

JURY USE AND MANAGEMENT PLAN

This local Rule of Practice has been adopted in compliance with Supreme Court Rule 5(B)(2), which requires that each municipal court 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 Washington Court House Municipal Court.

I. 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 of Fayette County, Ohio.
- C. All reasonable efforts shall be made to accommodate prospective jurors who have special needs.

II. JURY SOURCE LIST

- A. Potential jurors shall be drawn from a jury source list, which shall constitute a list of all registered voters in Fayette County by the use of random selection procedures using the processing equipment in conformity with Ohio Revised Code Sections 2213.08 and 2213.21. The Court shall designate a key number based upon its needs and communicate the number to the Jury Commissioner. The jury source list shall be reviewed and unsuitable names purged from such list in accordance with the powers provided to jury commissioners by Ohio Revised Code Section 2313.01.
- B. 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.

III. RANDOM SELECTION PROCEDURES

- A. Random selection procedures shall be as ordered by the Fayette County Common Pleas Court.
- B. Departures from the principle of random selection are appropriate only to comply with lawful exceptions.

IV. ELIGIBILITY FOR JURY SERVICE / EXEMPTION, EXCUSE, AND DEFERRAL

- A. 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 upon a jury 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.

- B. 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 juror's 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.
- C. No person shall be excused from jury service, except by the Judge or an individual specifically authorized to excuse jurors. 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 if so notified by the Court.

V. TERM OF AND AVAILABILITY FOR JURY SERVICE / NOTIFICATION AND SUMMONING PROCEDURES

- A. 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 Attachment "A" - Part 1). Further, all prospective jurors shall be required to complete a jury information card (See Attachment "A" - Part 3) and, if appropriate, a request for excuse, exemption or a deferral (See Attachment "A" - Part 1) (reverse side). 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 shall be subject to contempt proceedings.

- B. Prospective jurors shall be summoned only upon the filing of a written jury demand, if required. In civil cases, a jury deposit of Three Hundred Dollars (\$300.00) shall be assessed. If the jury demand is made upon the filing of a complaint or made upon the filing of a responsive pleading, an additional Twenty-Five Dollars (\$25.00) shall accompany said pleading. The Three Hundred Dollar jury deposit shall be deposited with the Court along with proposed jury instructions within 30 days of the Court's order for pretrial reports. In the event either 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.
- C. In criminal cases, no deposit shall be required.
- D. Prospective jurors shall be summoned to appear in sufficient numbers to accommodate trial activity. Panels of fifty (50) persons per trial shall be summoned for service unless the Court determines that a lesser or greater number is necessary for a particular trial.
- E. 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. The assignment commissioner shall contact counsel, or the parties, whichever is appropriate, at least two weeks prior to the scheduled trial date. If it appears that trial is inevitable, a jury panel shall be summoned upon court order, at least fourteen (14) days in advance of trial.
- F. In cases where multiple trials are set for the same date, jury costs shall be assessed to the last trial settled on that date. If a trial is settled on the day of trial, all lawful jury costs shall be assessed against the party who requested the jury.
- G. The term of service for any prospective panel shall be one day or the completion of one trial, whichever is longer.

VI.REMOVAL FROM THE JURY PANEL FOR CAUSE / PEREMPTORY CHALLENGES

- A. Voir dire examination is conducted to determine the qualifications or disqualification of prospective jurors. The scope of the examination is at the sound discretion of the Court. The Court will allow reasonable inquiry by the parties. Generally speaking, the Court considers a time allocation of up to one and one-half (1 1/2) hours per party as reasonable inquiry. This time may be extended for good cause shown, and if it is apparent upon the record that voir dire is being conducted in good faith within the scope of these rules.
- B. Questions on voir dire must be asked in good faith for the purpose of discovering possible bias. Questions should be worded to enable the parties to ascertain bias rather than arouse passion or prejudice. Examination of jurors is not conducted in order to pry into their affairs, and purely personal or embarrassing questions are not to be asked of

them.

- C. Further, in any supplemental examination, the parties should not ask the same questions of each juror, but should direct questions to the entire panel. Counsel are not to repeat questions previously asked by the Court or other counsel to a particular juror.
- D. Examination of jurors is for the purpose of: (1) Insuring the litigants of a fair and impartial trial; (2) Determining whether prospective jurors are qualified to sit in the trial; (3) Enabling the parties to intelligently decide about their right to challenge prospective jurors.
- E. If at anytime, any party abuses his/her rights in voir dire examination by taking an unreasonable length of time or continuously asking personal and embarrassing questions, repeating questions previously asked by the Court or other party, or otherwise acting in an unreasonable manner, this Court will end that party's right to voir dire examination as that party has been given the right of reasonable inquiry.
- F. Jury information cards 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 Attachment A - Part 3). Counsel is permitted to record or handcopy the information contained on the jury cards, except addresses and telephone numbers. No photocopies shall be permitted and the original cards are to remain in possession of the Court at all times. Under no circumstances may counsel or a party retain any jury information card.
- G. 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.
- H. 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.
- I. 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.
- J. 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.
- K. Further, counsel or parties shall conform their voir dire questioning to the following rules:
 - 1. The case may not be argued in any way while questioning the jurors.
 - 2. Counsel may not engage in efforts to indoctrinate jurors.
 - 3. Jurors may not be questioned concerning anticipated instructions or theories of law, hypothetical questions or answers to hypothetical questions, or what kind of verdict they might return under any circumstance. This does not prevent general

questions concerning the validity and philosophy of reasonable doubt, burden of proof, or the presumption of innocence.

4. Questions are to be asked collectively of the entire panel whenever possible.
- L. 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.
- M. 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.
- N. If counsel anticipates unusual or potentially troublesome questions, counsel should request a conference.
- O. 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 shall be removed from the panel. Such a determination may be made on motion of counsel or by the judge.
- P. Rules determining procedure for exercising peremptory challenges shall be in accordance with the Ohio Civil and Criminal Rules adopted by the Supreme Court of Ohio and applicable statutory authority.

VII. ADMINISTRATION OF THE JURY SYSTEM / JUROR USE / JUROR ORIENTATION AND INSTRUCTION / JURY SIZE AND UNANIMITY OF VERDICT / JURY DELIBERATIONS / SEQUESTRATION OF JURORS

- A. Jury size and unanimity of verdict in civil and criminal cases shall conform with existing Ohio law.
- B. 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.
- C. Prospective jurors shall be provided with written and audio/visual orientation materials upon their initial appearance and prior to service.
- D. 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 communication, and shall be given the opportunity to be heard as to such communication. Under no circumstances shall counsel, a party, or other witnesses, have any contact with jurors.
- E. The trial judge should:

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 notetaking and questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles; and
 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.
- F. Deliberations shall not continue after a reasonable hour, unless the trial judge determines that evening 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.
- G. 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.
- H. Upon the completion of service, each juror shall be given a personalized certificate of appreciation and the Court shall release the jurors from their duty of confidentiality.

VIII. JUROR COMPENSATION

- A. Persons called for jury service should receive a reasonable fee for their service and Expenses pursuant to statutory authority.
- B. Such fees shall be paid promptly.
- C. Employers shall be prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service in accordance with Ohio Revised Code Section 2313.18.

IX. MONITORING THE JURY SYSTEM

- A. The Court shall collect and analyze information regarding the performance of the jury system annually in order to evaluate:
1. The representativeness and inclusiveness of the jury source list;
 2. The effectiveness of qualification and summoning procedures;
 3. The responsiveness of individual citizens to jury duty summons;
 4. The efficient use of jurors;
 5. The cost-effectiveness of the jury management system; and
 6. Overall juror satisfaction.

- B. To achieve these goals, the Court shall adopt and utilize a juror exit survey (Attachment B), along with maintaining regular data on all jury pools.

X.JURY FACILITIES

- A. The Court shall provide an adequate and suitable environment for jurors.
- B. Jury deliberation rooms shall include space, furnishings, and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms shall be ensured.
- C. To the extent feasible, juror facilities should be arranged to minimize contact between jurors, parties, counsel, and the public.