

2021MJJ11

IN THE COURT OF COMMON PLEAS
COLUMBIANA COUNTY, OHIO

IN RE: JURY PROTOCOL DURING
COVID 19 PANDEMIC
FILED
COLUMBIANA COUNTY
COURT OF COMMON PLEAS

JUDGE MEGAN L. BICKERTON

JAN 19 2021)

ADMINISTRATIVE ORDER

ANTHONY J. DATTILIO
CLERK)
(CEB)

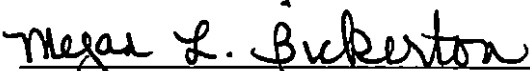
WHEREAS, public health authorities have advised public and private agencies to take necessary and appropriate precautions to reduce exposure to COVID 19 and slow the spread of the disease;

WHEREAS, as a public institution committed to the sound administration of equal justice under the 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;

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

IT IS THEREFORE ORDERED:

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



JUDGE MEGAN L. BICKERTON

Date: January 19, 2021

cc: Prosecutor
Columbiana County Defendants Have Rights
Clerk of Courts
Judge Washam
Judge Baronzzi
Magistrate Lyle-Opalenik
Magistrate Allison

COLUMBIANA COUNTY COURT OF COMMON PLEAS COVID 19 JURY TRIAL PROTOCOL

1. Juror Appearance and Selection

- a. Jury selection will take place in the Judge's Court room which the case is assigned. Proper social distancing will be required. Up to the first 20 jurors will be seated, the remaining jurors will be seated in the opposite Court room with the closed circuit audio and visual system set up.
- b. All prospective jurors will be asked 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;
 - vii. Unexplained fatigue

Jurors will be instructed not to come to trial if they are experiencing these symptoms or feel sick. Jurors experiencing symptoms or feeling sick will be instructed to call the Court at (330) 424-7777 Ext. 1108 to be excused from jury service.

- c. Jurors will be screened at the beginning of each day about whether or not they are experiencing any COVID-19 symptoms.
- d. Jurors will be directed by the Bailiff where to be seated.

2. Screening trial participants

- a. Before entering the Courthouse, the Court, court staff, lawyers, parties and prospective jurors will have their temperature screened prior to entering the building. Upon entering the second floor of the Courthouse each person will be asked if they are experiencing any COVID-19 symptoms or have had close contact with any individuals who have tested positive.

3. Facial Coverings/ Gloves / Hand Sanitizer

- a. The Court requests that all lawyers, parties, prospective jurors, and trial jurors have facial coverings before entering the Courthouse.

- b. The Court will provide any prospective juror and each trial juror who does not bring a facial covering with a face mask.
- c. Hand sanitizer and disposable gloves will be available in the Court room for lawyers, parties, prospective jurors and trial jurors.
- d. Each party is responsible to communicate the jury trial protocol to witnesses in which they have subpoenaed to ensure the directive is complied with.

4. 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 above.
 - ii. Comply with the “facial covering” request above.
 - iii. Sit in “social distancing” spaced seating marked.
 - iv. As necessary the Court will stream the trial to the opposite Courtroom to allow for observers.

5. Voir Dire

- a. Prospective jurors will be seated in a socially distanced manner. The Bailiff will direct the jurors to their seats.
- b. In order to comply with social distancing requirements, the lawyers and parties will remain at counsel table facing the panel of prospective jurors.

6. Trial

- a. After the jury is selected, the basic panel of twelve, plus the alternates if selected, the Court room will be reconfigured to accommodate the social distancing requirements above.
- b. Trial jurors will be seated to comply with social distancing requirements.
- c. The lawyers will be permitted to address the jury from counsel table or the Court’s lectern.

7. Testifying witness

- a. Testifying witnesses will be brought in the courtroom from the rear entrance.
- b. Testifying witnesses will testify from the witness stand and will be permitted to remove their facial covering when testifying.
- c. Lawyers will question witnesses from the lectern.
- d. Lawyers are not to approach the witness during testimony without a mask and the Court's permission.

8. Trial exhibits

- a. Exhibit(s) shall not be passed to jurors during the trial. They will be made available to the jurors individually at the direction of the Court.
- b. All exhibits will be marked and exchanged prior to trial.
- c. Each party is responsible for providing a copy of exhibits to the Court and opposing counsel.
- d. During deliberations, the Court will provide each trial juror with disposable gloves so they may handle and examine any exhibits admitted into evidence.

9. Bench conferences

- a. For anticipated prolonged bench discussions, counsel, the Judge, and the Court reporter will retire to the Jury Deliberation room to discuss and resolve any issue.

10. Juror conduct during trial

- a. Upon commencement of the trial, the trial jurors will be provided with bottled water and disposable notebooks containing paper and a pen.
- b. The trial jurors will be permitted to take notes during the trial.
- c. The trial jurors will be instructed that upon completion of the trial, they will keep the notebook and pen and personally place their trial notes into a box provided by the Court to be shredded.

11. Restroom use

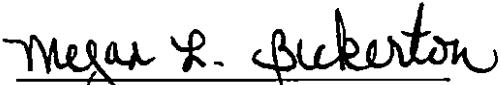
- a. During voir dire and trial, only three persons may enter the jury deliberation room to use the restroom at one time.
- b. Court staff shall monitor the restroom occupancy during each break.
- c. Jurors will also be permitted to use the public restrooms located in the Courthouse.

12. Deliberations

- a. All deliberations of the trial jury will occur in the Courtroom.
- b. The staff will ensure that all recording and video equipment are off.
- c. Court staff will sanitize tables and Courtroom prior to deliberations.

13. This protocol is subject to modification by the Court should circumstances arise necessitating deviation from the procedures set forth herein.

IT IS SO ORDERED.



JUDGE MEGAN L. BICKERTON
Administrative Judge

A copy of this order will be published on the Columbiana County Clerk of Courts website.