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AKRON MUNICIPAL COURT
SUMMIT COUNTY, OHIO

IN THE AKRON MUNICIPAL COURT
SUMMIT COUNTY, OHIO

2020 MI _____

**TEMPORARY EMERGENCY
ORDER: ESTABLISHING TEMPORARY
STANDARD JURY TRIAL PROTOCOL**

On March 18, 2020, the Court issued a General Order making certain findings of fact and based upon those findings, ordered certain changes to provide the Court with the flexibility, within Constitutional limits, to respond to the public health emergency created by COVID-19.

In further response to this public health emergency, the Akron Municipal Court hereby temporarily issues the following Temporary Standard Jury Trial Protocol effective immediately:

THEREFORE, IT IS HEREBY ORDERED:

1. **Temporary Remote Sites:** The following location is designated a temporary court location pursuant to R.C. 2301.04: Oriana House Training Center, 815 Carroll St, Akron, OH 44305 ("remote site").
2. **Pretrial Juror Communications and Questionnaires:** The Jury Bailiff will mail a letter to prospective jurors along with a jury service questionnaire. The letter will contain advisements for being excused from jury service and the opportunity to express a "COVID-19" reason for being excused from jury service. The letter will inform the prospective jurors that the Court has a strong interest in minimizing the risk of anyone contracting COVID-19. Anyone who asks to be excused because they are in a "high risk" category for contracting COVID-19 with documentation from a physician, has tested positive within the last fourteen (14) days or have test results pending with documentation from a physician, have been notified by any health department that they or a household member have been in contact with an individual who has tested positive for the virus, or are currently in self- quarantine, should fill out and return the questionnaire within five (5) business days of receipt along with any other request for excusal.
3. **Health Department Protocols:** The letter from the Court will also inform jurors of the new jury trial protocols implemented by the Court, as approved by the Summit County Public Health Department, for jury trial service.
4. **Telephone Message / Webpage for Jurors:** Starting the Sunday prior to their service at 5:00 p.m. and on every night during the petit jury service, phone messaging and the juror call-in webpage will include instructions for reporting including the location, time, and reminder about mask protocol and conduct.

5. **Advance Setup:** The court/maintenance department will set up the courtroom and the remote location with chairs spaced six feet (6) apart. Directional arrows and signage for social distancing will be placed throughout the space.
6. **Jury Appearance for Jury Selection:** Jury selection will take place at the remote site. Bailiffs shall arrive by 7:30 a.m. Bailiffs will provide the Jury Bailiff with a list of jurors in attendance. After running the jury panel, the Jury Bailiff will email/fax the Bailiffs information. All prospective jurors 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:
 - a. Fever more than 100.4 degrees;
 - b. Persistent, dry cough
 - c. Shortness of breath or difficulty breathing
 - d. Chills, muscle pain or sore throat
 - e. New loss of taste or smell
 - f. Nausea, vomiting, or diarrheaJurors will be instructed not to come to trial if they are experiencing these symptoms or feel sick and told to call to be excused from jury service. Prospective jurors will be questioned about whether they are experiencing any COVID-19 symptoms.
7. **Check-in Protocol:** Once screened, prospective jurors will stand on "social distancing" markers while waiting for staff to check them in. Hand sanitizer, gloves, and other items designed to stop the spread of COVID-19 will be available at the entrance.
8. **Facial Coverings/Gloves/Hand Sanitizer:** The Court will require all people who enter the remote location to have facial coverings pursuant to Governor DeWine's Order dated July 23, 2020. Any person without a proper face covering, gloves or hand sanitizer will have those items provided to them by the Court.
9. **Witnesses:** All witnesses will adhere to the "self-monitoring" requirements as noted above. The party who subpoenaed the witness is order to communicate this directive before trial and notify the Court of any issues immediately.
10. **Public Access and Media:** In order to ensure the safety and security of jurors, court staff, the attorneys, and the defendant, public access will not be permitted during voir dire. Any member of the public or media who wants to observe the trial shall adhere to all of the requirements as noted above. As necessary, the Court reserves the right to live stream the trial.
11. **Courtroom Configuration/ Voir Dire:** All participants will be seated in a socially distanced manner and challenges for cause and peremptory challenges will be made in the presence of the prospective jurors. Microphones will not be used unless absolutely necessary and instructions

will be given to have the prospective juror stand on a marked spot closer to counsel. Disposable plastic baggies will be placed on each microphone used.

12. **Trial Exhibits:** Each party will wear disposable gloves to handle exhibits and the exhibits will not be passed to jurors during the trial. Original documents will be placed in a slip screen and wiped down by counsel between each use.
13. **Bench Conferences/Side Bars:** Bench conferences will take place in a location outside of the prospective jury's sight when possible to adhere to social distancing.
14. **Juror Conduct During Trial:** Jurors will be permitted to bring bottled water with them and consume it during trial at the discretion of the judge presiding over the trial.
15. **Restroom Use:** No more than one person may enter the restroom at a time during breaks to maintain social distancing.
16. **Deliberations:** All deliberations will occur privately in the courtroom.

This protocol is subject to joint modification by the Court and the Summit County Public Health Department should circumstances arise necessitating a deviation from the procedures set forth herein.

IT IS SO ORDERED.

s/Nicole Walker

HON. NICOLE ANN WALKER
PRESIDING/ADMINISTRATIVE JUDGE,
AKRON MUNICIPAL COURT

A copy of this Order will be published on the Akron Municipal Court's website and shall be served by regular or electronic mail upon the following:

Chief Justice Maureen O'Connor, Supreme Court of Ohio
Akron Municipal Court Chief Prosecutor
City of Akron Chief Ken Ball
Akron City Council
Summit County Legal Defender's Office
Akron Bar Association