

UNITED STATES DISTRICT COURT



DISTRICT OF MAINE

EMERGENCY AMENDMENT TO JURY PLAN

Effective: July 17, 2020

In light of the national emergency declared by the President under the National Emergencies Act (50 U.S.C. § 1601 *et seq.*) with respect to the Coronavirus Disease 2019 (COVID-19), the following additional provisions shall apply on a temporary basis to permit further screening and questioning of prospective jurors in order to protect public health and safety.

(3) Temporarily Excused *In Re*: COVID-19.

- a. In addition to the persons listed in Section I(2) of the Jury Plan, the Clerk, upon individual written request, and in consultation with the Judge assigned as the jury liaison, shall temporarily excuse the following classes of persons:
 - i. persons who have been diagnosed with, or tested positive for, COVID-19 (unless such a person has clinically recovered from the disease and has not had any symptoms for at least two weeks);
 - ii. persons who have one or more symptoms of COVID-19, as defined by the Centers for Disease Control;
 - iii. persons residing with, or directly caring for, persons identified in subparagraphs (i) and (ii);
 - iv. persons who may be at higher risk for severe illness from COVID-19, as defined by the Centers for Disease Control;
 - v. persons residing in nursing homes, long-term care facilities, assisted-care facilities, or veterans' homes, and employees of such facilities; and
 - vi. physicians, nurses, physician's assistants, and other health-care providers having direct contact with patients who have COVID-19.
- b. The Clerk may pose questions concerning health-related matters in addition to those imposed by the Jury Act, 28 U.S.C. § 1861 *et seq.*, when summoning prospective jurors. The Clerk may also pose follow-up or monitoring questions to ensure accurate information by the time of empanelment.
- c. Nothing in this Amendment shall be interpreted to infringe on the authority of any judge presiding in a jury trial to excuse a juror for cause.

- d. The Clerk shall regularly report to the Chief Judge on the demographic data of prospective jurors excused under the provisions of this Amendment, including data concerning the specific reason they were excused. Data shall include gender, age, zip code, and race/ethnicity if available. The Court notes that jurors are not required to report their race or ethnicity. If the operation of this Amendment has a significant impact on the ability of the Court to empanel juries representing a fair cross-section of the community, the Chief Judge, with the concurrence of the Court, may impose reasonable limits on its operation, consistent with the need to protect public health and safety.
- e. The provisions of this Amendment shall take effect immediately, and shall continue until the Chief Judge, with the concurrence of the Court, has determined that they are not necessary to protect public health and safety. Any such determination shall give substantial weight to, among other things, whether the President has declared that the national emergency with respect to COVID-19 is no longer in effect, and whether the Governor of the State of Maine has made any similar declaration with respect to the emergency in Maine.

JUDICIAL COUNCIL
OF THE FIRST CIRCUIT

Entered: July 17, 2020

The First Circuit Judicial Council has voted to approve the United States District Court for the District of Maine's Emergency Amendment to the Plan for the Random Selection of Grand and Petit Jurors in the District of Maine.

Respectfully submitted,

A handwritten signature in black ink, consisting of a stylized initial 'S' followed by a horizontal line extending to the right.

Susan J. Goldberg
Circuit Executive