

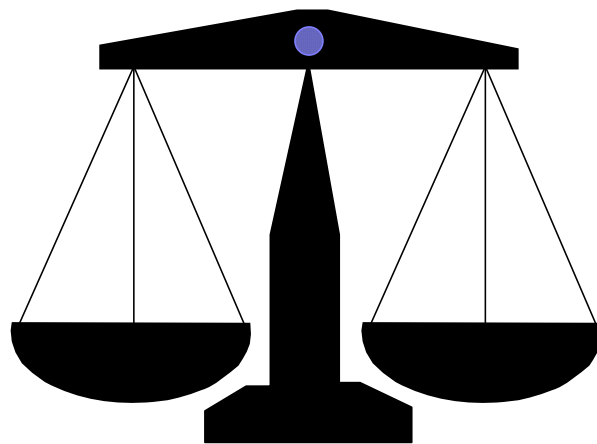
WILLOUGHBY MUNICIPAL COURT

LAKE COUNTY, OHIO

JURY USE

&

MANAGEMENT STANDARDS



FEBRUARY 15, 2000

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Standard 1. Introduction

This local Rule of Practice is being implemented in compliance with ~~Municipal Court Superintendence Rule 18(e)~~, Appendix B, Rules of Superintendence for the Courts of Ohio, 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. In addition to the provisions herein the Willoughby Municipal Court concurs with the Lake County Jury and Management Standards filed heretofore that are not in conflict with the provisions herein.

Standard 2. Administration of the Jury System

The responsibility for administration of the jury system shall be vested in the Judge and Bailiff who shall coordinate all procedures.

All procedures concerning jury selection and service should be governed by Ohio Rules of Court and appropriate statutes.

Standard 3. Opportunity for Service

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.

Jury service is an obligation of all qualified citizens of Lake County, Ohio.

Standard 4. Eligibility for Jury Service

To ensure that the jury panel is representative of the adult population of Lake County, Ohio, all persons shall be eligible for jury service except those with the following characteristics:

1. less than eighteen years of age;
2. not a citizen of the United States;
3. not a resident of the Lake County jurisdiction in which they have been summoned to serve: namely, Eastlake, Kirtland, Kirtland Hills, Lakeland Community College, Lakeline, Timberlake, Waite Hills, Wickliffe, Willoughby, Willoughby Hills, Willowick;
4. not able to communicate in the English language;
5. has not been convicted of a felony but has not had civil rights restored.

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

Standard 5. 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. This information and appropriate management techniques should be used to adjust both the number of individuals summoned for jury duty and the number assigned by jury panels.

Standard 6. Jury Size and Unanimity of Verdict

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

Standard 7. Jury Facilities

The Court shall provide an adequate and suitable environment for jurors. The entrance and registration area shall be clearly identified and appropriately designed to accommodate the flow of prospective jurors in the Courthouse. Jurors shall be accommodated in pleasant waiting facilities furnished with suitable amenities. 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. To the extent feasible, juror facilities should be arranged to minimize contact between jurors, parties, counsel and the public.

Standard 8. Juror Compensation

Persons summoned for jury service shall receive compensation in the amount of Fifteen Dollars (\$15.00) per day. Such fees shall be paid promptly at the end of the jurors term of service.

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

The term of service for any prospective panel shall be the shortest period consistent with the needs of justice.

Standard 9. Procedure for Juror Selection

Upon request, the Lake County Commissioners shall, by random selection from their source, provide to the Willoughby Municipal Court, a computer printout of a predetermined number of prospective jurors for each term of Court.

Further, random selection processes shall be utilized to assign prospective jurors to specific panels. 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.

Standard 10. Notification of Selection for Jury Service

All prospective jurors shall be notified by regular mail of their requirement of service by issuance of a *Notice & Summons* (APPENDIX A) directing them to appear on the date assigned. Further, 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 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.

The jury questionnaire should be phrased and organized so as to facilitate quick and accurate screening and should request only that information essential for determining whether a person meets the criteria for eligibility, providing basis background information ordinarily sought during voir dire examination, and efficiently managing the jury system.

Standard 11. Summoning of Prospective Jurors

Prospective jurors shall be summoned to appear in sufficient numbers to accommodate trial activity. Panels of fifty (50) persons shall be summoned for service on any given jury day, unless the Court determines that a lesser or greater number is necessary for a particular trial.

Prospective jurors shall be “on call” for a period not to exceed one (1) month. During the one (1) month period, prospective jurors will, on specified days, telephone an outgoing message machine which will inform them whether or not they are needed for jury service the following morning.

~~Prospective jurors shall be called to report only when a jury is required by law or upon the filing of written jury demand. In civil cases, an additional cost of Twenty Dollars (\$20.00) shall be assessed upon the filing of a jury demand plus a jury deposit of Four Hundred Dollars (\$400.00) shall be required thirty (30) days prior to the trial or the jury will be deemed waived. A person determined to be indigent may petition the Court for a waive of the jury deposit requirement~~

Above was amended to following paragraph per JL. A-07; PG. 1243; 4/01/07:

“Prospective jurors shall be called to report only when a jury is required by law or upon the filing of written jury demand. In civil cases, upon the filing of a Jury Demand, a \$250.00 deposit is due, (\$70.00 is a non-refundable fee for notices and jury preparation and \$180.00 is a security deposit toward juror fees). The balance of \$725.00 is due at conclusion of final pretrial or the jury demand will be deemed waived. 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.

~~It is the duty of trial counsel demanding trial by jury to notify the Court in writing at least seven (7) days prior to the trial date if the jury is to be waived or the case has been settled. Failure to waive the jury trial at, or prior to the final pretrial and scheduling a change of plea, shall result in a One Hundred Dollar (\$100.00) jury fee assessment being taxed to the party requesting the trial in the event the matter is subsequently resolved without trial. (Removed per JL. A-04; PG. 917; 06/18/04)~~

In cases where multiple trials are set for the same date, and a jury has been called in, 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.

Standard 12. Prospective Jurors Who Fail to Respond or Appear

Prospective jurors who fail to respond to the summons or fail to report as scheduled shall be mailed a reminder letter again advising them of their obligations. (APPENDIXES D & E)

Any prospective juror who again fails to respond, shall be brought to the attention of the judge.

Standard 13. 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 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 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.

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

1. who suffers from a substantial physiological or psychological impairment;
2. who has a scheduled vacation or business trip during potential jury service;

3. for whom jury service would constitute a substantial economic hardship;
4. 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. who has served on a jury within the last year;
6. for whom it may be readily determined is unfit for jury service;
7. for whom it is readily apparent would be unable to perform duty as a juror.

No person shall be excused from jury service without having submitted a Request for Exemption, Deferral, or Excuse, as set forth in Standard 10 herein. Submission of such a request does not, however, guarantee excusal and all prospective jurors must report for service unless otherwise notified by the Court (APPENDIX F).

Standard 14. Juror Orientation

The Court shall have an orientation program designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors. The orientation program shall be presented to prospective jurors in a uniform and efficient manner using a combination of written and oral materials.

Jurors shall sign in for service no later than 8:00 a.m., unless otherwise directed (APPENDIX G). 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, upon their initial appearance and prior to service, be provided a *Juror Information Sheet* (APPENDIX H) and a *Guide for Trial Jurors* (APPENDIX I).

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.

Standard 15. Voir Dire

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

All prospective jurors as listed on APPENDIX J 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 containing basic background information concerning panel members 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, except addresses and telephone numbers, nor may they make xerox copies. 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.
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.

Standard 16. Removal From the Jury Panel For Cause

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, Revised Code Sections 2313.42 and 2945.25 and Criminal Rule 24(B) set forth additional challenges for cause which may be made against potential jurors.

Standard 17. Peremptory Challenges

Peremptory challenges shall be exercised alternatively as presently established by Section 2945.23, Ohio Revised Code, 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 one (1) alternate juror. In civil cases, the jury shall consist of eight (8) regular jurors and one (1) alternate juror unless the demand specifies a lesser number (*Juror Seating Plan*, Appendix K).

Standard 18. Instructions by the Trial Judge

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

Standard 19. Jury Deliberation

All jury deliberations shall be conducted in the jury deliberation room. Jury deliberation rooms shall include space, furnishings and facilities conducive to reaching 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 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.

Standard 20. Dismissal of the Jury

Before dismissing them at the conclusion of a case, the Court should:

1. release them from their duty of confidentiality;
2. explain their rights regarding inquiries from counsel or the press;
3. either advise them that they are discharged from service or specify where they must report;
4. express appreciation for their service, but do not express approval or disapproval of the result of the deliberations.

Standard 21. Completion of Service

Upon completion of service, a check will be mailed by the Lake County Auditor to each juror for payment based on the number of days served. Additionally, the Court will prepare a letter to each juror with a Certificate (APPENDIX L-1 and L-2) thanking them for their service as a juror and in completing and returning a survey form.

Standard 22. Conclusion

The Court shall collect and analyze information regarding the performance of this Jury Management Plan to evaluate the representativeness of the jury pool, the effectiveness of the summoning procedures, the responsiveness of individual citizens to the jury summons, the efficient use of jurors, the cost effectiveness of this plan, and overall juror satisfaction.

To achieve these goals, the Court shall adopt and utilize a Juror Exit Survey (APPENDIX L-3) to assist in maintaining regular data on all jury pools.