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Contact:

Linda Koester-Vogelsang
Court Administrator
785-832-5256
lkv@douglascountyks.org

FOR IMMEDIATE RELEASE

Douglas County District Court to resume jury trials in April

Fairground buildings provide safe distancing and public access, judges and attorneys have option to postpone individual cases depending on circumstances

LAWRENCE, KS - Chief District Court Judge James McCabria announced today (March 18) that District Court plans to start hearing jury trials in April.

Last summer, the Kansas Supreme Court required each district court to prepare a jury trial plan to maximize the options for safely conducting jury trials within each district. For Douglas County, that included finding more space for certain types of cases to be able to maintain social distance and preserve the right to fair trials. The plan approved for Douglas County included implementing special precautions within courtrooms at the Judicial and Law Enforcement Center, 111 E. Eleventh St., and using two new locations at the Douglas County Fairgrounds, 2120 Harper Street.

“If we didn’t believe we could provide a safe, secure and fair location for jury trials, we would not ask the public or the parties to participate,” McCabria said. “We’ve consulted with all of the stakeholders, we’ve sought guidance from health experts throughout the pandemic, and we are confident that whether a trial occurs at the judicial center or at the fairgrounds, this district is fully capable of resuming this important function for the community.”

During the COVID-19 pandemic, public attendance for court proceedings at the Judicial and Law Enforcement Center has been limited to prevent the spread of coronavirus. Hearings have been livestreamed on YouTube to comply with defendants’ Constitutional rights to a public trial and to grant the public the right to observe nearly all court proceedings.

“I issued administrative orders postponing entire blocks of jury trials in January, February and March. Those orders were based on the overall circumstances as they affected the entire community at that time,” McCabria said. “When deciding whether to continue postponing all trials, we weighed risks and safety measures to determine whether we can provide safe and secure settings for trials.”

The decision to resume trials comes as the average weekly number of new cases in Kansas and Douglas County has been declining after a spike at the beginning of January.

There are no plans to issue orders postponing multiple trials at once. Instead, the parties and judge in each case can decide whether they feel that particular case should proceed. “That allows for consideration of individual needs or risks that don’t exist in every case,” McCabria said.

By using the locations at the fairgrounds, there is room to screen up to 30 potential jurors at a time and still provide safe distances for everyone, including attorneys, clients and court staff. Trials that need to draw from a larger number of potential jurors will have groups brought in stages.

For both locations, public access will be available. Due to social distancing guidelines, fewer people will be allowed in the courtrooms than before the pandemic. After accommodating the people required to attend, the Court will allow limited public attendance on a first-come, first serve basis.

Besides social distancing, the trials will have many other safety precautions, including the supervised proper use of masks, thorough and frequent cleaning, and screening at the building entrance with temperature checks and health questions. The safety measures were developed by the Court with guidance of local medical experts, who have reviewed and approved the facilities and safety plan.

“We believe anyone who participates in the process should feel safe with the distancing and other protocols that are in place,” said George Diepenbrock, Lawrence-Douglas County Public Health communications officer. While the county still has orders in place to prevent large gatherings, health officials note that jury trials are controlled situations.

“With health orders that limit the size of gatherings, it’s because we can’t easily control the behavior of people with recommendations or requests for compliance alone,” said Dr. Jennifer Schrimsher, an infectious disease specialist with LMH Health. With jury trials, she said, “the number of people is limited and strict measures are in place to limit transmission.”

“The court sought our input on what special security challenges exist with regard to moving jury trials outside of the judicial center. People summoned for jury duty should feel confident that the Sheriff’s Office will provide a secure location for these proceedings to occur,” Douglas County Sheriff Jay Armbrister said.

McCabria said trials are a critical part of the criminal justice system. “Because of the pandemic, the Court has a backlog of cases awaiting resolution. We have people who have been at the county jail waiting for their day in court. The challenge has been safety versus justice. Now, we believe we can safely administer justice and it is important that we resume that function.”

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