

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PUBLIC NOTICE

Emergency Updates to the Jury Plan

On June 22, 2020, the U.S. District Court for the District of Massachusetts approved Emergency Amendments to the Jury Plan. The attached amendments are in response to the national emergency regarding the coronavirus pandemic. On July 6, 2020 the First Circuit Judicial Council approved these emergency amendments. The emergency amendments are effective as of June 22, 2020 and will remain in effect until cancelled by the court.

July 7, 2020

/s/ Robert M. Farrell
Robert M. Farrell
Clerk of Court

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

EMERGENCY AMENDMENT TO JURY PLAN

11. EMERGENCY PROVISIONS CONCERNING COVID-19 EPIDEMIC.

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.

- a.** In addition to the persons listed in Paragraph 9(c) of this Plan, the Clerk, upon individual request, and in consultation with the district judge assigned as the jury liaison, shall 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; and
 - iii.** persons residing with, or directly caring for, persons identified in subparagraphs (a)(i) and (a)(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.
- c.** 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.
- d.** Nothing in this Paragraph shall be interpreted to infringe on the authority of any judge presiding in a jury trial to excuse a juror for cause.

- e.** The Clerk shall report to the Chief Judge, on a monthly basis, the demographic data of prospective jurors excused under the provisions of this Paragraph, including data concerning the specific reason they were excused. If the operation of this Paragraph 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.
- f.** The provisions of this Paragraph 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 Commonwealth has made any similar declaration with respect to the emergency in Massachusetts.

JUDICIAL COUNCIL
OF THE FIRST CIRCUIT

Entered: July 6, 2020

The First Circuit Judicial Council has voted to approve the United States District Court for the District of Massachusetts' Emergency Amendment to its Plan for Random Selection of Jurors.

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