



STATE COURT ADMINISTRATION

Iowa Judicial Branch Building
1111 East Court Avenue
Des Moines, IA 50319

TODD NUCCIO
State Court Administrator

Memo

To: Supreme Court
From: State Court Administration
Re: Summary of Pilot Jury Trials
Date: September 8, 2020

The Iowa Supreme Court's Jumpstart Jury Trials Task Force recommended that the supreme court direct state court administration to identify suitable cases for pilot jury trials in advance of the September 14 statewide resumption of jury trials. The pilot jury trials would test and report on the feasibility of the procedures in the supreme court's orders of July 8 and July 22.

State court administration, in coordination with the Judicial Council and district court administrators, identified five potential cases for pilot jury trials to take place in August in Black Hawk, Calhoun, Clinton, Muscatine and Scott Counties. Of the five identified cases, three pilot jury trials ultimately commenced and were completed—one each in Muscatine, Scott, and Calhoun.

At the conclusion of each pilot jury trial, the judicial branch distributed surveys to the participants—all jurors, all attorneys, court staff, and the presiding district court judge—to gather feedback pertaining to juror processes, the ability to maintain physical distancing, visibility and sound issues, courtroom technology, and issues not anticipated or addressed in the court's protocols.

State court administration received copies of the survey responses for all three pilot trials, along with summary memos from court administration (in Scott and Muscatine) or the district court judge (in Calhoun). All three pilot trials were criminal cases with 12-person juries. Two of the trials resulted in convictions, one in an acquittal.

Here's a summary based on the evaluations received thus far and communications with court staff and judges participating in the pilot trials:

- Jurors were asked on a scale of 1 to 5 (with 1=low and 5=high), “[H]ow satisfied were you with the COVID-19 safety procedures in place during the trial?” The jurors gave average response of **4.88**, with 33 of the 37 jurors (which presumably includes an alternate juror) responding with 5.
- Judges generally reported about the same number juror deferral requests for health-related reasons as they normally would have expected previously. Jurors summoned for the pilot trials generally seemed just as willing to serve as they did before the pandemic.
- The district court administrators summoned 25%-50% more jurors than normal, which was more than enough to account for the relatively few jurors who requested deferrals.
- Jurors, when asked on a scale of 1 to 5 (with 1=low and 5=high) “[H]ow satisfied were you with the ability to see the trial proceedings (including the judge, witnesses, lawyers, and document evidence)?” gave an average response of **4.43**, with 33 of 37 jurors responding with 4 or 5.
- Jurors, when asked on a scale of 1 to 5 (with 1=low and 5=high) “[H]ow satisfied were you with the ability to hear the trial proceedings (including the judge, witnesses, and lawyers)?” gave more of a mixed response based on the court. Two of the trials had an average response of **4.0**, with 19 of 24 jurors (one juror skipped this question) responding with 4 or 5. The other trial had an average response of **3.38**, with 10 of 12 jurors responding with a 3, 4, or 5.
- Face coverings and physical distancing created challenges in certain venues with sight and sound, particularly at the larger off-site locations used to pick the jury. Judges noted that judicial officers need to be vigilant in requiring attorneys to use the microphone during voir dire and trial. Some jurors complained of challenges with seeing exhibits, including on electronic displays.
- Some attorneys noted that instantaneous communication with their clients was made more challenging because of the face coverings.
- The judges handling the pilot trials viewed them as successes, with far fewer complications than what they had expected and completion times faster than what they had anticipated.

The judicial branch will continue to distribute surveys to participants at the conclusion of every jury trial as we continue to gather input on our jury trial procedures.