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Chambers

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## A Brave New World

Submitted by Jessica Armfelt on Tue, 10/13/2020 - 09:06

In June, having undertaken the third trial to be held in Bristol Crown Court post-lockdown, I wrote about the differences between that and my last, pre-Covid trial.

In June, we used three courtrooms for each trial, the jury were dotted around the courtroom, they were addressed from the witness box and retired into another courtroom.

Last week, I prosecuted the first trial in Bristol using Plexiglass screens in the jury box, installed in fact at breakneck speed over the preceding weekend. The benefit of the system is that it enables a jury to be housed in a single area, albeit as a consequence of the screens that divide them, not all are accommodated within the traditional jury benches. The hope is that it will also bring to an end the requirement for more than one courtroom to be used for each trial, enabling the courts to slowly move back to if not full, then near full capacity.

To make room for the screens which are floor length, the fixed jury seats were removed, as were for some bizarre reason those in counsel's row, the latter replaced with seats that although infinitely more comfortable than their predecessors, proved impossible to move when standing to address the court. Where the seats of the former chairs could be pushed up out of the way, the new very solid, cumbersome chairs are of such a size, that even I, as one the relatively smaller members of the Bar, found it impossible to just move them back and have room to fit between the chair and the bench.

The jurors also had moveable chairs, which have the benefit of allowing them to remove them from the jury box and to move them around the court in retirement (our jury retired into the same court as the trial). The screens, which keep each jury in their own compartment, come in pairs: two on the back row and two on the front row. The inner set of each pair has a moveable floor-length screen which once the occupant is in situ, they close behind them. The other of that pair is then shielded to one side by the screen and has no one to their other side. That is repeated for each 'couple' and every juror has a screen in front of them. The remaining four jurors, although in the same area, are separate from the eight and have a four-sided screen panel inside of which is a chair with a small desk attached to the arm of the chair.

Unfortunately, the desks though essential, were in practice far too small for the requirements of a juror. Even before a jury bundle (delivered to the court 72 hours in advance of the trial and set out by an usher wearing gloves) was delivered, the tiny space was taken up by an individual box of tissues and a number of paper cups.

The jury were selected from an adjoining room and came into court wearing masks which they

remove once seated and the screens are shut in place. Unlike in the past when they could just sit in the order of their selection, because the screens shut behind the two jurors who sit in the centre of each row, the first to be called was required to sit in the seat which was second in from the top right and to draw the screen behind them as they sat down. The second selected then sat on the seat, which was first in from the top right, the third selected in the seat second in from the left and so on.

They leave the court in reverse configuration and with social distancing and the requirement that they leave two metres between each of them as they file around the court, the whole process of getting in and out takes some time. Yet despite the potential for claustrophobia in respect of the four cocooned in the middle, every juror soon settled in and, when asked, expressed contentment with the efforts that had been made to ensure their safety.

As indicated, having the jury in a single area means that advocates are once again able to address them from counsel's row which is far more satisfactory than addressing them from the witness box, which required an act of extraordinary contortion to ensure that everyone felt included.

In order to air the court, there is still a requirement for a mid-morning and mid-afternoon break. The court no longer provides water which means that jurors and advocates are required to bring their own water bottles, something I for one, found difficult to initially remember.

Whether it is the security of the screens or the fact that we are all just getting used to this new era, unlike my trial in June, no one appeared to jump at every sneeze or cough, which given that we are about to enter the cold/flu season should make the next few months much more comfortable for those required to leave the relative safety of their homes to sit as jurors.

One other noticeable difference was the make-up of jury which consisted of eight men and four women, not one of whom appeared over the age of 55 and all, unusually, appeared to be professionals. When I queried why that was, I was told that those responsible for the selection of jurors are attempting to select those who are unlikely to be put at risk by being asked to attend court. The fact that my jury also appeared to contain a less diverse pool of jurors but instead many of those who do not ordinarily make up the majority of jurors, may be a consequence of people being furloughed or working from home, making it easier for them to give up two weeks of their time.

What is clear is that the courts, having ground to a standstill earlier in the year, are doing all that they can to get more trials up and running and doing so without compromising the safety of those we call upon to make the difficult decision of guilt or innocence.

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