

## District of Delaware Releases Jury Trial Restart Guidelines

The U.S. District Court for the District of Delaware [issued Jury Trial Restart Guidelines today](#) providing direction to litigants “in framing pre-trial discussions that will be required in order to conduct jury trials in a manner that protects health and safety as well as litigants’ rights” during the COVID-19 pandemic.

The [8 pages of guidelines](#) cover (1) identifying and assembling the venire, (2) voir dire and jury selection, (3) personal protective equipment requirements, (4) evidence and document handling, (5) configuration of the courtroom, (6) sidebars during trial, and (7) jury deliberations.

The recommendations include:

- Issuing summonses, including a COVID-19-specific questionnaire, to a larger number of individuals than is typical to assemble a venire of between 50 to 100 individuals. The venire will be split into groups arriving at staggered times and required to undergo a COVID-19 screening process.
- Conducting the voir dire in stages and questioning jurors in a socially-distanced fashion.
- Requiring all individuals present in the courtroom to wear face masks (except while testifying) and take other health precautions.
- Minimizing the use of paper by having all exhibits pre-loaded onto a computer to be shown digitally. Each side will also be provided its own podium and microphone with the Court and the parties sharing responsibility for cleaning portions of the courtroom used by more than one individual.
- Reconfiguring the courtroom, to the extent possible, to facilitate social distancing.
- Conducting sidebars via electronic transceiver with counsel seated at their respective tables, or via email.
- Taking precautions to ensure that jurors are socially distanced during deliberations, including by seating them in an adjacent courtroom and providing exhibits electronically to the extent possible.

The Guidelines, although expected to be valuable to the Court and counsel, “do not have the force of law and may be modified by the presiding judge in any case.”

Sincerely,

Your colleagues from Morris Nichols’

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