



Federal Jury Trials and COVID-19

Barry J. McMillion

Analyst in American National Government

April 20, 2020

This Insight provides information and analysis related to federal jury trials and how such trials have been impacted by Coronavirus disease 2019, or COVID-19. Given the rapidly changing situation surrounding COVID-19, the information provided in this Insight may be superseded by new information that differs from what is described in the text below. If there are any questions regarding whether such changes have occurred, congressional staff may contact the author of this Insight.

Background

The [Jury Selection and Service Act of 1968](#) specifies the qualifications a person must meet in order to serve on a federal jury. [Specifically](#), an individual must be a United States citizen; be at least 18 years of age; reside primarily for one year in the judicial district where he or she has been summoned to federal jury service; be adequately proficient in English to satisfactorily complete the juror qualification form; have no disqualifying mental or physical condition; not currently be subject to felony charges punishable by imprisonment for more than one year; and never have been convicted of a felony (unless his or her civil rights have been legally restored).

Each U.S. district court is responsible for [summoning eligible individuals within its district](#) for jury service. The type of jury addressed by this Insight is a [trial jury](#), also known as a petit jury. Such federal juries consist of 6 to 12 people and decide, in a criminal case, whether the defendant committed the crime as charged or, in a civil case, whether the defendant injured the plaintiff.

Court Orders Postponing Jury Trials

During the COVID-19 national emergency, [most U.S. district courts have postponed](#), or “continued,” civil and criminal jury trials. Such a continuance is announced by court order and signed by the chief judge of the district court. A court’s order typically includes the specific time period for which jury trials are continued and is often posted on the court’s website.

Congressional Research Service

7-....

www.crs.gov

IN11346

The order often provides an explanation as to why the court decided to postpone jury trials. Examples from recent court orders include the following:

- **District of Alaska** (March 30, 2020): The court [found](#) that criminal jury trials are currently impractical because “petit juries ... are drawn from disparate, often remote, communities throughout [Alaska], which may require some jurors to travel to Anchorage by airplane. Additionally, throughout the proceedings, jurors would be required to sit close to other jurors in the jury box and deliberation room.” The court also postponed civil jury trials.
- **Eastern District of Arkansas** (March 18, 2020): The court, in postponing criminal jury trials, [noted](#) that such trials “could put defendants, jurors, observers, and court personnel at risk; and there is no way to ensure that a jury’s important work would not be affected by health concerns.” The court also postponed civil jury trials.
- **District of Delaware** (March 18, 2020): The court [described](#) a number of factors in its order postponing civil and criminal jury trials—including the significant distances traveled by many potential jurors and witnesses; school closures that would make it difficult for parents to comply with summonses for jury service; and the uncertainty of the health status of summoned jurors because of current limitations on COVID-19 testing.

As [described by the Administrative Office of U.S. Courts](#), most of the 94 federal district courts are able to communicate quickly and reliably with jurors regarding the postponement of trial proceedings. Courts “use the Integrated Voice Response system, an automated messaging system that can send email alerts, phone calls, and text messages informing jurors of ... changes in service.”

Status of Jury Trials for Select U.S. District Courts

As of April 19, 2020, [the 25 states with the greatest number of known COVID-19 cases](#) are (listed in descending order by number of known cases) New York, New Jersey, Massachusetts, Pennsylvania, California, Michigan, Illinois, Florida, Louisiana, Texas, Georgia, Connecticut, Maryland, Washington, Ohio, Indiana, Colorado, Virginia, Tennessee, North Carolina, Missouri, Arizona, Alabama, Rhode Island, and South Carolina.

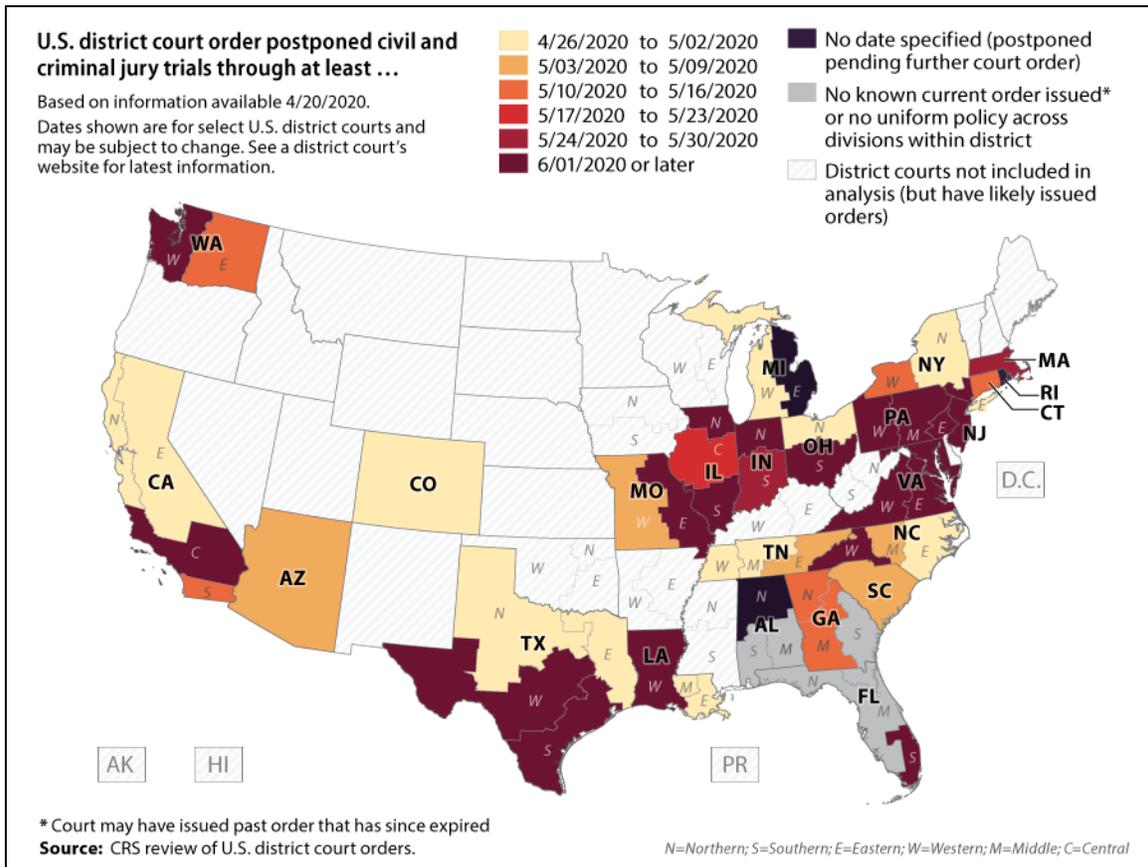
[There are 56 U.S. district courts that serve these 25 states](#)—each judicial district has its own U.S. district court, and some states, like California and Louisiana, have more than one judicial district (and, consequently, more than one district court). **Figure 1** shows, for these 56 district courts, whether jury trials have been postponed and, as of this writing, the earliest date by which jury trials will be conducted again by a district court. This figure is for illustrative purposes—congressional staff can contact the author of this Insight if they have questions about the status of jury trials for a particular district court.

As shown by the figure, a plurality (20 of 56, or 36%) of the district courts included in **Figure 1** have postponed jury trials until June 1, 2020, or later. Of courts that have provided a date on which jury trials could be resumed, the Southern District of Florida [has, at present, specified the latest date](#) (July 6, 2020).

Of the 56 district courts included in the figure, there are three for which CRS is unable to locate a current court order addressing jury trials in the district (prior orders by at least two of these courts delayed jury trials through some date prior to April 20, 2020). At least one district court does not have a uniform policy for the divisions within its judicial district. Specifically, in the Middle District of Florida, the [Orlando division](#) has stated it will resume jury trials on a later date than the [Fort Myers](#) and [Jacksonville](#) divisions.

Three district courts included in the figure—the [Eastern District of Michigan](#) (with its main courthouse in Detroit), the [Northern District of Alabama](#), and the [District of Rhode Island](#)—have postponed jury trials but have not identified a date on or after which such trials will resume.

Figure I. Status of Federal Jury Trials in 25 States with Greatest Number of Known COVID-19 Cases



EveryCRSReport.com

The Congressional Research Service (CRS) is a federal legislative branch agency, housed inside the Library of Congress, charged with providing the United States Congress non-partisan advice on issues that may come before Congress.

EveryCRSReport.com republishes CRS reports that are available to all Congressional staff. The reports are not classified, and Members of Congress routinely make individual reports available to the public.

Prior to our republication, we redacted phone numbers and email addresses of analysts who produced the reports. We also added this page to the report. We have not intentionally made any other changes to any report published on EveryCRSReport.com.

CRS reports, as a work of the United States government, are not subject to copyright protection in the United States. Any CRS report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS report may include copyrighted images or material from a third party, you may need to obtain permission of the copyright holder if you wish to copy or otherwise use copyrighted material.

Information in a CRS report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to members of Congress in connection with CRS' institutional role.

EveryCRSReport.com is not a government website and is not affiliated with CRS. We do not claim copyright on any CRS report we have republished.