



NICK A. SELVAGGIO, JUDGE

Champaign County Court of Common Pleas, General Division

Scott D. Schockling, Magistrate
Sandi G. Perry, Court Administrator

Janelle L. Bey, Judicial Assistant
Jennifer L. DeMarco, Judicial Assistant
Christie L. Harrigan, Judicial Assistant

Champaign County Common Pleas Court

Return to the Courtroom COVID-19 Grand Jury and Jury Trial Protocol

1. Jury Selection for Grand Jury and Jury Trial will take place at the Champaign County Courthouse, 200 North Main Street, Second Floor, Courtroom One, Urbana, Ohio 43078 ("Courthouse")
2. During each phase of the jury selection for grand jury and jury trial, the Court will have in place a SARS-COV-2 Medical Grade Hospital Air Purifier, known as the Illuvia HUAIRS, in the Courtroom and the Jury Room for the purpose of reducing the risk of transmission of coronavirus disease 2019 (COVID-19) caused by severe acute respiratory syndrome coronavirus 2 (SARS-COV-2).
 - a. The particular Illuvia HUAIRS unit placed in the Courtroom and the jury room is specifically designed to mitigate airborne viruses, including the COVID-19 virus, for the square feet and room dimensions involved.
 - b. The Illuvia HUAIRS is presently in use in public facilities operated by the Montgomery County Court of Common Pleas, the Second District Court of Appeals and the City of Dayton.
 - c. Additional information about the Illuvia HUAIRS is available at <https://aerobiotix.com>
3. Masking (i.e., wearing a facial covering) in the Courtroom is optional and will be left to the personal preference of each courtroom participant.
 - a. The United States Food and Drug Administration has approved the use of three different COVID-19 Vaccines (i.e. Pfizer-BioNTech, Moderna and Johnson & Johnson) for the prevention of, or reduction in severity of, the COVID-19 disease in individuals ages 16 and older.
 - b. The Pfizer-BioNTech vaccine has also been approved for administration to individuals 12 through 15 years of age.¹
 - c. At this point, there is sufficient vaccine available that anyone who desires to be vaccinated may be vaccinated.

¹ On September 20, 2021, the Associated Press reported that Pfizer "will soon" seek authorization to administer its COVID-19 vaccine to children ages 5 to 11.

- d. Notwithstanding the availability of the vaccine, the Court understands that some prospective jurors and trial participants may elect not to receive the vaccine.
- e. Moreover, while the Centers for Disease Control has recommended masking (aside from vaccination) as the single best preventive step to reducing the risk of COVID-19 virus transmission, the Court understands that some prospective jurors and trial participants may desire not to mask.
- f. After balancing the interests of all involved, the availability of vaccination and the implementation of the use of the Illuvia HUAIRS throughout the trial, the Court will not mandate masks be worn during any phase of the trial for any staff member, juror, trial participant or trial spectator.
 - i. *But see*, paragraph 23, herein, for potential changes to this order.
- g. Testifying witnesses wearing a facial covering into the courtroom shall remove the facial covering when seated and testifying from the witness stand.

4. Juror Summons

- a. Based on jury response rates and approved excused dismissal rates for “COVID-19 era” jurors summonsed for Grand Jury, the Court will summons seventy (70) prospective jurors, an increase from the traditional thirty-five (35) prospective jurors usually summoned.
- b. Based on jury response rates and approved excused dismissal rates for “COVID-19 era” jurors summonsed for Trial by Jury, the Court will summons one hundred thirty-five (135) prospective jurors, an increase from the traditional fifty (50) prospective jurors usually summoned.
- c. Depending on the length of trial, the Jury Commissioners² may adjust the number of jurors sought to be summonsed.

5. Pretrial Juror Communications and Questionnaires

- a. The Jury Commissioners will mail a letter and Jury Questionnaire to prospective jurors with instructions to complete and mail the questionnaire back to Court Offices before a pre-selected deadline. The letter will contain traditional advisements for being excused from jury service and the opportunity to express a “COVID-19” reason for being excused from jury service.

² Any reference to “Jury Commissioners” also includes “Deputy Jury Commissioners”.

- i. Pretrial completion of the questionnaires will reduce the amount of time prospective jurors are present and waiting for the trial to begin.
 - ii. Non-responsive jurors may receive a second letter from the Court requesting compliance.
 - b. The Jury Commissioner letter will inform the prospective jurors that, like all businesses, the Court has a strong interest in minimizing their risk of contracting the COVID-19 virus.
 - i. The jurors will be informed that any person who desires to be excused from jury service because they are either in a high-risk category for contracting the virus or are concerned about contracting the virus during their jury service, should call Court Offices immediately (937-484-1000) and the juror will be excused from jury service.
 - ii. The jurors will be informed of the new jury trial protocols implemented by the Court for grand jury and jury trial service.
- 6. Juror Appearance / Selection for Grand Jury or on the First Day of Jury Trial
 - a. Jury Selection will take place at the Champaign County Courthouse, 200 North Main Street, Second Floor, Courtroom One, Urbana, Ohio (“Courthouse”).
 - b. Up to fifteen (15) non-excused prospective Grand Jurors and up to thirty-two (32) non-excused prospective Trial Jurors who have returned questionnaires will be asked to physically appear at the Courthouse on the day of trial.
 - c. Some of the remaining non-excused prospective Trial Jurors who returned questionnaires will be asked to remain at their residence or in-county workplace on the first day of jury selection in an “on-call” status from 7:15 a.m. – 9:30 a.m. in case it becomes necessary to have additional jurors appear.
 - i. If not contacted by 9:30 a.m. to come to the courthouse, Court Staff will telephone “on-call” jurors and release them from their duty to serve as a prospective juror.
 - d. All non-excused prospective jurors (including those “on-call”) will be asked to self-monitor whether they are experiencing any of the following symptoms within the last 2-3 days or have been exposed to someone experiencing these symptoms:

- 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

Jurors are to be instructed not to come to the courthouse if they are experiencing these symptoms or feel sick. Jurors experiencing symptoms or feeling sick are instructed to call Court Staff (937-484-1000) to be excused from jury service.

7. Screening of Trial Participants

- a. All trial participants, including prospective jurors, prospective witnesses and trial spectators will be screened in accordance with court security policies for weapons and inspection of handbags.

8. Jury Selection Check-In

- a. Prospective jurors will be checked-in by Court Staff and be seated at a location marked with their juror number.
- b. The juror will use that same juror number to identify themselves when answering questions during *voir dire*.

9. Jury Selection – *Voir Dire*

- a. Prospective jurors will be seated in the back of the Courtroom.
- b. *Voir Dire* - Jurors needing to answer individual questions from the Court or lawyers will remain at their seat and be provided with a hand-held microphone. The microphone will be sanitized after each individual use.
- c. The Court, Prosecuting Attorney and Prospective Jurors will remain in Courtroom One in order to select the Grand Jury.
- d. The Court, the lawyers and the parties will remove themselves from Courtroom One to Courtroom Two in order to select the Trial Jury.

10. Grand Jury

- a. Once the grand jury panel is selected, the selected Grand Jurors will retire to the Jury Room to conduct their grand jury duties.

11. Jury Trial

- a. Once the trial jury panel is selected, the selected trial jurors will take their seats in the courtroom jury box and Jury Trial will resume in Courtroom One.

12. Hand Sanitizer

- a. Hand sanitizer will be placed in the entrance of Courtroom One, the Jury Room and Courtroom Two as well as both conference rooms located on the second floor.

13. Trial Witnesses

- a. Any witness, including law enforcement officers, lay witnesses and expert witnesses expected to testify shall:
 - i. Adhere to the “self-monitoring” requirements noted in Paragraph 6d, above.
 - ii. Comply with “security screening” noted in Paragraph 7, above.
 - iii. Shall be seated in “social distancing spaced” chairs in the hallway outside Courtroom One while waiting to testify.
- b. The party that subpoenaed the particular witness is ordered to communicate this directive to their prospective witness before trial and monitor the hallway during the trial in order to ensure that this directive is being complied with.

14. 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 in Paragraph 6d, above.
 - ii. Comply with “security screening” noted in Paragraph 7, above.

15. Testifying Witness

- a. Lawyers shall attempt to minimize the number of times they need to approach the witness.

16. Trial Exhibits

- a. Exhibit(s) shall not be passed to jurors during the trial.

- b. If one of the parties desires to use the Courtroom evidence presentation equipment, arrangements should be made with the Bailiff prior to trial to practice their presentation.
- c. Champaign G.D.L.R. 3.3(F) for Trial Exhibit presentation remains applicable.
- d. During deliberations, each trial juror will have the choice to use disposable gloves to handle and examine any exhibits admitted into evidence.

17. Bench Conferences

- a. Unless the Judge, participating lawyers and court reporter are all masked and consent to close contact, bench conferences will be conducted in Courtroom Two if not in use, Conference Room A if not in use, or another available area within the Courthouse.
 - i. The nature of the subject matter to be discussed may also influence the location of the conference.
- b. For anticipated prolonged bench discussions, the trial jury will either be escorted outside (weather permitting) or be temporarily excused from the proceedings while the Court, Court Reporter and parties attempt to discuss and resolve the issue.

18. Juror Conduct During Grand Jury and Trial

- a. Selected Grand Jurors will be provided with a bottle of water and a pad of paper and pen. Selected Trial Jurors will be provided with a bottle of water and a disposable three-ring notebook containing paper and pen.
 - i. Selected jurors will be permitted to consume water at their seats during their service.
 - ii. Selected jurors will be permitted to take notes during the trial.
 - iii. Selected jurors will be instructed that upon completion of their service, they will keep the pan or notebook and pen and personally shred their juror notes into the shredder provided by the Court.
- b. The Court will suspend the practice of allowing the jurors to ask questions during the trial due to the health risks associated with collecting and reviewing paper questions submitted by multiple individuals.

19. Trial Recess

- a. Jurors will be encouraged to bring their own books and magazines with them to occupy their time during breaks. Card games are prohibited.
- b. During Jury Trial, Prosecutor shall be housed in the Prosecutor's Office, Defense shall be housed in Conference Room B and the Court and Court Reporter will be housed in Court Offices.

20. Retention of Cell Phones

- a. Prospective jurors will be permitted to retain their cell phones in the "off position" during jury selection.
- b. Grand Jurors will not be permitted to access their cell phones during their grand jury service unless they are in a declared recess between cases.
- c. During trial recess, Trial Jurors will be permitted to access their cell phones, with Court instructions not to research the case, conduct experiments on their own or communicate or express opinions about the case with others regarding their service.
- d. When the Trial Jury retires to deliberate, the trial jurors who have cell phones in their possession will be ordered to place and seal their cell phones in individual one-gallon plastic baggies.
 - i. The baggies will be retained by the bailiff until the verdict is read and the jury is dismissed.

21. Deliberations

- a. Grand Jury deliberations will occur in the Jury Room.
- b. Trial Jury deliberations will occur in the Jury Room.

22. This protocol is subject to modification by order of the Court or Champaign County Health Commissioner or designated Champaign County Health District staff member should circumstances arise necessitating deviation from the procedures set forth herein.

23. At the discretion of the Court, a need for the increase in the number of trial jurors in a particular case, an increase in the prevalence of the COVID-19 virus, or the risk of more serious harm to the public health may cause the Court to either move the entire trial to a more spacious location, or cause the Court to return to its "prior COVID-19 Split Location Jury Trial Protocol" for jury selection.

- a. Alternative jury selection sites to be initially considered would be the Urbana High School Auditorium, 500 Washington Avenue, Urbana or the Champaign County Community Center Auditorium, 1512 U.S. St. Rt. 68 South, Urbana.
- b. Said circumstance could also result in new court orders for mandatory “masking” and mandatory “social distancing”.
- c. Any order for re-location of the trial or jury selection, mandatory masking, or mandatory social distancing would be journalized by the Court and served upon the parties.
- d. The Jury Commissioners will be responsible for notifying prospective jurors of any order of re-location of trial or jury selection sites.
- e. In the event re-location becomes necessary, the same “COVID-19” protocols are expected to apply at the new site location.

Effective: July 27, 2020, modified March 12, 2021, modified June 11, 2021, modified September 30, 2021