

Tuesday Morning Session, 9:15 a.m., October 25, 1966

(Thereupon the following proceedings were had
in the Court's chambers:)

THE COURT: Let's indicate that
we are on the record in chambers, and who was
present, if you will, please, Mr. Reporter.

Indicate also that the Court this
morning issued seat assignment credentials and
delivered them to Counselor Bailey for Doctor
Richard and Mrs. Richard Sheppard, and Doctor
and Mrs. Stephen Sheppard, and two seat assign-
ments, two separate seat assignment credentials
for staff representatives of Mr. Bailey and
Mr. Sherman.

Let the record further show that
during a conference at the end of yesterday's
proceedings in this chamber, it was agreed by
and between counsel that lawyers who normally
transact business in this building, and who
are admitted to the Ohio Bar, may at the
appropriate time in this proceeding be permitted
to sit within the bar railing, to the extent
that the normal seating arrangements within
the bar railing can accommodate them.

Will you speak to the record, so far

as that is concerned, Mr. Corrigan, is that our understanding?

MR. CORRIGAN: That is our understanding. The State is in accord with such a suggestion.

THE COURT: And Counselor Bailey?

MR. BAILEY: The Defendant is amenable to that provision, certainly.

THE COURT: Let the record further show --

MR. SHERMAN: Your Honor --

THE COURT: Yes?

MR. SHERMAN: You stated attorneys who normally transact business in this courthouse. I think it was to include any attorney member of the Ohio Bar, was it not?

THE COURT: Yes, that's right. We had in mind, Russell, in the event that someone from Elyria or your part of the state, or anyone else that wanted to, that was a lawyer regularly admitted to the Ohio Bar, would have a seat assignment so long as there was one available for him.

Let the record further show that

Professor Kevin Sheard, S-h-e-a-r-d, Professor of Constitutional Law at Cleveland Marshall Law School, was issued seat assignment credentials, of course, behind the bar railing, and that this was by agreement of Counsel also.

Is that correct, Mr. Corrigan?

MR. CORRIGAN: Yes, sir.

THE COURT: Mr. Bailey?

MR. BAILEY: Yes, your Honor.

THE COURT: Is there anything further for the record at this time, gentlemen?

MR. BAILEY: Nothing from the defense.

THE COURT: Thank you, gentlemen.

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(Thereupon the following proceedings were had in the courtroom.)

(Thereupon the prospective jury panel was brought into the courtroom.)

THE COURT: Good morning, ladies and gentlemen. The Court wishes to commend you for your punctuality yesterday and this morning, and I want you to know that we believe we are making progress in connection

with the impaneling of this jury.

But before now returning you to the room which you occupied yesterday waiting to be called as a prospective member of this panel, the Court again admonishes you and instructs you that you shall not discuss this case or what little you know of it amongst yourselves.

You shall not permit anyone else to discuss it with you, nor shall you permit yourself to overhear anything that relates to this case by any means or media of communication, and you will bear in mind in detail the specific examples which the Court drew to your attention yesterday, and you shall bear these instructions in mind on each occasion when you leave the room either by way of recess, by way of waiting further call, or your voir dire, or by way of adjournment.

Now, Mr. Patrick, will you escort from the room the members of the prospective panel other than those that were seated up through Mrs. Reese yesterday.

(Thereupon the jury panel, except those

previously seated, were escorted from the
courtroom.)
