

## APPENDIX D



RESPONSES TO THE FRANKLIN COUNTY  
COMMON PLEAS JUDGES BUILDING  
COMMITTEE TO QUESTIONS FROM THE  
NATIONAL CENTER FOR STATE COURTS  
(9/06)



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

QUESTION #1

- 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"

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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.

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 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.

**2. 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?**

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<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.

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

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<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.

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.

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.

**3. 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.

**4. 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.

**5. 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.

**6. 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.)

**7. 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.

**8. 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.

**9. 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 lap-top 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.