

# Criminal Jury Trials in a Pandemic

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## **Canadian Criminal Law is Federal jurisdiction**

Criminal Code includes rules governing Jury Selection

## **Provincial/ Territorial 13 jurisdictions**

Court Administration

Jury Acts

# *May 2020: Action Committee on Court Operations in Response to COVID-19*

<https://www.fja.gc.ca/COVID-19/index-eng.html>

## Jury Composition Considerations

Right to a representative jury: *R. v. Kokopenace*, 2015 SCC 28

US: *Jury Selection and Service Act*, 28 U.S.C. §1861

Excusal rates and demographics?

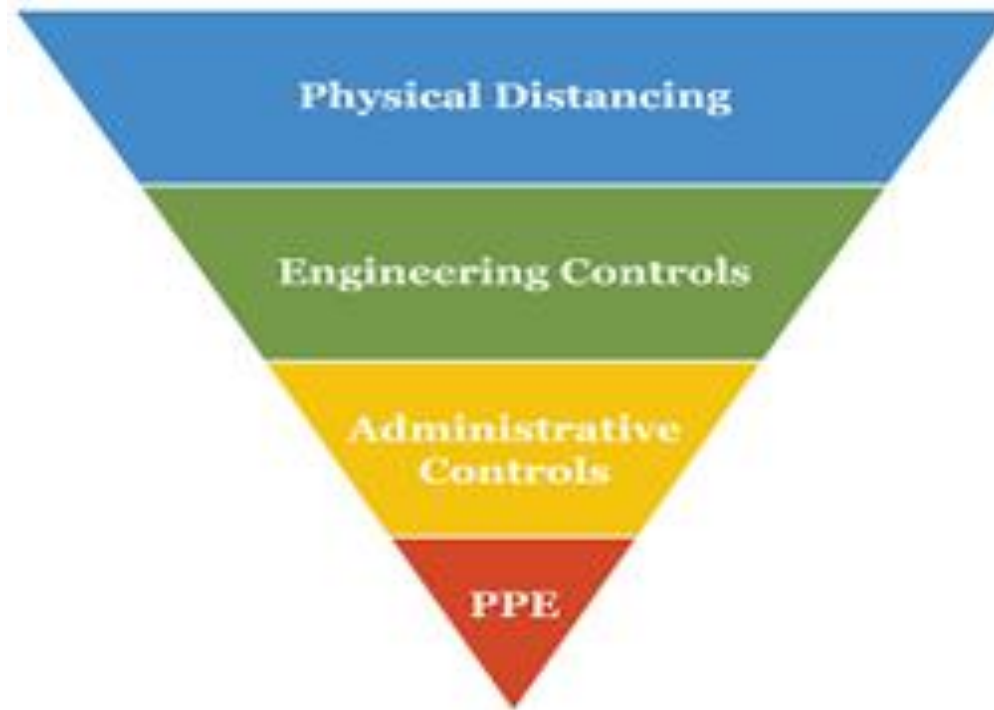
## **COVID impacts on Defence**

Lawyer/ Client relationship

Investigation and Preparation

Consultation

# **Trial Facilities: Safe and Accessible Courts: Orienting principles for Canadian Court Operations in Response to COVID-19**



## **Impact on Advocacy**

Physical positioning

Auditory issues

Witnesses

Exhibits

## **COVID Juries – Impact on fair trials?**

Mock trials?

Mistrial rates?

Exit surveys?