

## **LOCAL RULES OF COURT JURY MANAGEMENT**

This Jury Management Plan is being implemented in compliance with Ohio Trial Court Jury Use and Management Standards found in Ohio Rules of Superintendence, Appendix B, 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 Willoughby Municipal Court. The responsibility for administration of the jury system shall be vested exclusively in the Willoughby Municipal Court.

Each year 1,100 potential jurors are randomly chosen from a source list of registered voters provided by the Lake County Board of Elections. This random draw is overseen by the Lake County Jury Commission. The source list is of registered voters residing in the jurisdiction of the Willoughby Municipal Court, i.e. Eastlake, Kirtland, Kirtland Hills, Lakeline, Timberlake, Waite Hill, Wickliffe, Willoughby, Willoughby Hills and Willowick. The selection is random using automated data processing equipment. Departures from random selection shall be permitted only to:

1. exclude persons ineligible for service;
2. excuse or defer prospective jurors;
3. remove prospective jurors for cause or if challenged peremptorily;
4. provide all prospective jurors with an opportunity to be called for jury service and to be assigned to a panel; and
5. assure that a prospective jury panel is representative, diverse and fair.

The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, or disability. All reasonable efforts shall be made to accommodate prospective jurors who have special needs.

To ensure that the jury panel is representative of the adult population of the jurisdiction, all persons shall be eligible for jury service except those who are:

1. less than eighteen years of age;
2. not a citizen of the United States;
3. not a resident of the Willoughby Municipal Court jurisdiction in which they have been summoned to serve;
4. not able to communicate in the English language; and

5. not convicted of a felony but have not had civil rights restored.

Prospective jurors shall be summoned to achieve optimum use with a minimum of inconvenience to jurors and at a sufficient number to accommodate trial activity. Trial dates are determined by the Court.

Panels of forty (40) shall be summoned for service unless the Court determines that a lesser or greater number is necessary for a particular trial.

Prospective jurors shall be notified by regular mail of their requirement of service by the issuance of a *Jury Summons* (APPENDIX A), which will provide the date of possible service. All prospective jurors shall be required to complete a *Juror Questionnaire* (APPENDIX B) and, if appropriate, a *Request for Exemption, Deferral or Excuse*, (APPENDIX C). The *Summons* shall also clearly explain how and when the recipient must respond and the consequences of his/her failure to respond. The Court Administrator shall remove from the jury list 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 Willoughby Municipal Court.

Summoned jurors shall be "on call" for one jury trial. Summoned jurors will, on the day before trial, telephone an outgoing message machine which will inform them whether or not they are needed for jury service the following morning.

Employers shall be prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service. The Court will provide written authority for any juror requiring it for work or school. The term of service for any prospective panel shall be the completion of one Trial. Persons summoned for jury service shall receive compensation in the amount of Fifteen Dollars (\$15.00) per day, which will be mailed to the juror after jury service.

Counsel and/or parties are required to make efforts to resolve case scheduled for jury trial prior to the day of trial. The Court shall conduct a final pretrial conference at least two (2), but no more than fourteen (14) days prior to the trial, unless otherwise ordered by the Court.

If a trial is settled on the day of trial, all lawful jury costs shall be assessed against the party who requested the jury unless otherwise agreed to by the parties or ordered by the Court. In cases where multiple trials are set for the same date, jury costs shall be assessed to the last trial settled on that date.

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. Unless in the case

of exigent circumstances or for good cause showing, all requests for exemption, excuse, or deferral must be made on the form provided, and shall be accompanied by appropriate documentation. These documents shall be retained by the Court for a period of two

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 age over the age of 75 years;
8. Any person for whom it is readily apparent would be unable to perform duty as a juror;
9. Other valid excuse.

Any person shall not be excused from jury service, except by the Judge or person specifically authorized by the Judge to excuse jurors. Any person who does not complete the jury information form shall not be excused from service. Once a prospective juror has submitted the request for excuse, the prospective juror must report for service, unless otherwise notified by the Court.

All summoned jurors as listed on APPENDIX D shall be placed under oath in accordance with the Ohio Revised Code. The oath administered shall incorporate assurance of truthfulness of the answers provided by them on the Jury Questionnaires they submitted to the Court.

The questionnaires contain basic background information concerning panel members and shall be made available to counsel or *pro se* parties no later than the morning of trial. Neither counsel nor *pro se* parties are permitted to record information contained on the questionnaires. The Court's copies of questionnaires shall be returned to the

Court immediately upon the completion of trial. Under no circumstances may counsel or a party retain any questionnaires or copies of questionnaires.

Neither counsel nor the parties will be permitted to question prospective jurors as to matters contained in the questionnaire, but are 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. Counsel or the parties shall conform their voir dire questioning to the following rules, and:

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

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 an individual is unable or unwilling to sit in a particular cause fairly and impartially, the individual shall be removed from the panel. Such a motion for removal for cause may be made by counsel, a party if unrepresented, or upon motion of the Court. Further, R.C. 2313.42 and R.C. 2945.25 and Criminal Rule 24(B) set forth additional challenges for cause which may be made against potential jurors.

Peremptory challenges shall be exercised alternatively as presently established by R.C. 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 outside the hearing of the prospective jurors. There shall be no limit to

challenges for cause; however, peremptory challenges shall be limited 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 (8) regular jurors and up to two (2) alternate jurors. In civil cases, the jury shall consist of eight (8) regular jurors and up to two (2) alternate jurors unless the demand specifies a lesser number.

The Court shall give preliminary instructions to all prospective jurors, as well as additional instructions following the impaneling of the jury to explain the jury's role, trial procedures including note taking and questioning by jurors, along with other basic and relevant legal principles.

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.

Upon completion of the case and prior to jury deliberations, the Court shall instruct the jury of the law and the appropriate procedures to be followed during the course of deliberations. In accordance with Civil and Criminal Rules of Procedure, the parties or their counsel may request in writing 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. The jury instructions shall be returned to the judge with the verdict forms and all exhibits, to be included in the Court file.

All jury deliberations shall be conducted in the jury deliberation room. Court personnel shall endeavor to secure the safety of all prospective jurors, and shall arrange and conduct all activities so as to minimize contact 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 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.

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 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.

Before dismissing and discharging the jury at the conclusion of a case, the Court will release them from their duty of confidentiality and explain their rights regarding inquiries from counsel or the press. Each juror will be asked to complete a Jury Exit Survey.

**JUDGE MARISA L. CORNACHIO  
WILLOUGHBY MUNICIPAL COURT**

4000 Erie Street  
Willoughby, Ohio 44094

Phone 440.953.4150

Facsimile 440.953.4149

(Date)

**NOTICE – JURY SUMMONS  
2019 TERM**

Name  
Address  
City, State, Zip Code

Dear :

You have been summoned to appear as a prospective juror in the Willoughby Municipal Court and are required to appear at 8:30 AM on the following date:

**(insert trial date)**

Since many cases resolve prior to trial, please call the jury information line at (440) 953-4131 after 4:30PM on the evening prior to your scheduled report date and you will receive updated reporting instructions. You are not required to be present if there is no trial, nor are you required to remain at the courthouse if you are not selected in the particular case.

The compensation for jury service is \$15.00 per day and required attire is business casual. Jury duty is usually completed in one or two days; however, jurors will be expected to remain until the completion of trial, once empaneled. Failure to obey this summons is contempt of court and punishable by a monetary fine and/or imposition of jail.

Please complete and return the enclosed juror questionnaire in the self-addressed stamped envelope provided prior to the jury date.

Please contact the court if you have any questions about your service.

Very truly yours,

Judge Marisa L. Cornachio

MLC/aem

# IN THE WILLOUGHBY MUNICIPAL COURT LAKE COUNTY, OHIO

## JUROR QUESTIONNAIRE

1. \_\_\_\_\_  

Last Name	First	Middle Initial	Age	Sex
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2. \_\_\_\_\_  

Street Address	City	State	Zip
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3. Years of residence: \_\_\_\_\_ in Ohio \_\_\_\_\_ in Lake County
4. Have you served as a juror before:     Yes     No
5. Education: (Indicate number of years) \_\_\_\_\_ Grades 1-12    \_\_\_\_\_ College    \_\_\_\_\_ Graduate School  
 Other Training: \_\_\_\_\_ Degree Received: \_\_\_\_\_
6. What is your occupation: \_\_\_\_\_  
 Employer: \_\_\_\_\_  
(Please indicate if unemployed or retired and indicate last occupation and employer. If you are a student, please indicate name of school)
7. Marital Status: (Check One)     Married     Divorced     Single  
     Separated     Widowed
8. List living members (spouse and children only) of your family:

Name	Relationship	Age	Living with You		Occupation	Employer
			Yes	No		

9. Do you have any physical disability or health problems that would prevent you from serving as a juror?  
 Yes  No    If yes, please submit a letter in writing to the Court.
10. Are you now, or have you been, a party to any litigation:     Yes     No  
 If yes, please describe: \_\_\_\_\_
11. Do you drive an automobile:     Yes     No    Number of Years \_\_\_\_\_
12. Have you received a traffic ticket within the last three years?     Yes     No  
 If yes, Local Ordinance: \_\_\_\_\_ State: \_\_\_\_\_
13. Have you or any member of your family ever been convicted of a serious traffic violation, i.e. operating under the influence, leaving the scene of an

automobile accident, driving under suspension, or vehicular homicide?  Yes  No

If yes, please indicate who, type of violation(s) and approximate date(s):  
\_\_\_\_\_

14. Have you or any member of your family ever been convicted of a criminal offense:  Yes  No

If yes, please explain: \_\_\_\_\_

15. Have you or any member of your family ever been the victim of a crime:  Yes  No

16. Have you ever owned a firearm?  Yes  No

17. Are you related to, or a close friend of, any law enforcement officer or security officer?  Yes  No

18. Have you ever had any law enforcement or legal training?  Yes  No

19. Have you ever had an unpleasant experience with a law enforcement officer:  Yes  No

20. If you have been represented by legal counsel for any matters, please provide the Attorney's name and address: \_\_\_\_\_

21. Do you have any religious beliefs which would make it impossible to serve as juror?  Yes  No

22. Do you drink alcoholic beverages?  Yes  No

Do you hold any religious or moral convictions about the use of alcohol?  Yes  No

Are you a member of any organization, the purpose of which is to oppose the use of alcoholic beverages by others?  Yes  No

If yes, name of organization: \_\_\_\_\_

23. Have you or any member of your immediate family ever been employed by any government body?  Yes  No

24. Do you get most of your news from: (Please check one)

Newspapers  Magazines  Radio  Television

Which newspapers/news magazines do you read regularly? \_\_\_\_\_

Which news programs do you listen to, or watch, most often? \_\_\_\_\_

25. If you desire to give additional information about your ability to serve as a fair and impartial juror, please do so here: \_\_\_\_\_

\_\_\_\_\_

HOME PHONE: \_\_\_\_\_ CELL PHONE: \_\_\_\_\_ BUSINESS PHONE: \_\_\_\_\_

If no telephone, give the name, address and telephone number of a person who will get a message to you and/or may be contacted in the event of an emergency: \_\_\_\_\_

DATE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

## REQUEST FOR EXEMPTION, DEFERRAL OR EXCUSE

Juror's Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Dates Scheduled to Serve: \_\_\_\_\_

If you have served on jury duty in the last twelve (12) months, please indicate when and where:

I request to be exempted from jury duty for the following reasons:

- Cloistered member of a religious organization
- No longer a resident of Eastlake, Kirtland, Kirtland Hills, Lakeline, Timberlake, Waite Hill, Wickliffe, Willoughby, Willoughby Hills or Willowick (see new address above)
- I am over seventy-five years of age.
- I request to be excused from jury duty for the following reason(s):\*

\_\_\_\_\_  
**(Juror)**

\*If your reason is medical in nature, have your physician complete this section: (attach documents if necessary)

\_\_\_\_\_  
**(Physician's Signature)**

If your reason involves your work, have your supervisor complete this section:  
(attach documents if necessary)

\_\_\_\_\_  
**(Supervisor's Signature)**

**Please return this form with your completed Juror Questionnaire within seven (7) days of receipt. If you do not hear from this Court you must appear as scheduled. If you have any questions please call (440) 953-4163.**

