

**JURY
MANAGEMENT
PLAN
OF THE
EATON
MUNICIPAL
COURT**

**Adopted January 13th, 2011 by
JUDGE PAUL D. HENRY
CLERK, BERTHA D. KALIL**

JURY MANAGEMENT PLAN

1. Introduction:

This local Rule of Practice is being implemented in compliance with Municipal Court Superintendence Rule 18(C), which requires that each municipal court, prior to July 1, 1994, develop and implement a Jury Management Plan. It is the purpose of this Rule to implement an efficient and comprehensive system of jury use and management for the Eaton Municipal Court.

2. Jury

Eligibility:

To ensure that the jury pool is representative of the adult population of Ross County, Ohio, all persons are eligible to serve on a jury, except as follows:

1. Persons less than 18 years of age.
2. Persons who are not residents of Preble County.

All reasonable efforts shall be made to accommodate prospective jurors who have special needs.

3. Procedure for Jury Selection:

Potential jurors shall be drawn from a jury source list, which shall constitute a list of all registered voters in Preble County, by the use of random selection procedures using automated data processing equipment in conformity with ORC 2313.08, and ORC 2313.21.

In August of each year, the Jury Commissioners, duly appointed by the Court pursuant to Revised Code 2313.01, shall convene and select jury panels to cover potential jury dates throughout the calendar year. The jury source list shall be reviewed and unsuitable names purged from such list, in accordance with the powers provided to jury commissioners by ORC 2313.01.

In the event the jury panels drawn are insufficient to meet the needs for the court in the calendar year, the Jury Commissioners shall reconvene as necessary to select additional jury panels, in accordance with ORC 2313.01.

If, in the opinion of the court, this jury source list is not representative of the adult population of the jurisdiction, additional source lists shall be utilized as authorized by law.

Further, random selection processes shall be utilized to assign prospective jurors to specific panels and for assignment during voir dire.

Departures from random selection shall be permitted only as follows:

1. To exclude persons ineligible for service.
2. To excuse or defer prospective jurors.
3. To remove prospective jurors for cause or if challenged peremptorily.
4. To provide all prospective jurors with an opportunity to be called for jury service and to be assigned to a panel.

All prospective jurors shall be notified by regular mail of their requirement of service by the issuance of a summons directing them to appear on the date assigned. **(See Exhibit A).**

Further, all prospective jurors shall be required to complete a jury questionnaire and, if appropriate, a request for excuse, exemption or a deferral. **(See Exhibit B).** Said summons shall be phrased so as to be readily understood by an individual unfamiliar with the legal process, and shall be delivered by ordinary mail. Said summons shall clearly explain how and when the recipient must respond and the consequences of his failure to respond. Any person who fails to respond to a duly served summons may be served with a citation for contempt of court, and must appear to answer on said summons or, if appropriate, shall be arrested and detained for examination as to why they failed to attend.

4. Summoning of Prospective Jurors:

Prospective jurors shall be summoned only upon the filing of a written jury demand, if required. In civil cases, a jury deposit of Two Hundred Twenty-Five Dollars (\$225.00) shall be assessed. In the event the deposit is not made, no jury will be summoned, and the failure to make said deposit shall be deemed a waiver of the right to trial by jury. A person determined to be indigent may petition the Court for a waiver of the jury deposit requirement.

In criminal cases, no deposit shall be required.

Prospective jurors shall be summoned to appear in sufficient numbers to accommodate trial activity. Panels of seventy-five (75) persons per trial shall be summoned for service unless the Court determines that a lesser or greater number is necessary for a particular trial.

Every effort shall be made to resolve cases prior to summoning juries. A jury panel shall not be summoned unless it appears that there is a substantial likelihood of trial.

Persons summoned for jury service shall receive compensation AS FOLLOWS:

- A PERSON WHO PERFORMS ACTUAL SERVICE - \$10.00 PER DAY
- A PERSON WHO APPEARS FOR SERVICE BUT DOES NOT SERVE - \$10.00 PER DAY

Such fee shall be promptly paid from the City or County treasury, as appropriate.

Any juror wishing to waive his fee for service shall be permitted to do so in writing in the Clerk's office. All waived fees shall be returned to the City or County Treasury, as appropriate.

The term of service for any prospective panel shall be one day or the completion of one trial, whichever is longer. After completion of such service the juror may be excused if request for excuse is received by the Court.

5. Exemption, Excuse, and Deferral:

All persons except those who exercise their right to exemption are subject to service. Eligible persons who are summoned may be excused from service only if it is determined that their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors, or that service would constitute a significant hardship to them or members of the public. Persons excused from service

shall be deferred and may be subject to jury service at a later time. All requests for excuse, exemption, or deferral must be made on the form provided, and shall be accompanied by appropriate documentation. These documents shall be retained by the court.

The following factors constitute a partial, although not exclusive, list of excuses for which a person may be excused or deferred from jury service:

1. Any person who suffers from a substantial physiological or psychological impairment.
2. Any person who has a scheduled vacation or business trip during potential jury service.
3. Any person for whom jury service would constitute a substantial economic hardship.
4. Any person for whom service on a jury would constitute a substantial hardship on their family, clients, or members of the public affected by the prospective jurors occupation.
5. Any person who has served on a jury within the last year.
6. Any person for whom it may be readily determined is unfit for jury service.
7. Any person for whom it is readily apparent would be unable to perform their duty as a juror.
8. Other valid excuse

No person shall be excused from jury service, except by the Judge. No person who does not complete the jury excuse deferral or exemption form shall be excused from service. Once a prospective juror has submitted his request for excuse, the prospective juror must report for service unless otherwise notified by the Court.

6. Examination of Prospective Jurors:

Examination of prospective jurors shall be limited to matters relevant to determining whether to remove a juror for cause, and to determine the jurors fairness and impartiality.

All prospective jurors shall be placed under oath in accordance with the Ohio Revised Code. The oath administered shall incorporate an oath to assure the truthfulness of the answers provided on jury questionnaires.

Jury questionnaires indicating basic background information concerning panel members shall be made available to counsel one day prior to the day on which jury selection is to begin (**See Exhibit C**). Counsel is permitted to record or copy the information contained on the questionnaires, except addresses and telephone numbers, so long as all copies of jury questionnaires are returned to the court upon the completion of trial. Under no circumstances may counsel or a party retain any jury questionnaire.

Neither counsel nor party will be permitted to question prospective jurors as to matters

contained in the questionnaire. Parties and counsel may be permitted to ask follow up questions concerning such information.

The Court shall conduct a preliminary voir dire examination concerning basic and relevant matters, and counsel shall be permitted a reasonable period of time to question panel members thereafter. Counsel or parties shall conform their voir dire questioning to the following rules:

1. Counsel may not examine prospective jurors concerning the law or possible instructions.
2. Counsel may not ask jurors to base answers on hypothetical questions.
3. Counsel may not argue the case while questioning jurors.
4. Counsel may not engage in efforts to indoctrinate jurors.
5. Jurors may not be asked what kind of verdict they might return under any circumstances. No promises may be elicited from jurors.
6. Questions are to be asked collectively of the panel whenever possible.
7. Counsel may inquire by general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence.

In the event there exists a potential for sensitive or potentially invasive questions, the Court or the parties may request a hearing preceding voir dire to consider these questions.

In all cases, voir dire shall be held on the record, but may be conducted outside the presence of other jurors in order to protect juror privacy, or to avoid juror embarrassment.

If it is determined by the court during the voir dire process that the individual is unable or unwilling to sit in a particular case fairly and impartially, the individual shall be removed from the panel. Such motion for removal for cause may be made by counsel, a party if unrepresented, or upon motion of the court. Further, Ohio Revised Code 2313.42 and Ohio Criminal Rule of Procedure 24(B) set forth additional cause challenges which may be made against potential jurors.

Peremptory challenges shall be exercised alternatively as presently established by Revised Code 2945.23, and Civil Rule 47, and Criminal Rule 24, unless prior to trial the parties agree on the record to another method. Unless otherwise agreed, all challenges shall be made in open court. In special circumstances, challenges may be made outside the hearing of the prospective jurors. There shall be no limit to that number as established by the Rules of Civil and Criminal Procedure.

Challenges to the jury array shall be made in accordance with established rules of procedure.

In criminal cases, the jury shall consist of eight regular jurors and one alternate juror at the option of the Court. In civil cases, the jury shall consist of eight regular jurors and one alternate juror at the option of the Court, unless by agreement, the parties stipulate to a lesser number. In special circumstances, additional alternate jurors may be

selected.

7. Jury

Orientation:

Jurors shall report for service no later than 8:30 a.m., unless otherwise directed. After orientation, voir dire shall commence promptly. All unresolved trial issues must be brought to the attention of the court before the completion of orientation. No motions shall be entertained by the court the day of trial, except those which the court must consider by law or by rule of procedure.

Prospective jurors shall be provided with oral orientation upon their initial appearance and prior to service. The court shall give preliminary instructions to all prospective jurors, as well as additional instructions to all prospective jurors, as well as additional instructions following the impaneling of the jury to explain the jury's role, trial procedures of the court, along with other basic and relevant legal principals.

Upon the completion of the case and prior to jury deliberations, the court shall instruct the jury on the law and the appropriate procedures to be followed during the course of deliberations. In accordance with the Civil and Criminal Rules of Procedure, the parties or their counsel may request that special instructions be given to the jury.

A final jury charge shall, whenever possible, be committed to writing, and shall be provided to the jury for its use during deliberation.

All jurors shall be permitted to take notes during the course of the presentation of evidence after proper instruction by the court.

Upon appearance for service, all prospective jurors shall be placed under the supervision of assigned personnel and shall direct any questions or communications to such court personnel for appropriate action.

All communications between the judge and the members of the jury panel, from the time of reporting to the court through dismissal, shall be committed to writing or placed on the record in open court. Counsel for each party shall be informed of any communications, and shall be given the opportunity to be heard as to such communication. Under no circumstances shall counsel, a party, or other witness, have any contact with jurors.

All jury deliberations shall be conducted in the jury deliberation room. Jury deliberation rooms shall include space furnishings and facilities conducive to reach a fair verdict. Court personnel shall endeavor to secure the safety of all prospective jurors, and shall arrange and conduct all activities so as to minimize conduct between jurors, parties, counsel, and the public. Upon the commencement of deliberations, all jurors shall remain in the care of court personnel and shall not be permitted to leave the court without permission.

Deliberations shall not continue after a reasonable hour, unless the trial judge determines that evenings or weekend deliberations would not impose an undue hardship upon the jurors, and are required in the interest of justice. Jurors shall be consulted prior to any decision.

If jury deliberations are halted, jurors shall be permitted to be separated, unless for good cause shown, the Court finds that sequestration is necessary. If a jury is sequestered, the court shall undertake the responsibility to oversee the conditions of sequestration and the transportation of all jurors.

Upon reaching a verdict, all jurors shall return to the courtroom where the verdict or verdicts shall be read in open court. Upon the reading of the verdict, in criminal cases, either party may request that the jury be polled.

8. **Conclusion:**

The court shall evaluate the performance of this jury management plan to determine the representativeness of the jury pool; the effectiveness of the summoning procedures; the responsiveness of individual citizens to jury summons; the efficient use of jurors; the cost effectiveness of this plan; and overall juror satisfaction.