

**JURY USE AND MANAGEMENT PLAN
PREBLE COUNTY COMMON PLEAS COURT**

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, disability, or any other factor that discriminates against a cognizable group in the jurisdiction.

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

Jury Source List:

Pursuant to Court Order, the jury source list shall be obtained from the Board of Elections' list of registered voters. Jury panels for each term (January, May and September Terms) shall be chosen at random using jury management software provided by Courtview working from electronic data provided by the Board of Elections.

Eligibility for Jury Service:

All persons shall be eligible for jury service except those who are less than eighteen years of age, not citizens of the United States and Preble County, Ohio, are not able to communicate in the English language or have been convicted of a felony and have not had their civil rights restored.

Term 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.

A pool of approximately 45 jurors shall be summoned for each trial on an as needed basis. Jurors do not report every day. Jurors are asked to call a message center number on the business day prior to service to confirm that they need to report for service.

Exemption, Excuse and Deferral:

Only statutory exemptions from jury service will be implemented.

Prospective jurors may be excused for the following reasons: extreme financial hardship, upon request of a juror over the age of 70, personal illness or serious family illness, childcare hardship or medical excuse signed by a physician. Prospective jurors may defer service based on planned vacations or business trips or in the case of a student temporarily living out of the jurisdiction.

Requests to be excused from jury service or to have jury service deferred shall be in writing and said writings shall be kept by the Jury Commissioner until the end of the term for which the prospective juror was called.

Voir dire:

Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to determine the juror's fairness and impartiality.

To reduce the time required for *voir dire*, basic background information regarding panel members shall be provided to counsel via a questionnaire (see attached). The copy of the questionnaire provided to counsel shall be destroyed (shredded) the end of each trial. The original questionnaire shall be shredded at the end of the term for which the prospective juror was called.

The judge shall conduct a preliminary *voir dire* examination and counsel shall then be permitted to supplement the examination in accordance with the rules set forth below. The judge shall ensure that the privacy of prospective jurors is reasonably protected and that the examination is consistent with the purpose of the *voir dire* process.

The *voir dire* process shall be recorded unless waived by the parties (in a civil case only).

Rules for *Voir dire*:

The case may not be argued in any way while conducting the examination of prospective jurors. Counsel may not engage in efforts to indoctrinate jurors during the *voir dire* process.

Jurors may not be questioned concerning anticipated instructions or theories of law. This does not prevent general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence.

Jurors may not be asked what kind of verdict they might return under any circumstance.

Questions are to be asked collectively of the entire panel whenever possible.

Removal from Jury Panel for Cause:

If the judge determines during *voir dire* 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.

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.

Administration of Jury System:

The responsibility for administration of the jury system shall be vested exclusively in the Preble County Common Pleas Court. All procedures concerning jury selection and service should be governed by the Ohio Rules of Court.

Notification and Summoning Procedures:

The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person should be delivered by ordinary mail and stated in such a way as to be readily understood by an individual unfamiliar with the legal and jury systems. The summons should clearly explain how and when the recipient must respond and the consequences of a 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 to determine whether a person meets the criteria for eligibility and to provide a basic background of the prospective juror.

Juror Use

The Court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.

Jury Facilities:

The Court shall provide a suitable environment for jurors. Jurors reporting for service shall be greeted and registered by the Court's Bailiff. The Jury Room shall include space, furnishings and facilities conducive to reaching a fair verdict. The safety and security of the deliberation room shall be of utmost importance.

The Court shall take steps to minimize the contact between jurors, parties, counsel and the public.

Jury Compensation:

Persons called for jury service shall receive payment for service pursuant to statutory authority.

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

Jury Orientation and Instruction:

Prospective jurors shall receive general instructions regarding jury service with the summons for jury service. At trial, the trial judge shall give preliminary instructions regarding each phase of the trial so that the juror understands his or her role in the trial procedures, explaining the nature of evidence and its evaluation, and the basic relevant legal principles.

Prior to the commencement of deliberations, the trial judge shall 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 shall be made available to the jurors during the deliberations.

Jury instructions (charge) shall be in writing and each juror shall have a copy of the instructions during deliberations.

At the conclusion of the trial, the trial judge shall release the jurors from their duty of confidentiality, explain their rights regarding inquiries from counsel or the press; express appreciation to the jurors for their service (in fact this is also done by letter following jury service), and not express approval or disapproval of the result of the deliberations.

All communications between the judge and the 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.

Jury Size and Unanimity of Verdict:

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

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.

A jury shall be sequestered after a capital case is submitted to the jury in conformity with existing Ohio law.

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