

LOCAL RULE 8: JURIES

I. Opportunity For Service

Jury service is an obligation of all qualified citizens of Hamilton County. The opportunity for service shall not be denied to any person on the basis of race, national origin, gender, age, religious beliefs, income, occupation, disability (except where there is a language barrier), or any other discriminating factor. All reasonable efforts shall be made to accommodate prospective jurors who have special needs.

II. Jury Source List

(a) The jury source list shall be obtained from the Board of Elections' list of registered voters. This list is considered sufficiently representative and inclusive of the adult population of Hamilton County.

(b) The Jury Commissioners appointed by the Court, pursuant to Revised Code Section 2313.01, on or before the first day of October of each year, shall select such numbers of electors, residents of the county, as the Court may order, whose names shall be placed in the jury wheel for the succeeding court year.

(c) The Court shall annually review this process to determine possible need for improved representativeness and inclusiveness .

III. Random Selection Procedures

(a) The Jury Commissioners shall estimate the approximate number of jurors needed for the following jury year. The estimated number of jurors needed shall be divided into the number of currently registered voters to determine a key number. A random start number shall be chosen.

(b) In those circumstances where the Court determines that the Selection and Qualification Processes of Jurors shall be handled by Automatic Data Processing Revised Code Section 2313.08 and .21, shall govern.

(c) The names shall be selected, in accordance with the key number furnished by the Court, from the certified list containing the names of all electors of the county.

(d) The eligible jurors shall be selected for the jury pool using procedures insuring random selection. The identical procedure shall apply to the selection of Grand Jurors.

(e) When the required number of persons, qualified to serve as jurors has been chosen and the names approved by the Commission, the Deputy Jury Commissioner shall prepare in triplicate an alphabetical list of such names, a copy of which shall be given to the Court Administrator and to the Clerk of the Courts (ORC 2313.08) with one to be retained by the Commission. Each such list shall bear the endorsement of both Commissioners. The names of such electors shall be

printed on separate pieces of paper of uniform size and deposited in the jury wheel as provided by law.

(f) As the names are drawn from the wheel and verified by the Clerk of Courts as being on the list prepared by the Jury Commission, they shall be written down in the order in which they are drawn from the wheel and numbered consecutively beginning with the number one, and the Clerk of Courts shall forthwith certify the list of names of the persons so drawn to the Jury Commission, preserving the same order and arrangement as herein provided.

(g) The Sheriff shall serve summons by mail, or shall make personal service of summons, if ordered by the Court, in the manner provided by law, on persons whose names are drawn from time to time from the wheel.

(h) When a panel or additional jurors are required in any trial room, the Deputy Jury Commissioner shall randomly draw the required number of cards from the service wheel and cause the names and numbers thereon to be entered on a form showing the number of the trial room and leaving space for data necessary for proper record. This list, with the name cards, shall then be forwarded to the trial judge, who shall make proper record opposite each name to show which jurors were retained for service and which were challenged.

(i) Immediately after the jury is sworn, said list, together with the cards bearing the names of those rejected, shall be immediately returned to the Deputy Jury Commissioner; but the cards bearing the names of the jurors sworn for service shall be retained by the trial judge until a verdict is returned and thereupon forthwith in like manner returned to the Deputy Jury Commissioner. All cards shall be placed in the daily service pool by the Deputy Jury Commissioner immediately upon receiving the same.

(j) Said Deputy Jury Commissioner shall have authority to withdraw from the daily service pool the cards of jurors who have been excused or have completed their term of service.

IV. Eligibility for Jury Service

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

- Are less than eighteen years of age;
- Are not citizens of the United States
- Are not residents of Hamilton County;
- Are not able to communicate in the English language; or
- Have been convicted of a felony and have not had their civil rights restored.

(b) It shall be the duty of the Deputy Jury Commissioner appointed in accordance with Revised Code Section 2313.02, to notify each prospective juror, by mail to call at or respond by

questionnaire to the office of the Commission for examination and assignment to jury service or exemption therefrom. The Deputy Jury Commissioner shall keep a separate record of all such prospective jurors who fail to respond to such notification and promptly contact by most practical means and any failure to respond to such notice shall be forthwith reported to the Presiding Judge for appropriate action. The Deputy Jury Commissioner shall keep a complete and accurate record for all persons examined for jury service and accepted, exempted or excused.

(c) Following summons and pursuant to Revised Code Sections 2313.13 and 2313.16, the First Assistant Presiding Judge shall have the regular duty of passing upon the requests of jurors to be excused or to have their term of service reduced, or may designate a representative or the Chief Deputy Jury Commissioner or his/her assistant may serve as the representative of the Court for this purpose.

V. Term Of And Availability For Jury Service

(a) 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. Generally, unless otherwise determined pursuant to Section IV(c) above, the term of service shall be three (3) weeks.

(b) Jurors are placed in a rotating pool system. Unless participating on a jury in progress, jurors will call a recording in the Jury Commission Office to determine if their services are required the next day.

(c) All jurors shall report to the Jury Commissioner's office each morning as instructed on the telephone call-in system, unless otherwise ordered by the trial judge, in order that their attendance may be credited. Jurors shall remain in the Jury Commission office during court hours and shall not leave the same except by permission of the Deputy Jury Commissioner.

(d) When jurors are discharged or excused from the panel of a case they shall be directed to report to the Jury Commissioner's office.

(e) Jurors shall not be excused or depart from the building without notice to the Deputy Jury Commissioner's office.

(f) All jurors failing to answer the call of the Deputy Jury Commissioner in compliance with the above regulations shall be reported to the Presiding Judge who shall take proper action.

VI. Exemption, Excuse and Deferral

(a) There shall be no automatic excuses or exemptions with the exception of statutory exemptions from jury service pursuant to ORC 2313.34 or as provided below. Prospective jurors exempt by occupation are attorneys, dentists, physicians and elected public officials. Persons over the age of 70 are also exempt. Persons who have served as a juror in a Court of record within the jurisdiction in the last two years are also exempt from service.

(b) Persons who no longer reside in Hamilton County and persons convicted of a felony whose rights have not been restored are disqualified from serving.

(c) Prospective jurors may be excused due to personal or family illness; child care hardship or financial hardship.

(d) Excuses or postponements from jury service may be permitted for short periods of time and may only be granted by a judge or specifically authorized court official.

(e) Requests for excuses, postponements, or reduction of term of service shall be in writing or in person and shall be recorded in the records of the Jury Commissioner's office.

VII. Voir Dire

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

(b) To reduce the time required for voir dire, the juror questionnaire which contains basic background information regarding panel members shall be made available to counsel for each party on the day on which jury selection is to begin.

(c) The trial judge should conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time.

(d) 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.

(e) 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.

VIII. Removal From The Jury Panel For Cause

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 should be removed from the panel. Such a determination may be made on motion of counsel or by the judge.

IX. Peremptory Challenges

Rules determining procedure for exercising peremptory challenges shall be in accord with the Ohio Civil and Criminal Rules adopted by the Supreme Court of Ohio and applicable statutory authority.

X. Administration of the Jury System

(a) The responsibility for administering the jury system is vested in the Chief Deputy Jury Commissioner under the supervision of the Administrative Judge of the Common Pleas Court and Court Administrator.

(b) Jurors shall receive compensation as fixed by resolution of the Board of County Commissioners, pursuant to Revised Code Section 2313.34 for each day served at the Hamilton County Courthouse.

(c) The address, phone numbers, and any personal information about a specific juror or any documents or records containing this information shall not be released for public inspection except upon order of the trial judge or the presiding or administrative judge. The Court may order notice to the jurors prior to release of such information or document if such release may present a security risk to the individual jurors.

XI. Notification And Summoning Procedures

(a) The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person shall be:

Phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems; and

Delivered by ordinary mail.

(b) A summons shall clearly explain how and when the recipient must respond and the consequences of a failure to respond.

(c) The questionnaire shall 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 basic background information ordinarily sought during voir dire examinations;

Efficiently managing the jury system; and

To comply with Section XII of this rule.

(d) The procedure where use of Automatic Data Processing (ADP) equipment is used in the Selection and Qualification of Jurors pursuant to Revised Code Chapter 2313 shall be as follows:

Pursuant to Revised Code Section 2313.07 the Court approves use of Automatic Data Processing Information Storage and Information Retrieval Devices containing the Annual Jury list permitted by Revised Code Section 2313.08, and for related

purposes described in Revised Code Sections 2313.09 and 2313.21.

By use of Magnetic Tapes, Magnetic Discs, and Related Devices, the Court shall randomly assemble the Annual Jurors' List by identifying the names of prospective Jurors from the Master List of all registered voters in the County pursuant to Revised Code Section 2313.06.

XII. Monitoring the Jury System

(a) The Chief Deputy Jury Commissioner shall collect and analyze information regarding the performance of the jury system on a regular basis in order to evaluate:

The representativeness and inclusiveness of the jury sources 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.

The Chief Deputy Jury Commissioner shall annually report findings to the Administrative Judge and the Court Administrator.

XIII. Juror Use

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

(b) The Chief Deputy Jury Commissioner 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 to jury panels.

(c) The Chief Deputy Jury Commissioner shall attempt to ensure that each prospective juror who has reported to the Court is assigned for voir dire.

(d) The Chief Deputy Jury Commissioner shall routinely review the Court's calendar and coordinate jury management decisions to make the most effective use of jurors.

XIV. Jury Facilities

(a) The Court has provided an adequate and suitable environment for jurors. The Chief Deputy Jury Commissioner shall ensure that:

(b) The entrance and registration area are clearly identified and appropriately maintained to accommodate the daily flow of prospective jurors.

(c) Jurors shall be accommodated in pleasant waiting facilities with suitable amenities.

(d) Jury deliberation rooms should include space, furnishings and facilities conducive to reaching a fair verdict. The safety and security of deliberation rooms should be ensured by the courtroom bailiff who shall request assistance from security officers where necessary.

(e) To the extent feasible, juror facilities have been arranged to minimize contact between jurors, parties, counsel and the public.

(f) The Chief Deputy Jury Commissioner shall routinely tour and review such facilities and report any deficiency to the Administrative Judge of the Court of Common Pleas and the Court Administrator.

XV. Juror Compensation

(a) Persons called for jury service shall receive such compensation as established by the Hamilton County Commissioners pursuant to O.R.C. Section 2313.34.

(b) Fees shall be paid weekly or upon conclusion of service.

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

XVI. Juror Orientation And Instruction

(a) The Jury Commissioner's Office shall conduct a juror orientation program:

(1) Designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors; and

(2) Presented in a uniform and efficient manner using a combination of written, oral and audiovisual materials.

(b) The Court shall provide some form of orientation or instructions to persons called for jury service:

(1) Upon initial conduct prior to service;

(2) Upon first appearance at the court; and

(3) Upon reporting to a courtroom for voir dire.

(c) The trial judge should:

(1) Give preliminary instructions to all prospective jurors.

(2) Give instructions directly following impanelment of the jury to explain the jury's role, the trial procedures including note taking and questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles;

(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. These instructions should be made available to the jurors during deliberations;

(4) Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system; and

(5) Use of written instructions when feasible.

(6) Before dismissing a jury at the conclusion of a case:

(A) Release the jurors from their duty of confidentiality;

(B) Explain their rights regarding inquiries from counsel or the press;

(C) Either advise them that they are discharged from service or specify where they must report;

(D) Express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation; and

(E) Where appropriate advise the jurors of stress management services available through the Jury Commissioner's office.

(d) 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. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

XVII. Jury Size And Unanimity of Verdict

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

XVIII. Jury Deliberations

- (a) Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision-making.
- (b) The judge should instruct the jury concerning appropriate procedures to be followed during deliberations.
- (c) A jury should not be required to deliberate after 4:00 p.m. 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.
- (d) All court personnel who escort and assist jurors during deliberation shall be trained in the applicable procedures and policies.

XIX. Sequestration of Jurors

- (a) A jury should be sequestered only for good cause, including but not limited to insulating its members from improper information or influences.
- (b) During deliberations in the guilt phase and penalty phase, the jury shall be sequestered in a capital case.
- (c) The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative. The judge's courtroom staff shall have the responsibility to provide for the safety and comfort of jurors and the following conditions of sequestration.

(1) lodging:

- (A) remove phone from each juror's room
- (B) disabling or removal of television/radio from each juror's room
- (C) jurors should have separate rooms with individual private toilet and bath. Rooms should be clean and of average quality or better.
- (D) where feasible, provide additional amenities (ie,

complimentary hospitality suite...)

(2) transportation:

contacting appropriate company to determine time of pick up or drop off (list available through Court Administrator's office)

(3) meals:

(A) use local restaurants for carry-out lunch needs

(B) where possible, private group dining should be arranged

- (C) verifying prearranged dinner/breakfast menus to maintain cost control including standard gratuity.

- (D) A determination on the availability of or provision of alcoholic beverages should be made by the trial judge prior to sequestration.

(4) security:

(A) coordinate with Sheriff's Office to provide necessary security personnel

(B) juror's rooms should be located on one floor or in an area that allows the maximum site coverage by the assigned Sheriff staff.

(5) expenses:

- (A) the reasonable expenses for transportation, meals and lodging of jurors shall be paid from the County Treasury through the Court Administrator's office.

- (B) except in an emergency, courtroom staff shall arrange direct billing to the Court of Common Pleas for all expenses.

XX. Selection of Grand Jurors

1. The jury commissioner will send to the presiding criminal judge every third Monday sufficient jurors to constitute two grand juries each consisting of 9 regular grand jurors and 2 alternates. In the event a request for a special grand jury is granted, the jury commissioner will send sufficient jurors to constitute a single panel of 9 and up to 5 alternate jurors depending upon the anticipated length of service for the special grand jury panel.

2. In addition to administering the oath to the grand jurors and instructing them on their duties and the law governing their service, the presiding criminal judge will question the grand jurors as to their eligibility for service. The criteria guiding the presiding criminal judge are as outlined in Local Rule 8 (IV)(a), Local Rule 8 (VI), O.R.C. 2313.42, and O.R.C. 2939.03. The presiding judge will determine whether or not to excuse any prospective juror from the panel based on the foregoing guidelines. The remaining jurors will constitute the regular or special grand jury panels.
3. In the case of a special grand jury, the first 9 jurors selected by the presiding judge will be the voting members of the panel, with the alternate grand jurors replacing any of the 9 who cannot complete their service. Any such replacement will be in numerical order.
4. In the case of regular grand jury panel chosen to serve for a three week period, the 11 members of the panel will alternate voting on each case with no input from the prosecuting attorney as to who votes on a particular case.
5. Pursuant to Criminal Rule 6 (C), the court may appoint a foreperson and deputy foreperson from the grand jury panel. If the presiding judge does not appoint a foreperson and deputy foreperson, the grand jurors will elect a foreperson and deputy foreperson.
6. If at any time after a grand jury panel is selected, the prosecutor believes a member of the grand jury should be challenged for cause pursuant to one of the reasons outlined in O.R.C. 2313.42, the prosecutor shall file a motion with the presiding criminal judge requesting such juror or jurors be excused from further service and be replaced.

All court personnel who escort and assist jurors during sequestration shall be trained in the applicable procedures and policies.