

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
PROTOCOLS FOR REOPENING
COURTHOUSES AND RESUMING NORMAL OPERATIONS
REVISED AND EFFECTIVE ON AUGUST 2, 2021

I. Building Screening Procedures.

A. Jurors/Grand Jurors/Attorneys/Contractors/General Public:

1. All persons will have their temperature taken once each day prior to being granted access to any Northern District Court building. Any person whose temperature is 100.4°F or higher will be denied access to the building and will not be permitted to enter the building for a subsequent period of 72 hours. Access will be permitted after a 72 hour period, provided that the person shows no other symptoms during that time.
2. All persons will be required to complete a questionnaire, under penalty of perjury, inquiring whether they:
 - a. have tested positive for COVID-19 within the last 14 days;
 - b. live with anyone who has tested positive for COVID-19 within the last 14 days;
 - c. have, within the last 14 days, come in contact with anyone who tested positive for COVID-19;
 - d. have experienced any symptoms for COVID-19, including but not limited to fever, chills, shortness of breath, or difficulty breathing, within the last 14 days.
3. Any person who answers affirmatively to the questions in Section I.(A.)(2)(a) or (d) will be denied access to the building. Any person who answers affirmatively to the questions in Section I.(A.)(2)(b) or (c) will be denied access to the building unless they have been fully vaccinated.¹
4. Potential jurors will be mailed a letter explaining current COVID-19 protocols. The letter will also request that potential jurors notify the Court if they fall in a “high risk” category² or have some other special condition which they believe renders them unable to appear for jury service.

¹ In this context, a person is considered “fully vaccinated”: two weeks after their second dose in a two-dose series, such as the Pfizer or Moderna vaccines, or two weeks after a single-dose vaccine, such as Johnson & Johnson’s Janssen vaccine. *See* <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>.

² “High risk” categories in this context include adults 65 years of age or older, people with moderate to severe asthma, and people of any age who have serious underlying medical conditions, including but not limited to chronic lung disease, serious heart conditions, conditions that can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications, severe obesity (body mass index [BMI] of 40 or higher), diabetes,

- a. Potential jurors who notify the Court that they fall within a “high risk” category or have some other special condition rendering them unable to appear may be excused from appearing for jury service.

B. Employees³:

1. Employees should monitor their own temperature each day prior to attempting to enter any United States District Court building. Employees shall immediately notify their supervisor if they:
 - a. experience a temperature of 100.4°F or higher;
 - b. test positive for COVID-19;
 - c. live with anyone who has tested positive for COVID-19 within the last 14 days;
 - d. have come in contact with anyone who tested positive for COVID-19 within the last 14 days; or
 - e. begin experiencing any symptoms for COVID-19, including but not limited to fever, chills, shortness of breath, or difficulty breathing.
2. Upon arrival at any Northern District Court building, employees will have their temperature taken once each day. Any employee whose temperature is 100.4°F or higher will not be granted access to the building.
3. Any employee who experiences a temperature of 100.4°F will not be permitted to enter any Northern District Court building for the following 72 hours, but may return to work after 72 hours provided that they show no other symptoms of COVID-19.
4. Employees who are fully vaccinated and come in contact with anyone who tests positive for COVID-19 will be permitted to enter any Northern District Court building, provided that they have experienced no symptoms since exposure.
5. Employees who are not fully vaccinated and come in contact with anyone who tests positive for COVID-19 will not be permitted to enter any Northern District Court building. Such employees will only be permitted to return to work after a period of 10 days during which they experience no symptoms or after a period of 7 days, provided that they test negative for COVID-19 (test must occur on the fifth day after exposure or later).

chronic kidney disease and who are undergoing dialysis, or liver disease. *See* <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-higher-risk.html>.

³ “Employees” shall include all persons working for any Court unit inside any Northern District Court building.

II. Personal Protective Equipment.

A. Face Coverings.⁴

1. Employees:

- a.** Employees must wear face coverings when:
 - i.** entering any of the buildings;
 - ii.** in common areas, including but not limited to elevators, hallways, stairwells, and restrooms; and
 - iii.** in courtrooms.
- b.** Employees should consult with their supervisor regarding whether a face covering must be worn in their office or personal work area.
- c.** Employees are encouraged to be cognizant of, and accommodating of, the health conditions and concerns of others with whom they have close contact.

2. Court Security Officers:

- a.** Court Security Officers must wear face coverings when:
 - i.** entering any of the buildings;
 - ii.** in common areas, including but not limited to elevators, hallways, stairwells, and restrooms; and
 - iii.** in courtrooms.

3. Attorneys/Parties/Witnesses/General Public:

- a.** All persons falling within any of these categories must wear face coverings when:
 - i.** entering any of the buildings;
 - ii.** in common areas, including but not limited to elevators, hallways, stairwells, and restrooms; and
 - iii.** in courtrooms.

4. Contractors:

- a.** Contractors must wear face coverings when:
 - i.** entering any of the buildings;
 - ii.** in common areas, including but not limited to elevators, hallways, stairwells, and restrooms;
 - iii.** in courtrooms; and
 - iv.** in all tenant areas.

B. Gloves.

- 1.** As a general rule, no person will be required to wear gloves while inside buildings.
- 2.** If physical evidence is utilized in any court proceeding, gloves must be worn by any person while handling or touching the evidence.

⁴ The requirements set forth in Section II(A.) shall apply to all persons regardless of vaccination status.

III. Implementation and Maintenance of Social Distancing.

- A.** All persons inside any of the buildings, including employees, attorneys, witnesses, jurors, the general public, contractors, or any others, shall make every effort possible to maintain a minimum distance of at least six feet between all other persons.
- B.** If it is not possible for persons to maintain a distance of at least six feet between themselves and other persons, said persons must wear a face covering.

IV. Jury Trials.

A. Jurors:

- 1. In common areas, jurors must comply with social distancing requirements, including maintaining six feet between one another, when at all possible.
- 2. In the courtroom, jurors will be seated at least six feet apart from one another.
 - a.** Jurors will be given assigned seats.
 - b.** Jurors must wear face coverings when:
 - i.** entering any of the buildings; in common areas, including but not limited to elevators, hallways, stairwells, and restrooms; and when in courtrooms.
 - ii.** Jurors will be required to wear face coverings at all times during voir dire proceedings.
 - iii.** After a jury is empaneled, the presiding Judge may permit jurors to remove face coverings when seated in their assigned seats during the trial.
- 3. Lunch will be provided each day during trials, in order to decrease potential exposures during lunch hour.
- 4. Juror breaks and deliberations will occur in a spacious room in order to allow social distancing to be maintained.
- 5. For deliberations, jurors will be given evidence and jury instructions in digital form for broadcast on a video screen whenever possible.
 - a.** If physical evidence is given to the jury, gloves, which will be provided, must be worn at all times when touching the evidence.
- 6. Exit surveys will be conducted for the purpose of gathering juror reactions, comments, concerns, etc. regarding practices utilized by the court.

B. Attorneys:

- 1. Attorneys must wear face coverings when:
 - a.** entering any of the buildings;

- b.** in common areas, including but not limited to elevators, hallways, stairwells, and restrooms; and
 - c.** in courtrooms.
 - d.** The presiding Judge may permit attorneys to remove their face coverings when speaking directly to the Court or questioning witnesses, so long as they are at least six feet away from any other person. Attorneys should consult with the presiding Judge and/or the presiding Judge's staff as to the Judge's preference.
- 2. To the greatest extent possible, attorneys will provide exhibits in digital format to the Court in advance of trial so that they may be published to the jury digitally.
- 3. Exhibits will be pre-marked and agreed upon, to the extent possible, prior to the proceedings.
- 4. As a general rule, attorneys may not approach witnesses. If the presiding Judge permits the attorney to approach a witness, both the witness and attorney must wear face coverings at all times when within six feet of each other.

C. Witnesses:

- 1. Witnesses will be given a designated time to arrive at the courthouse for their testimony.
- 2. Witnesses will be subject to the Building Screening Procedures set forth above.
- 3. The presiding Judge may permit witnesses to remove face coverings during their testimony, so long as they are at least six feet away from any other person.

D. Parties:

- 1. To the extent practical, the same rules applicable to attorneys shall apply to parties.
- 2. If a party or witness to a proceeding is in custody, the United States Marshal Service will be responsible for ensuring that the party is provided the necessary equipment to comply with these Protocols.

E. Additional Notes Regarding Jury Trials in General:

- 1. If possible, voir dire proceedings will be conducted, while maintaining an appropriate social distance, in the courtroom with the presiding Judge.
 - a.** Additional members of the jury venire may be placed in a separate room and participate via videoconference.
 - b.** To the extent that it becomes impractical for voir dire proceedings to be conducted in this manner, the Court will secure an alternative off-site location for the voir dire proceedings to be held.

2. Attorneys will be responsible for pre-screening all witnesses in advance of the proceedings.
 - a. Pre-screening should include, at a minimum, inquiry regarding the subcategories set forth in Section I.(A.)(2)(a.)-(e.) above.
 3. Prior to arrival of potential jurors, all areas and spaces to be utilized by jurors will be sanitized with anti-bacterial/disinfectant cleaners. After cleaning, access to said areas will be limited to the greatest extent possible.
 4. Additional cleaning procedures, such as disinfecting items that may be touched by multiple people, will be implemented to the greatest extent possible.
 5. To the extent possible, side bars will either be held in chambers, while the jury is on a break or in recess, in order to avoid close contact. However, the presiding Judge may in his or her discretion choose to hold side bars in the customary fashion so long as all persons involved wear masks or face coverings.
 6. In civil cases, it is suggested that witnesses be permitted to testify via videoconference.
 7. For logistical reasons making it less practical for these precautions to be implemented at the other courthouses in the Northern District, jury trials set outside the Oxford Division may be held at the Oxford Courthouse.
- F. Specific Procedures for Jury Trials Held at the Greenville Courthouse:**
1. Additional procedures and protocols may be implemented at the discretion of the presiding Judge. Persons involved in jury trials at the Greenville Courthouse should contact the Chambers of the presiding Judge for further information.

V. Grand Jury Proceedings.

- A.** To the extent applicable, all grand jury proceedings will comply with the procedures for jury trials set forth above.
- B.** Grand jury proceedings will occur in Courtroom 1 at the Oxford Courthouse due to insufficient spacing in the grand jury room.
- C.** When a case has been submitted to the grand jury for deliberation, all persons other than grand jurors shall exit the courtroom through the same door. All such persons will maintain social distancing of at least six feet while outside of the courtroom.
- D.** The United States Attorney's Office will be responsible for pre-screening all witnesses, agents, and their own personnel in advance of the proceedings. Pre-screening should include, at a minimum, inquiry regarding the subcategories set forth in Section I.(A.)(2)(a.)-(d.) above.

VI. Applicability to Contractors.

- A. Contractors permitted to work in any Northern District Court building are subject to all the same screening protocols as the general public in addition to additional protocols required by GSA and the Court.

VII. Reporting Positive Tests or Exposure.

- A. If any person, including but not limited to employees, attorneys, jurors, or contractors, tests positive for COVID-19 within 14 days after having been in any court building, said person shall notify the Court of the positive test result. The notification should be made as soon as possible and will be deemed confidential.

VIII. Continuation of Teleworking.

A. Probation:

1. Office Personnel:

- a. Office personnel may continue working remotely or on a rotating basis as directed by their supervisor.
- b. Each probation office will have at least two officers on site during normal business hours.

2. Field Officers:

- a. Field officers may continue working remotely or on a rotating basis as directed by their supervisor.
- b. Only field officers who have been fully vaccinated will be permitted to attend court proceedings in person. In advance of any hearing, inquiry should be made to the chambers of the presiding Judge as to whether in person presence is expected.

B. Chambers Staff:

- 1. Whether chambers staff continues to telework will be left to the discretion of each judge.

C. Clerk's Office:

- 1. Clerk's Office employees may be permitted to continue working remotely as directed by their supervisor.

IX. Miscellaneous.

- A. These Revised Protocols will become effective on August 2, 2021 and will thereafter be reevaluated periodically.
- B. Signs will be placed throughout all buildings reminding all persons to practice social distancing and stringently follow good hygiene practices.
- C. No more than two persons will be permitted in any elevator at any time.
- D. These Revised Protocols will be posted on the Court's website.

- E.** Hand sanitizer stations will be placed at all entrances and, to the extent possible, at the entrances of all courtrooms, elevators, and other high traffic areas.
- F.** Visitors to the courthouses who are not directly involved in court proceedings are highly discouraged.
 - 1. Visitors who desire to observe court proceedings will, subject to practical limitations, be permitted to virtually view the proceedings at the Oxford Courthouse.
- G.** These Revised Protocols are subject to change at any time at the sole discretion of the Court.