

IN THE COMMON PLEAS COURT  
JACKSON COUNTY, OHIO

FILED  
Common Pleas Court  
Jackson, OH

JUL 29 2020

GENERAL ORDER FOR  
THE RESUMPTION OF  
REGULAR COURT SERVICES  
7/29/2020

SETH I. MICHAEL, CLERK  
DEPUTY  
20MIS0005

The Court in General Orders dated March 13, 2020 and April 6, 2020 set forth how the Court would operate during the COVID-19 pandemic in light of Governor Dewine's Emergency Declaration, CDC declaration, and guidance from the Ohio Supreme Court.

There have been recent modifications and easing of restrictions imposed under the Governor's Emergency Declaration. The Ohio Supreme Court has set forth a guide for continuing jury operations in light of COVID-19.

Therefore, the Court issues the following Order for operation of the Court:

**I. General.**

The Court in rescheduling continued hearings and new hearings will give priority to criminal cases, especially those cases with speedy trial issues that have constitutional issues. The Court expects that counsel shall be prepared to resolve cases scheduled for hearing by conducting hearings or by settlement. Continuances will not be continually granted. Good cause for continuances does not mean not being prepared for the hearing. The Court has considered the health of all the participants.

The Court finds that it is able to develop protocols for jury trials, Grand Jury sessions, civil and domestic relation trials and motion hearings.

**II. Procedures for all hearings.**

1. Everyone entering the courtroom or Magistrate's courtroom shall first check in on the second floor and undergo a body temperature reading at

the scanning station. If an individual's temperature is beyond the acceptable limit they will be denied access and be required to leave the building. Counsel may request a continuance if a witness is not allowed to enter the courtroom due to a body temperature issue.

2. Attorneys and their clients are responsible for their own face masks and gloves.
3. Indigent clients and criminal defendant's will be given a mask and gloves passed upon availability.
4. Witnesses will be supplied masks and gloves.
5. When speaking, witnesses are encouraged to pull down their face masks so a clear record can be made.
6. It is recommended that counsel lower their face mask when speaking so their speech may be accurately recorded.
  - a. In criminal cases or other cases where identification of a party or witness is at issue those individuals will be required to pull down their face mask in order to conduct the identification.
7. The Court has measured all seats in the courtroom and hallway outside the courtrooms. The seats shall not be moved except by permission of the court. These seats comply with social distancing requirements.
8. **The Court has room for three (3) witnesses to wait in the hallway prior to their testimony. Counsel shall schedule and subpoena their witnesses in a manner not to exceed the Court's three (3) witness limitation. Other witnesses shall remain outside the courthouse.**

**Counsel shall consider having other witnesses wait in other locations where they can be available to testify once they are called.**

9. Witnesses shall go from the hallway to the witness stand. Once a witness completes his or her testimony he or she shall exit the courtroom by the rear door and leave the courthouse.
10. Counsel shall not approach a witness without permission of the Court.
11. Counsel shall not approach the bench except by permission of the Court.
12. Counsel shall remain at counsel table except to access exhibits and presentation devices.
13. The parties shall exchange all exhibits prior to trial. Counsel shall submit a copy of their exhibits to the court by email at least seven (7) business days prior to any hearing at which the exhibit will be used. Any witness will be examined about an exhibit by displaying the document on the Court's Elmo device. The intent of this provision is to prevent the handling of an exhibit by multiple individuals. The provision does not apply to emergency hearings.
14. Counsel shall not be generally admitted into the Assignment Commissioner's office or the Court's Chambers.
15. Witnesses, counsel and parties shall adhere to social distancing rules.
16. Counsel shall pre-mark all exhibits. Plaintiff, State of Ohio shall use numbers for exhibits, Defendant's shall use letters for exhibits.
17. The courtroom will be cleaned each night after the days docket has concluded.

18. The witness stand will be cleaned after each witness testifies.
19. After direct examination the opposing party may use the jury room to consult with his or her client before beginning cross examination.
20. After cross examination the opposing party may use the jury room to consult with his or her client before beginning redirect examination.
21. Once parties or witnesses arrive in the courthouse they shall remain in the designated areas until the need for their presence has concluded. Leaving the courthouse to smoke is not allowed. The purpose of this provision is to stop individuals from constantly entering and leaving the courthouse which places an undue burden on security.
22. Any documents necessary to complete a plea and/or sentencing hearing shall be sent by the State to the Defendant's counsel. The documents shall be sent in a timely manner to allow counsel to review the documents with the Defendant **prior** to the hearing.
23. Entries shall be submitted to the Court by email. The Court will accept and treat the email copy as an original.
24. Counsel shall instruct their witnesses concerning the separation of witness order preventing witnesses from viewing the Court's live stream prior to the completion of their testimony. Once a witness is released from the subpoena they may view the Court's live stream of the hearing or trial.
25. Counsel shall instruct their witnesses, clients or representatives of the requirements of this Order.

26. Counsel and parties shall arrive at the front door security station no sooner than 15 minutes prior to the scheduled hearing.
27. Counsel shall appear in court with appropriate business attire.
28. Counsel shall instruct their clients and witnesses of the requirements of this order.

### **III. Jury Trials.**

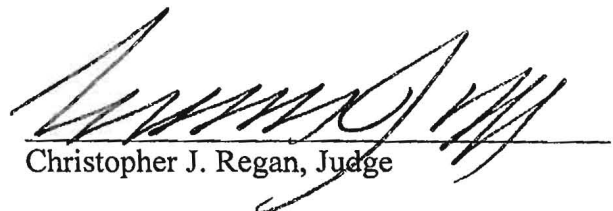
1. Jury Trials shall begin on Monday of each week unless otherwise ordered by the Court.
2. Monday shall be used for jury voir dire.
3. The Court will conduct four (4) jury voir dire sessions on Monday. Each group shall consist of no more than nineteen (19) prospective jurors.
4. The first jury voir dire session shall be conducted from 9:00 a.m. to 10:30 a.m. Prospective jurors shall arrive no sooner than 8:45 a.m. and no later 9:00 a.m.
5. The second jury voir dire session shall be conducted from 10:45 a.m. to 12:15 p.m. Prospective jurors shall arrive no sooner than 10:30 a.m. and no later than 10:45 a.m.
6. The third jury voir dire session shall be from 1:00 p.m. to 2:30 p.m. Prospective jurors shall arrive no sooner than 12:45 p.m. and no later than 1:00 p.m.
7. The fourth jury voir dire session shall be from 2:45 p.m. to 4:15 p.m. Prospective jurors shall arrive no sooner than 2:30 p.m. and no later than 2:45 p.m.

8. During each of the four (4) prospective jury voir dire sessions, prospective jurors shall undergo examination by the court and counsel if they so choose. In conducting voir dire examination counsel shall not repeat questions previously asked. Counsel shall examine the prospective jury panel as a whole. Counsel shall not repeat the same question to each prospective juror. Voir dire shall be limited to the 90 minute time frame for each session.
9. Counsel shall begin to exercise challenges for cause, pre-emptories or passing as challenges beginning with the first group. If a jury can be selected from the first group the remaining group will be excused.
10. After the jury is selected, during the start of the first day of the trial, jurors shall report to the main entrance to the courthouse and proceed to their assigned seat in the courtroom.
11. The courtroom shall be used for jury deliberation. Rather than use the jury room, jurors shall remain in the courtroom during the trial. Court and counsel will use other offices to conduct preliminary voir dieres of witness special juror examination and bench conferences to resolve procedural and evidentiary issues.
12. When the jury has reached a verdict the foreman shall knock on the Assignment Commissioner's door.
13. Trial shall commence with opening statements on Tuesday's.
14. Provision Section II of this order applies to jury trials.
15. Public access to jury trials shall be by means of live streaming.

16. There will be a designated press seat in the courtroom.
17. The Court shall instruct the jury that social distancing, face masks and other safety precautions have no bearing on the resolution of any of the issues which are being decided in the case.

**IV. Grand Jury Proceedings.**

1. Grand Jury shall be conducted on the third Friday of each month beginning at 9:00 a.m. and ending at 4:00 p.m. Grand Jury shall not go beyond 4:00 p.m. without the permission of the Court.
2. Grand Jurors shall have 20 minutes mid-morning, an hour lunch and a 20 minute mid-afternoon break. Jurors are entitled to other breaks to accommodate any special needs.
3. Grand Jurors shall report to the Court no later than 8:45 a.m. Juror examination and instruction shall begin at 9:00 a.m.
4. Grand Jurors will be directed to numbered seats in the courtroom. The seats are spaced six (6) feet apart for social distancing purposes.
5. Grand Jurors will be supplied with face masks and gloves.
6. Use of exhibits, witness examination, number of witnesses that can be called at any specific period shall be governed by the provision under Section II of this Order.



Christopher J. Regan, Judge