

LOCAL RULE 37

JURY MANAGEMENT PLAN

Pursuant to Supt. R. 9 for the Courts of Common Pleas, the Court hereby adopts a Jury Management Plan for implementation for the jury standards adopted by the Ohio Supreme Court on August 16, 1993.

37.1 Opportunity for Service

- A. The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group in the jurisdiction.
- B. **Jury service is an obligation of all qualified citizens.**

37.2 Jury Source List

- A. The names of potential jurors shall be drawn from a Jury Source List compiled from one or more regularly maintained lists of persons residing in the Court's jurisdiction.
- B. The Jury Source List shall be representative and should be as inclusive of the adult population as is feasible.
- C. The Court shall periodically review the Jury Source List for its representativeness and inclusiveness of the adult population in the jurisdiction.
- D. In the event the Court determines that improvement is needed in the representativeness and/or inclusiveness of the Jury Source List, appropriate corrective action should be taken.

37.3 Random Selection Procedures

- A. Random selection procedures shall be used throughout the juror selection process. Any method may be used, manual or automated, that provides each eligible and available person with an equal probability of selection. These methods shall be documented.
- B. Random selection procedures shall be employed in:
 - (1) Selecting persons to be summoned for jury service;
 - (2) Assigning prospective jurors to panels; and
 - (3) Calling prospective jurors for voir dire.
- C. Departures from the principle of random selection are appropriate:
 - (1) To exclude persons ineligible for service in accordance with Standard 4 of The Ohio Trial Court Jury Use and Management Standards adopted by the Supreme Court of Ohio;
 - (2) To excuse or defer prospective jurors in accordance with Standard 6 of The Ohio Trial Court Jury Use and Management Standards adopted by the Supreme Court of Ohio;
 - (3) To remove prospective jurors for cause or if challenged peremptorily in accordance with Standard 8 and 9 of The Ohio Trial Court Jury Use and Management Standards adopted by the Supreme Court of Ohio; and
 - (4) To provide all prospective with an opportunity to be called for jury service and to be assigned to a panel in accordance with Standard 13 of The Ohio Trial Court Jury Use and Management Standards adopted by the Supreme Court of Ohio.

37.4 Eligibility for Jury Service

- A. All persons shall be eligible for jury service except those who:
 - 1. Are less than 18 years of age;
 - 2. Are not citizens of the United States;
 - 3. Are not residents of the jurisdiction in which they have been summoned to serve;
 - 4. Are not able to communicate in the English language; or

5. Have been convicted of a felony and have not had their civil rights restored.

37.5 Term of and Availability for Jury Service

- A. The time that persons are called upon to perform jury service and to be available should be the shortest period consistent with the needs of justice.
- B. A term of service of one day or the completion of one trial, whichever is longer, is recommended. However, a term of one week or the completion of one trial, whichever is longer, is acceptable.
- C. Persons should not be required to maintain a status of availability for jury service for longer than two weeks except in jurisdictions where it may be appropriate for persons to be available for service over a longer period of time.

37.6 Exemption, Excuse, and Deferral

- A. All automatic excuses or exemptions, with the exception of statutory exemptions, from jury service shall be eliminated.
- B. Eligible persons who are summoned may be excused from jury service only if:
 - (1) Their ability to receive and evaluate information is so impaired that they are excused for this reason by the judge; or
 - (2) They request to be excused because their service would be a continuing hardship to them or to members of the public, and they are excused by the Judge or a specifically authorized Court official.
- C. Deferrals for jury service for reasonably short periods of time may be permitted by the Judge or a specifically authorized Court official upon completion and filing of an Affidavit.
- D. Requests for excuses and deferrals and their disposition should be written and supported by documentation (Dr.'s notes, etc.)

37.7 Voir Dire Examination

- A. Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality for the particular issues in the cases being tried.
- B. To reduce the time required for voir dire, basic background information regarding panel members shall be made available to counsel in writing for each party prior to the day on which jury selection is to begin. At the discretion of the Court, voir dire may be limited in time.
- C. The Judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time as determined by the Judge.
- D. The Judge should ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process.
- E. In criminal cases, the voir dire process shall be held on the record. In civil cases, the voir dire process shall be held on the record, unless waived by the parties.

37.8 Removal From The Jury Panel For Cause

If the Judge determines during the voir dire process that any individual is unable or unwilling to hear the particular case at issue fairly and impartially, that individual should be removed from the panel. Such a determination may be made on motion of counsel or by the Judge. Rulings shall be consistent with Rule 24 of the Ohio Rules of Criminal Procedure and R.C. 2945.21.

37.9 Peremptory Challenges

Peremptory challenges shall be exercised in accordance with the applicable Rule 47, Ohio Rules of Civil Procedure, Rule 24 of Ohio Rules of Criminal Procedure and R.C. 2945.21.

37.10 Administration of the Jury System

- A. The responsibility for administration of the jury system shall be vested exclusively in the Judges of the Court.
- B. All procedures concerning jury selection and services shall be governed by Ohio Rules of Court.
- C. Responsibility for administering the jury system shall be vested in two jury commissioners acting under the supervision of the Administrative Judge of the Court.

37.11 Notification for Service

- A. The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person shall be:
 - (1) Contained in a single document;
 - (2) Phrased to be readily understood by an individual unfamiliar with the legal and jury systems; and
 - (3) Delivered by ordinary mail unless otherwise ordered.
- B. A summons shall clearly explain how and when the recipient must respond and the consequences of a failure to respond.
- C. The questionnaire should be phrased and organized so as to facilitate quick and accurate screening and should request only that information essential for:
 - (1) Determining whether a person meets the criteria for eligibility;
 - (2) Providing basic background information ordinarily sought during voir dire examination; and
 - (3) Efficiently managing the jury system.
- D. Policies and procedures shall be established for monitoring failures to respond to a summons and for enforcing a summons to report for jury service.

37.12 Monitoring of the Jury System

The Courts shall collect and analyze information regarding the performance of the jury system on a regular basis in order to evaluate:

- A. The representativeness and inclusiveness of the Jury Source List;
- B. The effectiveness of qualification and summoning procedures;
- C. The responsiveness of individual citizens to jury duty summonses;
- D. The efficient use of jurors; and
- E. The cost-effectiveness of the Jury Management System.

37.13 Juror Service

- A. The Court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors;
- B. The Court shall determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques should be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels; and
- C. The Court shall coordinate jury management and calendar management to make effective use of jurors.

37.14 Jury Facilities

- A. The Court shall provide an adequate and suitable environment for jurors.
- B. The entrance area shall be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the facility;
- C. Jurors shall be accommodated in pleasant waiting facilities furnished with suitable amenities;
- D. Jury deliberation rooms shall include space, furnishings, and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms should be ensured; and
- E. To the extent feasible, juror facilities should be arranged to minimize contact between jurors, parties, counsel, and the public.

37.15 Jury Compensation

- A. Persons called for jury service shall receive a reasonable fee for their service and expenses;
- B. Such fees shall be paid promptly; and
- C. Employers shall be prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

37.16 Juror Orientation

- A. The Judge shall:
 - (1) Give preliminary instructions to all prospective jurors;
 - (2) Give instructions directly following empanelment of the jury to explain the jury's role, the trial procedures, including note taking and questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles;
 - (3) Prior to the commencement of deliberations, instruct the jury on the law, on the appropriate procedures to be followed during deliberations, and on the appropriate method for reporting the results of its deliberations. Such instructions should be made available to the jurors during deliberations;
 - (4) Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system; and
 - (5) Recognize utilization of written instructions is preferable.
 - (6) Before dismissing a jury at the conclusion of a case:
 - a. Release the jurors from their duty of confidentiality;
 - b. Explain their rights regarding inquiries from counsel or the Press;
 - c. Either advise them as they are discharged from service or specify where they must report; and
 - d. Express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.
- B. All communications between the Judge and members of the jury panel from the time of reporting to the Courtroom for voir dire until dismissal shall be in writing or on the record in open Court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

37.17 Jury Deliberations

- A. Jury deliberations shall take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision-making.
- B. The Judge shall instruct the jury concerning appropriate procedures to be followed during deliberations.
- C. The jury shall not be sequestered except under the circumstances and procedures set forth in Local Rule 37.18.
- D. A jury shall not be required to deliberate after a reasonable hour unless the Judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and is required in the interest of justice.
- E. Training should be provided to personnel who escort and assist jurors during deliberation.

37.18 Jury Sequestration

- A. A Jury shall be sequestered only for good cause, including but not limited to insulating its members from improper information or influences.
- B. During deliberations in the guilt phase and penalty phase, the jury shall be sequestered in a capital case.

- C. The Judge shall have the discretion to sequester a jury on the motion of counsel or on the Judge's initiative and shall have the responsibility to oversee the conditions of sequestration.
- D. Standard procedures shall be promulgated to:
 - (1) Achieve the purpose of sequestration;
 - (2) Minimize the inconvenience and discomfort of the sequestered jurors;
and
 - (3) Provide for the jury's security.
- E. Training shall be provided to personnel who escort and assist jurors during sequestration.