

Appendix C

MIDDLETOWN MUNICIPAL COURT JURY MANAGEMENT PLAN

A. Scope

This Local Rule 48.0 Jury Management Plan is created in compliance with the Supreme Court of Ohio Rules of Superintendence and is intended to reflect the guidelines and requirements of the Ohio Trial Court Jury Use and Management Standards adopted by the Supreme Court of Ohio (hereafter referred to as SCO Standards), the Ohio Revised Code and the Ohio Revised Code and the Ohio Rules of Criminal and Civil Procedure.

B. Administration of the Jury System

The responsibility for administration of the jury system shall be vested exclusively in the Middletown Municipal Court. All procedures concerning jury selection and service shall be governed by Ohio Rules of Court and the laws of the State of Ohio. The office of the Clerk of Court shall implement the Court's jury system. The Clerk of Court or his/her designee shall serve as the jury commissioner for the purpose of random selection of potential jurors and selecting jury panels unless the presiding Judge designates some other person to serve in that position on a regular or temporary basis.

C. Opportunity for Service.

The opportunity for jury service should not be denied, nor 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. Jury service is an obligation of all qualified citizens.

D. Jury Source List and Random Selection Procedures

Potential jurors shall be drawn from a jury source list which shall constitute a list of all registered and current voters residing within the jurisdiction of the Court, including equal, random selection procedures using automated data processing equipment in accordance with these local rules and the provisions of R.C. 2313.

The jury commissioner shall annually obtain the full current list of registered voters in the Court's jurisdiction from the Butler/Warren County Boards of Election (BOE) for potential jury trials scheduled during the year. Each time a new list of prospective jurors is obtained from the BOE and the names are entered into the source list of the Court's electronic jury management system, the previous source list shall be purged from the jury management system.

The Court may annually review the jury source list for its representativeness and inclusiveness of the adult population in the jurisdiction as is feasible. If the Court determines that

improvement is needed in the representativeness of inclusiveness of the jury source list, appropriate corrective action shall be taken.

Random selection processes shall be utilized to select a pool of 3,000 prospective jurors from the source list and to assign prospective jurors to specific panels scheduled during the year for assignment during voir dire, unless otherwise specified by the Court. Departures from random selection shall be permitted:

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.
5. To assure that a prospective jury panel is representative, diverse and fair.

E. Notification and Summoning Procedures

All prospective jurors shall be notified by regular mail or by an officer of the Court of their requirement of service by the issuance of a summons directing them to appear on the date assigned. All prospective jurors may be required to complete a jury questionnaire and, if appropriate, request an excuse, exemption or a deferral. The summons shall be phrased to be readily understood by an individual unfamiliar with the legal process, and shall be delivered by registered mail or by an officer of the Court. The summons shall also clearly explain how and when the recipient must respond and the consequences of his/her failure to respond. The Court shall remove from the jury source list or pool any summons returned for lack of receipt or other reasons indicating that the prospective juror would not be eligible to serve as a juror in the Middletown Municipal Court.

Prospective jurors shall be summoned for jury trial dates determined by the Court. Prospective jurors shall be summoned to appear in sufficient numbers to accommodate trial activity. Panels of eighty (80) persons per jury date shall be summoned for service unless the Court determines that a lesser or greater number is necessary.

F. Eligibility for Jury Service.

All persons should be eligible for jury service except those who:

1. Are less than eighteen 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.

G. Term of and Availability for Jury Service

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. Jurors shall be “on-call” to serve one day or the completion of one trial. Jurors are instructed to call the Clerk’s office designated phone number the night before their jury service is scheduled to begin or consult the alternate designated media to hear a message which informs them about their jury service requirements. If the trial is cancelled, their jury service is considered complete.

H. Exemption, Excuse and Deferral

Prospective jurors shall only be excused or exempt from jury services for the reasons authorized by statute or Rules of Superintendence.

Persons excused from service may be deferred and may be subject to jury service at a later time. Persons requesting a deferral may have their jury service postponed for up to six (6) months. All those deferred into the next jury year will remain in the jury source list or pool for that year.

Prospective jurors shall make all requests for exemptions, excuses and deferrals prior to the date of jury service by returning the Jury Excuse Form to the Clerk of Court’s office. A person shall be excused from jury service only by the Court. Once a prospective juror has submitted his/her request, the prospective juror must report for service unless otherwise notified by the Court. The Clerk’s designee shall notify all jurors receiving exemptions, excuses or deferrals and shall maintain a record of the time and reasons for each excuse in the Court’s automated jury management system.

I. Voir Dire – Jury Selection Process

Voir dire examination shall be governed by Ohio Rules of Civil and Criminal Procedure and be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror’s fairness and impartiality.

When appropriate, to reduce the time required for voir dire, basic background information regarding panel members shall be made available to attorneys in writing for each party on the day on which jury selection is to begin.

The trial Judge may conduct a preliminary voir dire examination. Attorneys shall then be permitted to question panel members for a reasonable period of time.

The Judge shall ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process.

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 the questions. An examination of a prospective juror may be conducted outside the presence of other jurors in order to protect juror privacy, or to avoid juror embarrassment.

In criminal cases, the voir dire shall be held on the record. In civil cases, the voir dire process shall be held on the record unless waived by the parties.

J. Removal from the Jury Panel for Cause

If the Court 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 the attorney or by the Court.

K. Peremptory Challenges

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. Peremptory challenges shall be limited to a number no larger than necessary to provide reasonable assurance of obtaining an unbiased jury.

In civil cases, the number of peremptory challenges shall not exceed three for each side. If the Court finds that there is a conflict of interest between parties on the same side, the Court may allow each conflicting party up to three challenges.

In criminal cases, the number of peremptory challenges should not exceed:

1. Three for each side. One additional peremptory challenge may be allowed for each at the discretion of the Court.

In criminal and civil proceedings each side should be allowed one peremptory challenge if one or two alternate jurors are impaneled, two peremptory challenges if three or four alternates are impaneled, and three peremptory challenges if five or six alternates are impaneled. These additional peremptory challenges shall be used against an alternate juror only, and the other peremptory challenges allowed by law shall not be used against an alternate juror.

L. Juror Use

The Court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors. The Court shall determine the minimally sufficient number of jurors needed to accommodate trial activity.

M. Jury Facilities

The Court shall attempt to provide an adequate and suitable environment for jurors, including waiting, jury seating in the courtroom and deliberation areas. The deliberation room shall be safe and secure, and include space, furnishings and facilities conducive to reaching a fair verdict.

To the extent feasible, juror facilities shall be arranged to minimize contact between jurors, parties, attorneys, and the public.

N. Juror Compensation

Persons summoned for jury service shall receive compensation in an amount determined by Court order for fee schedule upon presentation of the signed juror summons to the Clerk. Any juror wishing to waive his fee for service shall be permitted to do so.

Employers are prohibited from discharging, laying off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

O. Juror Orientation and Instruction

The Court shall provide prospective jurors with orientation prior to the selection process to increase their understanding of the judicial system and their role in the legal process. Jury orientation shall include a presentation containing elements recommended by the SCO Standards.

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. The attorney for each party shall be informed of such communication and given the opportunity to be heard.

P. Jury Size and Unanimity of Verdict

Jury size and unanimity in civil and criminal cases shall conform with existing Ohio law.

Q. Jury Deliberations

Jury deliberations shall take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational-decision making, and shall conform to existing Ohio law. The Judge shall instruct the jury concerning appropriate procedures to be followed during deliberations in accordance with SCO Standards, Ohio Rules and laws.

A jury should not be required to deliberate 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.

Training should be provided to personnel who escort and assist jurors during deliberation.

R. Sequestration of Jurors

A jury should be sequestered only for good cause, including but not limited to insulating its members from improper information or influences.

The trial Judge shall have the discretion to sequester a jury on the motion of any attorney or on the Judge's initiative and shall have the responsibility to oversee the conditions of sequestration.

The trial Judge and Court staff shall be responsible for ensuring that standard procedures are followed to achieve the purpose of sequestration and minimize the inconvenience and discomfort of the sequestered jurors. Training shall be provided to personnel who escort and assist jurors during sequestration.

S. Monitoring the Jury System

The Court shall collect and analyze information regarding the performance of the jury system to evaluate the representativeness and inclusiveness of the jury source list; the effectiveness of qualification and summoning procedures; the responsiveness of individual citizens to jury duty summonses; the efficient use of jurors; and the cost-effectiveness of the jury management system.

T. Enforcement of Rules

The Court reserves the right within its sound discretion to enforce these rules and otherwise use and manage the jury system to ensure justice.