

FILED

SEP 03 2020

STATE OF ILLINOIS)
) SS
NINETEENTH JUDICIAL CIRCUIT)

~~CLERK~~

ADMINISTRATIVE ORDER 20-45

NINETEENTH JUDICIAL CIRCUIT
CIRCUIT COURT OF LAKE COUNTY

AMENDED TEMPORARY PROCEDURES RE: JURY TRIALS

Consistent with the Order of the Illinois Supreme Court in M.R. 30370, dated May 20, 2020, which was adopted in response to the COVID-19 outbreak and the emergencies declared by the Federal Government, the State of Illinois, and Administrative Order 20-29, in order to protect the health and safety of all litigants, the general public, judges and court partners, and further considering the factors outlined in Supreme Court Order M.R. 30370, as well as the Supreme Court Guidelines for Resuming Illinois Judicial Branch Operations During the COVID-19 pandemic;

WHEREAS, the Supreme Court order states in part "The Chief Judges of each circuit may continue trials under further order of this Court. The continuances occasioned by this Order serve the ends of justice and outweigh the best interests of the public and defendants in a speedy trial. Therefore, such continuances shall be excluded from speedy trial computations contained in section 103-5 of the Code of Criminal Procedure of 1963 (725 ILCS 5/103-5 (West 2018)) and section 5-601 of the Illinois Juvenile Court Act (705 ILCS 405/5-601 (West 2018)). Statutory time restrictions in section 103-5 of the Code of Criminal Procedure of 1963 and section 5-601 of the Juvenile Court Act shall be tolled until further order of this Court"; and

WHEREAS, the Supreme Court Order also provides that a trial may be delayed when the court determines proper distancing and facilities limitations prevent the trial from proceeding safely. The judge in the case must find that such limitations necessitated the delay and shall make a record thereof; and

WHEREAS, the Supreme Court Order authorizes each Circuit Court to return to hearing court matters, whether in person or remotely, according to the schedule to be adopted for each county by the Chief Judge of each Circuit. The Order recommends that Circuit Courts shall continue, to the extent possible, to allow for appropriate social distancing; and

WHEREAS, it is in the best interests of all individuals to limit the number of people in the Lake County Courthouses, and in each of the individual courtrooms, to as few as needed to accomplish critical tasks; and

WHEREAS, prior to the Coronavirus pandemic, jurors were summoned each week for trials scheduled Monday, Tuesday, and Wednesday to appear at the Lake County Courthouse. Over the course of the week more than 150 jurors appeared. These jurors were staged in the jury assembly room while waiting to be called to individual courtrooms; and

WHEREAS, a committee of Judges, Court Administration, and the Lake County Health Department reviewed the jury assembly room and each criminal courtroom at the Lake County Courthouses to determine whether jury trials could be held while abiding by the guidelines set forth by the Illinois and Lake County Departments of Public Health to prevent the spread and potential resurgence of the COVID-19 virus; and

WHEREAS, it has been determined that based on health guidelines jury assembly can hold not more than 51 jurors; and

WHEREAS, it has been determined that the Criminal Division will be limited to conducting no more than two twelve-person criminal jury trials at one time; and

WHEREAS, the following changes will be implemented in all cases assigned to the Criminal Division.

IT IS HEREBY ORDERED that, Administrative Order 20-31 is amended.

IT IS FURTHER ORDERED that, pursuant to the Committee's finding the Nineteenth Judicial Circuit may resume a modified criminal jury trial schedule. No more than two twelve-person criminal jury trials may occur at one time.

IT IS FURTHER ORDERED that, the Presiding Judge of the Criminal Division in consultation with the Presiding Judge of the Civil Division will prioritize on a case by case basis which cases will proceed to jury trial based on, but not limited to, the following factors:

- a. the nature of charge;
- b. the custodial status of the defendant;
- c. if a speedy trial demand has been made by the defendant;
- d. the age of the pending case;
- e. projected length of the trial;
- f. issues at trial;
- g. type of evidence;
- h. how many witnesses; and
- i. special considerations based upon witness issues (limited availability, travel plans, etc).

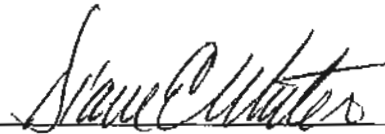
IT IS FURTHER ORDERED that, the Court will continue, due to pandemic and facilities-related concerns, all other cases set for trial pursuant to Supreme Court of Illinois Order M.R. 30370 entered on May 20, 2020. Pursuant to the Supreme Court's orders,

such continuances shall be excluded from speedy trial computations contained in section 103-5 of the Code.

IT IS FURTHER ORDERED that, when a trial is delayed because the court determines that proper distancing and facilities limitations prevent the trial from proceeding safely, the judge shall make a record of such findings.

DATED this 3rd day of September, 2020.

ENTERED:

A handwritten signature in cursive script, appearing to read "Diane E. Winter", is written over a horizontal line.

DIANE E. WINTER,
Chief Judge