

IN THE COMMON PLEAS COURT OF OTTAWA COUNTY, OHIO

In re: Updated Jury Protocol during  
COVID 19 Pandemic

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Judge Bruce Winters

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Administrative Order No.

JOHN E. HARTMAN  
CLERK OF COURT  
2021 MAR 22 A 8:38

WHEREAS, public health authorities have advised public and private agencies to take necessary and appropriate precautions to reduce exposure to COVID 19 and slow the spread of the disease;

WHEREAS, as a public institution committed to the sound administration of equal justice under law, this Court believes that it should take reasonable and prudent actions to further that mission with appropriate consideration for the safety of all trial participants;

THEREFORE, the Judge of the General Division of the Ottawa County Common Pleas Court hereby enters this Administrative Order regarding Jury Protocol during the COVID 19 Pandemic.

IT IS THEREFORE ORDERED:

1. The Court will adhere to the attached Jury Protocol for all jury trials until further order of the Court, unless otherwise ordered.

*Bruce Winters*

Judge



## Ottawa County Court of Common Pleas

Bruce Winters, Judge

### OTTAWA COUNTY COMMON PLEAS COURT COVID-19 JURY TRIAL PROTOCOL

#### 1. Juror Summons

- a. Based on jury response rates and approved excused dismissal rates for "COVID-19 era" jurors summonsed for petit jury, the Court may summon an increased number of prospective jurors.

#### 2. Pretrial Juror Communications and Questionnaires

- a. The Clerk will mail a letter and Jury Questionnaire to prospective jurors with instructions to complete and mail the questionnaire back before a pre-selected deadline. The letter will contain traditional advisements for being excused from jury service. In addition, the Clerk will mail a "COVID-19" questionnaire. The Court anticipates that pretrial completion of the questionnaires will reduce the amount of time prospective jurors are present and waiting for the trial to begin.
  - i. The letter/questionnaire will inform the prospective jurors that the Court has a strong interest in minimizing their risk of contracting the COVID-19 virus.
  - ii. The jurors will again be informed that any person who wants to be excused from jury service because they are either in a high-risk category for contracting the virus or feels scared about contracting the virus during their jury service can be excused by contacting the Court in writing in advance of the first day of trial.

#### 3. Jury Appearance on Day of Trial

- a. Trial jury service will take place at the Ottawa County Common Pleas Court, 315 Madison St. Port Clinton, Ohio 43452 ("The Court").
- b. Regardless of whether the prospective juror is required to appear for trial, before appearing and during the trial, all jurors will be asked to continue to self-monitor for COVID-19 symptoms including:
  - i. Fever more than 100.4 degrees;
  - ii. Persistent, dry cough
  - iii. Shortness of breath or difficulty breathing
  - iv. Chills, Muscle pain or Sore Throat
  - v. New loss of taste or smell

vi. Nausea, vomiting or diarrhea

4. Screening of Trial Participants

- a. Jurors will be directed to a single entrance point.
- b. Before entering the building each day, staff, attorneys, parties, witnesses and prospective jurors will be screened for COVID-19 symptoms, including taking of temperatures.
- c. All individuals entering the building will also be screened in according with the Court's security policy.

5. Facial Coverings/Gloves/Hand Sanitizer

- a. All attorneys, parties, witnesses, prospective jurors and jurors will be required to have facial coverings before entering the building.
- b. Attorneys, parties, witnesses, prospective jurors and jurors may bring and wear their own facial coverings.
- c. The Court will provide prospective jurors and jurors with items such as facial coverings, hand sanitizer and gloves.
- d. Attorneys and parties (except when testifying) shall wear masks throughout the trial and during recesses.
- e. Attorneys (except when handling exhibits during trial), parties and jurors (except when handling exhibits) are not required to wear gloves, but will be encouraged to use hand sanitizer every time they enter The Court.
- f. Hand sanitizer will be placed in the entrance to The Court.

6. Trial witnesses

- a. Any witness expected to testify shall:
  - i. Adhere to the "self-monitoring" requirements noted above.
  - ii. Comply with the "health screening" and "security screening" noted above.
  - iii. Comply with the "facial covering" requirements noted above.
  - iv. Shall be seated in "social distancing spaced" chairs in the waiting area at The Court while waiting to testify.
- b. The party that subpoenaed the particular witness is ordered to communicate this directive to their prospective witnesses before trial and monitor the hallway during the trial to ensure that this directive is being complied with.
- c. The Court will provide a disposable mask to any witness who comes to The Court without a facial covering.

7. Public or Media Spectators

- a. Any member of the public or member of the media wishing to observe the trial shall:
  - i. Adhere to the "self-monitoring" requirements noted above.
  - ii. Comply with the "health screening" and "security screening"

noted above.

iii. Comply with the "facial covering" requirements noted above.

iv. Sit in "social-distancing" spaced seating marked for the public.

- b. Due to spacing requirements, the availability of space for the public to observe the trial in person may be limited. Contact the Court for alternative arrangements for electronic viewing of the trial.

#### 8. Juror Check-In

- a. Once screened, prospective jurors will be directed to "social distancing spaced markings" while waiting to be checked in.
- b. Prospective jurors will be checked in by approaching the check-in table one at a time and laying their identification on the table.
- c. Once verified, the juror ID will be returned and the juror will be directed to proceed into The Court and be seated as directed.

#### 9. Courtroom Configuration - Voir Dire and Opening Statements

- a. Prospective jurors will be seated on "social distancing spaced markings" in The Court to comply with "social distancing" requirements.
- b. In order to comply with "social distancing" requirements, the presentation of voir dire and opening statement by attorneys will be spaced so as to ensure that attorneys are observing "social distancing" from jurors.
- c. After the jury is selected, the basic panel of eight (civil) and twelve (criminal), plus the alternate(s) will be placed in the Jury Room while staff reconfigure the Courtroom space in a "socially distant" configuration.

#### 10. Courtroom Configuration - Trial

- a. Court staff, attorneys and parties will be spaced in order to comply with social distancing requirements.
- b. Trial jurors will be seated on "social distancing spaced markings" in the Courtroom to comply with "social distancing" requirements and will return to the same seat after each recess.

#### 11. Testifying witnesses

- a. Attorneys will ask questions from counsel seats or a podium (if available) placed so as to be compliant with social distancing requirements.
- b. Attorneys shall attempt to minimize the number of times they need to approach the witness.

#### 12. Trial Exhibits

- a. Each counsel and the testifying witness shall wear disposable gloves when handling an exhibit.
  - i. The Court will provide each witness with disposable gloves to handle the exhibit.
- b. Exhibit(s) shall not be passed to jurors during the trial.
- c. During deliberations, the Court will provide each trial juror with disposable gloves so they may handle and examine any exhibits admitted into evidence.

#### 13. Bench Conferences

- a. In an effort to adhere to "social distancing recommendations", bench conferences will be attempted in a corner or other area of The Court away from the jury.
- b. For anticipated prolonged bench discussions, the trial jury will be escorted back to the Jury Room, be escorted outside (weather permitting) or be temporarily excused from the proceedings while the Court, Court Reporter, attorneys and parties remain in the Courtroom to discuss and resolve the issue. Alternatively, all necessary participants will retire to the Judge's Chambers to conduct discussions.

#### 14. Juror Conduct During Trial

- a. Upon commencement of the actual trial, the trial jurors will be provided a bag with a notebook, pen, nametag and gloves. Jurors may bring their own drinks and/or snacks.
  - i. The trial jurors will be permitted to consume drinks at their seats during the trial.
  - ii. The trial jurors will be permitted to take notes during the trial.
  - iii. The trial jurors will be instructed that upon completion of the trial, they will keep the notebook and pen and personally destroy their trial notes before leaving the Courtroom.

#### 15. Restroom Use

- a. During voir dire, trial and deliberations, the staff will ensure that there is sufficient "physical distance" spacing in the restrooms. The number of persons who may enter the same gender specific restroom at one time will be posted outside the door.

#### 16. Trial Recess

- a. Weather permitting, the Court will strive to permit jurors to walk outside the building during all recesses.
- b. The Court will not provide jurors in the Jury Room with reading materials, games or other entertainment during breaks in the trial.

Jurors may bring their own entertainment materials for use during breaks. Group card games are prohibited.

17. Retention of Cell Phones

- a. Prospective jurors will be permitted to retain their cell phones in the "off" or "silent" position during the trial.
- b. Jurors will be permitted to access their cell phones during recesses provided that jurors comply with the Court's instructions regarding researching the case.

18. Deliberations

- a. All deliberations of the trial jury will occur in the designated Jury Room.
- b. The Jury Room will be set up in accordance with "social distancing recommendations".
- c. Jurors will knock on the Jury Room door to notify the Bailiff when they have a question or have reached a verdict.
- d. Any food ordered for the jury during deliberations shall comply with the following protocol:
  - i. Paper menus shall be used with instructions to mark their order on the menu.
  - ii. Court Staff will collect the paper menus while wearing gloves.
  - iii. Court Staff shall use gloves when disbursing the food and individual cans of soda or bottled water to the jurors.
  - iv. Jurors will abide by "social distancing" requirements when consuming the food.

19. This protocol is subject to joint modification by the Court and Ottawa County Health Department should circumstances arise necessitating deviation from the procedures set forth herein.