



for the **RECORD**

NEWS FOR THE OHIO COURTS

Pleasant and Professional: Your Demeanor Matters

Except for adoption proceedings, unhappy and often very serious occasions bring citizens to your courtroom. Fair and timely resolution of their matters is anticipated. When their case or matter is concluded, how will they regard the experience?

Your demeanor and that of court and clerk's staff throughout their courthouse experience will shape how they forever view courts generally and your court in particular. Outright lies and half-truths challenge your better judgement almost daily - a simple knowing smile signaling your skepticism is the better course when you feel you are being played. You must always be the professional in the room. Call a ten-minute recess if the attorneys or witnesses are making you boil.

Pleasant and professional judicial demeanor will impart a greater confidence that all issues were heard and treated fairly. At day's end you will go home knowing you have elevated your community's sense of justice and your sense of self-worth. Bring some premium ice cream home for the family - enjoy a day well lived.

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Courts and the Constitution at 250: A Call to Action for Ohio's Judiciary

By **Judge Eugene A. Lucci**

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In 2026, the United States will mark the 250th anniversary of the Second Continental Congress's adoption of the Declaration of Independence. This milestone, known officially as the Semiquincentennial, is far more than a historical footnote or an occasion for parades and fireworks. It presents a unique opportunity—a civic moment—for every trial and appellate court in Ohio to reflect on and reinvigorate public understanding of our constitutional framework and the indispensable role of the judiciary within it.

As judges and court officers, we hold a solemn obligation not only to uphold the law but also to promote public confidence in our legal system. Yet that confidence cannot thrive in ignorance. Too many Americans, especially among younger generations, lack even a basic understanding of how our government works. A 2023 report from the Annenberg Public Policy Center found that fewer than half of U.S. adults could name all three branches of government. It is doubtful that most high school students today could pass the U.S. citizenship test. This civic illiteracy undermines trust and fuels cynicism—conditions in which constitutional democracy cannot long flourish.

As co-chair of the Ohio Judicial Conference's Public Confidence & Community Outreach Committee, I urge each court in our state to use the 250th anniversary as a springboard for meaningful civic engagement. Whether through courtroom visits, school partnerships, bar association collaborations, or community education efforts, every court has a role to play in telling the story of American self-government—and of the judicial branch's co-equal and essential place within it.

To that end, I would like to share a simple but impactful initiative our court has undertaken as a possible model for others. The Eleventh District Court of Appeals, which serves Ashtabula, Geauga, Lake, Portage, and Trumbull Counties, will commemorate the Semiquincentennial by holding oral arguments at one high school in each of our five counties between January and May of 2026. These sessions will be real, official court proceedings—not mock trials—held in school gymnasiums to make our judicial process visible and accessible to students and the wider community.

Each visit will include oral argument in two appellate cases (approximately 30 minutes per case), followed by a Q&A session where judges and attorneys engage directly with students. Our goal is to demystify the court system, illustrate the rule of law in action, and humanize the people who serve in our justice system. These events are more than educational—they are acts of democratic renewal.

To help ensure a successful and coordinated commemoration, I have written to the bar associations in all five counties to inform them of our plans and invite collaboration. We want to make sure our efforts complement, rather than duplicate or conflict with, any Semiquincentennial programming those associations may be planning. Moreover, we believe joint efforts between the courts and bar associations can offer powerful demonstrations of legal community unity in service of civic education.

The America 250-Ohio Commission, established by Governor DeWine in 2022, is actively promoting initiatives like these across the state. One of the Commission's stated goals is to engage all 88 counties in bold, inclusive, and educational programming tied to our nation's founding. This aligns seamlessly with our mission as judicial officers—to educate as well as adjudicate, to preserve not only the law but also public faith in its fairness and accessibility.

Indeed, the courts are uniquely positioned to make the principles of democracy come alive for Ohioans. We are the most accessible branch of government. Citizens can watch our work, participate in it, and appeal it. And yet, the courts are perhaps the least understood branch. The Semiquincentennial gives us a chance to change that.

You do not need a large budget or a formal commission to contribute. Host a courthouse open house. Partner with local educators for Constitution Day events. Offer to speak at a civics class or civic organization. Collaborate with your county bar to create CLE programming that includes a public outreach component. Share brief, informative content about your court's role on your website or social media. Even modest efforts can make a difference—especially if they reach students, who are the future stewards of our constitutional republic.

The Public Confidence & Community Outreach Committee is available to support courts in developing outreach ideas or connecting with local partners. We are also working to share best practices and success stories from around the state to inspire and encourage broader participation. You can obtain more ideas on the OJC website at <https://ohiojudges.org/Resources/outreach-that-works>.

In a time when public discourse is too often marred by division, distrust, and disinformation, the judiciary must be a voice for reason, transparency, and integrity. But we cannot expect citizens to believe in our institutions if they do not understand them. It is incumbent upon us to teach as well as to decide.

Let us seize this anniversary not only as a celebration, but as a challenge—to inform, to inspire, and to renew public faith in the courts. Let the 250th anniversary of American independence mark not just the passage of time, but the strengthening of civic understanding in every Ohio courtroom and community.

Let it begin with us.

Ten things I have learned from permitting juror questions

Judge Matthew Reger

Wood County, Ohio Common Pleas

Over one hundred and sixty years ago a murder trial was held in Illinois and present to transcribe the whole affair was Robert Hitt.¹ Mr. Hitt had been asked by one of the attorneys to transcribe and publicize the trial.² The attorney had come to know Mr. Hitt the year before when Hitt followed around two candidates for the United States Senate from Illinois as they engaged in public debates concerning the issues of the time, particularly slavery.³

This engagement was not a political discourse but a word for word account of a salacious murder trial probably meant to bring some publicity to the attorney advocating for the innocence of the defendant.⁴ The case ended with an acquittal, Mr. Hitt later became a congressman and significant political figure in the latter part of the nineteenth century, and the attorney who hired him to transcribe became the 16th President of the United States.⁵

Buried in that transcript - that included such nineteenth century procedural oddities as not allowing a defendant to testify, even if he wanted to - was a question.⁶ That question did not come from either attorney or the judge, but from a juror. There was no objection to the question, the witness provided an answer, and the case went on with no issue.⁷

Today juror questions are allowed in most states, including Ohio. Arizona, Florida, and Kentucky require judges to allow written questions from jurors.⁸ Arizona, Colorado, and Indiana require that juror questions be included in the trial procedure for all trials. The federal bench does not explicitly prohibit or permit juror questions. But despite these provisions a small percentage of courts use juror questions. A survey in 2006 by the Center for Jury Studies, estimated that about 15% of civil cases in state trials and 11% in federal trials allow juror questions. A survey in 2015 by the same organization found that juror questions were permitted in 25% of civil cases in state and federal court trials, up from 16% in 2006.⁹ I was unable to find any specific statistics concerning the use of juror questions in Ohio, but from my own anecdotal inquiry of common pleas judges at conferences and other engagements I think the number is low.

¹ *Lincoln's Last Trial: The murder case that propelled him to the presidency*, Dan Abrams, published 2018

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Juror Questions during Trial: An idea whose time has come again*, Illinois Bar Journal, June 2011, Volume 99, number 6, page 294,

<https://www.isba.org/ibj/2011/06/jurorquestionsduringtrialanideawhos#:~:text=He%20found%20that%20the%20questions,that%20were%20worrying%20or%20confusing.>

⁷ *Id.*

⁸ *Id.*

⁹ Paula Hannaford-Agor, But have we made any progress? An update on the status of jury improvement efforts in state and federal courts, NAT'L CTR. FOR STATE COURTS (NCSC) CTR. FOR JURY STUDIES 7 (2015), http://www.law.nyu.edu/sites/default/files/upload_documents/But-have-we-made.pdf

As an outlier of allowing juror questions, I understand the ostensive objections to the process. Many lawyers and judges tell me it adds too much time to the entire court process. Some have said that it takes away the adversarial process and the strategy of attorneys. Many attorneys tell me they do not want to have a juror ask a question that they intentionally did not ask. Some judges have a perception that the process is cumbersome and opens the door for error. Although all of these have legitimate foundations, I think that all of them are adequately assuaged through my own experience.

In including juror questions in the trial I follow the processes presented in Ohio Civil Rule 47(F).¹⁰ After re-cross or all questioning has been completed by counsel I turn to the jurors and ask if any have any questions to pose. As required under Civil Rule 47(F)(1) I require that they write the question on a piece of paper. I also direct that if a juror does not have a question to write no question on a piece of paper. This process is meant to protect the identity of anyone submitting a question. Although that is the intent the practical effect is that those who ask questions usually take longer to write their question than those who write "no question". In any event, I still ask for the "no question" submission.

The questions are collected by the bailiff and brought to me at the bench. We sort through and find the questions and then I go into chambers with counsel and the court reporter. We go over each question and discuss any objections. Over time I have found questions can be classified into certain categories. There are questions that are advocacy questions. These are questions that seem to be advocating for one side of the other. These questions are usually easy to spot and are not asked. The other type of question is the inquisitorial question. These are usually asked unless there is some other reason why the question should not be asked.

Once the questions are determined I will exit chambers and ask the question or questions. Usually, I ask the question in the form it has been written, but sometimes, to make it contextually understandable or just read better, I will change the phrasing with agreement of counsel. I ask witnesses to answer the question to the best of their ability. After the question is asked, I allow the party who has called this witness to ask any follow up questions and then I allow the opposing party to ask any follow up questions. This same procedure applies to all witnesses. Once all questions are asked the witness is then excused.

¹⁰ The court may permit jurors to propose questions for the court to ask of the witnesses. If the court permits jurors to propose questions, the court shall use procedures that minimize the risk of prejudice, including all of the following:

- (1) Require jurors to propose any questions to the court in writing;
- (2) Retain a copy of each proposed question for the record;
- (3) Instruct the jurors that they shall not display or discuss a proposed question with other jurors;
- (4) Before reading a question to a witness, provide counsel with an opportunity to object to each question on the record and outside the hearing of the jury;
- (5) Read the question, either as proposed or rephrased, to the witness;
- (6) Permit counsel to reexamine the witness regarding a matter addressed by a juror question;
- (7) If a question proposed by a juror is not asked, instruct the jurors that they should not draw any adverse inference from the court's refusal to ask any question proposed by a juror.

I use the standard instructions from OJI to inform the jurors of their ability to ask questions. One particular instruction I make sure to emphasize is how we determine what questions to ask. I inform the jurors the following:

The reason that questions are reviewed by the Court and counsel before submission to a witness is to ensure that the question is appropriate, relevant, understandable, and not subject to some kind of evidentiary objection.

This is then followed by an admonition that no juror should draw any conclusions if their question is not asked. I find that this instruction provides transparency to the process for the jurors.

This entire juror questioning process takes between 5 – 15 minutes, depending on the number of questions. From this simple addition to the trial process, I have learned some things that inform me as to why juror questions are a good addition to the trial. Here are the 10 I have learned.

1. The process keeps jurors aware and awake.

Any jury trial can be boring, particularly when the testimony concerns the intricacies of building a dream house or making sure a contractor has constructed a pool according to standards. Even the criminal case can have lulls that are just simply boring. But when the jury has a stake in asking questions, they have a more intense involvement in actively listening to the testimony. When they are actively listening, they are awake.

2. Juror questions give jurors investment in the work they are assigned.

This may seem repetitive of the above statement but from jury post-service questionnaires jurors have heartily endorsed the practice of juror questions. Many jurors have not been allowed this opportunity in the past, but when given the opportunity they find it to be beneficial in clarifying the evidence.

One quote from a juror that makes this point is as follows: “Allowing jurors to ask questions of the witnesses shows respect and appreciation for jurors.”

3. Juror questions inform the attorneys

Even attorneys who do not like juror questions find that the questions asked by jurors provide insight into what the jurors are hearing and thinking. I usually find that the jurors implicitly inform the attorneys that counsel must explain or make something clearer if they are hoping to have the jury understand the theory of their case.

One quote from a juror on a post service questionnaire stated the following: “It [juror questions] was very beneficial because there were times when the attorneys’ line of questioning was not clear to a juror, and in wanting to make the correct decision, I did not want to be left assuming or wondering any details.”

Another juror said the following when asked about juror questions: “That [juror questions] surprised me. I think it is a good idea. Keeps the attorneys honest.”

4. Juror questions create a conversation during the trial instead of a lecture

In many ways this lesson ties into what was said above but it is a lesson that stands alone too. The ability to ask questions provides jurors with the ability to interact with attorneys and witnesses in a manner that makes them more than observers. They can ask what they think is important and what they want to know. Sometimes that is not allowed by the rules of evidence, statute, or other rule but they have the opportunity, which is important in making them part of the process. When their question is answered it makes them part of the conversation in reaching a verdict.

5. Juror questions assist the court in being aware of jurors and their presence in the courtroom

No longer are jurors just the people that are sitting in seats to the side of the courtroom. They are active members of the courtroom. Sometimes the questions presented are also messages from the jurors such as “we need a break”.

6. Jurors who take notes sometimes find the ability to ask questions as a good supplement or extension of their notes.

This was an observation made by a juror that I thought was insightful. Jurors have told me that juror questions help clear up questions or misunderstandings about what a witness said that attorneys may never pick up on during their own questioning. The questions bring clarity to their notes when they later are engaged in deliberations.

7. Jurors like questions

In reviewing hundreds of post service juror questionnaires, I have found few jurors who did not like the process of juror questions. The most common comment was that it made them truly feel part of the process (see above).

8. Discussions over questions with counsel and the court provide the opportunity to regroup and keep control over the whole process

When a sidebar in chambers is taken to discuss proposed questions, this provides an opportunity for the court to inquire what is next for the party presenting evidence, if anyone needs a break, and how the court reporter is holding up. This simple check in time can be invaluable in keeping the court and parties on track.

9. Jurors ask some funny questions

I once had a witness come to testify in a very colorful coat. She was an expert testifying about a technical issue. When it came time for juror’s questions there were many questions that were

relevant to the witness's testimony, but one stood out. This question simply asked, "where did you get that coat." Obviously, that question was not asked.

10. Knowing the difference between an inquisitorial and advocacy question

I mentioned this earlier, but this is probably my most important discovery. I have had to learn the purpose behind a question many times in determining if it can be asked. Jurors can come to the process believing they are amateur sleuths meant to find an elusive answer. Their impression of court comes from crime dramas that invite investigation and advocacy of a theory of the case.

A question that is more of an advocacy question is usually leading or places an assumption into the question. For example, a question that leads off with, "you said that . . ." is usually headed toward being an advocacy question. Inquisitorial questions actually outright ask the question. For example, "did you see the defendant?" or "do you wear glasses". If relevant I will ask these questions.

11. Bonus education: Jurors expect instant answers

The final thing I have learned came from writing this article. In doing some research I found something that I had never thought about. In a 2011 article from the Illinois Bar Journal advocating for a rule allowing juror questions the following paragraph stood out to me:

We live in a technology-driven world dominated by shorthand-filled text-messaging on cell phones, instant information on Google and Wikipedia, and continuous updates on Facebook and Twitter. Instantaneous feedback is an undeniable part of modern life, and jurors today have an expectation that their questions can and should be answered quickly, leaving them with a strong temptation to use their Blackberries and iPhones for extra-judicial research, despite admonitions from the trial judge.¹¹

The author concluded that the allowance of juror questions would ameliorate this unauthorized practice that jurors may be tempted to engage in. I had never thought about it, but 14 years after reading that article, the point is just as relevant that allowing jurors to ask questions keeps them from the temptation of doing their own research. Furthermore, it addresses the common jurors need for instant answers to questions.

I have found juror questions to be not so much an innovation but a harkening back to another time when jurors were more actively involved. I have found juror questions to be beneficial and not burdensome on the process. I encourage my fellow judges to consider this process, set aside any pre-conceived ideas about it, and try it out. I believe it provides a way for jurors to truly interact and reach a verdict that is fully informed. Further, it meets jurors in the world they currently live,

¹¹ *Juror Questions during Trial: An idea whose time has come again*, Illinois Bar Journal, June 2011, Volume 99, number 6, page 294, <https://www.isba.org/ibj/2011/06/jurorquestionsduringtrialanideawhos#:~:text=He%20found%20that%20the%20questions,that%20were%20worrying%20or%20confusing.>

where questions are answered almost instantly. If it does not work out for you or your court, at least you tried it. But I believe that judges will find that juror questions benefit the process and will be embraced by jurors.

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