked in a way to ensure social distancing of at least six feet in each of those areas.
5. Ensure that the surfaces in each courtroom and all public areas of the Judicial Center are at a minimum, cleaned and sanitized before court begins in the morning, during the day, and at the conclusion of the day.
6. During the jury selection process, the Court Administration will ensure that the courtroom pews and jury box areas where potential jurors were sitting are cleaned before the second group of jurors arrives inside Courtroom 201.
7. Ensure that the surfaces in the jury assembly area, cafeteria, and the multipurpose room, are at a minimum, cleaned and sanitized before any jurors arrive in the morning each day, when jurors are called up to the courtroom, and at the conclusion of the day.
8. Ensure that each person, entering the Judicial Center will have their temperature taken to determine whether anyone is exhibiting a fever in excess of public health guidelines, and screen each person, regarding whether they are exhibiting any coronavirus symptoms and whether they have come into contact with any person who tested positive for the Coronavirus. Court administration will ensure that any person exhibiting symptoms of the coronavirus or who has come into contact with any person who tested positive for the coronavirus, per public health department guidelines, will be denied entry into the Judicial Center.
9. Ensure that all persons entering the Judicial Center are wearing masks/face coverings. No one is allowed to enter the Judicial Center without a mask/face covering.
10. Ensure that masks/face coverings are available for potential jurors who did not bring a mask/face covering to wear during jury duty.
11. Ensure that hand sanitizers are ample and available to all persons in the Judicial Center.
12. Court administration will install closed circuit cameras in Courtroom 201 and equip Courtrooms 203, 209, 217, 305, 311, 313, and 319 with the equipment necessary to allow the public to watch the criminal trials.



13. Provide seat cushions for the jurors while on jury duty in Courtroom 201. These cushions will be cleaned after each use.
14. Court administration with the assistance of the Jury Commission will create a new jury instructional video. The court administration, with the assistance of the Jury Commission, will create a video showing precautions taken in the Kane County Judicial Center and Courthouse, to ensure the safety of the public, in response to the COVID-19 pandemic.

## APPENDIX B: Duties of the Jury Commission Members/Bailiffs – Kane County Judicial Center

1. The Jury Commission will send juror questionnaires to potential jurors pursuant to the Kane County Local Court Rules, [Article 4](#).
2. The Jury Commission will update these questionnaires to include questions about the coronavirus to assist in determining at risk individuals within the potential jury pool. These updated questionnaires should also include questions about the individual juror's access to technology.
3. The Jury Commission will update their policies regarding the pre-qualification exemptions, excusals, and deferrals criteria.
4. During the COVID-19 pandemic, and during the recovery from the pandemic, the Jury Commission will excuse and defer the jury service of any juror who is currently or recently infected (as defined by the CDC or local public health department) with the coronavirus, or has family members who are currently or recently infected (as defined by the CDC or local public health department) with the coronavirus. These potential jurors will be excused from this current jury service and their jury service deferred until the summer of 2021. These potential jurors, who are excused and deferred for this reason, will not be required to present a physician's note.
5. During the COVID-19 pandemic, and during the recovery from the pandemic, the Jury Commission, if requested by the potential juror, will excuse and defer the jury service of any potential juror who is determined to be at high risk (as defined by the CDC or local public health department) of contracting the coronavirus until the summer of 2021. These potential jurors, who are excused and deferred for this reason, will not be required to present a physician's note.
6. During the COVID-19 pandemic, and during the recovery from the pandemic, the Jury Commission, if requested by the potential juror, will excuse and defer the jury service until the summer of 2021, of any potential juror who is a health care professional who is working with COVID-19 patients.
7. During the COVID-19 pandemic, and during the recovery from the pandemic, the Jury Commission, if requested by the potential juror, will excuse and defer the jury service until the summer of 2021, of any potential juror who expresses concern of doing their jury service at this time due to concerns of contracting the coronavirus.
8. From the remaining group of potential jurors, the Jury Commission will send out jury summons to potential jurors five weeks prior to the scheduled jury trial.
9. The Jury Commission will send out enough jury summonses to ensure that there are a minimum of 40 and a maximum of 50 potential jurors that will arrive at the Kane County Judicial Center on Monday morning between 7:30 a.m. and 8:30 a.m.
10. The Jury Commission will also send out enough jury summonses to ensure that there are a minimum of 40 and a maximum of 50 potential jurors that will arrive at the Kane County Judicial Center on Wednesday morning between 7:30 a.m. and 8:30 a.m.

11. The Jury Commission will also send out enough jury summonses to ensure that there are 25 potential jurors that will arrive at the Kane County Judicial Center on Tuesday morning between 7:30 a.m. and 8:30 a.m., for the 6-person criminal misdemeanor trial.
12. For weeks in which there is a court holiday on Monday there will only one jury trial in the Judicial Center. This jury trial will be on Wednesday. During those weeks, the Jury Commission will only send out enough jury summonses to ensure that there are a minimum of 40 and a maximum of 50 potential jurors that will arrive at the Kane County Judicial Center on Wednesday morning between 7:30 a.m. and 8:30 a.m.
13. Beginning in the summer of 2020, the Jury Commission will send out a questionnaire about the coronavirus to assist in determining at risk individuals in the potential jury pool, along with the summons. The Jury Commission will also send out a questionnaire to determine the technology that is available to each potential juror, for civil jury trials. (see attached supplemental questionnaires) With the jury summons and the coronavirus questionnaire, the Jury Commission will also send a letter outlining the precautions that the judicial system has taken due to the COVID-19 pandemic, which will include photographs of the jury assembly room, Courtroom 201, and other areas of the Kane County Judicial Center. This letter will also instruct the potential jurors how to call, text, or access the juror website the night before their scheduled jury duty to determine whether or not they must appear as scheduled. This letter will also provide a link to two instructional videos (video explaining precautions taken to protect the potential jurors during their jury service and a video explaining how a jury trial is conducted) to allow the jurors to view these videos before reporting to the Judicial Center. (see attached jury letter)
14. On Mondays and Wednesdays, upon arrival, the first 30 potential jurors will remain in the jury assembly area until called up to Courtroom 201. The remaining potential jurors will sit in the multi-purpose room (Courtroom 001) and will remain there until called up to Courtroom 201, if necessary. On Tuesdays, for the 6-person criminal misdemeanor jury trial, the 25 potential jurors would report to the jury assembly area. If the jury assembly area is not available to hold these 25 potential jurors, these 25 potential jurors will go to the cafeteria, where they will remain until called up to Courtroom 203 or 209, for jury selection.
15. The Jury Commission/Bailiffs will assemble the jury profiles/completed jury questionnaires for the potential jurors and provide those jury profiles/completed jury questionnaires to the Circuit Clerk assigned to Courtroom 201 for that jury trial.
16. On Monday and Wednesday mornings, for 12-person criminal jury trials, the Circuit Clerk will then place the names of 12 of the potential jurors on a jury-seating chart. On Tuesday mornings, for 6-person criminal misdemeanor jury trials, the Circuit Clerk will then place the names of six of the potential jurors on a jury-seating chart. The Circuit Clerk will then give a copy of the jury-seating chart to the Jury Commission Member/bailiff.
17. On Monday and Wednesday mornings, when summoned for potential jurors by the trial court judge, the bailiff will bring 16 potential jurors up to Courtroom 201, including the

12 potential jurors that the Circuit Clerk has randomly selected and placed on the jury-seating chart. These 16 potential jurors will sit in the pews in the gallery observing social distancing guidelines. When the trial judge has completed the general questioning of these 16 jurors, the Circuit Clerk will announce the first panel of four potential jurors. These four jurors will sit in the jury box, two in the top row and two in the bottom row. The potential jurors sitting in the jury box will have at least two chairs between them and the next juror.

18. On Mondays and Wednesdays, as jurors are accepted, a second bailiff will escort those accepted jurors either to the multi-purpose room or into Courtroom 203 or Courtroom 209, where they will remain until the jury trial starts with opening statements or until the judge releases them for a recess. This second bailiff will then return to Courtroom 201 to assist the first bailiff and to escort the next group of accepted jurors to the multipurpose room or jury assembly room. The first bailiff will remain in Courtroom 201 until the jury selection is completed. A third bailiff will remain in either the multi-purpose room or Courtroom 203 or Courtroom 209, with the accepted jurors. The excused jurors may leave the building.
19. On Mondays and Wednesdays, after questioning of the first group of 16 jurors is completed, the next group of 16 jurors will be escorted to Courtroom 201. The 16 potential jurors will sit in the pews in the gallery observing social distancing guidelines. The trial judge will conduct general questioning of these sixteen jurors. The Circuit Clerk will then announce a panel of four jurors who will sit in the jury box. The process will continue as stated in Appendix B, Sec. 17, until a jury of 12 persons and two alternates is selected. Once the jury and alternates have been chosen, the remaining jurors in the courtroom, the jury assembly area, and the multi-purpose room will be released from jury service.
20. In 6-person criminal misdemeanor jury trials on Tuesday mornings, when summoned for potential jurors by the trial court judge, the bailiff will then bring 10 potential jurors up to Courtroom 203 or 209, including the six potential jurors that the Circuit Clerk has randomly selected and placed on the jury-seating chart. These ten potential jurors will sit in the pews in the gallery observing social distancing guidelines. When the trial judge has completed the general questioning of these ten jurors, the clerk will announce the first panel of six potential jurors. These six jurors will sit in and around the jury box. Three potential jurors will sit in the top row of the jury box, with two chairs between each potential juror. Three potential jurors will sit in the three chairs that are set up in front of the jury box. These three jurors will also be positioned observing social distancing guidelines. No one will sit in the first row of the jury box.
21. On Tuesdays, as jurors are accepted, a second bailiff will escort those accepted jurors to the large jury deliberation room on the second floor, where they will remain until the trial starts with opening statements or until the judge releases them for a recess. This second bailiff will then return to Courtroom 203 or 209 to assist the first bailiff and to escort the next group of accepted jurors to the large jury deliberation room on the second floor. The

first bailiff will remain in Courtroom 203 or 209 until the jury selection is completed. The excused jurors may leave the building.

22. On Tuesdays, after questioning of the first group of 10 jurors is completed, the next group of 10 jurors will be escorted to Courtroom 203 or 209. The 10 potential jurors will sit in the pews in the gallery observing social distancing guidelines. The trial judge will conduct general questioning of these 10 jurors. The Circuit Clerk will then announce a panel of four jurors who will sit in the jury box. The process will continue as stated in paragraphs 20 and 21, until a jury of six persons is selected. Once the jury has been chosen, the remaining jurors in the courtroom, the jury assembly area, and the multi-purpose room will be released from jury service. There will be no alternates in a 6-person criminal misdemeanor jury trial.
23. During recesses in 12-person criminal jury trials, the bailiffs will take the jurors and the alternates to the jury assembly area. At lunch, the bailiffs will accompany the jurors and the alternates to the cafeteria. At least one bailiff will remain with the jurors and the alternates while they are eating lunch. If possible, the jurors and the alternates will be secluded from non-jurors while they are in the cafeteria.
24. During recesses in -person criminal misdemeanor jury trials, the bailiffs will take the jurors to the large jury deliberation room on the second floor. At lunch, the bailiffs will accompany the jurors to the cafeteria. At least one bailiff will remain with the jurors while they are eating lunch. If possible, the jurors will be secluded from non-jurors while they are in the cafeteria.
25. At the conclusion of the evidence and argument portion of the trial in 12-person criminal jury trials, jury deliberations will take place in the jury assembly area with the wall partition in place. A minimum of two bailiffs will escort the jury downstairs to the jury assembly area. The bailiffs will ensure that the jury deliberations are private and confidential and will limit access into the jury assembly area. One bailiff will monitor the jury for any jury questions or other logistical matters such as dinner. A second bailiff will take any questions from the jury to the trial judge and will assist the first bailiff as necessary. This second bailiff will assist the first bailiff when the jury needs to go to Courtroom 201 for the verdict or any other occasion that the trial judge requests the jury to return to the courtroom.
26. In 12-person criminal jury trials, when the jury has reached a verdict, two bailiffs will escort the jurors from the jury assembly area to Courtroom 201 for the pronouncement of the verdict.
27. At the conclusion of the evidence and argument portions of the trial, the 6-person jury deliberations will take place in the large jury deliberation room on the second floor. The bailiffs will ensure that the jury deliberations are private and confidential. One bailiff will monitor the jury for any jury questions or other logistical matters such as dinner. This bailiff will take any questions from the jury to the trial judge.

28. When the jury has reached a verdict, two bailiffs will escort the jurors from the jury deliberation room on the second floor to Courtroom 203 or 209 for the pronouncement of the verdict.
29. The Jury Commission, with the assistance of the judiciary, will create a new jury instructional video. The Jury Commission, with the assistance of the judiciary, will create a video showing precautions taken in the Kane County Judicial Center and Courthouse, to ensure the safety of the public, in response to the COVID-19 pandemic.
30. The Jury Commission will provide the jurors with lunch and dinner during their jury service.
31. During jury selection, bailiffs will clean the jury box chairs that potential jurors have been sitting in, before the next potential juror is called to that chair. Bailiffs will also clean the pew seats after the jury selection of the first group of potential jurors and before the next group of potential jurors arrive in the courtroom.

## APPENDIX C: Jury Summons Insert

### **JURY SUMMONS INSERT: PLEASE READ**

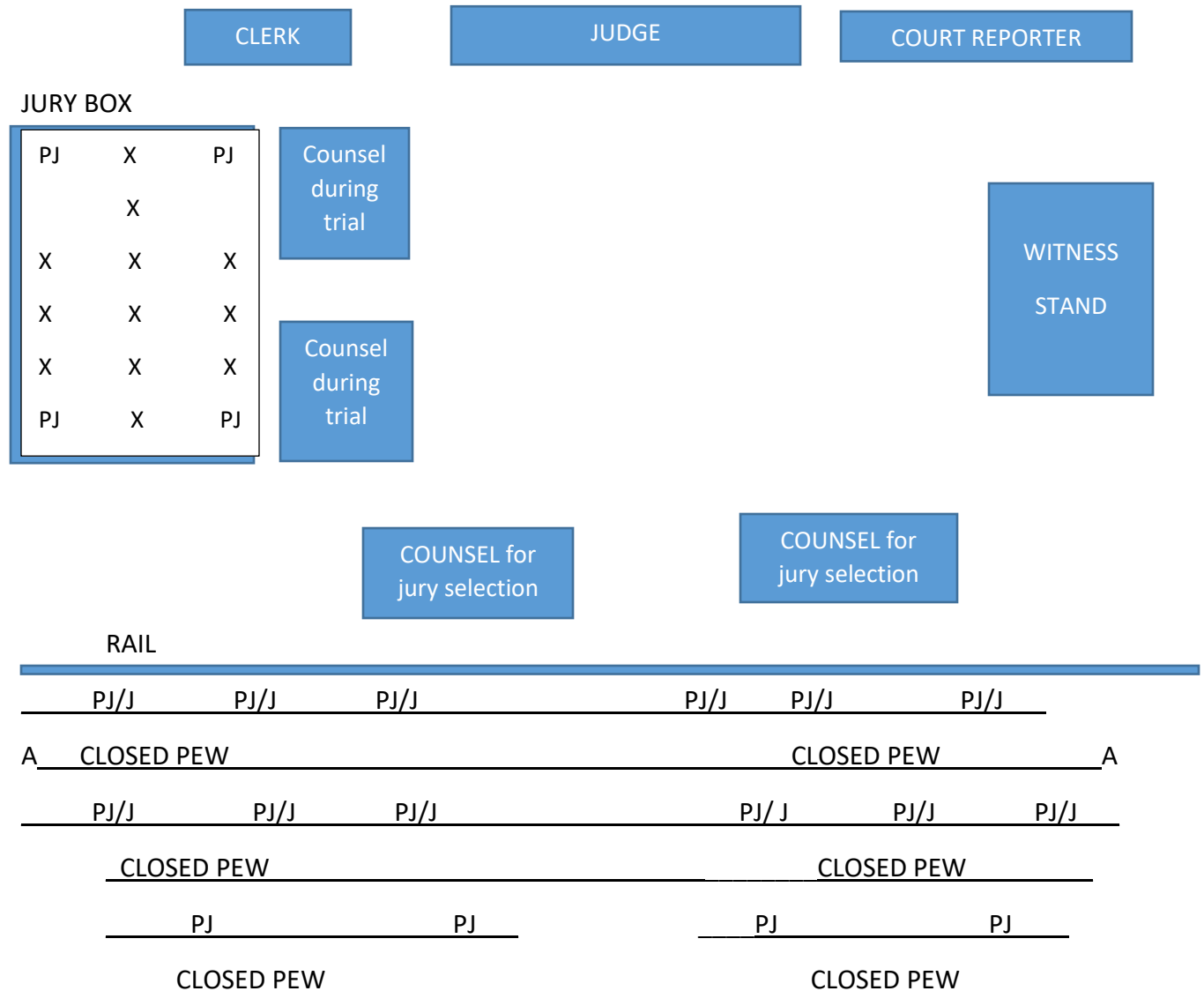
WE ARE IN THE PHASE OF RESUMING JURY TRIALS. WHILE WE ARE DOING SO ON A VERY LIMITED BASIS AND TAKING PRECAUTIONS TO PROTECT EVERYONE IN THE PROCESS, WE ASK YOUR COOPERATION IN RESUMING THIS ESSENTIAL SERVICE.

*After reading the information in the attached special jury instructions and/or viewing the video(s) on our COVID-19 preparations online at*

<https://www.illinois16thjudicialcircuit.org/helpful-videos>

*if you still have any questions regarding your jury service during COVID-19 restrictions, you may call the Jury Commission office at 630-232-3466 during office hours.*

# Diagram of Courtroom 201



J – REFERS TO LOCATION OF JUROR DURING TRIAL    X – REFERS TO EMPTY JURY SEAT

PJ – REFERS TO LOCATION OF POTENTIAL JUROR DURING JURY SELECTION

A – REFERS TO LOCATION OF ALTERNATE JURORS DURING



## Sample Comments to Jury Regarding COVID-19 Preparations

Welcome to Courtroom \_\_\_\_\_, where you may be called upon to sit as a juror in this case.

This is a most unusual time for all of us. Because courts provide “essential services,” we have never been subject to the Governor’s shut-down order. Out of an abundance of caution, however, the Illinois Supreme Court reduced court activity in mid-March.

There are some things, however, that cannot wait indefinitely. The Supreme Court has authorized courts to attempt to return to regular schedules. There are, however, a number of procedures we have implemented to guard against spread of the coronavirus:

- Courtrooms have been cleaned and sanitized, and frequently touched surfaces will be cleaned and re-sanitized throughout the day.
- Hand sanitizers are available throughout the Judicial Center.
- This courtroom is set up to maximize social distancing.
- Jury deliberations will take place in the jury assembly room, which will also be set up to maximize social distancing.
- It is necessary that you wear masks during the trial. You may remove your mask when speaking on the record, such as when you are answering questions during the jury selection process.
- Lawyers and testifying witnesses may remove their masks when speaking on the record.
  - Judge Option A: As you can see, because I am up here separated from the rest of you by more than six feet, it is not necessary for me to wear a mask.
  - Judge Option B: As you can see, I am up here separated from the rest of you by more than 6 feet, so I might not need to wear a mask at all times, especially when I am speaking (like now).

We will proceed today because doing so is essential, but we have taken these additional steps to make things as safe as reasonably possible for all.

## Special Jury Instructions during the COVID-19 Pandemic

You have received a summons for Petit Jury. **It is important to call our office at 630.232.3466 between 8:30am and 4:30pm Monday thru Friday if you have any questions regarding your jury service.**

Jury trials will start again at the Kane County Judicial Center on August 3, 2020 and at the Courthouse on September 8, 2020. The presence of the COVID-19 pandemic in our community requires vigilance from us all. Illinois Courts temporarily paused the summoning of jurors in response to guidance from public health officials. Consistent with the public health guidelines, we are limiting capacity based on the sizes of our spaces. For the protection of jurors, the Jury Commission is implementing the following protective measures including:

- Benches/pews and floors are marked to maintain social distancing between persons in the Judicial Center or Courthouse.
- All persons (including court security and staff) are required to wear masks/face coverings while inside the Judicial Center or Courthouse. All staff, visitors, and jurors will be screened daily to check for symptoms of COVID-19. Security will refuse access to the Judicial Center or Courthouse to any person who has experienced fever, cough, shortness of breath, muscle pain, sore throat, or loss of taste or smell within the previous 72 hours.
- The number of persons in the jury assembly areas, cafeteria, and in the courtrooms are limited.
- Increased cleaning of all surfaces in the courtrooms, jury assembly areas, cafeterias, washrooms, and all other areas of the Judicial Center or Courthouse.
- Increased supply and availability of hand sanitizers for all persons present in the Judicial Center or Courthouse.

Jury trials are the bedrock of our justice system; you have been summoned to serve because your service is essential. If you are called and selected, you will be asked to hear one case. ***If you are selected as a juror for the trial, please understand that your jury service may require you to stay later than 6:00 p.m. during the trial and during jury deliberations. Please plan accordingly.***

After 5pm on the Friday evening before your scheduled jury date, you are required to call 630.444.3150 or access the website at <http://www.ijuror.co.kane.il.us> to make sure you are needed on your scheduled date. You may also register with the Court's mJuror texting service to receive up to the minute information concerning your jury service via your smartphone. To register for this service, text your juror number to [juryduty@co.kane.il.us](mailto:juryduty@co.kane.il.us) from your smartphone.

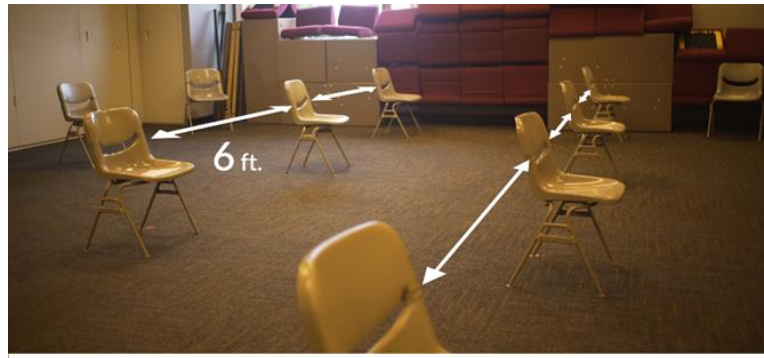
Prior to reporting for jury duty, watch helpful videos on Jury Service and the Courts Response to COVID-19:

<https://www.illinois16thjudicialcircuit.org/helpful-videos>

Report to the Kane County Judicial Center or Courthouse, as indicated on your jury summons, at **7:30 a.m.** on the date your jury service is scheduled to begin. **Please bring: reading materials for the time you are not in the courtroom, any coffee or non-alcoholic beverage that you want to drink while in the jury assembly area, your filled out supplemental jury questionnaire, your jury summons, a valid photo ID, and a mask/face covering.** A limited amount of masks will be available for persons who do not have their own mask/face covering. Due to the COVID-19 pandemic, the Jury Commission will not provide donuts and coffee as they had in the past.

**IF YOU OR ANYONE IN YOUR HOUSEHOLD IS ILL, DO NOT REPORT FOR JURY DUTY**

## Verso Special Jury Instructions



The Jury Assembly area has been spaced out to ensure social distancing guidelines.



For Jury Trials in courtroom 201, Jurors will be spaced out in the pews. Jurors will wear masks, and be seated 6 feet apart.



Jury Deliberations for cases in Courtroom 201 will be held in the Jury Assembly Room. Jurors will wear masks and remain 6 feet apart during deliberations.



For Jury Trials in courtrooms 203/209, Jurors will be spaced out in the Jury box. Jurors will wear masks, and be seated 6 feet apart.



Jury Deliberations for cases held in courtrooms 203/209 will be held in a deliberation room upstairs. Jurors will wear masks and remain 6 feet apart during deliberations.

## Supplemental Jury Questionnaire Due to COVID-19 Pandemic

Please answer the following questions as they relate to your scheduled jury service:

1. Are you currently experiencing any symptoms of COVID-19? (fever, persistent dry cough, shortness of breath, muscle aches and pains, sore throat, loss of smell, loss of taste)  
 YES  
 NO
2. Is any member of your family currently experiencing any symptoms of COVID-19?  
 YES  
 NO
3. Are you a person who is considered to be at high risk for severe illness from COVID-19? (1) 65 years and older; (2) living in a nursing home or long-term care facility; (3) have underlying medical conditions, particularly if not well controlled, including: chronic lung disease or moderate to severe asthma; serious heart conditions; immunocompromised conditions; severe obesity; diabetes; chronic kidney disease undergoing dialysis; liver disease.  
 YES  
 NO
4. Are you living with persons who are considered to be at high risk for severe illness from COVID-19?  
 YES  
 NO
5. Are you a health care professional who is currently working with COVID-19 patients?  
 YES  
 NO

**PLEASE BRING THIS FILLED OUT QUESTIONNAIRE WITH YOU WHEN YOU REPORT TO JURY DUTY.**

If you or anyone in your household is ill, do NOT report for jury duty. If you have any questions or concerns regarding jury service, please contact the Jury Commission at (630) 232-3466 between 8:30 a.m. and 4:30 p.m. Monday thru Friday.

## Sample Order

IN THE CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT  
KANE COUNTY, ILLINOIS

PEOPLE OF THE STATE OF IILLINOIS, )  
 )  
 Plaintiff, )  
 )  
 ) Case Number: \_\_\_\_\_  
 VS. )  
 )  
 )  
 \_\_\_\_\_, )  
 Defendant. )

### **ORDER**

Both parties in this case have answered ready for trial. However, due to the facility limitations brought on by the social distancing requirements necessitated by the coronavirus pandemic, only one courtroom in the Kane County Judicial Center is available for jury trials. Due to the social distancing requirements necessitated by the coronavirus pandemic, Kane County is only able to conduct two twelve-person criminal jury trials per week in Courtroom 201. In accordance with the social distancing guidelines, Kane County will also conduct one six-person criminal misdemeanor jury trial per week.

(More than two cases have reported ready for twelve-person criminal jury trials in the coming week, and the presiding judge of the criminal division has given priority to two cases other than this one.)

(More than one case has reported ready for six-person criminal misdemeanor jury trials in the coming week, and the presiding judge of the criminal division has given priority to one case other than this one.)

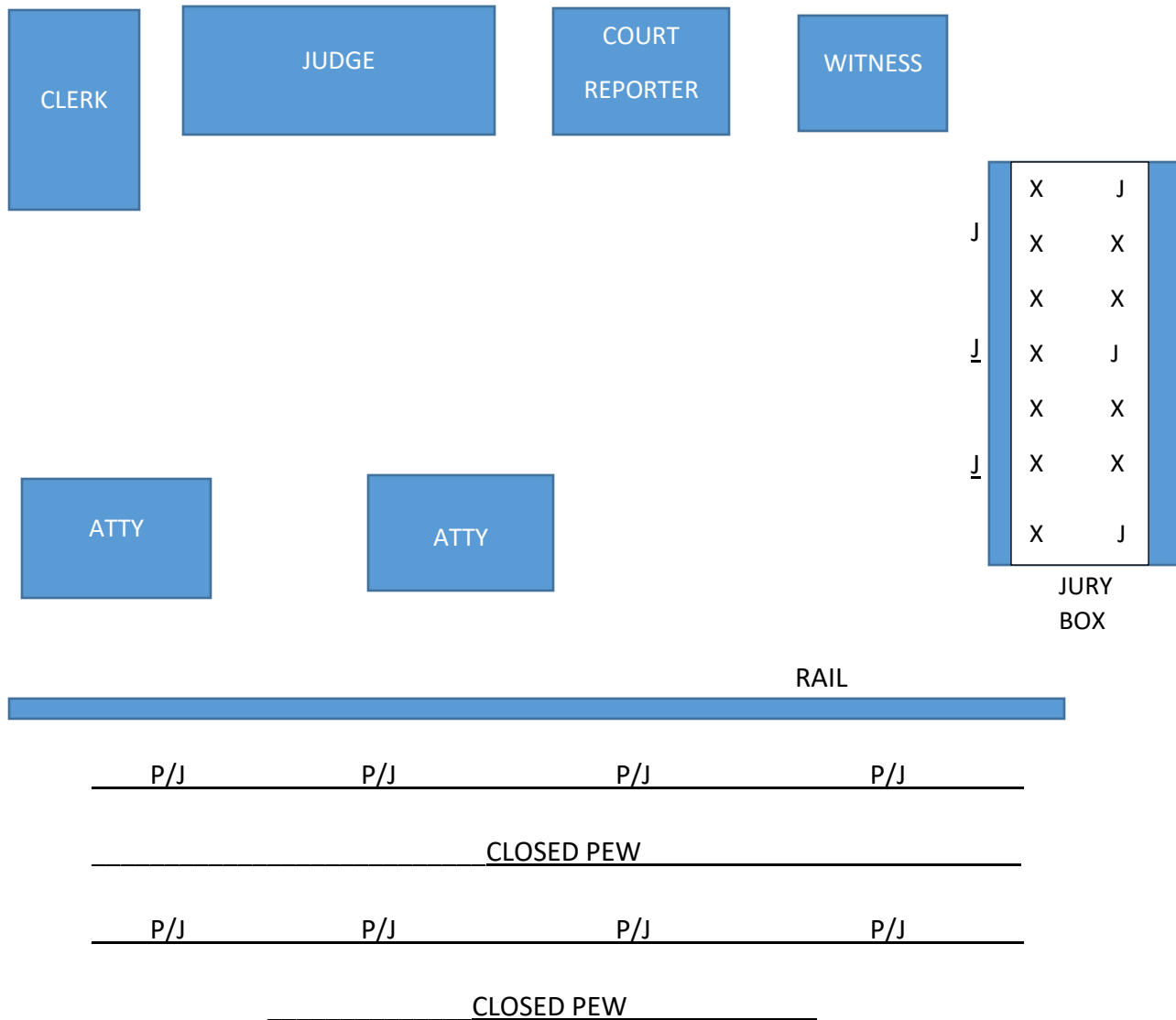
Pursuant to the Illinois Supreme Court's Order M.R. 30370, dated May 20, 2020, which amended orders dated March 20, 2020 and April 3, 2020, the Illinois Supreme Court finds that continuances occasioned by that Order serve the ends of justice and outweigh the best interests of the public and defendants in a speedy trial.

This Court finds that proper distancing and facilities limitations at the Kane County Judicial Center, prevent this trial from safely proceeding as scheduled and necessitates a delay. The time resulting from this continuance shall be excluded from speedy trial computations contained in 725 ILCS 5/103-5. Statutory time restrictions in 725 ILCS 5/103-5 are tolled until further order of the Illinois Supreme Court. Consequently, the trial in this case must be continued to \_\_\_\_\_ at \_\_\_\_\_ in Courtroom \_\_\_\_\_.

Entered: \_\_\_\_\_  
Date

\_\_\_\_\_  
Judge

## Six-Person Jury Trials in Courtrooms other than Courtroom 201



J – REFERS TO JUROR IN JURY BOX      X – REFERS TO EMPTY JURY SEAT IN JURY BOX

P/J – REFERS TO LOCATION OF POTENTIAL JURORS DURING JURY SELECTION & PUBLIC DURING TRIAL

ATTY – REFERS TO LOCATION OF COUNSEL TABLES DURING TRIAL OBSERVING SOCIAL DISTANCING