

## APPENDIX C



PROGRAM DOCUMENTATION FOR THE  
NEW COURTHOUSE BY THE NATIONAL  
CENTER FOR STATE COURTS  
AS OF 10/11/06



# Program Documentation for Franklin County Court of Common Pleas Hall of Justice

The National Center for State Courts was assigned the task of reviewing and validating the space requirements for the new Hall of Justice Building. This has involved a series of site visits, meetings with judges, court staff, and county officials, review of previous documentation, and collection of more recent court statistics and program information.

The following persons were interviewed and interview notes can be found at the end of this report.

Gayle Dittmer, Chief Probation Officer  
Thomas Castetter, Operations Manager, Adult Probation  
David Migliore, Chief Deputy Clerk  
Steve Martin, Sheriff's Office  
James Karnes, Sheriff  
Kathy Crandall, Director, Office of Homeland Security and Justice Programs  
Mark Barrett, Chief Deputy Sheriff  
Attiba Jones, Executive Director, Court of Common Pleas

Additionally, information was gathered from Adult Probation on the time spent by officers in interviews and client meeting. Data on court caseload and trials were obtained from the court and Clerk's office. Organization charts were provided by the Clerk's Office, Adult Probation, and the Sheriff. Additional information was provided by the Clerk's Office on the number and size of case files by type of case.

## **Adult Probation**

The first priority for Adult Probation is to move to the new building. If the entire office cannot move, the office can remain where it is, but space needs to be made for the Intake and PSI units along with a large 500 sq. ft. room that can serve as a field office for officers who need to meet with the court or appear in court.

A great many clients come to probation to report, for testing, classes, weekly and monthly reporting, etc. Two options were examined for accommodating these processes. The first is to have all interviews and meetings take place in the officers' private office as is now done. This requires an enclosed office of a minimum size of 120 square feet to ensure safety (space provided in the original program was only 96 nsf). The second option is to provide sufficient dedicated interview rooms where officers may meet with clients. These would be located conveniently off the main reception and public waiting area. Officers would still have a private workspace but would not require a private office in this scenario and would be accommodated with an open workstation of 48 nsf. This configuration requires approximately 17 interview rooms to meet the interview needs of all functions within the office.

- Also provided are an executive conference room, a training room, and a small hearing room for administrative hearings.
- A lab facility with toilets is provided for the taking and testing of all urine samples. Toilets need to be secure and should not be used for any other purpose than the taking of samples. A separate room is provided for HIV and DNA testing.
- A dedicated classroom has been included for Day Reporting classes.
- The public reception area should be fitted with a counter-to-ceiling break resistant glazing. A transaction window where the receptionist can greet visitors should be located at the reception counter workstation.

- The waiting area should accommodate approximately 80 persons at one time.
- Furnishings in the waiting area should be durable and easy to maintain. The area should be furnished with side chairs and a coat rack.
- Access to the office should be controlled by the receptionist with an electronic lock with remote release.
- The receptionist should be physically separated from the waiting area but have direct observation of the entire waiting area.
- A secure cashiers' station should be located next to the reception's transaction window.
- All public reception and cashier counters must be ADA compliant.
- The Department needs a large training room for staff meetings and training programs.
- All conference rooms need to be wired for video conferencing, and should have electrical outlets and data jacks available to persons using the room.
- Day Reporting should have a large classroom.
- A paging system should be installed that covers the entire office.
- Photocopy / workrooms need to be located in the office and should have sufficient electrical outlets and space to contain a photocopier, shredder, fax machine, and shared printer, and be furnished with counter workspace with storage above and below.
- A mail sorting area and space for staff mail boxes should be located in the office.
- It is planned that probation officers should use common interview room for client meetings and not have clients back at their office.
- Approximately 17 interview rooms should be provided for officers to meet with clients. All interview rooms should be equipped with glass panel and a duress alarm.
- All interview rooms and supervision officers' offices must be acoustically separate from adjacent areas. Interview rooms and supervision officers' offices must have vision panels.
- Probationers come to the office to provide urine specimens in order to check for drug use. Space is needed for a testing laboratory, supplies storage, and two toilets with an entrance vestibule that serve as specimen collection stations. For the convenience of persons reporting only for the purposes of providing a urine specimen, the toilets should be located close to the public reception area. Barrier free access should be provided.
- To avoid contamination of specimens, the two toilets should be used only for the collection of urine specimens. Each room should accommodate both the person providing the specimen and the officer supervising the collection. The door to the toilet should be locked at all times except when the room is in use.
- The urinalysis supplies storage closet should be adjacent to the urinalysis toilets, accessible only from restricted circulation.
- The reception area should be directly accessible from the public areas of the building. Within the offices there should be a semi-private circulation pattern connecting spaces used by the officers and staff. It is also desirable to have a private and secure access to the courthouse's secure corridors.
- Staff should be able to enter and leave the offices without passing through the public reception and waiting area, or extensively using public circulation.
- The security and alarm systems for the offices must function as an integral part of the security and alarm systems for the entire facility.

- Duress alarms must be located at all reception counters, interview rooms, supervisors' offices, supervision officers' offices, and secure storage areas.

### **Courtsets and Chambers**

- It is assumed that there will continue to be 1 magistrate for every two CCP judges who will work together as a "team". The program anticipates 24 judges and 12 magistrates in the future.
- The program call for 22 regular jury trial courtrooms and two larger unassigned courtrooms for high-profile cases or visiting judges, and 12 magistrate courtrooms/hearing room.
- Each Magistrate should have a litigation space (hearing room or courtroom) of approximately 1,200 square feet that can accommodate a jury box for civil trials.
- There should be one jury deliberation room for every two courtrooms that can also be shared with the magistrates when they conduct a jury trial. It is assumed that jury deliberation rooms could be used for settlement conferences and arbitration conferences when not in use by a jury.
- The program assumes that criminal arraignments will either be handled by video conferencing or conducted at the jail in the future.
- Courtrooms are sized at 1,700 nsf, and a corner bench is assumed.
- All courtrooms should have adjacent prisoner holding capacity with a non-contact attorney / client interview room.

### **Court Administration**

- Court has established a drug court and is creating a mental health court. Total staff is approximately 8. Other special programs may be created in the future through grants. Space needs to be provided for staff and clients who need to report regularly and appear in court. Spaces should be convenient to the judges and courtrooms.
- A small waiting area is needed for people visiting drug and mental health court staff and a conference room.
- Court may establish a re-entry program that would require additional staff.
- Court reporters can be clustered on the court floors on in a single office. Each judge has an assigned court reporter, and 5 floater court reporters serve magistrates and visiting judges.
- Arbitration hearings are done daily; a small hearing room is needed.
- Civil protection orders are handled by 2 liaison persons, 1 secretary, and 1 part-time magistrate. This is a growing problem; with 30-40 requests per week. Currently handled by magistrates.
- Staff attorneys might be pooled with magistrates.
- Court Administration feels that a training room is not needed.
- Judges require a large conference room for en banc meetings.

### **Central Holding**

- The new HOJ should have sufficient basement holding to accommodate approximately 100 to 120 in-custody defendants daily. It should be assumed that most prisoners will arrive by bus and a vehicular sally port is required that will accommodate the Sheriff's bus.

- Central holding needs to be sized to serve only the Court of Common Pleas. Any future municipal court built of the site should be assumed to have its own separate central holding.
- Building security camera surveillance and alarms will be remotely monitored from the dispatch room in the jail across the street.
- The sheriff indicates his wish to have an office and space for receptionist/support staff in the new building. (Note: It is not included in the original space program.)

### **Court Clerk's Offices**

The office should be adjacent to private zones for access to judges, staff, and routine office functions. This provides separation between the public and the clerk's work area, yet does not inhibit the transaction of business. Because this is a high traffic area, public seating should be provided near the clerk's public areas, and this area should have writing surfaces available. Other public accommodations include space for public access computer terminals / workstations, document or file review room, and ample public queuing space.

- It should be assumed that the Clerk's administrative offices will remain in the County office building and not move to the new HOJ.
- The current civil and criminal sections will be reorganized and combined into a single office with deputy clerks cross-trained to perform both civil and criminal duties.
- Separate public civil and criminal counters areas should be maintained for the convenience of the public and to avoid confusion.
- The office requires a mix of private offices and open workstations. Private offices are needed by the supervisory staff, as well as some professional positions such as the bookkeeper who requires privacy.
- Other spaces required include active file and records storage areas, supply and equipment storage, copy and workroom spaces, mail delivery and sorting areas, a safe for money and valuable documents, exhibit storage vault or secure room, microfiche or document imaging room, a staff break room and restrooms, public counter space, and a public records viewing area.
- The Office should have access to judicial corridors and other private courthouse zones. This will enable staff to transport files, evidence and funds without intersecting public areas.
- The work of the deputy clerks in the office is changing with the advent of full automaton and document imaging and the use of electronic documents instead of paper. Traditionally clerk offices were open spaces where it was easy to move paper files from station to station with lots of file storage space and counter tops to sort papers and files. Work now is being done with computers and less paper needs to be shuffled from location to location as work is transmitted electronically. This will require less circulation, less file storage close to the workstations, and less space to sort documents. It will mean more space for office and computer equipment, and perhaps more semi-private office space or workstations as the work becomes more that of a data manager than that of a document handler.
- The individual workstations, with open landscaping, should be 48 net square feet each, in addition to internal circulation space between stations. Workstations may be clustered by function (civil, criminal) and each major area should be afforded as much natural light as possible.
- Counter workstations should provide between five and six running feet of counter per workstation for most clerical functions of the court. Total space required ranges from 45 to 66 NSF, including space for the counter, one person to be served, and the clerk. Both seated and standing positions are required. Several of the public positions should be handicapped accessible. The office also requires a large document viewing area where the public and

attorneys may view case files that are currently on microfiche and which will eventually be viewable as electronic document images. This area requires a public counter, microfiche storage cabinets, and approximately 24 viewing positions (microfiche machines and later video display monitors), and work and writing surfaces.

## **Exhibits**

- A. *Ohio Rules of Court — APPENDIX D — COURT FACILITY STANDARDS***
- B. *Interview and Meeting Notes, National Center for State Courts.***
- C. *Responses of the Franklin County Common Pleas Judges Building Comm. — Questions from National Ctr. State Courts Sept. 2006.***
- D. *Franklin County Clerk of Courts, Five Year Statistical Report, 2001 through 2005***
- E. *Jury Commissioner's Trial Stats, 2006 (January — September)***
- F. *Jury Trial Statistics for 2000, 1999***
- G. *Ohio Court Structure, 2004***
- H. *Clerk of Court, Criminal Section, Organization Chart***
- I. *Clerk of Court, Civil Section, Organization Chart***
- J. *Adult Probation and Community Corrections Program, Organization Chart***
- K. *Franklin County Sheriff's Office, Organization Chart***

## A. Ohio Rules of Court — APPENDIX D

### COURT FACILITY STANDARDS

These standards apply to all courts of record in Ohio except as otherwise indicated. The standards represent the minimum requirements to ensure the efficient and effective administration of justice and are intended to complement federal, state, and local laws, regulations, and standards pertaining to building construction, safety, security, and access.

**(A) General considerations.** In order to maintain suitable judicial atmosphere and properly serve the public, clean, well-lighted, adequately heated and air-conditioned court facilities shall be provided and maintained.

**(B) Location.** The facilities should be located in a courthouse or county or municipal building. The location within the building should be separate from the location of non-judicial governmental agencies. Court facilities should be located in a building that is dignified and properly maintained.

**(C) Courtroom.** Every trial judge should have a separate courtroom.

The courtroom should have adequate seating capacity so that litigants and others are not required to stand or wait in hallways and areas adjacent to the courtroom.

All participants must be able to hear and to be heard. If the room acoustics are not satisfactory, an efficient public address system shall be provided.

Every courtroom should have an elevated bench. Adequate shelving should be provided adjacent to the bench for legal reference materials. United States and Ohio flags should flank the bench.

The witness chair should be near the bench, slightly elevated, and situated in an appropriate enclosure.

Desks, tables, and chairs should be provided for all court personnel regularly present in the courtroom.

Tables and chairs should be provided for parties and counsel. Tables shall be situated to enable all participants to hear and to allow private interchanges between litigants and counsel.

Each trial courtroom should be equipped with a jury box, suitable for seating jurors and alternates sufficient to meet the demands of the court. The jury box should be situated so that jurors may observe the demeanor of witnesses and hear all proceedings.

A blackboard and other necessary demonstrative aids should be readily available. Unnecessary material or equipment should not be kept in the courtroom.

Each judge should have private chambers convenient to the courtroom. Access from chambers to the courtroom should be private. Chambers should be decorated and equipped in appropriate fashion.

**(D) Library.** Each court shall be provided an adequate law library comprised of those materials, including electronic media, considered necessary by the court.

**(E) Magistrate.** Magistrates should have courtroom and office facilities similar to those of a judge.

**(F) Juror and witness facilities.** Each trial courtroom shall have a soundproof jury deliberation room located in a quiet area as near the courtroom as possible. Access from the jury deliberation room to the courtroom should be private. Private personal convenience facilities should be available for the jurors.

An adequate waiting room must be provided for jurors. Reading material of general interest, television, and telephones should be provided.

A waiting room comparable to the jurors' waiting room should be provided for witnesses.

**(G) Consultation room.** A room should be provided for use of attorneys.

**(H) Violations bureaus and pay-in windows.** Facilities for violations bureaus and pay-in windows should be located near public parking areas.

**(I) Court staff and court-related personnel facilities.** Adequate space and equipment shall be provided for court personnel to prepare, maintain, and store necessary court records. Space and equipment should be utilized to ensure efficiency, security, and confidentiality.

Adequate restroom facilities separate from public restroom facilities should be provided for all court personnel.

**(J) Public convenience facilities.** Clean, modern restroom facilities should be available in the vicinity of the public areas of the court. Public telephones should be available and afford privacy.

## **B Interview and Meeting Notes**

### **FRANKLIN COUNTY COMMON PLEAS COURT ADULT PROBATION**

**ATTENDING:** Gayle Dittmer, Chief Probation Officer  
Don Hardenbergh, Court Works  
Chang-Ming Yeh, NCSC

**DATE:** August 24, 2006

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- Adult Probation handles adult felons for Common Pleas Court.
- Total stall is 105.

#### **Supervision**

- Office is organized into several units with a supervisor and about 7 officers each.
- About 5,000 probationers are under supervision.
- Each unit has a reporting week each month.
- Intensive probation clients come in twice a month;
- Medium supervision clients come in once a month;
- Minimum supervision clients come in about once every 3 months.
- Line officers and intensive supervision officers have 2 report days per month.
- Sex offender unit has a report day each week.

#### **Drug/Alcohol Testing**

- Urinalysis lab collects samples for drug testing. Done in the municipal court building.
- Samples are sent out for testing.
- Needs several large toilets in the unit.

#### **Parole Officers**

- Parole officers do PSI reports.
- Currently there are eleven (11) officers and they plan on adding additional officers in future.

#### **Standards**

- Intensive probation should have 35 clients per officer. Current level is 50.
- Minimum supervision should have 120 clients per officer. Current level is 140.

#### **Records**

- Office is still using paper files but is working on an imaging system.
- Two years' of case files are kept in the office.
- After 2 years they are sent off-site and after 5 years they are microfilmed.

#### **NETCARE**

- **Not part of probation.**
- Conducts drug and alcohol assessments of new clients.
- Interview clients and use PSI reports to recommend drug or alcohol treatment.
- Located in HOJ.

#### **Intake**

- Offenders ordered to intake by court.

- Usually walked in by their attorney.

**Pretrial Investigations**

- Investigators conduct a records check on all felony offenders prior to appearing in court.
- They assess suitability of release on bond and pretrial supervision.

**Day reporting**

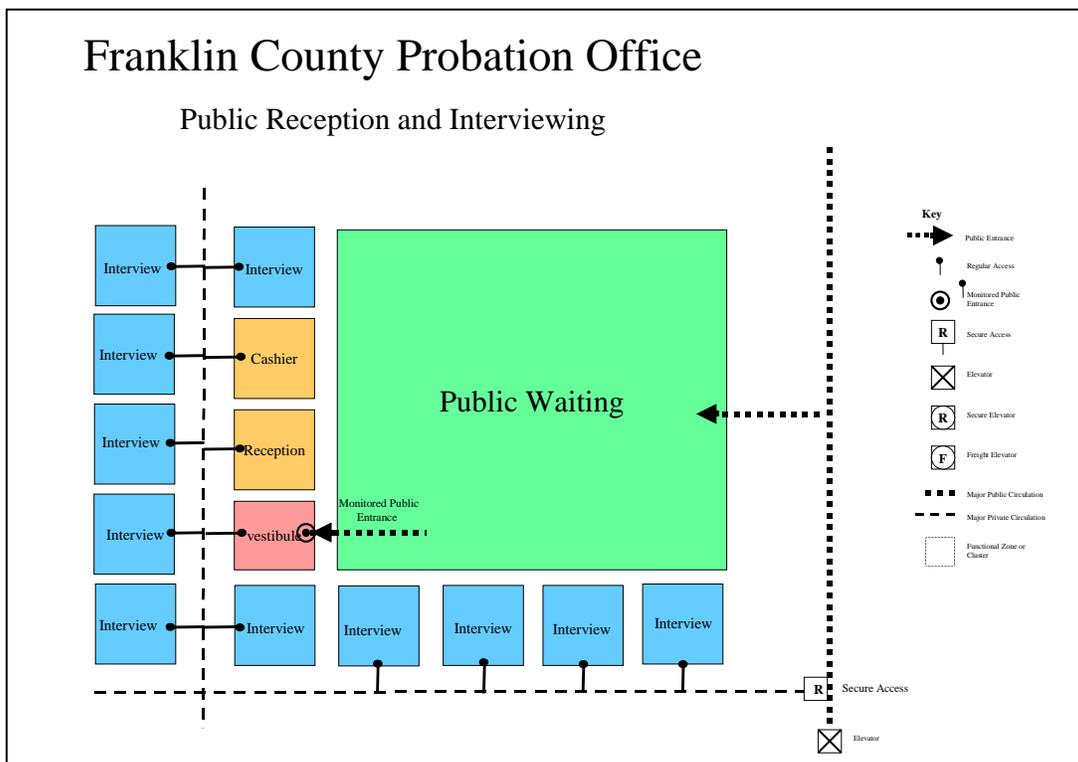
- Clients receive a 7-8 weeks series of classes.
- Held in courthouse.
- 20-25 persons per class.
- Units consists of a supervisor and two community service officers.
- Needs a classroom that will seat 25.

**Reception and Waiting**

- There is a cashier in the office that is an employee of the clerk’s office.
- Should plan on the cashier as part of new building.
- Located off public waiting area adjacent to reception.
- Public waiting area should hold about 50 persons.
- Need small counters spaces to fill out forms.

**Client Interview Rooms**

- In order to maintain a safer and more secure facility, clients should not be escorted back into the private work areas and interviewed in private offices.
- Discussed concept of having approximately 10 client interview rooms located adjacent to the public waiting area where officers may interview clients without taking them back to their work areas.
- These interview rooms could be shared by all probation officers.
- Other offices such as NETCARE and perhaps intake might also use the interview rooms.



**Large space Needs**

- Client waiting room
- Officer training room — seats 50
- Day reporting classroom — seats 25
- Staff conference room — seats 15-20

**Spaces**

- Director's Office
- Program Evaluation Analyst
- Restitution Analyst
- Financial Analyst
- Financial Analyst Assistant
- Classification Manager
- Specialized Services Manager
- Training Room
- H/R Training Manager
  
- Sr. Probation Officer
- Probation Coordinator
- Sr. Probation Officer/Coordinator
- Sr. Investigator
- Investigator
- Investigator Secretary
- Investigator Waiting Area
- Intake Officer
- Intake holding area
- Main waiting area
- Interview Rooms
- Public Counter
- Cashier (Clerk's Office)
  
- Bookkeeper
- Night Monitor
  
- Lab Technician
- Lab
- Lab Toilets (2)
  
- Day Reporting
- Day Reporting Classroom
- Admin. Assistant
  
- Probation Officers
- Intensive Probation Officers
- Clerical Support Supervisor
- Adult Parole Supervisor
- Adult Parole Officer
- Probation secretaries / receptionist
- Court preparation specialist
  
- NETCARE Case Coordinator
- NETCARE Supervisor
- NETCARE Manager
- NETCARE Admin. Assistant
- Offender Toilets

- Staff Toilets
- Coffee bar and break area
- Central file Storage
- Workroom (printers, copier, supplies, storage, etc.)
- Storage
- Conference Room

# Interview Notes

## FRANKLIN COUNTY COMMON PLEAS COURT CLERK'S OFFICE

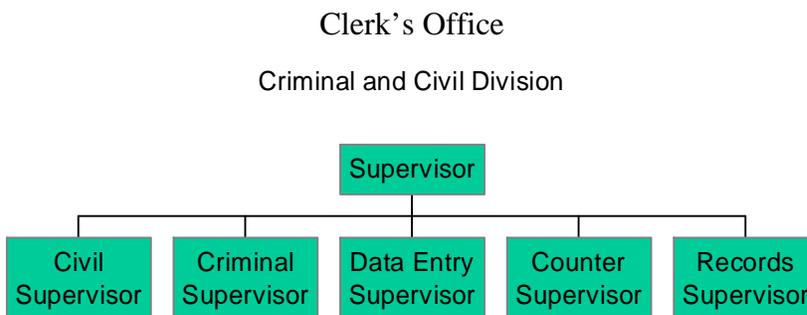
**ATTENDING:** David Migliore, Chief Deputy Clerk  
Don Hardenbergh, Court Works  
Chang-Ming Yeh, NCSC

**DATE:** August 24, 2006

### Organization

- Criminal Division 24
- Civil Division 29
- Budget and Mgt. 21
- Administration 13
  
- Budget and Mgt. and Administration are to stay in the County Building.
- No growth in staff is anticipated. Staff may actually go down with advent of e-filing.
- Civil and Criminal Divisions should be combined in new building. Staff will be cross-trained and there should be one combined public counter.
- New staffing will have:
  - 1 supervisor
  - 1 civil supervisor
  - 1 criminal supervisor
  - 1 data entry supervisor
  - 1 counter clerk supervisor
  - 1 records supervisor

Public Counter positions [5 civil /3 criminal] — Leave at 8 in new building.



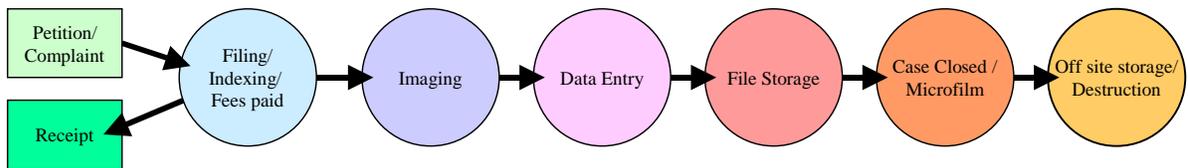
### Records

- Keep 5-years of case files on-site.
- Exhibits are stored in courthouse and then sent to the off-site storage. Evidence is kept by the prosecutor.
- After 5 years case files and exhibits are sent to a storage facility at the Great Southern Shopping Center. Also includes auto.
- We should assume on using high-density storage in the new building.

- Active case files are imaged onto microfiche. Microfiche is used to look-up case information by public and attorneys; they never see the paper case file. There is a viewing room next to the records storage area.
- After the case is closed it is microfilmed by the County Recorder's Office before it is sent off-site and eventually destroyed.

### E-filing and Imaging

- Currently, the court has its own computer network and county has its own computer network run by its data center
- Clerk would like to be on the County's network.
- County Recorder's Office has a microfilm center that microfilms the court case files after they are closed.
- Planning on going to a document imaging system to replace the present microfiche system.



- Would like to convert from microfiche to imaging immediately and image all active cases, but may be too expensive. May have to keep using the microfiche for several years and just begin imaging new cases as they are filed.
- Eventually court documents will be placed on the internet.

## **Interview Notes**

### **FRANKLIN COUNTY COMMON PLEAS COURT CLERK'S OFFICE**

**ATTENDING:** Jane Vandenburg, SCA  
David Migliore, Chief Deputy Clerk  
Don Hardenbergh, Court Works

**DATE:** August 25, 2006

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David provided a Tour of criminal and civil offices.

#### **Divisions**

- Appeals
- Criminal
- Civil
- Juvenile Traffic — won't move
- Domestic — won't move

#### **Civil Division**

- 8 counter stations
- Telephone reception
- Indexes on wall in public area
- Cubicle workstations
- Mail service for entire office — should be split in new building.
- Supervisor's office
- Records room
- Exhibit storage
- Client account clerk (part of OMB) — keep with account clerks
- 5 rooms on 5<sup>th</sup> floor [approx. 150 sq. ft. each] of case files.
- 10 data entry stations.
- Microfiche camera — replace with document scanners.

#### **File Review Room**

- Approx. 400 sq. ft.
- 16 microfiche readers and viewing stations — need 20-25 stations for imaging.
- Large microfiche file cabinet in center of room.

#### **Criminal Division**

- Supervisor office
- 3 public counter positions
- Telephone reception
- Break area
- Data Entry
- Daily reporter [legal reporter collects information on new criminal cases] — when cases imaged reporter can access information on-line.

## **Interview Notes**

### **FRANKLIN COUNTY OFFICE OF HOMELAND SECURITY**

**ATTENDING:**

Steve Martin, Sheriff's Office  
Kathy Crandall, Director Office of Homeland Security and Justice Programs  
James Francis, Aggleton & Associates  
Jane Vandenberg, SCA  
Don Hardenbergh, Court Works  
Chang-Ming Yeh, NCSC

**DATE:** August 24, 2006

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- Downtown jail — high security
- Remote Jail — dormitory housing, lesser security
  
- Will need to keep the downtown jail.
  
- Facility report has numbers on prisoner court visitation.
  
- Office of Homeland Security is also responsible for business continuity and emergency preparedness and evacuation.
  
- Blast proof windows are needed.
  
- Courthouse is considered a critical physical infrastructure. Should apply Federal guidelines to court facilities.
  
- Video surveillance is needed.
  
- There are radio dead zones in downtown area.
  
- Need to consider media presence and provide space for TV trucks to park adjacent to courthouse.

## Interview Notes FRANKLIN COUNTY SHERIFF OFFICE

**ATTENDING:** James Karnes, Sheriff  
Mark Barrett, Chief Deputy  
Don Hardenbergh, Court Works  
Chang-Ming Yeh, NCSC  
James Francis, Aggleton & Associates  
Jane Vandenburg, SCA

**DATE:** August 25, 2006

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- Sheriff will not transport or escort prisoners in the open.
- Need holding facilities in courthouse to handle influx of prisoners.
- Transported 400 inmates on Tuesday.
- Need to keep CCP and municipal court detainees separate (felons vs. misdemeanants).
- Can have separate holding areas in both municipal court and court of common pleas. They don't need to be combined if the municipal court moves to the site in the future.
- Video arraignment would reduce need to transport prisoners. Opposed by Public Defender.
- Magistrates generally do arraignments in the municipal court.
- Municipal court arraignments held on Monday — Saturday mornings.
- CCP arraignments held Monday — Friday in the afternoon.
- Municipal court needs holding capacity of 300-400 detainees.
- CCP Holding:
  - (4) large holding cells — 30 persons each
  - (6) single person holding cells
  - (2) 10-person female holding cells
  - Total capacity of 150 with 20-25 females
- All courtrooms should have adjacent holding cells.
- Need video surveillance in court floor holding areas.
- Building surveillance will be controlled by the building staff, not the Sheriff.
- If new courthouse is equipped with sally port, Sheriff would transport directly to courthouse and not take them to the jail first.
- Now using the loading docks to unload prisoners because busses cannot get into the sally port.
- Arraignments:
  - Monday and Wednesday 55 arraignments
  - Friday 35 arraignments

- Need security separation between spectators and well of courtroom during arraignments. Would like security glazing with a door separating the spectator area and the well of the courtroom.
- **Annex Building — Sheriff's Offices**  
Can leave these functions in annex:
  - Radio rooms
  - Finance
  - Personnel
  - Process
  - Undercover
- Real Estate must be in the courthouse. They handle sales
- Sales by law must occur on the steps of the courthouse. 200 sales per week.
- Handled by branch of Sheriff's civil process division — 4 people.
- Sheriff provided organization chart of the office.
- Parking Needs:
  - 2 busses that hold 48 people
  - 6 vans that seat 15 people.

## **Interview Notes COURT OF COMMON PLEAS COURT ADMINISTRATION**

**ATTENDING:** Atiba Jones, Executive Director, Court of Common Pleas  
Don Hardenbergh, Court Works  
Chang-Ming Yeh, NCSC

**DATE:** September 26, 2006

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Probation officers like to work in their offices where they can type notes during the interview.

Discussed how growth could be handled in Adult Probation if the office is planned with interview rooms.

Court staff is now scattered among three buildings. Need to be consolidated.

There needs to be a tunnel for the public to use to move between the current courthouse and new HOJ.

Access to the new HOJ is critical. Also need to allow staff to move back and forth.

Judges carry a caseload of 700 to 800 cases on their docket.

The magistrates do most of the arraignments; a few judges to their own criminal arraignments.

Arraignments do not need to be done in the new courthouse. They are now done in municipal court, but could be moved to the jail if space is provided for a courtroom.

Judges are likely to say that they do not want to have municipal court traffic (cases) in their (HOJ) building. There is a minority opinion though that the CCP and municipal court should be closed and even be merged administratively.

Municipal court and CCP use separate jury pools; they do not need to be combined.

Criminal arraignments are handled by the duty judge; but are mostly heard by magistrates who do them in addition to their regular assignments.

Some judicial resources could be shared better if magistrates were to be housed closer to their judges.

Court can justify at least two additional judges now, based on the current caseload. Judges would say they need 21 to 24 judges now.

The ratio between judges and magistrates will be maintained at one magistrate for every two judges. Some judges would like to have a one-to-one ratio as a way of reducing the need for additional judges.

The court was never involved in the development of the previous court facility plan and program.

The Supreme Court has stated that a docket with 500 cases per judges is too high. Twenty-one judges would be needed to reduce the per judge dockets to 600 cases per judge.

In 1983 there were only 7 judges on the bench.

Cases are assigned after the arraignment. Preliminary hearing is handled by the assigned judge.

There needs to be a specialized large courtroom for high-profile cases. Large courtroom should not be assigned.

The court has several administrative programs and is considering starting a re-entry program. Now has a drug court and starting a mental health court. Drug court has a coordinator and two

staff. Mental health will need four to five staff. Clients are also under supervision by Adult Probation.

Programs need a waiting area and conference room. Should be located near the judges and courtrooms.

A grant manager position has been requested to manage the court's grants.

There are now 17 assigned court reporters and five float reporters that serve the magistrates and visiting judges.

It is difficult to find new court reporters. Court may have to go to video recording in the future.

The court is trying to move away from training programs and does not need a large training room (for computer training). This space could be combined with the court's administrative conference room.

Arbitration needs a hearing room. Arbitrations are done every day.

Civil protection orders are becoming more frequent. Two liaison persons, a secretary, and a part-time magistrate. Now receiving 30 to 40 requests a week. They need to be handled by a magistrate.

Should be able to use a magistrate courtroom. Needs to have offices for staff nearby.

Staff attorneys can be pooled with the magistrates away from the judges.

Judges will want their secretary and bailiff next to them.

## **Interview Notes COURT OF COMMON PLEAS MEETING WITH JUDGES**

**ATTENDING:** Court of Common Please Courthouse Building Committee En Banc  
Atiba Jones, Executive Director, Court of Common Pleas  
Ron Kellor, Director of Franklin County PFA  
Dick Myer, Franklin County PFA Project Manager  
Mike Bird, Pizzuti Solutions Courthouse Project Exec.  
Karen Hood, Pizzutti Solutions Courthouse Project Manager  
Terry Sullivan, SCA  
Don Hardenbergh, Court Works  
Chang-Ming Yeh, NCSC

**DATE:** September 26, 2006

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See judges responses to NCSC questions in EXHIBITS.

Caseloads have been increasing. In 1999 judges averaged 1,300 cases per judge; in 2006 they are averaging 1,962 cases per judge.

Two new judges were approved for the court two years ago. They received only one. Already they need a couple more judges.

There needs to be multiple rooms for mediation.

Everyone courtroom should have a deliberation room.

Courtrooms—

17 sitting judges (current)

8 magistrates

2 visiting judges

2 large high-profile courtrooms

29 total.

Judges have 50 to 60 people a day visiting them.

Magistrates also do some jury trials.

Need space for 200 grand jurors. Infrequent, can use one of the large courtrooms.

100 extra jurors and called for capital murder cases.

Pro se litigants use the law library. Law library supported by fees collected clerk. By law, every court is to have a law library.

Should talk with Judge Snyder about the law library.

Library could be about one-half its current size.

Library would be the first to go if there is not enough room. Can remain where it is.

**Interview Notes**  
**FRANKLIN COUNTY COMMON PLEAS COURT**  
**CLERK'S OFFICE**

**ATTENDING:** David Migliore, Chief Deputy Clerk  
Don Hardenbergh, Court Works

**DATE:** September 27, 2006

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Reviewed draft space needs with David and explained how we calculated space needs for file room.

Need to change the number of civil cases. Number do not include "other" civil. Other civil are kept for one year. Also need to allow space for records that are being boxed up for removal and storage. Assume space needed for 6 years of case files in both civil and criminal cases.

David provided recent statistics on all civil and criminal cases.

Need space for microfilm cabinets located in public records review area. There are four cabinets of old microfilm that cannot be digitally scanned.

## **C. Responses of the Franklin County Common Pleas Judges Building Comm. Questions from National Ctr. State Courts Sept. 2006.**

### **QUESTION #1**

**What is the work relationship between judges and magistrates, in terms of case assignment/caseload and calendar sharing? What changes do the court vision to be in the next 10 to 20 years? And how will that affect magistrates' use/share of courtrooms with judges?**

#### **Response**

A. The "work relationship" between Judges and Magistrates is controlled by several sets of legal rules (which are not within our control). First and foremost, the office of Judge is created by the Ohio Constitution, and is an elected position. By contrast, Magistrates are court employees. This difference in legal status drives case assignments, in that only a Judge can hear a felony trial or conduct a criminal sentencing. Accordingly, criminal felony cases, while representing about 1/3 of the docket in terms of case-filings, used 64% of all jury trials conducted by Judges so far in 2006<sup>1</sup>.

Another legal difference in status is that Magistrates can hear civil jury trials only with the consent of all parties, and can hear civil bench trials and injunctions only upon formal referral of the case from the assigned Judge. Virtually no cases are directly assigned to a Magistrate upon filing because the law does not allow it.

In all cases referred to a Magistrate for a hearing without consent of all parties, the trial judge remains responsible for the case. That means if objections are filed by any party in response to a Magistrate's decision the assigned Judge must then review the Magistrate's work and "independently" decide the case. While the assigned Judge will have available a "report and recommendation" written by the Magistrate based upon his or her view of witnesses who have actually been heard in person and the other evidence, this is a cumbersome, two-step procedure. Thus, when an elected Judge is required to thoroughly review the findings of a Magistrate after he or she has heard a trial it may be difficult and time consuming, resulting in little or no saving of time for the system.

Due to this court's heavy docket, for about a decade Columbus lawyers in civil cases have increasingly stipulated to waive the formality of review by the Judge, and permit the Magistrate to hear jury trials or injunction hearings without court "supervision" or review. The federal Magistrate Judge system is a model that helped motivate such use of our Magistrates. Yet, there remain incentives in some cases to drag out a case and wait for the assigned, elected Judge, or in a particular case one or more lawyers may perceive that there is a better work product available if counsel insist upon trial to a more-experienced or better-known elected Judge. Other reasons could also be identified, but that is not the point. Unanimous consent of all parties is an important component of our ability to use Magistrates to move the court's docket.

Practically speaking, so far this year only 27 civil jury trials have been heard on consent to a Magistrate and jury.

A third difference between Judges and Magistrates is the status of Magistrates. Magistrates are not selected through elections, so they usually are not as well known by the bar and their job performance is not publicized in bar polls or similar formats. Their offices are much

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<sup>1</sup> Franklin Co. in 2006 shows 55% of jury trials in criminal cases. The 55% number includes 27 civil jury trials conducted by Magistrates, and 23 civil jury trials before visiting judges. Neither type of judicial officer can try felony cases.

smaller and, presently, located inconveniently over in the Municipal Court building. They do not have individually assigned courtrooms. All these factors conspire to give Magistrates second-class status. This is reinforced by the county budget. Magistrates are respected by our Judges, but are paid a fraction of the salary paid to a Judge. (Roughly \$60,000 versus \$116,000). Magistrates are given no individual support staff. There is one person who serves as Bailiff and Secretary for *all* 8 Magistrates. They have no staff attorneys, so most Magistrates both completely research and then type their decisions. These legal, structural, financial and status issues limit the use of Magistrates.

As mentioned, unanimous consent is required for transfer of civil cases for a full jury trial before a Magistrate. Practically speaking in every civil case in which transfer for trial is considered all the lawyers must “sell” their clients on taking that case off a “real” Judge’s docket to go to trial before a Magistrate and a jury. Persuading individual clients is not easy, particularly when trial of a serious civil case before a Magistrate might appear in some respects second-class justice.

The relationship between Judges and Magistrates has another component. When vacancies occur, all of these interrelated legal, financial and status limitations on Magistrates undeniably limit the pool of applicants. This spring a vacancy occurred, and many applicants were those already in public law practice such as with the Prosecutor’s Office. Discouraging highly experienced civil trial lawyers in private practice from seeking magistrate positions, when most of what a magistrate can do legally involves civil cases, presents another challenge to increasing use of Magistrates to manage our dockets.

B. “Calendar sharing” with Magistrates is limited to two case types (since consent of the lawyers for parties is required on a case by case basis or else a specific case must be referred by a Judge for a specific hearing.) One case type routinely referred is administrative appeals. These arrive from state government (normally only to our court here in the state capital) along with a relatively small number of appeals from Franklin County agencies. Numerically, there are relatively few administrative appeals. However, often such appeals have great importance for the parties and the public, because they involve things like withdrawal of a liquor license, or sanctions against a professional license held by a doctor, pharmacist, or other medical professional. These administrative appeals are not re-heard from scratch in our court, but the transcripts of administrative hearings must be reviewed to assure that the agency followed the law. Magistrates are automatically assigned those cases. However, the trial judge always remains legally obligated to review the matter before a decision is released. In essence, therefore, a Magistrate can ghost-write such opinions. Time savings for the Judge vary from case to case.

The other type of “Calendar Sharing” is Civil Protection cases. The number of these cases is skyrocketing. These are essentially a type of injunction action, usually done *pro se*, brought by a litigant who feels apprehensive about their safety. Judges hear the initial emergency hearing, *ex parte* and as soon as possible after it is filed with the Clerk’s Office. Each such case is then referred for a full adversary hearing at which both parties are heard. The Magistrates hear these within about 7 days after filing, and make a recommendation on final disposition to the trial judge. Sometimes civil protection proceedings involve defendants who are in jail, and to accommodate prisoner access to those hearings before Magistrates jail access to those courtrooms is needed.

C. “Changes in the next 10-20 years” are difficult to predict. Election of judges has a strong attraction in Ohio. Our state repeatedly has rejected “merit selection” plans beginning in the late 1930’s. Accordingly, significant changes to enhance Magistrate’s roles as an alternative to an elected judiciary seem unlikely to win public acceptance. Of course, legal - and perhaps constitutional - changes would also be required.

D. "Magistrate's use/share of courtrooms with Judges" must take all of this into account. Judges must have direct, easy access to courtrooms to manage the ever increasing docket<sup>2</sup>. If Magistrates were housed within the same suites as Common Pleas Judges to whom they are assigned, the Magistrates could share secretary, bailiff, and staff attorney assistance to some extent. This would perhaps aid in transitioning cases to Magistrates, and enhance them in the eyes of the practicing bar. It would also enhance the work experience for Magistrates to be recognized as the important judicial officers that they are.

**1. The 2004 master plan programs 7 magistrates and 24 judges for the next twenty years space requirements. Does the court see changes in the future, or will the court continue to add a magistrate for every two judges?**

We anticipate continuing to add one Magistrate for every two Judges. This is a sensible, cost-effective way to operate the court provided those Magistrates are top-quality lawyers readily used in relatively complex cases, and who can be counted upon to require only modest oversight. Indeed, some Judges would like to see the ratio move toward 1-to-1. On the other hand, if salaries for Magistrates continue to lag behind those paid Judges and earned by most of the practicing bar, in the future we may find ourselves left with applicants for those jobs who are not well-equipped by experience to help the court, and the community we serve.

We wish to be clear: caseloads continue to increase steadily and show no sign of receding. **Since 1999 per-judge case filings have climbed from roughly 1300 new cases per Judge to an estimated 1962 per Judge for 2006<sup>3</sup>**. Accordingly, in planning space for 20 years into the future it is essential to allot space for both additional Judges and additional Magistrates, with support staff.

The original projection for space in the new building included, we understood, 24 jury courtrooms. That is unrealistically low given the growth of the docket. We would point out that some 4 or 5 years ago under Ohio Supreme Court formulas for adding judges we were entitled to two *additional* judges (over the 16 then-sitting) based upon far lower per-judge case numbers. The court finally received state and county authorization for one added judge in mid-2005.

The Court already uses several more-or-less full time "visiting judges" working here almost full time, regularly sharing one courtroom. On occasion the visiting judges borrow a courtroom from someone who is on vacation to accommodate more trials. (So far in 2006 three retired judges have actually sat as a visiting judge here, based around their own personal vacation schedules in retirement. During the first 9 months of 2006 they tried 23 civil jury trials.) The difficulty with visiting judges is that they can accept no criminal obligations, and they have no role in dealing with the 1/3 of the docket comprised of foreclosure cases and administrative appeals that are decided without jury trials. Thus, VJ's represent a significant aid to the court, and must be given courtroom facilities. However, the help "VJ's" provide cannot justify providing less courtrooms for regular Judges or Magistrates.

<sup>2</sup> As of September 1, 2006, new filings are on track to reach **1962 cases per Judge this year**. This represents **an increase** of approximately **200 cases per Judge** over 2005 filings.

(Note that published statistics from the Ohio Supreme Court are in error for 2005, as they did the arithmetic using 17 judges. Actually, we had 16.5 Judges because Judge Brown's seat was not created until 7-1-05. Inquiry with the statistics office of the Supreme Court revealed that for simplicity they used the number of judges at year end.

<sup>3</sup> It should be noted these figures do not capture the entire docket. For example, post-judgment motions in criminal cases are simply not counted. They are not filed in every case, and often are superficial and easily resolved because they are done *pro se* by prisoners. However, in serious cases such as those in which the death penalty is imposed these post-judgment proceedings can be quite complicated.

Simply to match our current capacity, therefore, we need 17 jury courtrooms for sitting Judges, two for visiting judges, and additional jury-capable courtrooms for our 8 Magistrate Judges. As to the latter category, after much discussion we have concluded that it is most cost effective to invest up-front in jury ready courtrooms for all eight Magistrates. In addition, we are supposed to receive one new judge under the Supreme Court of Ohio formula run years ago mentioned above. If that new judgeship is authorized and the working ratio of Magistrates to Judges remains 2 to 1, the 18<sup>th</sup> judgeship would trigger a ninth Magistrate.

Finally, on occasion a high profile case receives unusual media coverage, or a trial will include an unusually large number of parties and lawyers. Those cases require more courtroom space. We suggest that at least two courtrooms be built *significantly* larger – enlarged by more space in the well of the courtroom (the working area used by lawyers), and in the gallery for press and observers – to accommodate at least two large cases at one time. The “federal” sized courtroom of 2400 sq. ft. would be a good working number to use. As to those “large case” courtrooms, they should be left unassigned. Then all judicial officers can sign up for them as needed. That will avoid requiring judges who otherwise would be assigned to those courtrooms having to vacate them to accommodate another judge’s need for a “large case” courtroom.

In total, this represents a request for 31 courtrooms all with jury capacity and holding cell/jail access.

**2. Do magistrates hear jury cases? If they do, do they use 6- or 12- person juries for the jury trials?**

A. “Magistrate jury trials” have been discussed above.

B. Under Ohio law civil cases require a minimum of 8 jurors unless the parties stipulate to fewer, which they never do. In addition, most judicial officers empanel one or two alternate jurors for every civil case, depending on the anticipated duration of trial. To assure ten final jurors (8 + 2) in a civil case, the panel of prospective jurors for voir dire must start out with between 18 and 24, since each party gets 3 peremptory challenges under Ohio law; challenges for cause frequently drop additional prospective jurors. Courtrooms must accommodate all prospective jurors for voir dire.

**3. Do magistrate cases involve in-custody litigants/witness? Do their hearing facilities require prisoner access?**

Magistrates have very little criminal trial jurisdiction. Their courtrooms generally do not require lock-up facilities for that purpose, but for civil post-judgment proceedings and civil protection orders there are sometimes litigants who are in custody who must be conveyed before a Magistrate. We think, nevertheless, that future re-allocation of courtrooms (as judges are added) may well result in some courtrooms initially used by Magistrates being reassigned to Judges. Accordingly, we recommend all courtrooms be designed and built with both jury trial capacity and direct access to the holding cells.

**4. Is there a needed space relationship between the magistrate courtrooms and CCP courtrooms?**

If we wish to continue to encourage consents for Magistrates to hear civil trials, they must have court facilities comparable to those available in regular Judges courtrooms.

As discussed above, part of this is an appearance of justice issue for the parties and, perhaps, for some lawyers. No lawyer or litigant wants “second class” treatment. Furthermore, the physical space needs - tables and work space in the well of the courtroom, ability to accommodate a reasonable number of parties and lawyers, availability of electronic visual aids, and the like - do not predictably differ in cases referred for trial to Magistrates. Magistrates take civil cases for trial from the regular docket not some limited portion of it.

**5. Do magistrates' offices/hearing rooms need to be located near judges?**

We encourage placement of Magistrates (and their courtrooms/offices) mixed within office areas of active Judges. This will enhance their availability to meet us, to discuss and assist in cases, and will afford our staff some ability to help staff Magistrates (who otherwise lack personal Bailiffs, secretaries, court reporters or staff attorneys.)

**6. Where does the court hold en banc meetings? Is there such need for a judicial conference room/suite?**

The court has one large conference room that will, barely, hold all Judges plus administrative staff for meetings. It is not large enough for the future. Judges meet at least once a month over lunch for court administration work. In addition, the same room is used for subcommittee meetings of judges, administrative meetings called by the Court Administrator, and other purposes.

There is a need for one such large conference room in the new building. It should also have a sink, garbage disposal, counter to assist food service, and be wired and build-out for a possible dishwasher and refrigerator to make the room most efficient and productive for working meetings over breakfast and lunch.

**7. What are duties of the bailiff? Does this require a private office at judges' chambers? Or can they be centrally pooled?**

Bailiffs are the most essential members of our personal staffs. They are responsible for a host of varied roles, and effectively function as individual courtroom administrators.

For instance, most of us run trial dockets four mornings a week and use our Bailiffs to assure the 10-25 case files are actually present, to meet and check-in lawyers and more importantly coordinate where the assistant prosecutors and public defenders (or private defense counsel) can be found when they have multiple case assignments elsewhere in the building on a particular morning - as virtually all of them do every day. (In other words, the 15-40 lawyers whose cases may be assigned to one Judge on a particular morning would not all take up his or her time, but could be tracked and located elsewhere in the courthouse when all the other lawyers in their cases are available and they are needed.)

If a Judge is in trial, ordinarily his or her Bailiff will assist in the courtroom until the jury is selected and sworn, to help guide new jurors, make sure questionnaires and the voir dire process for prospective jurors are handled smoothly, and keep records for the Jury Commissioner. Once trial starts and the judge is tied down in court, their Bailiff is ordinarily the only staff member remaining available in chambers to meet the bar and the public, take phone inquiries, and handle unforeseen emergencies. Day in and day out Bailiffs handle a constant flow of people dropping off entries, checking case status and trial availability, rescheduling hearings when they are pre-empted by an ongoing trial, guiding *pro se* litigants, and in general assuring that the docket continues to run.

Bailiffs also keep the statistical records on individual judge's dockets as required by the Ohio Supreme Court. Sometimes this requires a physical place to keep case records, since at least once a year all 650-800 case files each judge will be assigned at any one time must be manually reviewed to be sure old cases have not been lost in the shuffle. Most of us also have manual case-file reviews more often, to assure that lawyers are attending to their management of cases; "tickler" entries are used when cases are located in which lawyers are not proceeding as they should, followed by dismissal for lack of prosecution if they persist in neglecting a file. This work simply cannot be done using only computerized docket records.

We strongly feel that the work of our Bailiffs can only be done in immediate proximity to each Judge. A "central pool" would be a disastrous idea.

**8. How many visitors (attorney, court staff, public, county staff) come to judges' offices on a typical day? How do attorneys and visitors access judges' private**

**offices/chamber? What will be a practical arrangement, in term of access control, to maintain security in the chambers?**

On a "typical day" at least 50-60 people come to chambers. This group includes attorneys coming for pretrial conferences, trial, or hearing assignments, deputy sheriffs checking on the status of prisoners held on the "jail list," witnesses looking for where to wait before testifying, television and newspaper reporters checking court hearing schedules or dropping off paper entries seeking court approval for use of cameras in a court hearing, plus assorted "runners" from law firms or public agencies dropping off, looking for, or picking up court orders or motions requesting court rulings. Occasionally, a lawyer will simply drop by for a quick friendly visit - something we all appreciate when time allows it, particularly since we must stand for election every six years and need to continue our professional friendships among the bar. Relatively few members of the general public ever come to chambers, in part because of signs and doorways that close off the "back hall."

When a Judge must consider something of some urgency - a temporary restraining order, or a possible plea and criminal sentence that may work out a criminal felony case, or simple possible continuance of a trial date set by the computer in order to accommodate a lawyer's planned vacation - the Bailiff acts as the gatekeeper. He or she screens, and then admits those who genuinely need time from the Judge. Of the 50-60 people a day who may come to chambers perhaps 30-40 of them will actually see the Judge.

A "practical arrangement" in terms of access control for security is probably no different than what we presently have in place. Our court could not operate with added formality.

**10. What is the average number of jury trials does each judge have scheduled on the calendar during a typical month? On average, how many of them actually go to trial?**

Virtually every civil and criminal case on the docket gets assigned a trial date. (The exceptions are administrative appeals and civil "Protection Order" cases described earlier.) At present most judges are disposing of cases at approximately the same rate as new filings, meaning between 135- 160 cases each month per judge are being assigned for trial, including the civil and criminal docket. Some judges assign "real" trial dates in individual cases after pretrial conferences with lawyers or other communication that reflects those are more likely to really need a trial.

National literature on case management over the last decades strongly teaches the necessity for trial settings. Our experience confirms that trial settings motivate both civil settlements and guilty pleas in criminal cases. Deadlines focus the mind. Often, last minute settlements are the only point at which litigants reach final, "best" offers.

As shown in available statistics, over and above actual jury trials, at least 79 cases so far this year have been settled on the day of trial. That is, with the jury already present at court and ready to go a final resolution was reached. This, in our view, confirms the necessity of summoning adequate numbers of jurors.

So far this year 17 judges, 8 Magistrates, and 1 +/- Visiting Judge have heard 200 jury trials, or roughly 22 per month. We do not have hard numbers of bench (jury waived) trials. It is safe to assume, however, that across the court some Judges see as much as a 1 for 1 ratio of bench trials to jury trials; others see far less non-jury trials.

**11. The total number of jury trials conducted in Court of Common Pleas of Franklin County averages between 200 and 230 cases per year during 2004 and 2005. The length of time of those trials is in the range between one and three days. Considering the low utilization rate of the jury deliberation rooms, can a more efficient ratio, in terms of the number of jury deliberation rooms versus the number of jury trial courtrooms provided, be used in the construction program to economize the project without negatively impacting the court operation?**

We question the accuracy of the 200-230 jury trial figures suggested for the last two years.

In records we obtained as of September 22 for 2006, "Verdicts" were listed separately from "Hung Jury", "Mistrial", and "Directed Verdict" numbers. (In addition, trials in progress were listed separately, but they must also be included at some point once they conclude.) In other words, if your reports picked up only the 170 "Verdicts" in 2006 you are missing 30 more jury trials that did not reach verdicts, but in which a jury was sworn. Among the total of 200 jury trials in 2006 were hung juries (13), mistrials (8), directed verdicts - which can only be granted after a trial - (2), plus trials in progress (7). All of these are jury trials, not just the final Verdicts.

The "length of trial" figures given in this question are mistaken. Rarely if ever can a jury trial be concluded in one day, because of the extra steps required for voir dire and the jury charge. Moreover, we have seen no figures compiled by anyone for our jury trial duration, but it seems to us the "average" trial is probably at least four days, not one to three days as suggested. Adding to the duration of some jury trials each year is a need for language interpreters, which can almost double the duration of a trial.

Utilization of jury rooms must also take into account that we regularly use them for settlement conferences, and pretrial conferences. Our in-chambers conference rooms are all quite small and do not accommodate more than six to ten people. So, jury rooms are essential to allow more space for cases with more parties, or voluminous exhibits, or when smaller rooms simply are full.

We have considered whether, if as suggested the new facility had Magistrates' courtrooms scattered in among our Judges' courtrooms, some Magistrates courtrooms might not need jury capacity. The hypothetical savings could be to switch off courtrooms with Magistrates when they needed to do a jury trial, and leaving neighboring Judges to use the Magistrate's non-jury courtrooms to take pleas and conduct sentencing hearings. Upon reflection, that would never work efficiently.

Coordination of Magistrate's hearing dockets and trial schedules with the adjoining Judges' dockets would be nearly impossible given the fact that, day to day, we often do not know if a particular case will actually go to trial or settle at the last minute. Moreover, any cost comparisons must also take into account our need for *more* conference space (not less) when settlement conferences or similar needs arise. Eliminating these few jury/conference rooms would be a false economy.

**12. Who attends settlement conferences and how many? How frequently will the rooms need to be used? Would these spaces work better in a public area, or at the places accessible from both the public hallway and the judges' private corridor, instead of being in the chamber area?**

Settlement conferences vary in size, duration, and complexity. Their frequency depends on individual judges' preferences, but most of us hold at least one conference before starting a jury trial to assure that settlement has been considered, and to address last-minute issues of witness availability, evidence issues, and so forth.

Settlement conferences come in all shapes and sizes, depending on the type of case - civil, criminal, simple, complex. This question suggests that there is thought being given to allotting only one conference room per chambers. That would be unwise. Multiple rooms are needed to accommodate multi-party civil cases, and multiple lawyers. (Relatively few civil cases are staffed by private law firms using only one lawyer - most have at least two per party.) The process dynamic ordinarily used in settlement/mediation discussions includes private conversations - one lawyer with his or her client and the judicial officer, followed by the other lawyer and their party (or parties) meeting separately with the judicial officer. Shuttle diplomacy needs more private meeting rooms, not less.

As described somewhat in answer #11, settlement conferences can best be accommodated if each chambers has both a separate conference room and a jury room that doubles as a second conference room. In addition, conference rooms near courtrooms for lawyers' use during trial, for plea negotiations, or for similar uses are needed as well.

**13. Are there any file storage needs in judges' chambers areas? What type of stored items?**

Storage needs include space for case files – as many as 25 separate cases a day – plus ordinarily the files for at least the following day so that the Judge or staff can review them as needed to prepare. If the week includes a day set aside for criminal sentencing hearings those files also are needed well in advance, so the Judge can read the “Pre-Sentence Reports” or PSI’s (of some 15 pages in length) and other related paperwork on each criminal defendant before actually taking the bench to conduct sentencings.

Office supplies and forms – particularly forms for the criminal docket – must be kept in chambers. No other location in the courthouse brings together both counsel plus the criminal defendant who is in jail, or if out on bond is required to attend.

Pending case files in which the judge and his or her staff attorney are working on decisions – which sometimes can take weeks to prepare – must also be kept in chambers. Complicated civil cases, post-conviction petitions in criminal cases (including murder cases), and administrative appeals often include lengthy trial or deposition transcripts and other evidence filling multiple large “banker boxes.” Some of us keep those boxes in our chambers closets when they are not spread out across the floor and available desk surfaces. It would be much more sensible to have storage cabinets for voluminous materials so they could be better organized. E-filings will reduce some of the paper storage, but most judges using E-filings still print out important briefs and other case-related documents for use during the actual trial or while they work on decisions.

Finally, individual court reporters are obligated to retain trial exhibits in many cases pending appeals, plus their notes of the testimony. This is a significant storage problem. For instance, as matters currently stand, some poster-board size exhibits stand in the corner of jury rooms for months because there is no place else to store them.

Secure storage areas are needed in jury deliberation rooms for criminal evidence, juror personal notes, and similar material; likewise, in the chambers/bailiff’s offices secure storage for evidence or other valuables that cannot be left open to cleaning crews, and other public people at night is needed. Whether these include a safe to lock away narcotics or guns should be explored.

**14. Any special equipment requirements in courtrooms, jury deliberation rooms, and judges' offices?**

“Special Equipment” ought to include reasonably available electronic equipment including lavalier mikes for lawyers, mikes for the witness stand, and the court, a reasonable speaker system, and earphones for hard-of-hearing witnesses so they can have amplified audio available to them.

Electronic visual aids need to be available to the maximum degree reasonably possible. In this category are pull-down screens for overhead projection equipment like “ELMO’S”, plus several television screens on which to show pre-recorded testimony. As it is these must be rented or hauled into the court by lawyers in individual cases. Modern in-floor cabling to allow for lawyers’ computers to be used at counsel table are very desirable, and some trial judges use laptop computers actively at the bench during trial to record their notes, research evidence issues, or send email to staff about evidence questions or trial management issues. The potential for “real-time” transcripts of hearing testimony to appear on video screens on each counsel table, and at the bench is also needed.

Although outside electronic material is rarely needed inside a jury room during jury deliberations, it should be considered if possible. More importantly, because settlement conferences are also regularly conducted in these jury rooms it would be useful to have play-back equipment for electronic evidence, plus a screen available in each.

**15. Any special security requirements for courtrooms, jury deliberation rooms, and judges' offices, such as duress alarm, video surveillance; etc.**

Each Judge has a “panic” button on the bench and in chambers. We have had one secure judges-only elevator within the current building. We obviously expect reasonable, modern security within the new courtrooms, chambers, and related facilities. There is no security at present for Magistrates.

Probably no special security is needed inside jury rooms, so long as they are in proximity to chambers so each Bailiff can supervise jurors and provide a meaningful sense of security to them.

Some of us work weekends and evenings. When the courthouse is deserted it would enhance the sense of security for judicial officers to be able to rely upon video monitoring/surveillance in addition to panic buttons. Unlike the present courthouse, we should be able to readily turn on hall lights or other interior lighting as needed (which is not possible presently in some areas of the current building including the hall next to the judges-only elevator).

**16. Are you running individual or a master calendar system? Are there any special judicial assignments such as arraignment, calendar calls, etc. that requires special space accommodation?**

By law, we run an individual assignment/calendaring system. That is true for both criminal and civil cases. The main exception arises during “Duty Judge” weeks that rotate among us, and in which one Judge takes care of emergency matters in the absence of the individually assigned Judge. These “duty weeks” occur about three times per year for each of us.

Felony arraignment (and bond hearings held simultaneously) require special space due to the large volume of lawyers, defendants, family of defendants, and attendant security concerns.

**17. Could judicial chambers be clustered to create a collegial suite in a wing of each courtroom floor with courtrooms? On separate floors connecting with courtrooms via private elevators? Or the chambers have to be located directly behind courtrooms?**

Clustering judicial chambers would be a terrible idea. As has now been discussed at some length in face-to-face meetings, we are confident that the most efficient layout is to have private chambers very close to our Bailiff, secretary, court reporter, staff attorney, and courtroom. We need to be able to find, and talk to staff without delay very frequently during each day. As discussed above, their work areas also need to be readily accessible to the Court’s bar and others.

Proximity to the courtroom is essential. From time to time we need to be close-by to monitor matters when a jury is out deliberating in our jury room – sometimes they call our Bailiff to take an extra break no one expected, or they have a question to present. Running around the building to and from another floor to handle such things would be a nightmare.

Beyond that, we use our courtrooms virtually every day and, in doing so, virtually every day something unexpected arises which can best be handled – or perhaps only be handled – by going into the courtroom and taking the bench. For instance, we may encounter a jailed prisoner who suddenly wants to fire his or her lawyer and for which a hearing on the record is needed with some urgency; or someone may present with an emergency injunction request; or a civil pretrial conference may be scheduled in which the lawyers have been fighting over everything imaginable and need to be forced into the most formal setting possible. Proximity is essential to giving us all the tools we need, to address varied and unexpected situations that arise with frequency. Otherwise, we would find ourselves constantly running up and down in private elevators, wasting valuable time, and artificially separated from lawyers.

Accordingly, we believe strongly that our chambers and individual staff must be located very close to each of us, and to our courtrooms.

*Postscript:*

Attached to the hard-copy of this memorandum is a one-page point list provided by the “new courthouse committee” of the Columbus Bar Association on 9/25/06. We commend their thoughts for your consideration. Their committee has been visiting courthouses, and thinking

about this project for some years. It includes a number of trial lawyers with experience trying cases in different settings. Most of their suggestions merit serious consideration.

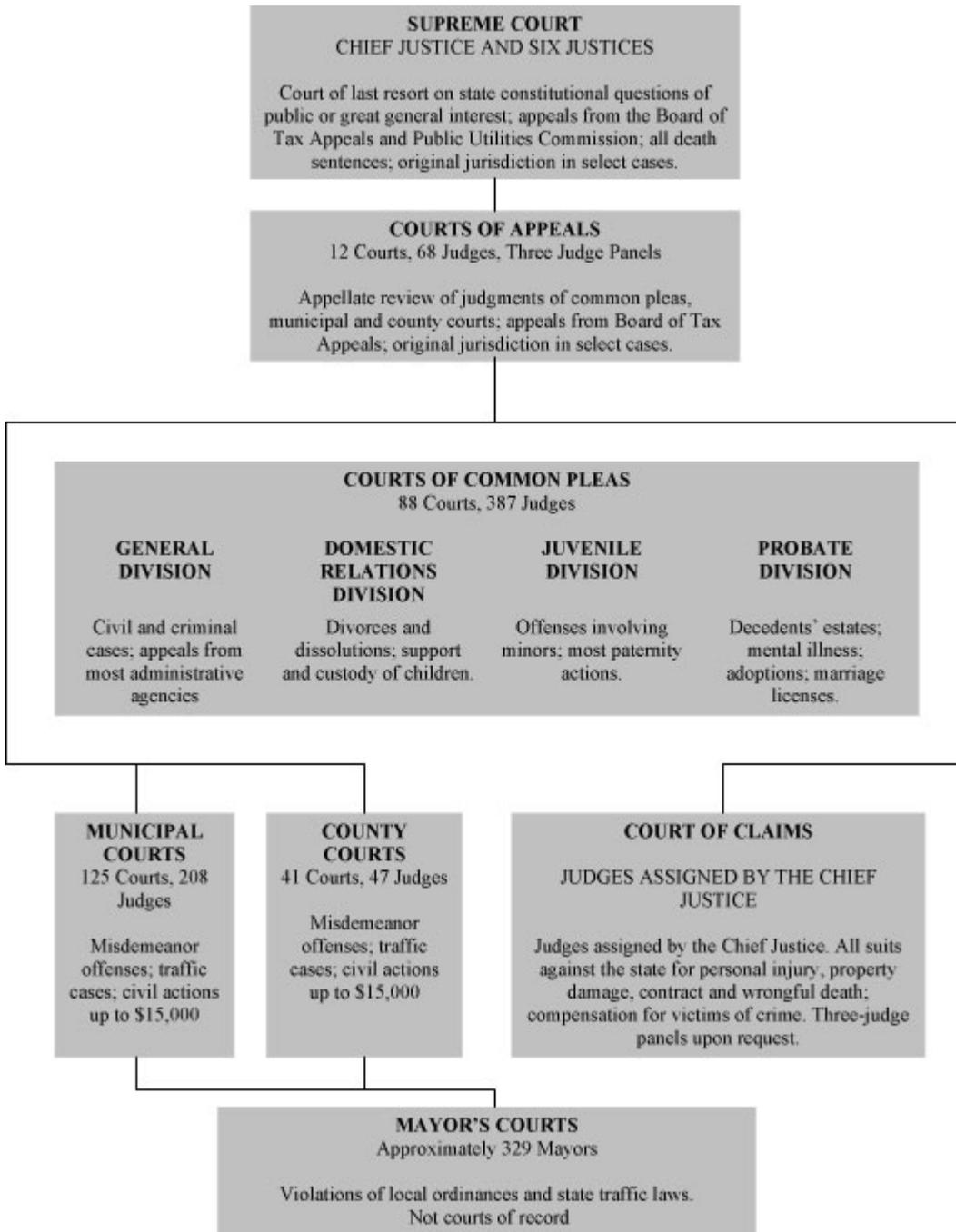
This memorandum responds only to questions raised late last week. As was apparent in our face-to-face meeting held on Tuesday Sept. 26, there are a number of other open issues. We will be pleased to clarify anything left unclear in this memorandum, and to identify our view on other issues relative to the new building promptly upon request.

**D**     ***Franklin County Clerk of Courts, Five Year Statistical Report, 2001 through 2005***

**E. Jury Commissioner's Trial Stats, 2006 (January — September)**

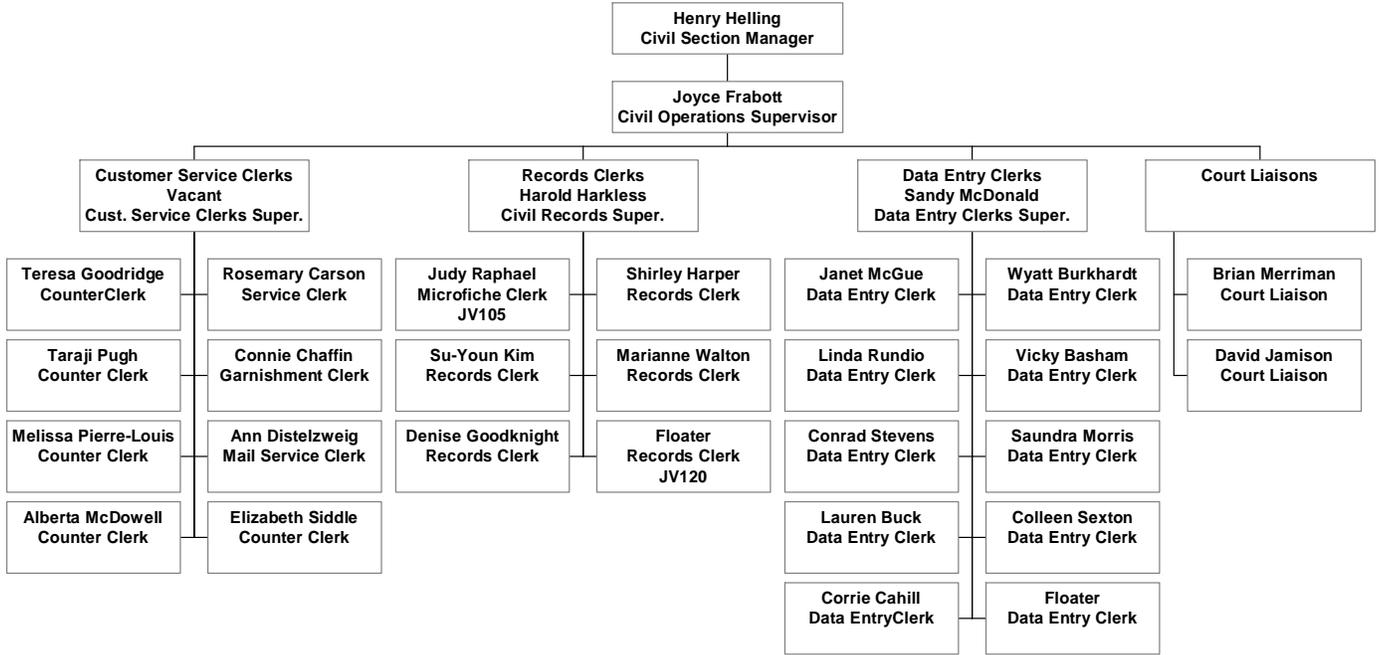
***F. Jury Trial Statistics for 2000, 1999***

**G Ohio Court Structure**

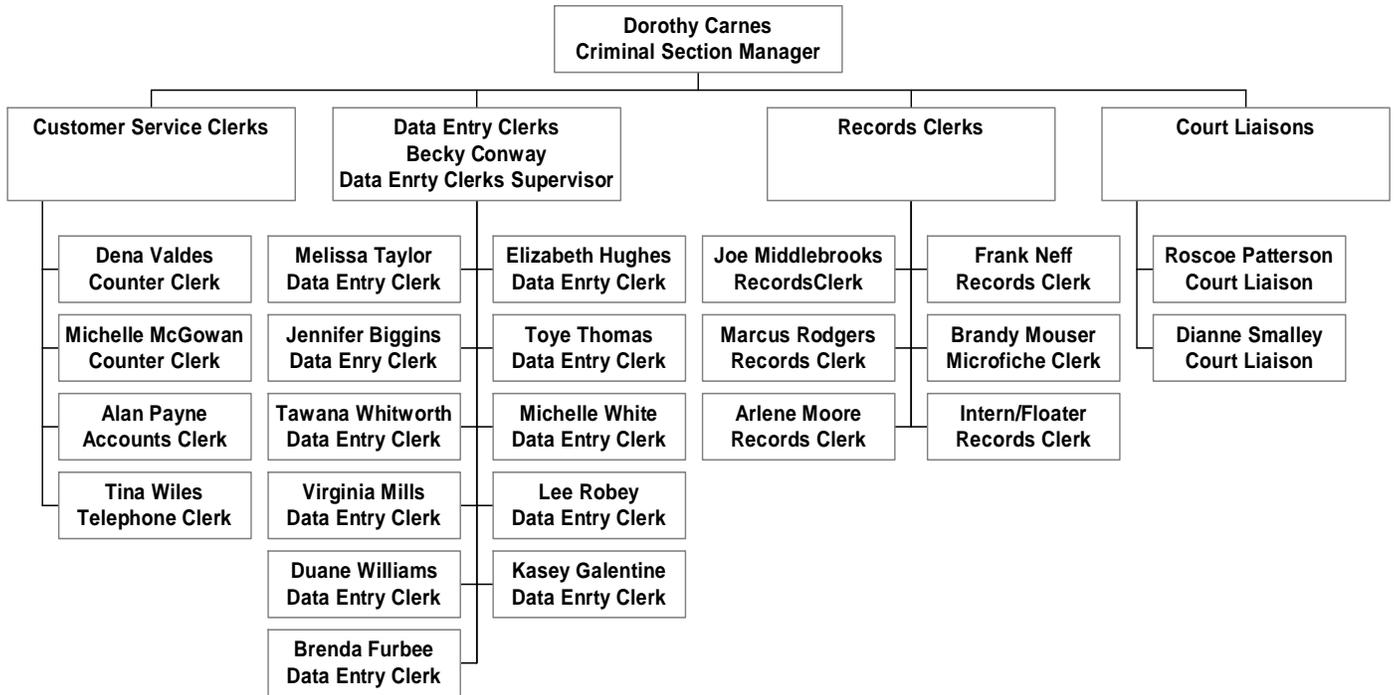


**H Clerk of Court, Civil Section, Organization Chart**

Table of Organization



**I Clerk of Court, Criminal Section, Organization Chart**



**J     *Adult Probation and Community Corrections Program, Organization Chart***

**K**     ***Franklin County Sheriff's Office, Organization Chart***

**L Probation Office client meeting and interview needs****F R A N K L I N C O U N T Y C O U R T O F C O M M O N P L E A S****ADULT PROBATION DEPARTMENT  
NEW BUILDING PROJECT NEEDS ASSESMENT FOR INTERVIEW ROOMS**

The following is a needs assessment to assist in the determination of the number of interview rooms that would be necessary to accommodate the probation department and ancillary services.

Each probation officer carrying a caseload has two full report days a month.

Line Probation Officers = 23 x 2 (report days/month) = **46 report days** = **414 (hours/month)**

Intensive Probation Officers = 34 x 2 (report days/month) = **68 report days** = **612 (hours/month)**

12,312

(hours/year)

Probation Instructions : Total of 5841 new cases in 2005 that were instructed.

Line Probation Officers = .5 hours/instruction for 3,913 cases = 1956.5 hours of instructions/year

Intensive Probation Officers = 1.5 hours/instruction for 1,928 = 2892 hours of instructions/year

Total = **4848.5 hours of instruction/year or 94 hours/week**

Compact Probation Officers instruct approximately 25 cases per month. The instruction takes approximately 1.5 hours.

**25 (cases) x 1.5 (hours) = 37.5 hours/month or 450 (hours/year)**

Pretrial Investigators

Approximately 300 pretrial reporters report for office visits each week.

Between office visits and pretrial instructions, each pretrial investigator would need an interview room approximately 45 hours per week.

6 pretrial investigator x 45 hours/week = **270 hours/week or 12,960 (hours/year)**

(6 pretrial investigators includes the supervisor who carries a caseload)

PSI Interviews. There are an average of 200 in office interviews for PSIs/month. These interviews take approximately one hour.

Total **200 hours/month or 50 hours/week or 2,400 (hours/year)**

Administrative Hearings. Managers schedule approximately 160 Administrative Hearings with probationers each month. The Administrative Hearings take approximately 30 minutes.

160 (Admin Hearings) x .5 (hours) = **80 hours/month or 20 hours/week or 960 (hours/year)**

It is necessary to interview probationers ordered to complete Community Service hours to determine the best placement. The Community Service Officer with Day Reporting schedules approximately 104 interviews/month. The interviews take approximately 15 minutes each.

104 (interviews) x .25 (hours) = **26 hours/month or 6.5 hours/week or 312 (hours/year)**

Netcare clinicians completed 1,842 assessments from July 2005 to June 2006. Each assessment takes approximately 2.5 hours to complete,

1,842 (assessments/year) x 2.5 (hours) = **4,605 hours/year or 88.5 hours/week**

It is also necessary to keep in mind that if the week includes a paid holiday, staff much schedule report days/ instructions and other meetings, in a four-day week instead of spreading it out over 5 days.

There are also times throughout the week when it is necessary to meet with probationers, probationer's family members, attorneys and representatives from social service agencies. This is not represented in the numbers above.

As cases continue to increase, the need for probation and ancillary services to utilize interview rooms would also increase.