



NICK A. SELVAGGIO, JUDGE

Champaign County Court of Common Pleas, General Division

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Champaign County Common Pleas Court **Split Location COVID-19 Jury Trial Protocol**

1. The following Split Location COVID-19 Jury Trial Protocol for the Auditorium at Urbana High School and the Champaign County Courthouse has been approved by the Champaign County Health Commissioner.
2. 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 one hundred thirty-five (135) prospective jurors, an increase from the traditional fifty (50) prospective jurors usually summoned.
 - b. Depending on the length of trial, the Commissioners of Jurors may increase the number of jurors sought to be summonsed.
3. 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.
 - i. Pretrial completion of the questionnaires will reduce the amount of time prospective jurors are present in the Auditorium 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 and Jury Questionnaire will be accompanied by a letter from the Court informing the prospective jurors that, like all businesses, the Court has a strong interest in minimizing their risk of contracting the COVID-19 virus.
 - i. Similar to the language used by the Jury Commissioners, 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, should call Court Offices immediately (937-484-1000) and the juror will be excused from jury service.

- ii. The letter from the Court will also inform jurors of the new jury trial protocols implemented by the Court, as approved by the Champaign County Health Commissioner, for jury trial service.

4. Juror Appearance / Selection on the First Day of Trial

- a. Jury Selection will take place in the Auditorium of the Urbana High School, 500 Washington Avenue, Urbana, Ohio.
- b. Only thirty (30) non-excused prospective jurors (in numerical order) who have returned questionnaires will be asked to physically appear at the Community Center on the day of trial.
- c. The remaining non-excused prospective jurors who returned questionnaires will be asked to remain at their residence on the first day of trial in an “on-call” status from 8:15 a.m. – 2:15 p.m. in case it becomes necessary to have additional jurors appear.
 - i. If not called by 2:15 p.m., jurors will be released from their duty to serve as a prospective trial juror.
 - ii. The “on-call” method enables the Court to keep “crowd gathering” to a minimum.
- d. Regardless of whether the prospective juror is required to physically appear for trial, on the day of trial, and before they come to the High School Auditorium, all non-excused prospective jurors (including those “on-call”) will be asked through the Court’s letter 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 will be instructed not come to trial if they are experiencing these symptoms or feel sick. Jurors experiencing symptoms or feeling sick will be instructed to call Court Staff (937-484-1000) to be excused from jury service.

5. Screening of Trial Participants

- a. Prospective jurors will be instructed to look for a large “JURORS (with pointed arrow)” sign at 500 Washington Avenue, Urbana and be directed with additional signs to a single entrance point into the High School Auditorium.
- b. While in their vehicle, jurors will be asked to self-monitor the entrance into the High School Auditorium, and to remain in their vehicle if there appears to be a group of other jurors waiting to be screened.
- c. Before entering the High School Auditorium, the Court, Court Staff, lawyers, parties and prospective jurors will be screened for COVID-19 symptoms, including taking of temperature.
 - i. The Court, Court Staff, lawyers, parties and any participating juror will have their temperature taken at the beginning of every day of service.
 - ii. All individuals entering the High School Auditorium will also be screened in accordance with court security policies for weapons and inspection of handbags.

6. Jury Selection Check-In

- a. Once screened, prospective jurors will stand while “socially distancing” in the hallway outside the High School Auditorium while waiting to be checked-in by Court Staff.
- b. Prospective jurors will be checked-in by Court Staff by approaching the check-in table one at a time and lay their identification on the table.
- c. The juror will be asked to step back while the Court Staff examines and verifies the identification. Once verified, Court Staff will step back, ask the juror to pick up their ID and then proceed into the High School Auditorium and be seated at a location marked by a table tent hung over a chair with their juror number.
- d. The juror will use that same juror number to identify themselves when answering questions during *voir dire*.

7. Jury Selection Auditorium Configuration – *Voir Dire* and Opening Statements

- a. Prospective jurors will be seated in “socially distant spaced seating” in the High School Auditorium to comply with “social distancing” requirements.

- b. During jury selection, and in order to comply with “social distancing” requirements, the Court, Court Reporter and parties will sit up on the “Auditorium Stage” in front of the jurors, while the jurors will be seated in “socially distanced” seating normally reserved for the “Audience.”
- c. The Court and both counsel will be provided with clip-on microphones.
- d. Opening Statements and Voir Dire - Both counsel will individually address the prospective panel of jurors on the Stage from behind the podium. The podium will be sanitized after each individual use.
- e. 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.
- f. The Court and parties will remove themselves from the High School Auditorium to the High School Gymnasium (located on the other side of the Stage Wall behind counsel tables) in order to select the trial jury.

8. Jury Trial

- a. Once the jury panel is selected, the Court will adjourn the proceedings and the Court, staff, parties and selected jurors will travel to Courtroom One of the Champaign County Courthouse, 200 North Main Street, Second Floor, Urbana, Ohio 43078 for purposes of conducting the trial.
- b. During trial, the Court, staff, parties, and selected jurors will follow the same security checks and “social distancing”, “facial covering” and “sanitation” COVID-19 health protocols that were utilized at the Community Center.

9. Courthouse Courtroom Configuration – Trial

- a. Trial jurors will be seated in chairs and back pews of the Courtroom One on “social distancing spaced markings” to comply with “social distancing” requirements.
- b. The lawyers and parties will be seated at two elevated tables in the former courtroom jury box.
- c. The courtroom deputy will be seated at the open end corner of the jury box.
- d. A plexi-glass screen will be placed between the end of the jury box and the courtroom entrance.

- e. A single seat will be reserved in the Courtroom for the media. It shall be located “within the well” of the Courtroom. In the event more than one media member requests access, the media members shall attempt to select a pool reporter before Court intervention is sought.
- f. In a criminal case, and consistent with the Ohio Constitution, the Victim is entitled to have one representative observe the trial. As the decision may impact the number of contemplated alternate jurors to be selected, the State of Ohio shall notify the Court at least one day before trial whether the Victim elects to exercise the right to be present in the Courtroom for trial. **Failure to notify the Court prior to trial shall be considered a waiver of the right to be present for trial.** The location of Victim seating shall be at the discretion of the Court.
- g. In a criminal case, and consistent with Ohio case law, the Defendant is entitled to have one representative observe the trial. As the decision may impact the number of contemplated alternate jurors to be selected, Defense Counsel shall notify the Court at least one day before trial whether the Defendant elects to exercise the right to have a representative present in the Courtroom for trial. **Failure to notify the Court prior to trial shall be considered a waiver of the right to be present for trial.** The location of Defendant representative seating shall be at the discretion of the Court.
- h. Trial proceedings, to the extent possible, will be transmitted by video feed to Courtroom Two. To prevent unauthorized recording, the video feed shall not contain the image of the witness stand or presiding jurors. In the event Courtroom Two is being simultaneously used for previously scheduled, unrelated court hearings, resumption of the video feed shall occur upon conclusion of the hearings.

10. Facial Coverings / Gloves / Hand Sanitizer

- a. All lawyers, parties, prospective jurors, and trial jurors will be required to have facial coverings before entering the High School Auditorium and the Courthouse.
- b. Lawyers, parties and jurors will be permitted to bring and wear their own facial covering.
 - i. The Court will provide any prospective juror and each trial juror who does not bring a facial covering to the High School Auditorium or the Courthouse with a baggie containing a disposable face mask for each day of service.

- c. Lawyers and parties (except when testifying as a witness) shall wear masks throughout jury selection and the trial (i.e., during opening statement, closing argument, examination of witnesses, recesses, bench conferences and jury instruction discussions).
- d. Lawyers (except when handling exhibits during trial), parties, and jurors (except when handling exhibits during deliberations) are not required to wear gloves, but instead will be encouraged to use hand sanitizer every time they enter the High School Auditorium or Courtroom One.
- e. Hand sanitizer will be placed in the entrance to the High School Auditorium and in the entrance to Courtroom One.

11. 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 3, above.
 - ii. Comply with the “health screening” and “security screening” noted in Paragraph 4, above.
 - iii. Comply with the “facial covering” requirements noted in Paragraph 6, above.
 - iv. 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.
- c. The Court will provide a disposable mask to any witness who comes to the Courthouse without a facial covering.

12. 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 3, above.

- ii. Comply with the “health screening” and “security screening” noted in Paragraph 4, above.
- iii. Comply with the “facial covering” requirements noted in Paragraph 6, above.
- iv. If seated in Courtroom Two to observe the trial proceedings, sit in “social-distancing” spaced seating marked for the public or media.

13. Testifying Witness

- a. A plexi-glass screen will be placed around the witness stand, and the testifying witness will remove his/her facial covering before testifying.
 - i. This configuration will enable the Court Reporter to maintain an accurate recording of the proceedings.
 - ii. This configuration will enable the Court, the jurors and counsel with the opportunity to observe the witness’ demeanor and facial expressions during the examination process.
- b. The testifying witness will use the microphone system attached to the witness stand.
 - i. Court Staff will sanitize the plexi-glass screen and microphone at the conclusion of the testimony of each witness.
- c. Lawyers shall ask questions from counsel table to the extent possible.
- d. Lawyers shall attempt to minimize the number of times they need to approach the witness.

14. 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. 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.

- d. Champaign G.D.L.R. 3.3(F) for Trial Exhibit presentation remains applicable.
- e. During deliberations, the Court will provide each trial juror with disposable gloves so they may handle and examine any exhibits admitted into evidence.

15. Bench Conferences

- a. In an effort to adhere to “social distancing recommendations”, bench conferences will be conducted in the former jury room or another available area within the Courthouse.
- 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.

16. Juror Conduct During Trial

- a. Upon commencement of the actual trial, the trial jurors will be provided with a bottle of water and disposable three-ring notebooks containing paper and a pen.
 - i. The trial jurors will be permitted to consume water 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 shred their trial 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.
 - i. The Court finds that the juror questioning process requires:
 - 1. Each juror to transmit paperwork “down the jury row” to the Bailiff for collection and delivery to the Court.
 - 2. The Court and lawyers to gather around the Court Reporter in whispered tones to discuss and debate whether the proposed question(s) should be asked.

- ii. The Court finds that the public health need for “social distancing” and the public health need to minimize the risk of transmission/exposure to the COVID-19 virus outweighs, at this time, the need for the jury to have the opportunity to ask questions of a witness.

17. Restroom Use

- a. During Jury Selection in the High School Auditorium, the Health Commissioner has determined that there is sufficient “physical distance” spacing in the restrooms located across from the Auditorium to have more than one juror enter the same gender specific restroom at one time.
- b. During Jury Trial in Courtroom One, only one juror will be permitted to enter the former jury room gender specific restroom at one time.
- c. Court Staff shall monitor the restroom occupancy during a recess break.

18. Trial Recess

- a. Weather permitting, the Court will strive to permit jurors to walk outside.
- b. The Court will not provide jurors with reading materials, games or food (except for individually wrapped snacks) during breaks in the trial. Disposable bottles of water will be provided.
- c. Jurors will be encouraged to bring their own puzzles, games, books and magazines with them to occupy their time during breaks. Card games are prohibited.
- d. Prior to Jury Selection, Prosecutor and Defense shall be seated on the “bleacher side” of the High School Gymnasium and the Court and Court Reporter will sit in between the parties.
- e. 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.

19. Retention of Cell Phones

- a. Prospective jurors will be permitted to retain their cell phones in the “off position” during *voir dire*.
- b. During the presentation of trial, trial jurors will not be asked to place their cell phone in one of the Court’s secured pouches. Instead, the trial juror will be asked to place their cell phone in the “off position” on a paper plate

underneath their seat, with instructions not to use it during their trial service.

- c. During a break in the trial, the juror will be permitted to access their cell phone, provided that the juror complies 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 jury retires to deliberate, the trial jurors who have cell phones in their possession will be ordered to place and seal their cell phone 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.

20. Deliberations

- a. All deliberations of the trial jury will occur in Courtroom One.
- b. Jurors will ring a bell to notify the Bailiff when they have a question or have reached a verdict.
- c. 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 consume the food in rooms according to their jury number. Jurors 1-4 shall eat in the former jury room, Jurors 5-8 shall eat in Conference Room A and Jurors 9-12 shall eat in Conference Room B.
 - 1. Jurors shall be instructed not to discuss the case or permit the case to be discussed in their presence during their meal and until they reunite as jurors in Courtroom One.
 - v. Jurors will abide by “social distancing” requirements when consuming the food.

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

Effective: July 27, 2020, modified March 12, 2021