

# Virtual Grand Jury Hearings: Response to the COVID-19 Emergency in Mohave County, Arizona

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As part of the COVID-19 emergency response, courts across the country have quickly moved to deploy video conferencing for remote appearances. While such “virtual” hearings have long been conducted for some video arraignments, increasingly robust video platforms now support a wide array of court proceedings for most every case type. Leveraging this video technology, the Superior Court of Arizona in Mohave County began conducting grand jury hearings via the Zoom video conferencing platform in early April 2020.

Chief Deputy County Attorney James Schoppmann, Mohave County Attorney’s Office, explained, “When COVID-19 hit, the Mohave County Attorney’s Office, under the direction of Mohave County Attorney Matt Smith, decided to try to save the Grand Jury process at all cost because it is more efficient than preliminary hearings and we believed that a hybrid in-person and remote appearance Grand Jury process could [create](#) a safer situation than trying to navigate preliminary hearings in a courtroom.”

The grand jury participating in the first round of video proceedings was empaneled in-person, prior to the pandemic lockdown. After their first stint of jury service, the grand jurors were advised that future hearings would be conducted via video conference. The jurors were cautioned about the strictly confidential nature of grand jury proceedings and mailed instructions about downloading the Zoom app. A practice run of a remote video grand jury proceeding proved successful, giving officials a level of confidence necessary to implement the virtual hearings.

Currently, the prosecutor, the court reporter, and the grand jury foreman appear in person for grand jury hearings at the Superior Court’s main courthouse in Kingman, Arizona, the county seat. The grand jurors and other participants, including witnesses, all appear via Zoom. The prosecutor serves as the host of the Zoom sessions, providing the participants information on secure system log-in and facilitating the hearings.

At the conclusion of the grand jury proceedings, the judge and jury clerk join the prosecutor and the grand jury foreman to hear the indictments, set [bonds](#), and schedule arraignments. The grand jury foreman is present to sign indictments and to be physically

present when the judge returns to hear the grand jury returns. The jury clerk also keeps a record of attendance and mails debit cards for per diem compensation to the grand jurors. In the future, the screening and selection of grand jurors will be conducted via video conference.

Mohave County's decision to implement virtual grand jury proceedings was, in part, driven by the jurisdiction's unique logistical challenges, which are further complicated by the COVID-19 pandemic. Located in the northwestern corner of Arizona, Mohave County encompasses a total land area of 13,461 square miles – the fifth largest in the contiguous United States. The [Grand Canyon](#) divides the state into two sections, with no direct land connection between them. Thus, some jurors – both grand jurors and petit jurors - must travel more than 200 miles one way to the courthouse in Kingman.

The Hon. Charles W. Gurtler, Presiding Judge of the Superior Court in Mohave County, authorized the use of video conferencing for grand jury hearings through local Administrative Order #2020-23, which states, in part: "Grand jury shall continue to be conducted remotely through the Zoom application. Empanelment of future grand juries may occur through in-person, as well as remote appearances." This order was issued pursuant to a series of administrative orders promulgated by the Supreme Court of Arizona, authorizing the expanded use of technology to maintain court services while limited in-person court functions during the pandemic. 1

Reflecting on the project inception, Judge Gurtler stated, "There was tremendous team collaboration to ensure the success of remote Grand Jury proceedings. Kyle Rimel, as IT Director, has been lobbying for technological advancements such as this for years. Unfortunately, due to budget constraints, as well as entrenched practices, there was little to no movement. The utility of such proceedings took on new meaning as it provided a safe means for the grand jurors to help further criminal case management during the pandemic restrictions. . . . It has been a huge success. . . . It has further allowed for continued criminal case filings and processing during the pandemic restrictions."

In considering court deployment of video technologies, the quality of justice is a major concern and the subject of much debate. Addressing this critical issue, Mr. Schoppmann stated, "Our process sacrifices nothing that occurs in a normal Grand Jury session. With the help of all the stakeholders, the criminal justice system in Mohave County was able to do its part to be a part of the solution during this unique time."

One of the many issues arising in the COVID-19 recovery is the extent to which technology solutions like the video conferencing of grand juries will remain in place beyond the pandemic. Given the many benefits realized in the Mohave County project, continued use of court video technologies seem likely at this juncture. In fact, as of this column submission, planning for expanded use of video conferencing is well under way.

In discussing future plans, Ms. Virlynn Tinnell, Clerk of the Superior Court, stated, "We are hopeful to empanel a petit jury to hear a case in late June using Zoom as well. We will do jury selections one day and then ask the empaneled jurors to appear the next day for a one-

or-two-day jury trial. Starting slow. We think many people will choose to appear by Zoom for this jury selection. Their summons will give them the choice to appear by Zoom or in person. The jurors will be instructed on how to 'raise their hands' during the voir dire process and be instructed on what to do if they are placed in a Zoom 'waiting room.'"

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Endnotes

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