

Fair Cross-Section Concerns Potentially Impacting Pandemic Jury Trials

By: Robert G. Devine and Douglas M. Weck

The Legal Intelligencer

1.8.21

As courts locally and nationwide cautiously begin to resume jury trials either in person, hybrid remote jury selection/live trial witnesses or full remote—all in the midst of a now worsening pandemic—litigants and commentators have raised the issue of whether the pandemic combined with necessary coronavirus mitigation court procedures may unfairly impact the demographic composition of venires and juries.

Litigation attorneys Bob Devine and Doug Weck, in their article “Fair Cross-Section Concerns Potentially Impacting Pandemic Jury Trials,” argue that although “fair cross section” challenges will need to be addressed, jury trials should be able to proceed constitutionally during the pandemic so long as they can be done safely.

This correspondence should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended for general informational purposes only and you are urged to consult a lawyer concerning your own situation and legal questions.