



The Right Honourable Dame Helen Winkelmann
Chief Justice of New Zealand
Te Tumu Whakawā o Aotearoa

18 March 2020

Dear Practitioners

COVID-19 Suspension of new jury trials

Functioning courts are critical to the maintenance of law and order and the safeguarding of human rights. During the current pandemic, it is particularly important for the courts to continue to provide essential justice services for the community – including for victims of crime and those taken into custody. Nevertheless, the judicial leadership must also ensure the safety of all who participate in the courts.

The Chief Medical Officer's advice to the judiciary to date, has been that so long as prudent hygiene precautions are practised in courthouses and community transfer of COVID-19 has not occurred, hearings can proceed safely. That advice has not changed.

However, I have decided that maintaining prudent hygiene precautions in the environment of a jury trial is unrealistic. After consultation with Heads of Bench and the Secretary for Justice it has been decided all new jury trials will be suspended for two months. This decision does not affect jury trials already in progress

I believe it necessary to take this step out of an abundance of caution. There is a special onus on the courts to protect the health of jurors who are performing an important civic duty.

The process of empanelling juries often involves bringing large numbers of people together in relatively confined spaces. Once empanelled jurors are inevitably spending significant periods of time in relatively close contact.

There are also risks to trials proceeding in the event a juror or other court participant becomes unwell and must be sent home. In the current environment, where anyone feeling unwell is being told to stay away from court, this problem will become more pronounced for jury trials.

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Measures are also being taken to modify list court hearings to ensure that proper hygiene is maintained, and courtrooms are not overcrowded. Enhanced cleaning of courtrooms is being done and the Ministry of Justice advises that they are reviewing what additional steps should be taken.

More generally, the judiciary is addressing what measures can be taken to reduce the numbers of people attending court in public foyers and galleries.

A judicial steering group, working together with the Ministry of Justice, is exploring ways in which technology might be used to enable lawyers and others to participate remotely in appropriate cases.

The judiciary and Ministry of Justice will be working through the implications of this decision for all court participants. This includes the legal profession, victims, defendants, court staff and other justice sector partners.

We can advise at this point that those who are affected by the suspension of jury trials will be contacted by the registry of the relevant court. Further information will also be made available on the Courts of New Zealand website as it comes to hand.

Hei konā mai i roto i aku mihi,

Helen Winkelmann
Chief Justice