**Proposed General Rule 41**

**[NEW]**

**Jury Selection by Videoconference**

1. **Scope of rule.** This rule addresses the procedures for conducting jury selection by videoconference.
2. **Jury selection by videoconference.** In all cases, jury selection may be conducted by videoconference in which all participants can simultaneously see, hear, and speak with each other. The video and audio should be of sufficient quality to ensure participants are easily seen and understood.
3. **Procedures prior to jury selection.** The court may divide the venire into smaller groups and determine the number of video participants per voir dire session. The court shall confirm with prospective jurors that they can participate in jury selection by videoconference. The court shall not excuse potential jurors from jury service who cannot participate in jury selection by videoconference due to lack of resources or access and shall arrange for alternative methods, including but not limited to in person voir dire, for such potential jurors.
4. **Procedures during jury selection.** When conducting jury selection over video, the court shall:
   1. Confirm that all potential jurors can see and hear the court and parties;
   2. Inform potential jurors that their cameras must remain on and that they must remain in camera view throughout jury selection;
   3. Instruct potential jurors that (i) their full care and attention must be on jury selection, (ii) that all other devices should be turned off during jury selection, and (iii) they should be alone in the space in which they are participating in jury selection unless extraordinary circumstances are present that the court finds sufficient to allow the jurors participation;
   4. Inform the parties and potential jurors that any visual, video, or audio recording of the hearing, other than the official record is prohibited absent court permission; and
   5. Prohibit jurors from using filters or virtual backgrounds or other programs or applications to alter their appearance in any way or the appearance of the space in which they are physically located while participating in jury selection. A juror may use a virtual background with prior approval of the court. Any approved background must be plain, blurred, or otherwise nondistracting.

**(e) Public access.** The court shall ensure that all hearings conducted pursuant to this rule are open to the public and that the public shall be able to simultaneously see and hear all participants.