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LORAIN COUNTY

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LORAIN COUNTY COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO
JOURNAL ENTRY
HON. D. CHRIS COOK

Date Aug. 10, 2020

COVID -19 JURY TRIAL ORDER

Case No. MISC 2020

The following standing jury trial order is effective forthwith and is to be followed by all counsel, parties, staff, witnesses, and spectators, during the Novel Corona Virus Pandemic, known as COVID-19.

1) SOCIAL DISTANCING

All individuals are to employ social distancing when entering into and while remaining in the courtroom. The Court may modify this Order if Plexiglas dividers are available or in other, limited situations.

2) MASKS

All persons are to wear masks when entering into and while remaining in the courtroom. The Court may modify this Order if Plexiglas dividers are available or in other, limited situations, including the use of clear, plastic face shields.

3) JURY PROCEDURES

All prospective jurors will be screened by Court staff for temperature and masks after clearing the security checkpoint. The first 21 jurors (criminal cases) and 15 jurors (civil cases) will be taken to the courtroom for voir dire. Extra jurors will remain in the jury assembly area and will observe the proceedings *via* ZOOM teleconferencing. As/If jurors are excused for cause, they will be replaced by jurors from the jury assembly area. Once seated in the courtroom, jurors will be given a clear face shield in lieu of wearing a mask during voir dire. After jury selection is completed, jurors may wear either a mask or a clear shield.

4) PEREMPTORY CHALLENGES

Given that there is no federal or state constitutional requirement “. . . that peremptory challenges be provided within a trial,” this Court may limit or eliminate peremptory challenges depending on the number of potential jurors who appear. (SEE: *State v. Greer*, 39 Ohio St.3d 236, (1988), at ¶ 17, citing *Stilson v.*



United States (1919), 250 U.S. 583; *Striff v. Luke Medical*, 3rd Dist., Allen, No. 1-10-15, 2010-Ohio-6261, at ¶ 26.)

5) VOIR DIRE TIME LIMITATIONS

In order to reduce the time jurors and parties are exposed to each other, particularly jurors who are not selected, voir dire will be limited to 30-minutes per side. (SEE: *State v. Thompson*, 141 Ohio St.3d 254, 2014-Ohio-4751, at ¶ 72. “The manner in which voir dire is to be conducted lies within the sound discretion of the trial judge.”)

6) SPECTATORS/ MEDIA

In order to enforce social distancing and limit the number of people in the courtroom, each side will be permitted to have one “representative” present for all parts of the trial. The representative may be changed, but will be subject to a temperature check and required to wear a face mask at all times. The media will be accommodated to ensure a public trial.

7) JUROR BREAKS/DELIBERATION

In order to maintain social distancing during trial breaks and recesses, the jurors will be split up into two groups and placed in two separate jury rooms. Deliberations will occur in the courtroom, which will be locked while the jurors are present.

8) WITNESSES

Witnesses will approach the witness stand wearing a mask and prior to being sworn-in, will have their temperature tested and will be given a clear face shield after which they may remove the mask while testifying.

9) SIDEBARS

The Court will provide both parties with a one-way communication device that the judge, court reporter, and all parties may use during sidebars. If the devices fail to work as anticipated, sidebars will occur at the bench with all parties wearing face masks and clear face shields. NOTE: Sidebars will be limited.

D. CHRIS COOK//ss
JUDGE D. CHRIS COOK