

Circuit Court for
Prince George's County
Work Group to Establish
Protocols for Virtual
Civil Jury Trials
March 24, 2021

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**Circuit Court for Prince George's County
Work Group to Establish Protocols for Virtual Civil Jury Trials**

On January 5, 2021, Chief and Administrative Judge Sheila R. Tillerson Adams appointed the following members to make recommendations to establish protocols for conducting virtual civil jury trials.

Hon. John P. Davey, Chair

Hon. William A. Snoddy

Hon. Sean D. Wallace

Hon. Mahasin S. El Amin

Erica M. Payne-Santiago

Magella Kincaid

Lisette Dupree

Benjamin T. Boscolo, Esq.

Sha'Donna M. Osborne, Esq.

Alexander Williams, III, Esq.

Jasmine Wiggins and Rebecca Wells, Esq. served as staff

The Work Group met on January 21 and 28, 2021; February 4, 11, 18, 25, 2021; and March 4, 11, 18, 2021 via Zoom conference calls to discuss the challenges in conducting virtual civil jury trials. Each week, the Work Group reviewed a different phase of a jury trial to get an understanding of the differences between an in-person courtroom trial and a virtual trial. The Work Group quickly realized that the Court's separate functioning components needed to make significant changes to its operations to facilitate a virtual trial.

The Work Group divided the trial into the following seven subcategories to consider the adjustments needed for a virtual trial:

- Selecting Appropriate Cases for a Virtual Trial
- Expanding Scheduling Conferences and Pretrial Conferences
- Creating a Representative Jury Pool
- Selecting a Jury
- Requesting and Issuing Subpoenas
- Submitting and Presenting Evidence
- Conducting Jury Deliberations and Recording a Verdict

The Work Group developed its recommendations with the goal of providing an alternative forum for parties to litigate their disputes in a safe environment. The Work Group attempted to balance the conflicting mission of limiting the number of individuals entering the courthouse while conducting jury trials. While recognizing the Court's existing COVID-19 pandemic safeguards, the Work Group recommends utilizing the Court's approved technology to conduct all phases of a virtual jury trial.

As part of its fact-finding and research, the Work Group received input from or considered the following resources:

- The Court of Appeals of Maryland Administrative Orders Restricting and Expanding Statewide Judiciary Operations
- Maryland Judiciary's Conference of Circuit Judges Work Group on Resumption of Jury Operations in Circuit Courts, August 3, 2020
- Maryland Judiciary Bench Book for Remote Courtroom Proceedings

- Jury Trials During the COVID-19 Pandemic (Texas Office of Court Administration, August 28, 2020)
- Could ZOOM Jury Trials Become the Norm During Coronavirus Pandemic? (ABA, May 11, 2020)
- Technology Operations for Jury Trials and Grand Jury Proceedings (NCSC, June 3, 2020)
- Remote Civil Jury Trial Pilot Project (Florida Fourth Judicial Circuit, October 2, 2020)
- COVID-19 - Virtual Civil Jury Trials - Order of Supreme Court of New Jersey (January 7, 2021)

During the time period that the Work Group met, the Maryland Rules Committee developed rules authorizing the use of virtual jury trials. The Rules require each County Administrative Judge to amend the Court's Case Management Plan (Rule 16-302 (c)(5)) and its Jury Plan (Rule 16-309) before conducting virtual jury trials. The Work Group's Recommendations are intended to facilitate the necessary amendments to Prince George's County's Case Management Plan and Jury Plan. At the Rules Committee's March 12, 2021 meeting, the Committee decided to recommend the proposed new rules and revisions to current rules. The proposed rules will be posted on the Maryland Judiciary's website for public comment before being submitted to the Court of Appeals for final approval.

The ability to conduct a virtual jury trial will depend on several factors:

1. The Court of Appeals' final approval of the authorization rules.
2. The Circuit Court's ability to draft and seek approval of its amended Case Management Plan and Jury Plan.
3. The Circuit Court's strategy for accommodating individuals who lack the technology, equipment, or ability to participate virtually.
4. The Jury Office's capacity to:
 - revise the jury summons and questionnaire;
 - gather the questionnaires and present them to the Jury Judge; and,
 - modify its sign in and orientation program.
5. The IT Office's ability to secure the programs/licenses for Zoom trials and teach prospective jurors how to access and respond to jury questionnaires and utilize basic features of the Zoom platform.

6. The Circuit Court's ability to secure funding for any technological requirements.
7. The Circuit Court and Bar Associations ability to orientate and train litigators on the Zoom functions necessary to conduct a virtual trial.
8. The Public's acceptance of virtual trials and the need for their participation.

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Recommended Protocols for Virtual Civil Jury Trials

A. Selecting Appropriate Cases for a Virtual Trial

Pursuant to Prince George's current Case Management Plan, each civil case filed in the court is assigned to one of four case tracks by the Clerk's office. Track designations are based on the complexity of the case and discovery process. Track 1 cases normally require very limited discovery and are scheduled for trial within 180 days. Track 2 cases involve modest discovery and are set for trial within 340 days. Calendar Management assigns the trial date(s) without consultation with the parties. If the parties have a conflict with the assigned trial date, and with the consent of the parties, either party may online request a new date. Track 3 cases have a specific scheduled order where the parties mutually agree to dates to complete discovery, file motions and conduct trial.

In order to facilitate a virtual jury trial, the Work Group recommends the following:

The Work Group recommends Track 2 cases for virtual trial consideration, with a focus on Motor Tort, Worker's Compensation, and Personal Injury (premises liability) cases. Particular cases within this group may be reviewed at the Scheduling Conference to determine suitability for a virtual forum. These cases should be relatively straightforward and have clearly defined legal issues. The Work Group recommends that jury selection take place on Wednesday and Thursdays, with trial commencing immediately thereafter or the following day.

B. Expanding Scheduling Conferences and Pretrial Conferences

Pursuant to the Case Management Plan, Track 1 and Track 2 parties are not required to attend a Scheduling Conference or a Pretrial Conference. Upon the request of any party or at the court's discretion, the court may conduct a Status Conference or a Pretrial Conference for a case in any track. The purpose of the Scheduling Conference is to confirm the length of trial, review pending issues and discovery matters, and finalize and effectuate a scheduling order. The purpose of the Pretrial Conference is to confirm that a case is ready for trial. Parties and counsel come prepared to discuss all aspects of the case and resolve outstanding issues in anticipation of a jury trial.

In order to facilitate a virtual jury trial, the Work Group recommends the following:

- Schedule each case considered for a virtual jury trial for both a Scheduling Conference and a Pretrial Conference.
 - For cases that are pending, the Scheduling Conference shall be set by the Court.
 - For newly filed cases, the Scheduling Conference should be held after the defendant files an answer to the complaint.
 - If there is more than one defendant in the case, the first defendant's answer determines the date for the Scheduling Conference.
 - The Pretrial Conference shall be held 10 days before the trial date and shall be on the record. The Courtroom Clerk shall be in attendance.
 - The Trial Judge shall preside at the Pretrial Conference.
- Hold both conferences on Zoom to familiarize the parties with the software.
- Accomplish the following tasks at the Scheduling Conference:
 - Discuss the complexity of the particular case to confirm its appropriateness for the virtual trial setting. If the court determines that a virtual trial is inappropriate, the case will be scheduled for a future date when in-person trials resume.
 - Provide a preliminary estimate of the number of witnesses and exhibits as well as anticipated length of trial.
 - Select dates for the Pretrial Conference and trial.
 - Direct Calendar Management to issue a Scheduling Order.

- Confirm deadlines by which exhibits must be shared with opposing counsel and by which objections must be raised.
 - *De bene esse* depositions shall be completed at least ten days before the Pretrial Conference. Transcripts shall be provided to opposing counsel and the court for discussion at the Pretrial Conference.
 - Proposed exhibits shall be filed with the Court and served on opposing counsel at least ten days before the Pretrial Conference.
 - Any objections to the admissibility of exhibits under Rule 2-517 and the use of depositions under Rule 2-419 shall be filed with the Court and served on opposing counsel within three days after service.
- Accomplish the following tasks at the Pretrial Conference:
 - Create a trial schedule designed to minimize juror fatigue.
 - Incorporate periodic breaks and limit lengthy evidence presentation where appropriate.
 - Review exhibits with opposing counsel and determine admissibility of each.
 - The judge shall resolve any objections during the Pretrial Conference.
 - Any objections not properly made before the Pretrial Conference, including objections regarding authenticity, will be waived.
 - Upload admitted exhibits into the designated folder on sharefile to be marked for identification.
 - Share proposed voir dire and jury instructions with opposing counsel and agree on final submission to the jury, with the understanding that the jury instructions and voir dire may be modified based on the evidence or issues that develop during trial.
- Discuss and confirm what method attorneys may use to communicate privately with parties (i.e. chat feature, breakout rooms, text messages)
- Complete a Pretrial Conference Order that reflects what was discussed and stipulated to during the Pretrial Conference (see proposed Pretrial Conference Order).
 - The order should include topics such as a list of admitted exhibits, a witness list, and the anticipated trial schedule.
 - The order will control the subsequent proceedings and may only be modified to prevent injustice.

- Provide parties the opportunity to practice screensharing evidence, including any audio and video clips they plan to use, and use other features of Zoom that will be made available for trial.
- Encourage parties to practice video chatting with each witness to increase familiarity with the zoom platform.

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C. Creating a Representative Jury Pool

Traditionally, the jury selection process begins with the jury office mailing a jury summons to prospective jurors. The summons orders prospective jurors to report to jury duty at the courthouse on a given date. The summons instructs jurors to complete a required Juror Qualification Form prior to reporting to the courthouse, which can be done online or in writing using Part B of the summons and mailing it to the Jury Office. The Qualification Form inquires into the jurors' statutory qualifications to serve as a member of the jury.

In order to facilitate a virtual jury trial, the Work Group recommends the following:¹

- Increase the number of prospective jurors summoned for each trial date to ensure the court has enough qualified candidates.
- Create a new jury summons or redesign the current version to specifically state that jurors will be participating virtually and that the entirety of the proceedings will be remote.
 - Remove section about parking and transportation.
 - Make the link to complete the Qualification Questionnaire easier to read and more user friendly.
 - Enlarge font and use a bold color to emphasize that jurors are to report virtually.
 - Add language requesting recipient to review the Zoom tutorial on the court's website and other related materials.
 - Direct jurors to complete the Zoom Link Request Form Online (<https://princegeorgescourts.org/FormCenter/Circuit-Court-4/Juror-ZOOM-Link-Request-Form-66>).
 - Provide a phone number for jurors to contact courthouse staff if they are unable to participate remotely due to technological difficulties.
 - Confirm with Administrative Office of the Courts what changes can be made.
- Collect email address for all prospective jurors and send them a Zoom link to join the virtual jury selection.

¹ These recommendations are contingent on authorization from AOC to revise the jury summons, and therefore may be subject to change.

- Email addresses for each prospective juror may be collected from the following locations:
 - The Juror Zoom Link Request Form
 - Prospective jurors are directed to complete this form on the summons. The email address is a required field. The forms are submitted directly to IT.
 - The Juror Qualification Questionnaire
 - Prospective jurors may complete the qualification questionnaire either online using the website provided on the summons or in writing by using the back of the summons itself.
 - Prospective jurors are requested to provide their email address in the qualification questionnaire. Once completed, whether online or in writing, responses are submitted to a database that is accessible by the jury office.
 - The jury office will review the responses, collect email addresses, and will provide the email addresses to IT.
- IT shall send an email to each prospective juror from which they were able to collect an email address. The email will:
 - Include a Zoom link for the virtual jury selection process, log-in information, and the date and time to appear.
 - Instruct prospective jurors to watch a video on how to join the Zoom meeting:
<https://www.youtube.com/watch?v=JPMR9eskTGY>
 - Provide contact information for the IT Hearings Command Center (240-339-5940) so that jurors may communicate any technical issues.
- Direct jurors to complete a supplemental juror qualification questionnaire that inquires into their ability and willingness to appear via zoom (see sample questionnaire from the National Conference of State Courts).
- Invite prospective jurors with limited access to the internet or a quiet environment, or who lack the appropriate technological equipment to participate in remote proceedings from within the courthouse.
 - Prospective jurors shall be instructed to enter the courthouse from the Main Street entrance and to report directly to the Training Room (D1029). Each juror will be given a workspace that contains a computer and a headset with which to participate.

- The Training Room shall be reconfigured to comply with social distancing guidelines and to adhere with the courthouse's COVID-19 safety protocols.
- The Training Room shall be monitored by a bailiff with technical capabilities. The bailiff will ensure prospective jurors remain socially distant and will assist with any technical difficulties the jurors may experience.
- will be invited to inform prospective jurors who are unable or unwilling to participate virtually that they will be recalled to participate in jury selection once in-person trials resume.
- Any concerns regarding statutory eligibility and technical capability will be reviewed by the Jury Judge. Jurors excused for statutory reasons will be exempted from jury service. Jurors excused for technical issues will be placed back into the jury pool to be considered for an in-person trial.
- Present orientation information and Zoom tutorials on the court's website and make this information available to prospective jurors ahead of voir dire.
- When requested, permit the use of case-specific questionnaires in advance of jury examination to elicit appropriate information and expedite the selection process.

D. Selecting a Jury

During the traditional jury selection process, the jury staff registers all jurors that appear at the courthouse. The jury staff checks-in prospective jurors upon arrival, sends juror profiles to the Jury Judge for each juror that appears, and conducts an orientation for the jurors. The jury staff then sends jurors to the courtroom to begin the jury selection process. Traditionally, the Trial Judge asks questions of the prospective jurors and the jurors respond simultaneously. Each juror is called upon to relay their affirmative answer to a question and may be called up to the bench to answer sensitive questions privately. After all questions have been asked, the attorneys exercise their respective strikes by informing the clerk of which individuals to dismiss. Thereafter, the judge sits the six jurors and two alternates.

In order to facilitate a virtual jury trial, the Work Group recommends the following:

- Assign responsibility to a technologically competent staff member to assist with remote jury selection and trial tasks.
 - The staff member will monitor the Zoom feed and alert the judge and attorneys when jurors submit chats, raise their hand, appear to be having technical difficulties, or have been inadvertently removed from the Zoom room.
- Conduct juror check-in in a virtual breakout room and then move jurors into a virtual orientation room.
 - Check-in prospective jurors as they log-in to the virtual jury room, rename each prospective juror with the appropriate juror number, assist jurors with poorly functioning video or audio feeds, and manage jurors who arrive late.
 - The Jury Office shall compile demographic information on each juror who reported virtually for jury duty into a Juror Information Sheet. The jury information sheet will be given to the Trial Judge, the Courtroom Clerk, and the parties.
- Present a truncated version of the traditional juror orientation video that includes an overview of the virtual jury selection process.
- Introduce and demonstrate the basic Zoom features that will be utilized during the virtual proceedings so prospective jurors gain familiarity with the software.

- IT shall disable the chat function of Zoom so that no parties or jurors may use it to communicate.
- Develop and present admonitions about juror conduct (see sample instructions).
 - Examples include a prohibition against multitasking during the trial, the use of headphones or earbuds to prevent household members from overhearing and commenting on the trial proceedings, that jurors must always stay visible during the trial, and how jurors should configure viewing preferences (e.g., gallery view or speaker view) on the videoconference platform.
- The jurors should be instructed to keep their devices plugged in and charged throughout the proceedings.
- Provide contact information (phone number and email address) to jurors so they may contact court staff if they have technical difficulties at any point during the proceedings.
- Ask all questions to jurors in succession and instruct jurors to indicate when they have an affirmative response by raising their hand.
 - The judge and the Courtroom Clerk shall keep track of which jurors indicate an affirmative response to which questions. It is imperative that the judge and Courtroom Clerk pay careful attention to ensure all affirmative responses are accounted for.
 - Once all questions have been asked, the jurors will be moved into a virtual breakout room. Jurors will be moved back into the virtual courtroom individually to provide their response for each question they indicated a positive response to. The juror will be moved back into the virtual breakout room once they have provided all of their responses.
 - After all questions are asked and answered, the jurors will be moved back into the virtual courtroom.
 - Attorneys and clients will be moved into separate breakout rooms to discuss strikes.
- Attorneys shall email their strikes to the Courtroom Clerk and Trial Judge.
- Consider selecting additional alternate jurors to account for jurors that may need to be excused due to technical or health-related reasons.
- If the Trial Judge finds cause to excuse a prospective juror, the juror shall be excused from the virtual courtroom. This process shall continue until the requisite number of jurors have been selected for the jury trial.

- After the jury is selected, pursuant to Rule 2-512(c)(3), the Court shall instruct parties to destroy all copies of the jury information sheet.

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E. Requesting and Issuing Subpoenas

Ordinarily, attorneys issue a subpoena for each witness they intend to call. The attorney will complete the subpoena, including the proceeding type and date/time to appear, and will provide special instructions where appropriate. Attorneys may attach a supplement to the subpoena if they need to provide additional information. Attorneys then serve the subpoena on the witness using a private process server or other means. Typically, the court is not involved in this process.

In order to facilitate a virtual jury trial, the Work Group recommends the following:

- Require the party requesting the subpoena to provide the Court with an e-mail address for the individual subject to the subpoena.
 - Log-in information shall be sent as soon as reasonably practicable.
- In any subpoena issued to require the presence of an individual at a virtual trial, attorneys shall include the following information under the Special Instructions section of the subpoena, in addition to the content requirements outlined in Rule 2-510 (see sample subpoena with drafted language):
 - Describe the method by which the person is to appear (i.e. via Zoom) and emphasize that the witness will be appearing remotely.
 - State that log-in information and a Zoom link to join the virtual trial will be supplied by the Court before the date they are to appear.
 - Direct the individual to contact the party who issued the subpoena within three days if the individual is unable to affect his or her presence virtually.
 - Command the individual subject to the subpoena to provide a valid email address to the issuing attorney within three days of service of the subpoena.
- Encourage attorneys to attach a supplement or cover letter to the subpoena that reiterates the virtual format of the trial and provides additional pertinent information to ensure the witness's appearance (i.e. the witness must supply the issuing party with an email address, must notify the issuing party if they cannot appear for any reason).

- Attorneys shall provide an alternate location and appropriate equipment for any witness whose appearance they require and who is unable to appear remotely for the virtual proceeding.
- On the trial date, and at the request of the parties, IT shall admit witnesses into the virtual courtroom so they may be checked in. IT will sequester the witnesses by moving them into separate breakout rooms. They will remain in these breakout rooms until they are called to the virtual stand, at which time IT will move them back into the main virtual courtroom.

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F. Submitting and Presenting Evidence

Traditionally, throughout trial, parties offer exhibits to be admitted. Objections to the admission of evidence are made at the time the exhibits are offered or as soon as grounds for objection become apparent. Objections not made during either of those times are waived. The court rules on objections once they are made. Once exhibits are admitted, they are submitted to the Courtroom Clerk to be marked for identification. The exhibits then become part of the record and are made available to the jury during deliberations.

In order to facilitate a virtual jury trial, the Work Group recommends the following:

- Attorneys shall convert all exhibits and jury instructions into an electronic format.
- Prior to the Pretrial Conference:
 - IT shall create a folder on the filesharing platform for each case selected for a virtual trial. IT shall create the following subfolders within the case's main folder and give access to the attorneys, the Trial Judge, and the Courtroom Clerk.
 - Plaintiff's Exhibits
 - Defendant's Exhibits
 - Admitted Exhibits
 - Exhibits Marked for Identification but Not Admitted
 - Attorneys shall file their Pretrial Statement pursuant to Rule 2-504.2, which shall include a List of Exhibits, and shall upload the exhibits into their respective folders.
 - Exhibits shall be labeled to reflect the submitting party and number (i.e. Plaintiff's Exhibit 1).
- During the Pretrial Conference, attorneys shall move mutually agreed upon exhibits that are deemed admissible from their individual folders into the joint folder for "Admitted Exhibits."
 - Exhibits that are not admissible shall be moved into the folder "Exhibits Marked but Not Admitted".
 - During trial, attorneys may re-raise exhibits that were deemed inadmissible if they feel it is reasonable to do so.
- Confirm that each party's admitted exhibits are present and accessible.

- Attorneys shall utilize the screenshare feature of Zoom to present exhibits to the jury.
 - Provide parties an opportunity to practice screensharing before trial so they may familiarize themselves with the process.
- Instruct parties and witnesses on the process for marking and/or highlighting particular aspects of an exhibit on Zoom.
 - It is imperative that any marked-up exhibits be saved to the party's desktop and then uploaded to the designated sharefile folder.
 - The edited exhibit should be named in a way to reflect that it is an edited version of the original (i.e. Plaintiff's Exhibit 1 → Plaintiff's Exhibit 1A).
- Submit rebuttal and impeachment exhibits to witnesses through the "chat" feature of Zoom so that the jury may view their reaction in real-time.
 - The record will need to be clear about what is taking place (i.e. "Let the record reflect that I have sent this exhibit to the witness through the chat feature and they are now reviewing it.")
 - Once presented, rebuttal and impeachment evidence should be moved into the folder for "Admitted Exhibits".
- At the completion of the Pretrial Conference and the completion of each day of trial, the Courtroom Clerk shall issue an Admitted Exhibit List.

G. Conducting Jury Deliberations and Recording a Verdict

At the conclusion of a traditional trial, the Trial Judge instructs the jury and then the attorneys present closing arguments. Thereafter, the jurors are moved into the jury room for deliberations. Admitted exhibits and jury instructions are made available to the jurors for their review. Deliberations are confidential and no unauthorized entry into the jury room is permitted. Jury questions may be written and submitted to the judge for review. Once deliberations have concluded, the jury foreperson completes the written verdict sheet and notifies the bailiff, who then notifies the Trial Judge. The parties and jurors reconvene in the courtroom. The jury foreperson reads the verdict, which has been transcribed on a verdict sheet. Parties are permitted to poll the jury to ensure each juror's verdict matches that of the foreperson.

In order to facilitate a virtual jury trial, the Work Group recommends the following:

- After all evidence has been presented to the jury, the judge will give the jury the law to be applied in the case. Attorneys then present closing arguments.
- Move jurors into a private, secure, virtual breakout room within which they may confidentially deliberate.
- IT shall set up an interactive platform that jurors will use to communicate with the court.²
- The jury foreperson shall use the platform to submit questions about exhibits and to notify the court when a verdict has been reached.
 - Pursuant to Rule 2-521(d), if the communication from a juror pertains to the action (as opposed to a technical issue) the judge shall promptly, and before responding to the communication, notify the parties and invite and consider, on the record, the parties' position on any response. The judge may respond to the communication orally in open court on the record.
- The jury foreperson shall contact the designated IT personnel if any technical issues arise during deliberations.

² IT is researching various platforms to determine which is best suited for our purposes. Once a platform has been selected, this report may be amended to include specific information about that particular platform and how it will be used.

- This includes issues about connectivity, an unauthorized individual in the jury deliberation room, or a juror losing connection to the Zoom hearing.
- Provide jurors access to all admitted exhibits and jury instructions via the designated file sharing service.
- Instruct jurors that they may not download, save, or distribute exhibits.
- Command the jury foreperson to return the jury's verdict orally.
- Poll the jury to ensure each individual juror's verdict coincides with that read by foreperson.
- Judge will enter the verdict on the record.

Exhibits:

1. Proposed Pretrial Conference Order
2. Supplemental Juror Questionnaire from NCSC
3. Sample Introduction to Jurors
4. Subpoena with Proposed Language

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Exhibit 1: Proposed Pretrial Conference Order**IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND**

DANIEL J. SMITH, III, :
Plaintiff, :
v. : Civil Action No. CAL19-12345
HOLLAND, LP, :
Defendant. :

PRETRIAL CONFERENCE ORDER

The Court held a Pretrial Conference on December 16, 2019 pursuant to Rule 2-807(d)(2). At that Conference, the Court ordered the Parties to meet and confer on a proposed trial schedule, exhibits that the Parties agree can be deemed admitted, voir dire questions, jury instructions, and a verdict form to be used in the Virtual Jury Trial. This Order recites the action(s) taken at the Pretrial Conference and stipulations made. It shall control the subsequent course of the cause of action unless modified to prevent injustice.

The following matters were agreed to at the Pretrial Conference:

- 1) This case is scheduled to be tried for two (2) days beginning on January 6, 2020.

The trial will be broken up into the following segments: [include time for openings, evidence presentation, closings, breaks, etc.].

- 2) The Parties intend to call the following witnesses: [include list of witnesses].
- 3) All Exhibits to be identified, introduced, or offered into evidence have been pre-marked for identification or given numbers for admission into evidence by stipulation. The Exhibits have been uploaded to the appropriate file within the

case's sharefile folder, and access shall be given to the Clerk and Court along with an Exhibit List.

- 4) The ensuing objections were raised and resolved as follows: [insert list of objections].
- 5) Counsel calling witnesses shall ensure the witness has adequate technology to testify remotely, has a neutral virtual background, and has a copy of their deposition, if taken.
- 6) [any other matters discussed].

Date: December 20, 2020

JUDGE
Circuit Court Judge

Exhibit 2: Supplemental Questionnaire from NCSC

The Court is exploring whether individuals can use technology during the jury selection process or trial to allow you to complete your jury service remotely. Individuals who are unable to appear for jury service remotely may be required to complete their jury service at the courthouse once in-person trials resume. Please indicate whether you have the technological capability to serve remotely.

I have highspeed or broadband internet access at home. Y/N

My computer, tablet, or cellphone has a webcam or camera. Y/N

I have internet access ONLY through a smartphone or other mobile device. Y/N

My cellphone contract provides unlimited minutes of talk. Y/N

My internet data plan on the device I would use to appear remotely provides unlimited data. Y/N

I have used videoconferencing technology (i.e. Skype, Zoom) at home or work. Y/N

I have access to a private place in my home or office where I can arrange to use the internet without interruption from others. Y/N

I have the ability to listen to audio from my device through headphones. Y/N

I would not be able to appear remotely for jury service due to a lack of equipment to connect or comfort with using technology. Y/N

Please provide contact information and indicate your preference for notifications about jury service.

Email address: _____

Mobile phone number (if applicable): _____

I prefer to receive notifications about jury service by (check all that apply):

Phone Call

Email

Text Message (data charges may apply)

Exhibit 3: Sample Introductory Statement to Jurors

Good morning, my name is _____ and I am the judge who will be presiding over this case.

I have been involved in selecting juries for ____ years, as an attorney and then a judge. This will be a little different, due to the coronavirus pandemic.

So let me go over a few ground rules to make this run as smoothly as possible.

First, it is imperative that everyone's behavior and manner of speaking in this virtual court environment is the same as if we were in an actual courtroom. Please dress and act appropriately, as if you were here in person.

Second, please keep your video on at all times but mute your audio to avoid feedback except when you are speaking.

Third, please do not leave your device/computer unless I give you permission. Also, do not take your device anywhere like the bathroom because everyone will see or hear what you are doing.

The Court will provide a break in the morning and in the afternoon to give everyone the opportunity to have a snack or to use the restroom. Please notify the Court immediately if you are experiencing an emergency at any time.

Fourth, I am going to ask you a series of questions. If you have an answer, please raise your hand literally and with the hand raising button on your Zoom.

Then I will call on you in numerical order. Please identify yourself by your juror number and then give us your answer.

If your answer is a personal one that you would prefer not to discuss in front of the entire group, please let me know and I will ensure your privacy.

Finally, it is important that we get complete and truthful answers from you, so please raise your right hand and promise to do so as the Clerk administers the oath.

Exhibit 4: Subpoena with Proposed Language



CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY
 14735 Main Street, Upper Marlboro, Maryland 20772
 Phone: (301) 952-3318 Maryland Relay call: 711
 Toll-free (in Maryland) 800-937-1335

STATE OF MARYLAND
 or

Case. No. _____

Plaintiff _____

vs. _____

TO: _____

Name _____

Defendant _____

Address 1 _____

Issue Date: 03/18/2021

Address 2 _____

Service Deadline: 60 days after the Issue Date.

SUBPOENA

City, County, State, Zip _____

Virtual

You are hereby compelled to appear at a court proceeding deposition at the following location:

By Zoom with the link to be provided by the court

Address of Court or Other Location _____

On **June 30, 2021** at **10:00** a.m. p.m.

City, State, Zip _____

Date _____

Time _____

To testify in the above case, and/or

To produce the following documents, items, and information, not privileged: _____

To produce, permit inspection and copying of the following documents or other tangible items: _____

 Requested By _____ requested issuance of this subpoena. Questions should be referred to:

Benjamin T. Boscolo, BBoscolo@chasanBoscolo.com

7852 Walker Drive, Suite 300

Name _____

Address _____

Direct Dial Number (240) 624-2341

Greenbelt, Maryland

Phone _____

City, State, Zip _____

Special Message: *This case is being tried virtually by Zoom. You are directed to contact the lawyer who served this subpoena within three days to provide a contact e-mail address. If you are unable to participate by Zoom, you are directed to appear at the courthouse on the above-referenced date. Failure to comply with this subpoena may result in a sheriff coming to your home on the day of trial*

If this subpoena compels the production of financial information, or information derived from financial records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Financial Institutions § 1-304 and any other applicable law.

If this subpoena compels the production of medical records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Health-General § 4-306 and any other applicable law.

Foreign Subpoena and/or Undertaking form are attached and are incorporated by reference and are made part of this subpoena.



**Mahasin El Amin Clerk
 Circuit Court for Prince George's County**

NOTICE:

1. YOU ARE LIABLE TO BODY ATTACHMENT AND/OR FINE FOR FAILURE TO OBEY THIS SUBPOENA.
2. This subpoena is effective for the date and time stated and any subsequent dates as directed by the court.
3. If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate one or more persons who will testify on its behalf, pursuant to Rule 2-412(d).
4. Serving or attempting to serve a subpoena more than 60 days after the date of issuance is prohibited.

RETURN OF SERVICE

I certify that I delivered the original of this Subpoena to the following person(s): _____
 on the following date: _____ by the following method (specified as required by Rule 2-126): _____

 Signature _____

 Printed Name _____