

HAMILTON COUNTY COURTS COVID JURY TRIAL PLAN

COVID SAFEGUARDS FOR JURY TRIALS

In addition to the measures already taken by the Courts to protect the public, court participants, and our employees, which including mandatory face coverings, hand sanitizer throughout the courthouse, limiting proceedings and dockets to avoid large gatherings and markers to guide social distancing, special consideration has been given to how we conduct jury trials during the COVID public health crisis. The COVID Jury Trial Plan, which was reviewed and approved by the County Health Department was developed to ensure:

- Space for social distancing wherever possible, particularly when there is a practical reason why a facial covering cannot be worn (e.g., while a witness is testifying);
- Use of sneeze guards and Plexiglas shields in areas where social distancing is problematic (e.g. in the jury box);
- Staggered start times to avoid long lines and large gatherings, and,
- Cleaning and disinfecting between jury panels.

One of the primary goals of the COVID Jury Trial Plan that follows is to have prospective jurors report in-person only when they are actually needed for a trial and to reduce their wait time and potential for exposure while in the Courthouse.

Juror Qualification – Prior to Reporting

Jurors must be able to wear a face covering to protect other jurors and ease COVID concerns. Jurors that call the Jury Commission Office (JCO) prior to their report date who indicate they cannot wear a mask will be encouraged to postpone their service. If the juror refuses to postpone service and wishes to be excused, or the public health threat and mandatory mask order are still in place on the postponed service date, the juror will be asked to provide a note from a health care provider documenting a recommendation that the individual not wear a mask and that juror will be excused from service.

Jurors who express COVID related health concerns because they are elderly or have an underlying health condition are encouraged to postpone their service.

COVID COURTROOM PRIORITY

Courtrooms 566 and 580 will be reserved for Common Pleas jury trials until Wednesday. Courtroom 370 will be reserved for Municipal Court jury trials until Wednesday. Common Pleas civil trials will only be conducted in 566 or 580 to avoid tying up Room 370 designated primarily for Municipal Court criminal trials.

COVID CASE PRIORITY

If more than one courtroom requests a jury panel, the cases must be objectively evaluated to determine priority. See attached case evaluation scale [yet to be finalized and approved]. A Jury Panel Request Form will be available in CMS and POD. Instructions to find the form will be provided.

Criminal trials take precedence over civil. The Jury Panel Request Form will automatically calculate a number value for criminal cases per the attached. Additional consideration may be given to the age of the case, a case with speedy trial issues, and cases that have already been bumped due to lack of COVID jury trial room availability.

Priority for the Monday Panel (described below) will be as follows: Common Pleas criminal case, Municipal criminal case involving a locked up defendant or an offense of violence, Common Pleas Civil Case.

In the event no criminal cases will go to trial by Tuesday (see below), the oldest Common Pleas civil case will be given priority for trial unless the Administrative Judge determines or the two assigned judges agree that unusual circumstances and the administration of justice require that a particular civil case should take precedence over an older civil case for trial.

SETTING JURY TRIALS

It is strongly recommended that all courtrooms set jury trials on Monday to ensure that high priority cases are duly considered and cases are truly ready for trial Monday afternoon or Tuesday. Even if the Monday Panel (described below) is not available because it has been assigned to another case, all judges are encouraged to use Monday as a final pretrial to evaluate the readiness of a case for trial on Tuesday.

THE JURY PANEL REQUEST FORM

The Jury Panel Request Form should be treated as if it were a call to the JCO that a panel is needed. It should not be submitted for every jury trial set. The Jury Panel Request Form should only be submitted when all settlement and plea negotiations have been exhausted and only after disposition or resolution of all pretrial motions (e.g. if a judge starts a motion to suppress at 11:00 AM and it has not concluded by noon, the case will not be eligible to receive the Monday Panel if another case is in the queue). It may be prudent to schedule a time consuming motion to suppress the week before a jury trial is set.

Jury Panel Request Forms will be available in CMS and POD (instructions are attached) and may be submitted electronically to the JCO via POD or CMS or in person or via email to: bseitz@cms.hamilton-co.org.

THE MONDAY PETIT JURY PANEL

Prospective grand jurors report to the Jury Commissioner's Office (JCO) every other Monday morning and generally clear out by 10:00 AM.

One petit jury panel (a 30-person panel) will be instructed to report in person at 11:30 AM on Monday in the JCO (the "Monday Panel"), allowing a window of time for the JCO to be cleaned between Grand Jury and the Monday Panel.

The Monday Panel will be instructed to eat prior to in-person reporting or to bring their lunch to consume in the JCO during orientation. Check in, orientation, and questionnaires will be completed by 12:30 PM. Questionnaires will be available to attorneys by 12:45 PM.

Courtrooms must notify the JCO that the Monday Panel is needed by providing a **Jury Panel Request Form to the JCO no later than NOON on Monday to be in the queue for the Monday Panel.**

Any Jury Panel Request Forms submitted after NOON on Monday will not be considered for determining priority for the Monday Panel if there is another case in queue.

If a courtroom needs the Monday Panel but cannot submit the Jury Panel Request Form by NOON (e.g. a hearing on a pretrial motion is ongoing), the courtroom should call the JCO after noon to inquire about the queue. If no other courtrooms have requested the Monday Panel, a Jury Panel Request Form must be submitted to the JCO by 1:00 PM to hold the Monday Panel.

If no Jury Panel Request Forms are submitted to the JCO by 1:00 PM on Monday, the Monday Panel will be released at 1:15 PM.

Monday Panel – Voir Dire

Voir dire of the Monday Panel will be held in the JCO (or Room 370 for Municipal) where social distancing is possible and must begin no later than 1:30 PM. If voir dire occurs in the JCO, it must conclude that afternoon or have progressed sufficiently to ensure the remainder of the panel can report to and socially distance in the assigned COVID jury trial room (566 or 580) to conclude voir dire. The Monday Panel must vacate the JCO to accommodate two jury panels on Tuesday.

Prior to voir dire in the JCO, JCO staff will ensure the Monday Panel is assembled in the JCO section with tables and chairs. The section of the JCO with the black chairs will be inaccessible to jurors and the windows between the JCO sections will be covered to prevent prospective jurors from seeing a locked up defendant in restraints.

THE TUESDAY PETIT JURY PANELS

Up to two additional petit jury panels will be instructed to report in person on Tuesday as needed by Common Pleas or Municipal Court. (There is enough room in the JCO for two jury panels to socially distance). Courtrooms must submit all Jury Panel Request Forms no later than 1:30 PM on Monday to be in the queue for a

Tuesday Panel and to allow sufficient time to instruct prospective jurors they must appear in person on Tuesday.

Jurors will not be instructed to report in person on Tuesday if no Jury Panel Request Forms have been submitted to the JCO by Monday at 1:30 PM.

The Tuesday Panels will be instructed to report to the JCO at staggered times in the morning to avoid long lines and large crowds. Check-in, orientation, and questionnaires will be completed within an hour.

Tuesday Panels – Voir Dire

If a Tuesday Panel will be assigned to a Municipal Court case, that 20-person Tuesday Panel will break off and report to Room 370 for voir dire after the defendant is brought to Room 370. Room 370 is large enough to allow for social distancing of a 20-person panel.

A Common Pleas Tuesday Panel (a panel of 30) will remain in the JCO for voir dire and will be relocated to the JCO section with tables and chairs as described above to escort a locked up defendant into the JCO without being seen by prospective jurors.

ADDITIONAL JURY PANEL FOR WEDNESDAY

The JCO will keep one group (panel) on hold until Wednesday in the event that a COVID jury trial room frees up unexpectedly by Tuesday at 1:30 PM (e.g. a mistrial is declared, a witness becomes unavailable, someone participating in the trial tests positive for COVID and the others are told to self-quarantine).

COMPLETING THE TRIAL

Successive jury trial days should start no later than 10:00 AM to ensure efficient use of the COVID jury trial rooms. Jurors should be instructed to report at 9:30 or 9:45 to avoid long lines at the entrance to the Courthouse.

Visiting Judge bailiffs (VJ bailiffs) have been relocated to the Common Pleas Assignment Commissioner's Office but will be available to assist with the jury so that courtroom bailiffs can continue dockets in the Judge's courtroom. VJ bailiffs can also assist in monitoring the status of deliberations.

Jurors who wish to remain for lunch will be instructed to use an alternate location (Room 424 or 203) for lunch where social distancing of a jury is possible. Because many restaurants are still carry-out only and we cannot provide a buffet type lunch such as pizza under current public health guidelines, jurors will need the option to bring their lunch or carry-out and have a place in the courthouse to eat. The jurors will be told to report to the alternate room at the conclusion of lunch so that a locked up defendant can be escorted to the COVID jury trial room without being seen in restraints. VJ bailiffs can assist with jurors during breaks.

If there are other cases still in queue in a given week, juries will deliberate in a separate room (424 for Common Pleas and 203 for Municipal Court) to free up the COVID jury trial rooms for other cases. When a jury has reached a verdict, if there is another jury trial in progress in a COVID jury trial room, the jury trial in progress will have to break for the verdict proceedings.

The JCO will issue a COVID jury trial room status report each Thursday to inform the bench about the prospects for availability the following week.

It is imperative that you keep the JCO informed about the status of your jury trial, particularly at critical junctures such as when deliberations are ready to begin or if a mistrial is declared so that the JCO staff can monitor the availability of the COVID trial rooms. Because trials do not often fit neatly within a calendar week, in-person reporting instructions after July 13, 2020 will be tailored to COVID jury trial room availability. Accordingly, please keep the JCO informed about the status of your COVID jury trial and any unexpected delays.

In the event that a COVID jury trial room is not available or there are not sufficient jurors to form a panel, you might consider application of R.C. 2945.72(H), "Extension of Time for Hearing or Trial," and incorporating the appropriate language in your continuance entry.

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While we navigate through the challenges of conducting jury trials during a pandemic, your patience, cooperation, and commitment to the safety of jurors and everyone who visits the Courthouse is greatly appreciated.

COVID JURY PANEL REQUEST FORM
COURT OF COMMON PLEAS

Judge Name: _____

Case Number(s): _____

Case Name: _____

Age of the case: _____

Incarcerated Defendant: YES/NO Degree of Most Serious Charge: _____

Date Jury Panel Requested: _____

Expected Length of Jury: _____ Expected Number of Witnesses: _____

(Note: a 30-person jury panel will be provided – larger panels require advance notice)

Speedy trial or other issue(s): _____

Case has previously been "bumped" YES/NO Number of times "bumped" _____

("Bumped" means a COVID Jury Panel Request Form was previously submitted and a jury panel was not provided due to unavailability of COVID jury trial courtroom)

All pretrial motions have a disposition or have otherwise been resolved (required)

All settlement or plea negotiations have concluded (required)

Counsel for State/Plaintiff(s) (Initial) _____	Counsel for Defendant(s) (Initial) _____
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Date submitted: _____

**JURY PANEL REQUEST FORMS MUST BE SUBMITTED NO LATER THAN
12:00 PM ON MONDAY FOR THE MONDAY AFTERNOON JURY PANEL**
(Requests submitted after noon will be considered for a Tuesday Jury Panel)

**JURY PANEL REQUEST FORMS MUST BE SUBMITTED NO LATER THAN
1:30 PM ON MONDAY FOR A TUESDAY JURY PANEL**

This COVID Jury Panel Request Form should be treated as if it were a call to the Jury Commission for a jury panel. COVID Jury Panel Request Forms should ONLY be submitted when a case is ready for jury trial.

Priority of Cases for COVID Jury Panel/Trial Rooms

Points Assigned (CMS can pull the bolded information from the database and calculate)

10 = Lock Up

5 = Offense of Violence

5 = Special Felony

4 = F1

3 = F2

2 = F3

1 = F4

1 = A case has been bumped (waitlisted for a jury trial room)

2 = Each additional time a case has been bumped (waitlisted for a jury trial room)

Tie Breakers in this order: oldest case, speedy trial issues, and other special circumstances.

Randomly draw: If two or more of the highest priority cases are equal, the cases shall be randomly drawn.