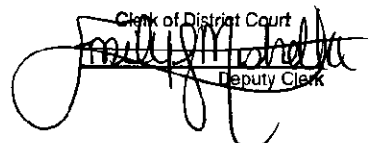


Phyllis D. Smith

Clerk of District Court

Deputy Clerk



Hon. Jon A. Oldenburg
District Court Judge
712 West Main Street
Lewistown, MT 59457
(406) 535-8028

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MONTANA TENTH JUDICIAL DISTRICT COURT, FEGUS COUNTY

IN RE: CORONAVIRUS / COVID -19) SB-20-7
TEMPORARY LOCAL RULES FOR)
JURY TRIALS)

TEMPORARY COVID JURY TRIAL RULES

The following Temporary Jury Trial Rules and Procedures shall be in effect during the COVID crisis and until further Order of this Court for the protection of the participants, attorneys, witnesses, jurors, court personnel, and observers:

Six-person juries:

1. For *voir dire* the jurors shall be seated, socially distanced, in the Order drawn in designated seats.
2. Each side shall be allowed two (2) observers, socially distanced, during *voir dire*.
3. As many prospective jurors as practicable shall be seated, socially distanced, in the jury box and upon chairs in front of the jury box in designated seats.
4. The remaining jurors shall be seated as drawn, socially distanced, in the gallery in designated seats.

5. Should a juror be excused for cause, the next juror on the “as drawn” list shall then occupy that excused juror’s seat after the seat is sanitized. This will limit the amount of movement and exposure by moving multiple jurors to maintain the as drawn order.
6. Each side shall have a maximum of 1.25 hours for *voir dire*. Time may be expanded if significant individual *voir dire* is required.
7. Each side will have a maximum of one hour for opening statements and closing statements. These rules will limit the exposure of all participants.
8. Once the jury is selected, the jurors will be using the jury room for assembly, breaks, and deliberation as a six-person jury can socially distance in our jury room.
9. Counsel shall arrange for off-site seating and arrangements for their witnesses. These witnesses shall be available in as little time as possible to testify once called.
10. Witness testimony by video is still encouraged. Live witnesses shall testify from the witness chair. It shall be sanitized after each witness.
11. Only the number of observers that can be socially distanced in the Courtroom shall be allowed during trial.
12. So long as the active Fergus County COVID cases are below four, masks shall be optional. If they are above four at any point during the trial, masks shall be required. The Court reserves the right to require masks at any time. The Court will provide masks to those that need one.
13. All participants and observers shall be temperature tested prior to entering the courtroom. The courtroom shall be sanitized during the lunch break and after Court each day.

1 Twelve- person juries:

- 2
- 3 1. *Voir-dire* shall be conducted in groups of thirty (30) jurors. One group shall be
- 4 called for the morning session and one for the evening session. Jurors shall be
- 5 seated, socially distanced, in the Order drawn in designated seats.
- 6
- 7 2. Each side shall be allowed two (2) observers, socially distanced, during *voir dire*.
- 8
- 9 3. As many prospective jurors as practicable shall be seated, socially distanced, in the
- 10 jury box and upon chairs in front of the jury box in designated seats.
- 11
- 12 4. The remaining jurors shall be seated as drawn, socially distanced, in the gallery in
- 13 designated seats.
- 14
- 15 5. Should a juror be excused for cause, the next juror on the “as drawn” list shall then
- 16 occupy that excused juror’s seat after the seat is sanitized. This will limit the amount
- 17 of movement and exposure by moving multiple jurors to maintain the as drawn
- 18 order.
- 19
- 20 6. Each side shall have a maximum of 1.25 hours for *voir dire*. Time may be expanded
- 21 if significant individual *voir dire* is required.
- 22
- 23 7. Each side will have a maximum of one hour for opening statements and closing
- 24 statements. These rules will limit the exposure of all participants. In addition, this
- 25 procedure shall allow for jury selection to be accomplished in one trial day.
8. Once the jury is selected, the jurors will be using the courtroom for assembly, breaks,
- and deliberation as a twelve-person jury cannot socially distance in our jury room.
9. Counsel shall arrange for off-site seating and arrangements for their witnesses.

These witnesses shall be available in as little time as possible to testify once called.

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10. Witness testimony by video is still encouraged. Live witnesses shall testify from the witness chair. It shall be sanitized after each witness.

11. Only the number of observers that can be socially distanced in the Courtroom shall be allowed during trial.

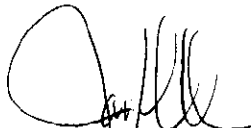
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13. All participants and observers shall be temperature tested prior to entering the courtroom. The courtroom shall be sanitized during the lunch break and after Court each day.

These Temporary Rules shall remain in effect until further Ordered by this Court. The Clerk of Court is directed to provide a copy of these rules to each attorney when

scheduled for trial.

Dated this 21 day of September, 2020.



HON. JON A. OLDENBURG
DISTRICT COURT JUDGE

Copies: Central Montana Bar