

*2024*

*Ohio Jury Management  
Manual*

*“I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution.”*

*~ Thomas Jefferson*

This manual is not legal advice. Please consult the attorney who represents your court or jurisdiction for legal advice about laws relating to jury selection and service.

# Acknowledgments

The Ohio State Bar Foundation sponsored a statewide conference, “Deliberations on Jury Service”, in 1999. As a result of a post-conference recommendation to develop a statewide professional association of jury managers to work toward improvement of the Ohio jury system, the Ohio Jury Management Association (OJMA) was incorporated in 2000. OJMA was established as an educational non-profit corporation, with 501(c)(3) status being granted by the Internal Revenue Service.

The mission of OJMA was to promote and enhance jury service through excellent jury management. To work toward fulfillment of the OJMA mission, an annual conference was conducted, a Jury Management Manual was created and updated, a jury orientation video was produced, a newsletter was issued, a statewide survey of jury practices was conducted and published every other year, and a website providing numerous resources relating to jury management was created. OJMA was a unique resource for court personnel to seek assistance when faced with a question regarding jury management in Ohio.

Along the way, OJMA was supported by the Ohio State Bar Association, the Ohio State Bar Foundation, the Supreme Court of Ohio, the Supreme Court of Ohio Judicial College, the Ohio Judicial Conference, and the National Center for State Court Center for Jury Studies.

The 2024 update was edited by Jean Atkin, a founding Trustee of OJMA, assisted by Scott Sturges, an OJMA Trustee and a member of the OSBF Class that sponsored the 1999 statewide jury conference. While OJMA was dissolved in 2024, this update was produced as a final contribution to excellent jury management in Ohio.

***The 2024 Ohio Jury Management Manual***

***Is Dedicated to***

***The Memory of David L. Ballmann  
1942-2020***

**Jury Administrator, Montgomery County  
Common Pleas Court**

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## **1.0 Introduction**

### **1.1 Purpose of Ohio Jury Management Manual**

The Ohio Jury Management Manual is intended to be a step-by-step guide of the jury trial process, from summoning prospective jurors to providing exit questionnaires to survey jurors regarding their jury experience. This user-friendly manual is provided to assist new and experienced jury managers and court personnel in effective jury management techniques and as a means to develop a standard procedure for managing jurors.

Specific court procedures and office management policies should be added to this manual where necessary. This manual is intended to provide as much information as possible on effective jury management by explaining the basics of the process. Information has been segmented into the basic categories that most jury managers face when dealing with a jury trial. If you find that your court has a different process than the one discussed in the manual, please defer to your own court procedures. This manual, which provides basic information on jury trial procedures, is not intended to be an all-inclusive text, but rather a reference guide with information to teach or provide refresher information for court personnel with jury management responsibility.

The expertise of court personnel actively involved with jury management throughout the state of Ohio was relied upon to compile the information contained in this manual.

### **1.2 Overview of the Contents of the Jury Management Manual**

By being familiar with the statutes and rules, as well as the basic steps and procedures involved in jury management, an effective jury manager can stay on task and ensure that the process runs smoothly and is a pleasant experience for all parties involved.

The first step is to review the current jury-related provisions of the Ohio Revised Code, the Civil Rules of Practice, the Criminal Rules of Practice and the Rules of Superintendence for the Courts of Ohio to gain an understanding of the laws and guidelines adopted in Ohio relating to jury management. The Jury Modernization Act (Substitute House Bill 268), effective May 22, 2012, updated and revised many of Ohio's jury statutes. The key statutes and rules for Ohio may be found in Appendix A.

The next step in the process is understanding the roles and responsibilities of the individuals in the courtroom and having a general knowledge of the terms most often used in working with jurors. Appendix B provides a glossary of common terms and phrases used during the process of a jury trial. A review of this information is recommended. It is also recommended that each person in a court with responsibility for jury management observe an actual jury trial, from voir dire to verdict. This experience will help the jury manager have a better understanding of the overall jury trial process.

Next, and possibly most important, is summoning the jurors to the courthouse. Section 2.0 details this procedure by explaining the effective use of the juror source list and how that list is determined, as well as explaining ways to expand the list. This is of particular importance to both large and small communities, as small courts face the problem of under representation, and larger courts are confronted with an increased volume of jury trials and not enough jurors

to fill the seats. Section 2 also covers the timing of the qualification of jurors, the issuance of jury summonses, random selection and reasons for releasing jurors from service, and the determination of the term of service for jurors.

Once the jurors are in the courthouse, it is important to make sure they are as comfortable as possible and are able to fulfill their duty with ease. Section 3.0 discusses welcoming jurors to the courthouse and how to provide basic information to ensure their experience is a positive one. This section also explains how to deal with jurors with disabilities.

With the trial process far enough along to have the prospective jurors in the courthouse, jury managers need to utilize the jurors as effectively as possible. In section 4.0 this manual explores some details such as properly coordinating the court's docket and calendar to make sure jurors are available when needed, determining how many prospective jurors to pull for the pool size, panel assignments and on-call jurors. Reasons for removing jurors from the panel will also be discussed here, along with peremptory challenges by attorneys, voir dire length and impaneling the jury. This section further explains dismissing jurors, the proper information to present to the juror in the courtroom, things to be cautious of during deliberation and problems associated with sequestered jurors.

Another important topic for many jury managers is the prospect of having to deal with a high-profile case. Section 5.0 explains certain policies and procedures to be aware of when dealing with a case of this type and lays out factors involved with pre-screening jurors with questionnaires, as well as determining the panel size.

Section 6 focuses upon juror stress. Jury managers should understand what causes stress for prospective jurors so that action may be taken to address the issue and make jury service as positive an experience as possible.

After a jury trial is completed, it is necessary to obtain certain information and statistics which can be referenced for future use in determining ways to handle situations better the next time a jury trial is in process. Monitoring is discussed in section 7.0 along with how to distribute exit and demographic questionnaires and statistical reporting which will help court personnel recognize problems in the process along the way to this point. Methods of juror compensation are discussed in Section 3.5.

The last topic explored in this manual will be in section 8.0 covering jury management software and how it can help jury managers effectively maintain certain databases of information for use when calling a jury to the courthouse. Cost concerns are covered, as well as a list of web site addresses for companies which provide jury management software.

This manual is intended to cover the basic steps of the jury trial process. Again, where necessary, please defer to specific court rules and policies in your area regarding details that may not be contained in this manual or details that are managed in a different manner.

### **1.3 Common Terms and Phrases During a Jury Trial**

It is recommended that those with responsibility for jury management have familiarity with the terms that are commonly used during a jury trial. A glossary of the common terms has been provided in Appendix B of this manual.



## 1.4 Statutes and Rules

Jury Managers should become familiar with the Statutes, Rules, Ohio Jury Use and Management Standards and local rules relating to jury selection. The principal statutes and rules involved in jury management in Ohio have been provided in Appendix A of this manual.

Of particular note, Rule 5(B) of the Rules of Superintendence for the Courts of Ohio states “a jury management plan for purposes of ensuring the efficient and effective use and management of jury resources” must be adopted by each trial court by local rule. The plan must address the provisions of the Ohio Trial Court Jury Use and Management Standards adopted by the Supreme Court of Ohio in 1993. These standards may be found in Appendix B of the Rules of Superintendence.

Ohio’s local court rules can be obtained from the Ohio Supreme Court website: [\\_ Ohio Trial Courts & Local Rules](#)  
[» Supreme Court of Ohio](#)

## 1.5 Municipal and County Court Jury Management

Ohio law (R.C. 1901.25 and R.C. 1901.28) provides that Municipal and County Courts have the authority to independently determine the way jurors are chosen and summoned, with the only requirement being that jurors must reside within the jurisdiction of the court. Municipal and County Courts must adopt separate jury procedures by local rule. Most courts use the jury management rule all trial courts are required to adopt under the Rules of Superintendence for Court of Ohio as the vehicle for documenting jury procedures. Municipal and County Courts may also use the Jury Commissioners selected by the Common Pleas Court to select and summon jurors. The statute does not address whether this service by the Common Pleas Court must be provided at no cost. There is no statutory language specifically addressing the authority of Municipal and County Courts to designate their own “jury commissioners” although, for courts that independently select and summon jurors, someone must perform the necessary duties to complete the necessary jury management tasks. The title of the personnel charged with the jury management responsibilities is a matter of court discretion.

## 2.0 Summoning/Qualifying Jurors

### 2.1 Establishing the Jury Year

The court must issue an order to set the beginning date of the jury year. The court may divide the jury year into parts.

### 2.2 Annual Juror Source List

The annual juror source list is the list of names allowed to be used by the jury commission for compiling the annual jury list, which is the list of individuals who may be contacted for jury service during the established jury year.

Under Ohio law, prospective jurors may be selected from a list of registered voters in that county or prospective jurors may be selected from a combined list of registered voters and the list provided by the Bureau of Motor Vehicles of licensed drivers and individuals issued a state identification card in that county. The Ohio Revised Code outlines the responsibility of the Board of Elections (BOE) and the Bureau of Motor Vehicles (BMV) to provide the appropriate list of names to the jury commission. The BOE must provide a “current” list of registered voters and this list must be used in the compilation of the Annual Jury Source List. This means that the BOE must extract the names of individuals who have not voted in the preceding four years from the list of voters provided to the court.

To determine the best source list option, consideration should be given to which type of list is most representative and inclusive of the adult population in the jurisdiction. To many, the list of registered voters is the best choice as the list covers the entire jurisdiction and those on the list have already exhibited a civic interest by registering to vote. The addition of the list of licensed drivers in the jurisdiction may help to increase the number of younger individuals included in the jury system and would address those individuals who state that they are not registered voters in order to avoid jury duty (or who upon being called for jury duty state that they will remove their name from the role of registered voters). A review of the demographics (age, gender and race) of the jurisdiction, as compared to that of the selected source list should be undertaken. Section 2.10 contains additional information on collecting and evaluating demographic data.

If the choice is made to use the combined registered voters/licensed drivers list as the source list, attention will need to be given to the process of merging the lists into the annual jury source list used to compile the annual jury list. It will be necessary for the Jury Commission to identify and remove duplicate names (ORC 2313.06(B)). Duplicates may result from the same person using different versions of their legal name for the voter list and for their driver license (i.e., not using middle name, not using middle initial, not using Senior/Junior designation), not having the same address on both lists and the confusion of Senior/Junior individuals living at the same address. The removal of duplicated names is important so that the annual jury source list of names provides each person with an equal chance of being selected during the annual jury draw. It is recommended that the process used to resolve duplicates (i.e., If any duplicates are found, you must defer to the BOE records when compiling the combined list) be addressed either through the Jury Management Plan or through the court order for the annual draw.

The Jury Commission is required to remove from the annual jury source list the names of individuals who have been granted a permanent excuse pursuant to R.C. 2313.14 and the names of jurors disqualified as a result of their prior service. R.C. 2313.21 provides that, except in counties of less than 100,000 population, jurors who have served for two or more consecutive weeks are disqualified from further jury service for a period of two years. For counties of

less than 100,000 population, the court must make a rule regarding the subsequent service of those who have served more than two consecutive weeks.

The annual jury source list must be certified by the Jury Commissioners and a copy of the list, organized in alphabetical order, must be filed with both the Clerk of Court and the Jury Commission.

### **2.3 Annual Jury Draw**

The number of jurors to be drawn for the jury year and any part of the jury year is to be fixed by an order from the court. This order may be combined with the order setting the beginning date of the jury year. A sample order is included in Appendix C. If the court does not issue an order prior to the jury draw, the Jury Commissioners are required to fix the number of jurors determined to be needed to meet the needs of the court for the jury year or part of a jury year.

The jury draw must be public. Notice of the draw must be published in at least one newspaper of general circulation at least six days before the jury draw. The Clerk of Court and at least one Judge must also be notified. A Jury Commissioner, the Clerk of Court and a Judge, or their respective designated representatives, must attend the draw.

There is no specific procedure required for the annual jury draw, but the method used must provide each person on the annual jury source list with an equal, random probability of selection. The Jury Commissioners must document the method used for the jury draw.

### **2.4 Annual Jury List**

The list resulting from the jury draw is the annual jury list. This is the list used for sending jury summons to those individuals being contacted to serve as jurors. The annual jury list, arranged in alphabetical order, must be filed with the Jury Commission and a copy of the list must be filed with the Clerk of Court.

### **2.5 Random Selection**

Throughout the jury selection process, random selection procedures should be used. Random selection is best accomplished through the use of an automated jury management system programmed to extract names using a random number generator.

### **2.6 Juror Qualification and Summoning**

The court may choose to go through a qualification procedure before summoning jurors for actual service. This is commonly referred to as a “two-step” system. Under this type of system, a qualification questionnaire is distributed to individuals whose names are on the annual jury list. This qualification process may be conducted for all of the jurors on the annual jury list or may be done separately for each part of the jury year. The qualification questionnaire may elicit basic information from each juror, such as name and address, as well as provide the opportunity for a juror to identify a reason that they are not eligible to serve as a juror (i.e., they have moved out of the jurisdiction) or request an excuse from jury service (i.e., they have a serious medical problem which will affect their ability to serve).

Using the information provided by the jurors, the jury commission will develop the list of “qualified” prospective jurors who will be contacted for actual service at a later date.

The process by which prospective jurors are sent both the qualification questionnaire and the jury summons in the same mailing is referred to as a “one-step” system. The court may have the prospective jurors return the completed qualification questionnaire prior to the scheduled date(s) of service or may have jurors bring the completed qualification questionnaire with them if they are instructed to report for actual service. The “one-step” system is generally viewed as less expensive and more efficient than a “two-step” system in that there is just one mailing to each prospective juror and the responses provided to the qualification questionnaire present the situation of the jurors at a time close to the actual service. Any significant gap in time between the completion of the qualification questionnaire and actual jury service may result in a change to the juror’s situation and his/her ability to serve. The previous qualification questionnaire responses may no longer be accurate.

## **2.7 Jury Summons**

The jury summons may be sent out by the Jury Commission, the Clerk of Court or the Sheriff.

A juror summons should be:

- Sent by First Class Mail - registered or certified mail or personal service is not required. First class mail service is the most cost-effective means of sending a jury summons, with the post office returning the undeliverable summons to the jury commission so that the failure to complete service is identified
- Easy to Understand – the summons should be worded so it can be easily understood by an individual who is unfamiliar with the legal system. The summons should clearly explain how and when the recipient must respond and how to make contact with the court if there are questions or concerns.
- Contain the Consequences for Failure to Report – the status of the jury summons as an order of the court and the consequences of a failure to respond should be explained in a factual, non-threatening manner.

## **2.8 Jury Questionnaire**

Some courts attach a jury questionnaire to the summons to obtain current information about only the qualification of the prospective juror and to elicit additional background information. Some jury management system vendors will provide sample questionnaires which may be incorporated into the summons. The questionnaire may elicit demographic information to be captured in the jury management system for the purpose of monitoring the jury system.

The jury questionnaire should be designed based upon the intended use by the court. If the court wants only information to assist with the check-in process and to ensure current juror information, the content may be limited to name and address. If the court intends to use information for the purpose of assisting with voir dire, additional questions may be asked about the juror’s background, current employment, prior experience as a juror and other matters. It is recommended that only the information essential to the intended use of the questionnaire be asked as jurors are often hesitant to respond to questions perceived to be personal in nature.

Jurors need to be notified that jury questionnaire answers may become public and that, if they feel their privacy interests are compromised by answering, a hearing, conducted in chambers, may be requested by the juror. A standard notification must be prominently printed on all jury questionnaires. A suggested notice follows:

*All information on this form, except for your telephone number, may be publicly disclosed. If you believe your privacy interests will be hurt by answering any of the following questions, you may leave the response blank and, once you are in the courtroom, ask for a hearing to state your reasons for leaving the answer(s) blank. The hearing will be held in the Judge's office, on the record, with the court reporter and counsel for the parties present. The judge may require you to answer the question(s).*

The Court should consider adopting a local rule regarding the use of the jury questionnaire by counsel, including information regarding access to questionnaires prior to a scheduled trial date, a prohibition against copying the questionnaires, and the requirement to return the questionnaires at the conclusion of jury selection. Jurors may be concerned about their security if detailed questionnaires are made available to counsel and clients in advance of the trial date and the information remains available after the verdict has been rendered.

The Court's record retention policy should state how long jury questionnaires are to be retained. There is no statute or rule which requires a specific period of retention. As the questionnaire is an administrative record, the court has discretion to determine when the record is no longer administratively needed. Some courts return the questionnaire to the juror upon their departure from service and others define a period of retention for questionnaires (e.g. one year following service). There may be a difference between questionnaires maintained by the jury commission and those questionnaires that are part of the record of a specific case that went to trial.

## **2.9 Determining the Number of Jurors to Summon**

Determining the number of jurors to summon can be difficult. Every jurisdiction has different dynamics that must be considered to determine the number of jury summons to issue. Under Ohio law, each trial court has some flexibility to set a jury management system in place that will suit the needs of your specific jurisdiction. If you have not done so already, the best place to start is to build a database to discover possible trends that will assist you in the future. This can be done manually or on your computer. You will discover that different situations produce different reporting percentages. The reporting percentage will probably be affected by the time of year, availability of public transportation, health of your economy etc. You will learn to add and subtract (summons) accordingly.

Building a database is relatively easy. If you do this manually, you will be keeping track of:

- How many summons were mailed out for a specific reporting date/period
- How many excuses were granted for the same reporting period
- How many jurors were postponed (both to and from the group)
- How many jurors were instructed to report for service
- How many jurors actually reported for service

The following figures suggest a process for determining the summoning yield, the reporting yield, and ultimately, the number of jurors to summon to meet the needs of the court. You (or your court) may determine that you want to track more detailed categories (i.e., identify specific reasons that jurors have been excused).

Whatever decision is made, it is very important to develop a database to assist with making decisions and evaluating your jury procedures.

Jurors Scheduled to Appear	200 (total summons mailed out)
Jurors that Postponed before Reporting	10 (postponed to different reporting date/period)
Excuses Granted	50 (total number of excuses granted)
Postponed/Excused on Reporting Date	2 (reported, but were excused or postponed to a new date)
Total Available for Service	138 (number remaining after above)

**SUMMONS YIELD**             $138/200 = 69\%$

Total Instructed to Report for Service	79
Total that Reported for Service	64 (total number checked in)
Total that Failed to Report	15 (total that did not report)

**REPORTING YIELD**         $64/79 = 81.01\%$             Failure To Appear (FTA) 19.99%

To calculate the summoning yield (percentage of jurors available for service compared to the number sent a summons), take the total number of summons mailed, subtract the total excusals granted, add the jurors postponed to the time period being evaluated, subtract the jurors postponed to a different time period and divide the remainder by the total number of jurors summoned for service. The number of jurors to be summoned is affected by the reporting yield. Not all available jurors will necessarily report, as instructed, for service. You will also want to keep track of how many people fail to appear (FTAs). To obtain the reporting yield (or conversely the FTA percentage), divide the total number of FTAs by the total number of jurors instructed to report for service.

Using the above example to determine the number of summons to be sent out, work backwards using a reporting yield of 81%. If there is the desire to have 150 jurors report for service, 185 jurors would need to be available ( $150/.81 = 185$ ). Next use the summons yield of 69% to calculate the number of summons that need to be sent out. To have 185 jurors available, 268 summons would need to be sent out ( $185/.69 = 268$ ). In other words, 268 summons will need to be sent out to have 150 jurors appear at the courthouse.

For the jury manager to make a reasonable determination of the number of summons to be sent out for a particular reporting period (i.e., one day, two days, one week, two weeks, one month, etc.) an understanding of the court's case management practices and jury trial calendaring/history will be helpful. A different number of jurors may need to be summoned to meet the needs of the court at different times. If there is a routine calendaring practice to set jury trials during particular times of the month, knowing this practice will help the jury manager adjust the number of summons being sent out. It is wasteful and disrespectful of the juror's schedules to summon prospective jurors when no jury trials will actually be conducted. There is also the need to be aware of unusually heavy jury demands in the event of a high-profile case or a case which will last for an extended period of time. Additional jurors should be summoned, with the expectation that more than the usual number of jurors will be excused from service due to either their prior exposure to the case or a schedule

conflict. The jury management process should be considered an important aspect of case processing and relevant information should be shared in a timely fashion.

## 2.10 Demographic Information

In addition to information on the number of jurors reporting for service, you will want to track the demographics of the jurors to determine if your jurors represent the cognizable groups in your jurisdiction. A demographic database is available for every state and county in the United States at the following: [OHIO: 2020 Census](#) Demographic information generally includes the following categories: gender, age, race and ethnicity. Collecting demographic information may present certain difficulties such as [as;as](#) how do you request such information without offending people; what should you do if the figures do not look good when compared to the relevant census data? These are issues that you will need to discuss with your court administrator or your administrative judge to seek their direction. When the final analysis is done, you may find out that you were better off than you thought. Sample questionnaires used to collect demographic information have been provided in Appendix E.

You can see from the above, there are basic demographic categories that can be used to make comparisons. Having current knowledge of the composition of your reporting jurors can be extremely helpful in the event the representativeness of the jury is challenged. Although this may have never happened in your court, it certainly does not mean that it will not. This type of information can also be very helpful to your judge/judges. Above all else, you will know what your jury management process is producing.

## 2.11 Qualification for service, Excuse from Service, Challenges to Service

There are specific statutory sections that address the qualification to serve as a juror, the reasons an individual may be excused from jury service and the challenges to service in a specific case. It is advisable for a court to have a clear policy regarding the qualifications for service and the excusal from jury service to ensure consistent application of the law. The trial judge will make the determination regarding challenges during voir dire for a case. It may be helpful to think of these as different tiers to be navigated in reaching a seated trial jury. The first tier is the qualification of an individual for service. Those who are not qualified should be eliminated during the jury draw or the initial stage of the summoning process. As a second tier, a qualified juror may be excused based upon their individual situation. The final tier is that a prospective juror who reaches a courtroom for the jury selection process may be removed from the case as the result of a challenge for cause or a peremptory challenge.

### Qualified to serve:

ORC Section 2313.17 (A) defines those who are “qualified” to serve. The statute provides “A person is qualified to serve as a juror if the person is eighteen years of age or older, is a resident of the county, and is an elector or would be an elector if the person were registered to vote, regardless of whether the person actually is registered to vote.” The process used by the court to develop the annual source list to be used for drawing jurors should include the removal of the names of individuals who are not qualified for service. If not removed at the time of the development of the annual source list, an individual who is not qualified for service may be removed when summoned or when examined during voir dire.

ORC Section 2313.06 addresses the annual compilation of the jury source list. Section (B) provides for the use of the names from the current voter list and the option to also include names from the bureau of motor vehicles. This section requires jury commissioners to remove from the annual source list based upon the merger of voter and drivers lists, the names of any duplicate individuals. The names of individuals who have been permanently excused from jury service pursuant to ORC 2313.14. Finally, pursuant to ORC 2313.21, unless the court is located in a county of less than one hundred thousand population and has adopted a contrary rule, the jury commissioners are required to remove the names of any person who has actually served as a juror in any county for two consecutive calendar weeks until the second jury year after the day of the person's last service.

### Excuse from Service

The reasons an individual may be excused from jury service are controlled by statute and, unless a Judge determines that the underlying grounds for the excuse are permanent, valid only for the current jury year. ORC 2313.14 details the only reasons an individual may be excused. The full statute can be found in Appendix A.

As a general summary, the following are the reasons a juror may be excused:

- 1) The interests of the public will be materially injured;
- 2) The juror's spouse or a near relative has recently died or is dangerously ill;
- 3) The juror is a cloistered member of a religious organization;
- 4) The prospective juror has a mental or physical condition that makes the juror incapable of performing jury service;
- 5) Jury service would cause undue or extreme physical or financial hardship;
- 6) The juror is over 75 years of age and the juror requests to be excused;
- 7) The prospective juror is an active member of an Amish sect and requests to be excused.
- 8) The prospective juror is on active military duty

ORC 2313.14 was revised in April 2024 to include as an undue or extreme physical hardship qualified for excuse from jury service, a mother who is breast-feeding her baby, and the baby is one year of age or less. A signed affidavit from the mother is sufficient documentation to support the juror's request for an excuse from service.

### Challenges to Jury Service

As defined by ORC 2313.17, there are two types of challenges, for cause and peremptory, that may be requested by trial counsel during voir dire, with the judge making a determination regarding validity.

Challenges for cause are defined by ORC 2313.17 and Criminal Rule 24 (C). Challenges for cause apply to any person called as a juror and, among other reasons, includes:

- The person has been convicted of a felony. (See Ohio Attorney General Opinion 2006-031, Hamilton County case, O.R.C.16(C)(3)) - **NOTE: Courts have interpreted this opinion differently and the determination of the eligibility for a convicted felon to serve as a juror may**



**vary from court to court, or even from judge to judge on a multi-judge bench.**

- The person's answers during voir dire disclose that the person cannot be fair or impartial or will not follow the law;
- The person does not have a competent knowledge of the English language;
- Other causes that render the person to be an unsuitable juror.

Peremptory challenges are controlled by Criminal Rule 24 and Civil Rule 47. Trial counsel may excuse a limited number of jurors without stating a reason. The exception to this is having an improper reason for the peremptory challenge, such as race, gender, and possibly sexual orientation.

Jurors are entitled by statute to postpone their service to another date as long as contact is made with the Court at least two (2) business days prior to their scheduled service and the new service date is within six (6) months and is in the current jury year. The Court may want to consider a local rule permitting jurors summoned in the second half of the jury year to postpone their service to a date in the next jury year to avoid excusing jurors solely because of a scheduling issue. This entitlement to postpone needs to be taken into consideration when deciding how many prospective jurors to summon.

The Jury Commissioners must keep a record of persons granted an excuse or postponement. The reason for each excuse must be documented. Specific uniform guidelines for granting excuses should be adopted by the trial judge/court. The court should consider sending confirmation that the excuse was granted to the prospective juror so that the juror is appropriately notified of the action taken by the Court in response to their request for an excuse. This is particularly true for those individuals excused due to age/medical issues in the effort to reduce unnecessary anxiety.

## **2.12 Sending a Second Summons to Jurors**

Each court should consider issuing a second summons for jurors who have postponed their reporting dates, or if the original reporting date was changed for some other reason. Ohio law does not require the issuance of a second summons, but sending a second summons should raise reporting percentages. If a juror has misplaced the original summons or has forgotten to keep track of his or her postponed reporting date, a second summons can serve as a friendly reminder from the court that the juror is expected to report, or if the system provides, available to report.

## **2.13 Term of Service**

Each court may decide how long a prospective juror must be available for jury service. Courts are routinely encouraged to adopt the shortest term of jury service possible.

The Jury Use and Management standards, which were adopted by the Ohio Supreme Court in 1993, were the basis of the following recommendation made in 2004 by the Supreme Court Task Force on 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 term of service of one day or the completion of one trial, whichever is longer, is recommended. However, a term of one week or the completion of one trial, whichever is longer, is acceptable
- Persons should not be required to maintain a status of availability for jury service for longer than two weeks except in jurisdictions where it may be appropriate for persons to be available for service over a longer period of time

The term of service not only affects the availability of the juror but also has an impact upon the personal and financial hardship of the juror and the hardship on the employer. A shorter term of service increases the number of jurors able to serve, potentially improving the representativeness of the jury pool or panels.

## 3.0 Assisting Jurors

### 3.1 Basic Comfort Information for Jurors

All jurors should be provided with the basic information needed to respond to their jury duty summons, as well as any information that would be helpful in successfully completing their jury service with the least amount of uncertainty and anxiety. Much of this information can be made available pre-service by use of the jury summons itself. Other valuable resources may include voice-activated information systems, court websites, pre-service mailings and public awareness campaigns. Every effort should be made to ensure that the maximum amount of information possible is available in a variety of forms prior to a prospective juror's service. Once the juror has actually reported for service, basic in-service information should be presented by way of some type of orientation program in which all jurors participate. A juror handbook or other type of handout may also be very helpful and informative. A good rule to follow – you can never give out “too much” information.

#### **Pre-Service Information (contained in the jury summons)**

- How the juror's name was selected
- Term of service - length of service and what hours the juror should expect to serve
- Rate of pay
- Eligibility information
- How to request an excuse from service
- What does/does not constitute an excuse from serving
- Instructions for using call-in system (if applicable)
- How to request a postponement of the service
- Employer issues - work verifications, responsibilities of the juror's employer
- Contact phone/fax number and office hours
- Directions to other sources of information (i.e., court website)
- Courthouse location and directions
- Courthouse security-permitted and/or prohibited items
- Cell phone restrictions, if any
- Smart watch restrictions, if any
- Parking information
- Dress code
- Information for jurors needing an accommodation
- Frequently Asked Questions (FAQs)

#### **In Service Information**

- A warm and sincere welcome
- Brief history on the origins of jury duty
- Frequently Asked Questions (FAQs)
- Jury pay - rate of pay, when to expect payment, etc.

- Juror privacy – what information could be made public
- Hours of service
- Emergency contact information for family members, childcare providers, etc.
- General information about what type of court and what type of cases the juror may expect to hear
- Expected conduct of a juror during a trial, including the prohibition against any type of research about the case. Specific reference to the Internet, social networks, etc. is suggested.
- Judge’s name and courtroom location
- Courtroom etiquette
- Legal terms and definitions
- Instructions for receiving daily attendance credit
- Jury badges/juror identification issues
- Suggestions on where to eat lunch and allowed use of court space during lunch breaks
- Restroom locations
- Appropriate waiting areas
- Appropriate smoking areas
- Other juror amenities

In-service information can and should be made available during the pre-service period whenever possible by means of the previously mentioned resources, voice-activated information systems, court website, etc.

## **3.2 Jurors Needing an Accommodation**

### **3.2.1. Accommodating Jurors with Disabilities**

Disabled jurors may be under the impression that they cannot serve on a jury. It is true that sometimes a disability makes it challenging to participate. However, every accommodation needs to be made for those disabled jurors who wish to perform their civic duty. For example, courts must offer the services of a sign language interpreter for deaf jurors. Information on the availability of these services should be contained in the jury summons itself so as not to discourage any person from fully participating in jury service.

The Americans with Disabilities Act of 1990 (ADA) is a federal law prohibiting discrimination against individuals with disabilities in employment, public accommodations and government services. Ohio courts are covered under Title II of the ADA. Thus, under the ADA, courts must provide reasonable accommodation for any disabled juror who wants to serve on a jury.

Under the ADA, a “disability” is defined as a physical or mental impairment that substantially limits a one or more of the individual’s major life activities including, but not limited to, walking, seeing, hearing, learning, breathing, caring for oneself, or working.

Courts should have identified possible accommodations and be prepared in the event that a juror needs some assistance during their service. As mentioned earlier, it is recommended that an agreement be in place to provide sign language interpreters to deaf jurors. It may also be necessary for a court staff person to assist a sight- impaired juror negotiate

the courthouse, even if the juror has an assistance dog. Trained service animals, but not emotional support animals, must be allowed to accompany the juror.

To help prepare the court to appropriately respond to a prospective juror with a disability, no-cost disability and etiquette training for court staff can be obtained through Opportunities for Ohioans with Disabilities (OOD). Information on making contact with a regional facilitator can be found on the OOD website [Opportunities for Ohioans with Disabilities | Ohio.gov](#)

Courts are required to accommodate individuals who are deaf or hard of hearing to permit full participation in court activity. A resource to better understand what is required of courts in providing interpreters or other aids for effective communication with individuals who are deaf or hard of hearing is Disability Rights Ohio, a non-profit corporation with a mission to advocate for the human, civil and legal rights of people with disabilities in Ohio. A link to a relevant web page: [Helping deaf or hard of hearing individuals in court](#)

The Ohio Supreme Court issued an opinion which stated that a hearing-impaired juror should have been excused from a criminal case that had an audio 9-1-1 tape as a part of the key evidence. This case provides some guidance to Judges when faced with a prospective juror who is hearing impaired. State v. Speer, Slip Opinion No. 2010-Ohio-649. Ottawa App. No. OT-07-046, 180 Ohio App.3d 230, 2008-Ohio-6947.

Opinion: <http://www.supremecourt.ohio.gov/rod/docs/pdf/0/2010/2010-Ohio-649.pdf>

The potential needs of a juror using a wheelchair should be anticipated and a plan prepared to ensure proper accessibility for the courtroom, jury box, jury deliberation room and restroom facilities.

Jury Managers wishing to obtain additional information on ADA issues should review the publication *Jurors with Disabilities* (2018) which was published by the National Center for State Courts. The link to access the publication is: [Jurors with Disabilities](#) This publication is an excellent resource which reviews the ADA law, provides practical advice on how to respond to the challenge of making a proper accommodation for a disabled juror and offers a list of available assistive devices to respond to an accommodation request. If additional information is desired, you may want to look at court system websites that have information about ADA compliance including New York ([Home - ADA | NYCOURTS.GOV](#)) and California ([ADA Accommodations | Superior Court of California | County of Alameda](#)).

During the voir dire process, the court may need to determine the ability of an individual juror to receive and evaluate evidence in a case (see the reference to State v. Speer, above). This is a potentially controversial issue as the court must balance the interests of the parties to the case against the wishes of the individual prospective juror who may advocate that it is their right to serve as a juror.

### **3.2.2 Accommodating Jurors Who are Breastfeeding**

Jurors who are breastfeeding and who do not ask to be excused pursuant to ORC 2313.14(C)(1)(d) or who are not eligible for an excuse, will need accommodations while serving as a juror. The court should ensure that there are proper policies, procedures and practices in place for this accommodation.

Information related to the law and jury management issues related to accommodating a juror who is breastfeeding can be found in the revised article *Jury Duty and Nursing Moms* which is included as Appendix I in this manual. The options regarding excusing or postponing a juror are detailed and the resources needed to properly accommodate a juror who is breastfeeding are also outlined.

### 3.3 Limiting Juror Waiting/Reducing Boredom

While physical courthouse facilities may limit what can be done to make jurors more comfortable while waiting for the trial to begin, the Court needs to make every effort to respond to the needs of the jurors by keeping downtime to a minimum and seeing to the physical comfort of the jurors. Under ideal circumstances, all pretrial decisions will have been made prior to the trial date and jurors will move immediately from the juror orientation into jury selection. If the courthouse facilities permit, the following may be considered to help make a jury waiting area more comfortable:

- Separate areas for different activities (watching television, quiet area for working/reading)
- Reading material (if there are budget concerns, consider requesting the donation of suitable magazines by court staff)
- Games/Puzzles
- Internet access

It will be incumbent upon jury management personnel to be aware of what is on television and the content of any reading material to avoid topics which are inappropriate for prospective jurors. Topics to avoid include victim-related stories, stories about court cases and discussions about other court-related matters. If Internet access using court provided equipment is permitted, it may be necessary to restrict certain sites from access, including local news websites.

If it is feasible, the court may want to consider allowing jurors to leave the waiting area. Of course, there needs to be restrictions on juror movement to avoid contact with the parties and attorneys for cases they may hear. Options to consider include

- Allow jurors to leave, with specific instructions on when they need to report back to the jury waiting area
- Obtain cell phone numbers for the jurors wishing to leave, with contact to be made with the juror by the jury management personnel in advance of the time they need to return
- If there is a limitation as to how far the juror is permitted to be from the jury waiting area a “pager” system similar to what is used for waiting at restaurants
- Permit the observation of court sessions for matters that will not interfere with service as a juror (with a process to call the juror back to the assembly room in the event of a panel call)-
- Prepare a self-guided tour of the courthouse grounds to share the history of the area (avoiding areas where the juror may come into contact with litigants, attorneys, media, etc.)-
- Consider if there are volunteer activities that jurors could help with during their time waiting. As an example, the Hamilton County Common Pleas Court provides supplies that allow waiting jurors to help a local hospital by knitting caps for newborns-

### 3.4 Juror Cell Phones/Use of Technology

A relatively new area of concern is the utilization of cell phones, smart watches or other technology by jurors. It is a fact of modern life that many individuals routinely use their cell phones to conduct Internet searches and to stay in contact with others through the use of a social network, such as Facebook. During juror orientation, jury management personnel should address the use of technology by prospective jurors and tell jurors that they should not use their cell phones, smart watches, or computers to research any aspect of the trial, nor should they blog, tweet or post on a social network any comments regarding their service as a juror. This same issue should be covered in greater detail by the Judge once the jurors are seated on a trial jury through the use of a standard jury instruction.

The National Center for State Courts, Center for Jury Studies has produced a short video which can be played as a part of juror orientation or as a part of a Judge's remarks to prospective jurors. The video highlights simple rules that jurors should follow to avoid any fairness concerns. The link to the video : [Jurors, the Internet and Social Media | Jurystudies \(ncsc-jurystudies.org\)](https://www.ncsc-jurystudies.org/Jurors-the-Internet-and-Social-Media)

Courts may consider a policy of taking the cell phones of jurors while they are in the courthouse, but it needs to be clear that the restriction on research and/or communication extends to the time the jurors are not at the courthouse. The court must also be aware of emerging technology beyond cell phones, such as smart watches.

The National Center for State Courts has also produced a poster warning jurors about the use of the Internet and social media, which courts may order to display. [ncsc-courtroomposter\\_final.pdf \(ncsc-jurystudies.org\)](https://www.ncsc-jurystudies.org/ncsc-courtroomposter_final.pdf)

### 3.5 Juror Compensation

Jury fees for Common Pleas and County courts are set by a resolution adopted by the County Commissioners. For Municipal Courts, each Court must set the fees for jurors in that court.

While juror compensation always includes juror fees, the compensation may also include transportation related items, for example, the payment of parking fees, reimbursement for mileage driven to and from the courthouse and bus fare.

In Ohio, there is no maximum jury fee to be paid to a juror as an attendance fee for each day of service. The law further provides that after ten days of service, the fee must be at least \$15.00 per day or one- and one-half times the daily fee paid by the jurisdiction.

An employer is prevented by law from affecting an employee's condition of employment because of jury service. However, in Ohio an employer is not required to pay the employee while that employee is not at work because of jury duty. An employer may not require that an employee use annual vacation or sick leave for time spent on jury duty.

In many situations, when the employer pays the regular compensation while the employee is serving, the juror must surrender the jury fee to the employer to receive full pay.

The juror often incurs out-of-pocket expenses while performing jury service. If parking is not free, the court should consider arranging to pay the parking fee or negotiate discounted rates when feasible. For those who use public transportation, tokens and passes may be provided or reduced fares negotiated.

### **3.6 Juror Orientation**

A process to provide information to jurors once they report to the courthouse is an essential part of assisting jurors. A combination of speaking to the jurors to provide information on where to find restrooms, snack bar/vending machines, public telephones, etc. and a standardized presentation giving an overview of courtroom proceedings and the role/responsibility of jurors is strongly encouraged. Courts should plan the orientation lasting 15 - 20 minutes on the first day the juror reports for service. Jurors do not need to attend the orientation more than once. The orientation should help the jurors understand what they will see and hear in the courtroom, the *voir dire* process, and what is involved in deliberation.

As the result of a collaboration between the Ohio Judicial Conference, the Ohio State Bar Association, the Supreme Court of Ohio and Ohio Government Communications, an eleven-minute video “You as a Juror in Ohio’s Judicial System” was produced in 2015. The video is available at no cost and can be accessed at the following link: [Ohio Judicial Conference \(ohiojudges.org\)](http://ohiojudges.org)

### **3.7 Communication Restrictions between Staff and Jurors**

Caution must be exercised in any communication with a prospective juror. Understandably, jurors may be unfamiliar with the Court process and may ask questions. Jury Managers need to distinguish between questions they may answer and questions that should not be answered. It is acceptable to identify the number of cases on the jury calendar that day. It would not be appropriate for a jury manager to provide any information about a specific case. Even stating that a case is civil or criminal is questionable. The Judge will provide the appropriate case related information once the jury selection process begins in the courtroom. Legal questions, such as what happens if a jury cannot reach a verdict, should definitely not be answered by the jury manager. If asked such a question, the jury manager should state that they are not allowed to answer legal questions and that all such questions need to be directed to the trial judge.

### **3.8 Juror Debriefing**

To respond to any questions or concerns from the jurors, it is recommended that the judge meet with the trial jurors after the verdict has been rendered. While the judge must avoid statements that could be the subject of post-verdict proceedings, many questions regarding the specifics of the case can be answered. Neither the judge nor court personnel should ever criticize the jury verdict during any discussion with the jury.

The judge should thank the jurors for their service. This is an opportunity for the judge to ask the jurors about their perceptions of jury service and ask for suggestions to improve jury administration and management. If the court uses an exit questionnaire, the judge can stress the importance of each juror completing the questionnaire.

If the trial has involved testimony or exhibits which could lead to lingering juror stress, the court should consider having a trained professional conduct a debriefing session and possibly even offer some level of post-trial counseling for the jurors. Services may be available at a reasonable cost to the court through a local community mental health agency.



The alternate jurors should be included in any counseling services. Offering professional debriefing has a number of benefits, including reduced post-verdict stress for the jurors, increased juror satisfaction and promoting public confidence in the jury system.

Additional information on juror debriefing may be found in Section 6 -Juror Stress/Debriefing.

## 4.0 Juror Utilization

### 4.1 Overview

The purpose of juror utilization is to provide the minimum sufficient number of jurors to reasonably respond to jury trial activity. The American Bar Association has adopted Principles for Juries and Jury Trials, most recently updated in 2023, which include the following under Principle 2 – Citizens Have The Right To Participate In Jury Service And Their Service Should Be Facilitated

D. Courts should respect jurors' time by calling in the minimum number deemed necessary and by minimizing their waiting time.

1. Courts should coordinate jury management and calendar management to make effective use of jurors.
2. Courts should 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 persons summoned for jury duty and the number assigned to jury panels.
3. Courts should ensure that all jurors in the courthouse waiting to be assigned to panels for the first time are assigned before any juror is assigned a second time.

The goals of effective juror utilization are to increase the overall efficiency of jury operations, reduce costs and improve the attitude of the citizens toward jury service and the court system. These goals are important for all courts to consider in reviewing their jury operations and are interrelated; efficiency decreases the costs for jury operation and improves the attitude of citizens toward the jury system.

Data collection is recommended to obtain the information needed to evaluate jury utilization. The peak demand times and levels for jury activity should be tracked. Most jury management systems have the ability to produce basic jury utilization reports. If the information needs to be tracked manually, the forms in Appendices C, D and E will assist by capturing information about the prospective jurors who report to the courthouse for service and the number of jurors needed during voir dire to actually seat a trial jury.

### 4.2 Calendar Coordination/Local Rules

The administration of the jury system and the operating needs of the court can work together when a coordinated master calendar is developed. A master calendar lists the activities that are scheduled for action on each court day. The jury manager can predict from the master calendar the possible number of jury trials that will start on a given day. This information helps approximate the number of prospective jurors needed to meet the realistic needs of the court. In both multi-judge and single-judge courts, the calendar may have multiple cases scheduled for trial on the same day. The court generally will establish the priorities to determine which trial proceeds through the court's local rules. Although such forecasting is tentative, it gives all parties a greater amount of information in advance.

Courts with full-calendar coordination not only have increased accuracy in the prediction of the number of jurors to summons, but also have more flexibility in the calendaring process through the establishment of feedback loops. For example, before trials are scheduled, a judge or an individual calendaring system might check with the jury manager to see if there are any problems with the proposed date. Conversely, the jury manager can check with the trial judges prior to summoning jurors. The purpose of this coordination is to concentrate jury trial activity at times when jurors are available.

Jury management personnel should be familiar with the Jury Management Plan of the Court (Rules of Superintendence for the Courts of Ohio - Rule 5) in addition to any additional jury-related local rules of court. For example, a court may have local rules requiring that, for some types of cases, a written jury demand be filed prior to jurors being summoned. (Rules of Civil Procedure 38B, Rules of Criminal Procedure 23A) and a jury trial pretrial be scheduled one week in advance of the jury trial at which time proposed jury instructions should be submitted. Additionally, a local rule may require, in civil cases, that a jury deposit be paid, with failure to pay deemed as a waiver of the right to trial by jury.

Essential to proper jury management is sufficient notice to jury management personnel to facilitate proper and reasonable administrative practices. Ample planning and discussion between the presiding judge, jury managers and coordinators, courtroom personnel, counsel and all other affected parties should be part of a standard process. Judicial leadership, involvement and control of all aspects of this process are key.

### 4.3 Determining Proper Jury Pool or Panel Size

For Courts which utilize a jury pool, the size of the jury pool depends upon the number of expected trials and the number of jurors needed for voir dire in each trial. Many judges will not only specify that they expect a jury trial on a specific date or during a specific week, but that they also need a certain number of jurors for voir dire. To calculate the number of jurors to be instructed to report for service and/or to be sent to the courtroom for voir dire, the following should be reviewed:

#### 4.3.1.Criminal and Traffic Cases:

**Ohio Rules of Criminal Procedure 23(B)** state in part:

- Felony Case shall consist of twelve (12) jurors
- Misdemeanor Case shall consist of eight (8) jurors
- If a defendant is charged with a felony and with a misdemeanor or, if a felony and a misdemeanor involving different defendants are joined for trial, the jury shall consist of twelve (12) jurors.

**Ohio Rules of Criminal Procedure 24(D)** states in part:

- One defendant, each party peremptorily may challenge three (3) jurors in misdemeanor cases
- Four (4) jurors in felony cases other than capital cases

- Six (6) jurors in capital cases
- If there is more than one defendant, each defendant peremptorily may challenge the same number of jurors as if he were the sole defendant.
- In any case where there are multiple defendants, the prosecuting attorney peremptorily may challenge a number of jurors equal to the total peremptory challenges allowed all defendants
- In case of the consolidation of any indictments, information or complaints for trial, such consolidated cases shall be considered, for purposes of exercising peremptory challenges, as though the defendants or offenses had been joined in the same indictment

#### 4.3.2. Civil Cases-:

**Ohio Rules of Civil Procedure 38(B)** states in part:

- In an action for appropriation of a right of way brought by a corporation pursuant to Article XIII, Section 5, of the Ohio Constitution, the jury shall be composed of twelve members unless the demand specifies a lesser number
- In all other civil actions the jury shall be composed of eight members unless the demand specifies a lesser number

**Ohio Rules of Civil Procedure 47(C) and 47(D)** states in part:

##### **(C) Challenges to Prospective jurors.**

- In addition to challenges for cause provided by law, each party peremptorily may challenge three prospective jurors.
- If the interests of multiple litigants are essentially the same, "each —party" shall mean "each side."

##### **(D) Alternate jurors.**

- The court may direct that no more than four jurors in addition to the regular jury be called and impaneled to sit as alternate jurors
- Each party is entitled to one peremptory challenge in addition to those otherwise allowed by law if one or two alternate jurors are to be impaneled
- Two peremptory challenges if three or four alternate jurors are to be impaneled
- The additional peremptory challenges may be used against an alternate juror only, and the other peremptory challenges allowed shall not be used against an alternate juror

### 4.3.3. Formula to Estimate Size of Jury Panel for Voir Dire

Based on the information above you could develop a formula by which to estimate the jury panel. For example; assume that you need to ensure sufficient prospective jurors are available for a misdemeanor trial. You could calculate the panel size as follows:

8 = standard jury

1 = alternate juror

3 = state peremptory challenge

3 = defendant peremptory challenge

4 = challenge for cause (estimate of 2 per side -there is no limit to challenges for cause)

19 Total number of jurors needed for panel sent to courtroom for voir dire

This formula can be utilized by adjusting the numbers that coordinate with the trial type along with the number of trials that may be scheduled in large courts. Also, consider that an additional number should be added to the formula above to compensate for exemptions, excuses and failures to appear. Review Section 2.9 (Determining the Number of Jurors to Summon) for the process to calculate the expected reporting percentage.

### 4.3.4 Other Factors to Consider in Setting Panel Size

The use of the above formula is a good starting point to determine the standard panel size. The jury manager must then consider addition “non-mathematical” factors that may impact the panel size needed to respond to scheduled jury activity. The following are some examples:

- Is the trial expected to be lengthy? More than the typical number of excuses from service may be granted as the result of a protracted trial
- Is the subject matter controversial? Again, more than the typical number of excuses from service may be granted if the subject matter elicits strong opinions on the part of prospective jurors
- Has there been significant pretrial publicity? Jurors may have been influenced by what they read or saw prior to the beginning of the trial-
- Depending upon how far in advance of the trial date the decision is made on the panel size, forecasted weather concerns could affect the appearance rate of the prospective jurors-

#### **4.4 Managing Peak Demands**

Some problems may arise in managing a jury pool. If all trial judges choose to start voir dire at the same time, the jury pool must be large enough to accommodate this demand. For example, most judges holding trials may wish to begin their trial at 9:00 a.m. on Monday. This schedule can become problematic because the jury manager must summon enough jurors to meet this peak demand. One way to address this challenge is to stagger the trial starts throughout the day so that the initial pool of jurors is not too great (see the following section). A tendency is to create a jury pool large enough to cover all possible demands, which erodes the potential advantage of a jury pool. The amount of time that jurors spend waiting in a jury pool is often overlooked. Therefore, the main management challenge is to balance the number of jurors needed with the number of voir dire scheduled. Summoning too many jurors can greatly increase overall waiting time and time for reassignment and cost. A goal is to ensure that 100 percent of reporting jurors attend voir dire.

#### **4.5 Staggered Trial Start Times**

Staggered trial starts are key to the success of any jury pool. All or most trials should not start at 9:00 a.m. on days that prospective jurors are available. Rather, about 60 percent should start in the morning, the balance in the afternoon. Those jurors not selected for morning trials can be reassigned to afternoon panels. Starting all trials in the morning has negative consequences:

- it requires that a larger venire be summoned initially which can be cumbersome for jury managers
- it precludes the “recycling” or reuse of the same jurors in multiple voir dire
- it creates a lot of waiting
- higher costs may result, particularly if the jury fee paid does not differentiate between half and full day service

One hundred percent or greater attendance in voir dire should be the objective of every jury pool. In fact, those courts with the highest percentage of voir dire attendance are probably the most efficient in terms of jurors used. This requires calendar coordination with other trial judges and a well-informed jury manager.

#### **4.6 Panel Assignment**

Often panels are escorted to the courtroom and the voir dire begin promptly. In other courts, the panels are kept waiting while preliminary matters are discussed. As a result of these proceedings, the trial may be postponed, a settlement reached, or a plea changed. The jury panel is then returned to the jury pool without being used. Short delays and occasional non-use are expected, but unnecessary delays will cause a large and artificial demand on the pool. Jurors also may perceive delays as a lack of efficiency in the court system. Jury staff should keep records of panels sent from the jury pool, the time they are away, and whether or not they are used. This information should be analyzed to determine if changes should be recommended to the Judge(s) to improve efficiency and reduce costs. See the form “Jury Panel Usage Form” contained in Appendix F.

Courts should develop standard policies to guard against the possibility that a judge may call a jury panel to the courtroom well before the intended time for the trial to begin as a way to get “first dibs” on the jury pool. This practice undermines the effort to have efficient utilization of jurors by courts drawing panels from the same jury pool.

#### **4.7 On-Call Jurors**

Perhaps no other jury technique is as efficient as placing prospective jurors on standby. This involves the juror calling the court in advance of the scheduled reporting date to see if his or her presence is needed on the scheduled date. This call-in process typically occurs the day prior to the scheduled reporting date. Some courts have begun giving jurors the option of using text messaging to not only instruct jurors to report for service the next day but to also provide a reminder about jury service on the reporting day. Those who do not opt for electronic notification must still make the daily phone call. If the Court has an internet web site, a portion should be dedicated exclusively to juror information including access to daily updated reporting information. An on-call system will require routine communication from the courtroom to update the jury management personnel with the status of the scheduled jury trials. This may involve the jury management personnel calling the courtroom personnel of each Judge. One advantage of this process, unless an inordinate number of cases are resolved on the day of trial, is that it helps to ensure that jurors will undergo voir dire rather than sit idly. Another advantage is that jurors can continue with their daily routines if not needed. This technique helps foster a public image of the courts as respectful of the jurors’ time and efficient, thus promoting goodwill among jurors.

A variation of this is to permit jurors who may be needed for a scheduled afternoon jury trial to call in, late in the morning, for reporting instructions for that afternoon. If the case is resolved, the jurors may be told that they do not need to report. Again, good communication between jury management personnel and courtroom staff is needed to ensure timely and accurate information is used to instruct the prospective jurors about the need to report to the courthouse.

#### **4.8 Reuse of Jurors**

As noted above, all reporting jurors should attend at least one voir dire. If not, then too many jurors are being summoned for the number of anticipated trial starts or the prediction of anticipated jury trial starts is not accurate. Prospective jurors who are not selected for a jury should return to the jury pool to be reassigned to other panels. All jurors should attend one voir dire before any are sent to a second voir dire. This process requires that some trials begin later in the day. Judicial cooperation and calendar coordination are essential.

#### **4.9 Challenge for Cause**

Challenges for cause may be made based upon specific factors that create a conflict of interest. For example, a juror may be challenged for cause if he or she has an interest in the cause, is subpoenaed, or is related to one of the parties or attorneys. The trial judge determines the approval of a challenge for cause. There is no limit on the number of challenges for cause.

#### 4.10 Peremptory Challenges

A peremptory challenge is the striking of a prospective juror from the jury panel without giving a reason. The number of peremptory challenges and the procedure for exercising peremptory challenges is set by rule, statute and case law and is uniform throughout the state.

**Civil Rule 47** Three (3) peremptory challenges are allowed to each side.-Up to 4 alternates may be seated on a civil trial. The number of peremptory challenges allowed for the selection of alternates is based upon the number of alternate jurors to be seated. 1 peremptory challenge for each side is permitted if one or two alternates are to be selected and 2 peremptory challenges for each side is permitted if three or four alternates are to be selected.

**Criminal Rule 24:** The defendant and the prosecutor may each peremptorily challenge *three* jurors in misdemeanor cases, *four* jurors in felony cases other than capital cases, and *six* jurors in capital cases. If there is more than one defendant, each defendant may challenge the same number of jurors as if the defendant was the sole defendant. Up to 6 alternates may be seated on a criminal trial. The number of peremptory challenges allowed for the selection of alternates is based upon the number of alternate jurors to be seated. 1 peremptory challenge for each side is permitted if one or two alternates are to be selected; 2 peremptory challenges for each side is permitted if three or four alternates are to be selected and 3 peremptory challenges for each side is permitted if five or six alternates are to be selected.

Jury staff should consider how many peremptory challenges are to be given in each case prior to summoning the jurors. This factor has an impact upon the ultimate number of jurors needed in a particular case. See the information provided above in Section 4.3 Determining Proper Jury Pool or Panel Size for a formula to be used to calculate the number of jurors needed for particular types of cases.

#### 4.11 Voir Dire Duration

The voir dire process is used to solicit information from persons on the jury panel to determine their suitability to serve as jurors on a particular case. Voir dire is French for “to speak the truth.”

The duration of voir dire is a factor that may be critical for determining the number of jurors to be summoned. Jury panels in certain types of cases can be selected quickly, particularly when the issues to be presented at trial are few and the attorneys are both familiar with the trial judge and each other. In these situations, juries can usually be picked in an hour or less. The jurors not selected are then free to participate in a voir dire scheduled for later in the day or to provide the reserve for another jury selection in a different courtroom. On the other hand, jury selection for some trials may last the better part of the day or more. Jury staff should not make plans to use most of these jurors in other courtrooms unless some jurors are dismissed early and recycled into the jury pool. The reason a juror is dismissed will impact the opportunity to retain that individual for possible further service on that day. For instance, a juror with a serious medical issue will probably not be seated on any jury.

The court may provide to the counsel for each party the basic written background information from the jury questionnaire completed by each prospective juror prior to or on the day that jury selection is to begin. To reduce the



length of voir dire, the Judge may restrict counsel from asking for information already provided on the questionnaire. The Judge controls the voir dire process and is able to keep the process within the appropriate boundaries so as to permit the level and content of questioning appropriate to the subject matter of the case.

Another way to reduce the time is for the trial judge to personally conduct the initial voir dire examination. It is generally accepted that trial counsel should be permitted to question panel members for a reasonable period of time. In routine civil and criminal cases, the trial judge may conduct initial voir dire and limit further questioning by counsel to a set amount of time. The practice of some judges to allow counsel to control voir dire is discouraged.

#### **4.12 Single-Day Impanelment/Calendar Coordination**

Single day impanelment anticipates multiple voir dire examinations will be conducted on the same day for jury trials to begin that day or on another day in the near future. Several jury panels are selected on the same day. Under this system, a juror's term of service is limited to the completion of one trial. If a juror is not selected for a jury on the day of jury selection, the juror has fulfilled their obligation by being available on that day. A juror may be on call for several days, but once the juror reports, his or her service is completed by serving one day or one trial.

The effectiveness of single day impanelment depends on the number of trials and the number of judges conducting trials and the number of trials per judge. It works best if several judges are hearing more than one trial per week each. If too many judges are conducting single-day impanelment, a large number of jurors might be required to appear at one time. This could possibly place an undue burden on available resources (facilities, court personnel, counsel) depending upon the jurisdiction.

One of the most useful innovations that a court can implement is to coordinate trial starts as much as possible. The more trials set to start on any given day, the greater the odds that a significant number of trials will proceed to jury selection. This allows greater utilization of available jurors and much less risk of a "zero day," or a day in which jurors report but no trials start. This saves the court money and the jurors' time.

#### **4.13 Standard Panel Size**

Standard panel sizes range from a low of 14 prospective jurors in county court jury trials to a high of 75 or more prospective jurors in high-profile cases or capital cases in which the death penalty is sought. The panel sent to voir dire must be large enough to provide the trial jury which is selected from it, to allow the parties to exercise peremptory challenges, and to supply a number of persons to cover possible allowed challenges for cause. If a panel sent to voir dire is too small, a supplemental panel will be needed to complete jury selection. This could cause a delay in the proceedings. If a panel sent to voir dire is too large, numerous jurors in the panel will not be questioned. This creates an artificial demand on the jury pool, or needlessly inflates the size of a jury panel.

Many jury managers have addressed this problem by keeping records of panel sizes and the number of challenges required in the past. This track record of actual performance data can be used to establish the validity of the standard

panel sizes for a particular jurisdiction. Judges are more comfortable with the standard panel sizes, which have shown to be adequate in actual practice. See the form “Jury Panel Usage Form” contained in Appendix F.

The method of jury selection used by a Judge may impact the size of the jury panel needed for voir dire. The trial Judge has discretion in the system used for conducting voir dire. In the system referred to as “traditional” or “strike and replace” a panel of jurors is seated in the jury box and questions are addressed by counsel to the group as well as to the individual jurors seated in the jury box. Upon the excuse of a juror as the result of a challenge for cause or a peremptory challenge, a juror who is waiting in the courtroom is called forward to take the place of the excused juror. In the system referred to as the “strike method” the entire panel of jurors is questioned both as a group and individually as needed. Outside of the view of the jury, the entire panel is subject to review for challenges for cause and then the parties exercise peremptory challenges. Upon returning to the courtroom, the individuals to serve as the trial jury are identified and the remainder of the panel is excused. Judges debate about the efficiency of the respective systems.

In several jurisdictions, the judges decide or the parties stipulate the size of panels at pretrial. This practice gives the jury clerk advance notice of the panel size and ensures that it has been set deliberately for each particular case rather than left to habit or chance. Generally, a uniform size for each type of case is best throughout the court.

#### **4.14 Dismissing Jurors**

Too often jurors are forced to wait throughout the afternoon in the jury pool even though their chance of being called for voir dire is slight. The greatest single juror utilization problem found in courts is cancellation of a trial after the panel of jurors has been notified to appear.

Courts which approach jury management from the perspective of the juror have developed a flexible policy for dismissing jurors as soon as it is apparent they will not be needed. This policy acknowledges that jurors’ time is valuable and increases jurors’ respect for the management of the court.

A general policy can be established to dismiss some of the jurors quickly when the number of jurors reporting for service exceeds the needed number or when a case is cancelled. An excellent strategy to optimize juror use is to employ a prior-day notification (see Section 4.7). When this strategy is used, jurors are notified in the jury summons to call a given telephone number prior to reporting to ascertain whether they will be needed. By using this system, the number of jurors who are required to report will be based on the most current information regarding the number and types of cases expected to go to trial. The time that people are called upon to devote to jury service should be the shortest period consistent with the needs of justice.

## **4.15 Inside the Courtroom**

Once the jurors have entered the courtroom, after having been through the orientation, the jurors should be welcomed and introduced to all the key individuals in the courtroom, such as the bailiff, clerk, court reporter, counsel and parties involved and should be made aware of their functions. The jurors should then be given a general overview of the process, such as voir dire, type of case, length of trial, opening statements, jury instructions, deliberations, etc. Jurors should be instructed to display their juror badges for identification at all times during the trial and to keep separate from parties during breaks and/or lunch. Communication should be professional and business-like toward jurors. Court personnel should be aware that inappropriate conduct on their part may jeopardize the judicial process and cause a mistrial.

As a part of the courtroom introduction and throughout the trial, the Judge should admonish the jurors before each break and at the end of the day that they may not communicate about the trial. It is advisable that the admonishment specifically addresses the use of technology by the jurors. It should not be assumed that jurors understand that using the Internet to obtain information about the case, the parties, or the attorneys is not permitted. It is important to clearly instruct the jurors that they are not permitted to blog, tweet, or post comments on any social network (such as Facebook, Twitter, Instagram) during the trial. The use of electronic communication to share personal thoughts and experiences is sometimes just a part of a person's daily life and they may not perceive that any legal issues could be created by its use.

## **4.16 Deliberations**

### **4.16.1 Conditions and Procedures for Deliberation**

Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision-making. The judge should instruct the jury concerning appropriate procedures to be followed during deliberations.

The deliberation room should be comfortable and properly equipped. Jurors should be given periodic breaks, and the jurors should be provided with beverages and food, at Court expense, at reasonable times during deliberation. A jury should not be required to deliberate after a reasonable undue hardship upon the jurors and are required in the interest of justice. Toward the end of the regular court day, the Judge may make an inquiry of the jury regarding their preference for continuing to work or returning the next day. Juries should be provided with a pleasant, comfortable, secure, and safe place in which to work. Counsel and appropriate court personnel should remain readily available during jury deliberations.

### **4.16.2 Alternate Jurors Retained During Deliberation**

The Civil and Criminal Rules address the process to be followed by the court if one or more alternates are to be retained during the jury deliberation process.

## **Civil Rule 47 (D)(2)**

The court may retain alternate jurors after the jury retires to deliberate. The court must ensure that a retained alternate does not discuss the case with anyone until that alternate replaces a juror or is discharged. If an alternate replaces a juror after deliberations have begun, the court must instruct the jury to begin its deliberations anew. If the court does not retain alternate jurors after the jury retires and instead discharges the alternate jurors, the alternate jurors cannot be recalled as jurors.

## **Criminal Rule 24(G)**

### **(1) Non-Capital Cases**

The court may retain alternate jurors after the jury retires to deliberate. The court must ensure that a retained alternate does not discuss the case with anyone until that alternate replaces a juror or is discharged. If an alternate replaces a juror after deliberations have begun, the court must instruct the jury to begin its deliberations anew.

### **(2) Capital Cases**

The procedure designated in the above section shall be the same in capital cases, except that any alternate juror shall continue to serve if more than one deliberation is required. If an alternate juror replaces a regular juror after a guilty verdict, the court shall instruct the alternate juror that the juror is bound by that verdict.

## **4.17 Sequestered Juries**

A jury should be sequestered only for good cause, including but not limited to, insulating its members from improper information or influences. The jury must be sequestered during deliberations in the guilt and penalty phase in all capital cases. The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative at other times and shall have the responsibility to oversee the conditions of sequestration.

The jury shall remain under the supervision of an officer of the court who has been given the oath required by R.C. 2945.32 (see Appendix H) until a verdict is rendered or the jury is discharged by the court. The court may, in an emergency and upon giving cautionary instructions, allow temporary separation of jurors. When the jury is in the care of the officer of the court, the officer may inquire whether the jury has reached a verdict, but shall not:

Communicate any matter concerning jury conduct to anyone except the judge or  
communicate with the jurors or permit communications with jurors, except  
as allowed by court order

See Section 5 of this manual, High Profile Trials, and Appendix H, which provides a checklist for managing a capital case, for additional information to assist in the planning for and management of a sequestered jury.

#### **4.18 General Cautions for Jury Improvement Efforts**

Jury staff may wish to err on the side of caution, especially in the beginning of an improvement program. An effective strategy is to ensure a larger reserve of jurors than desired when improvements are first being made. Then actual performance can be determined, particularly on peak days. The number of excess jurors can also be readily identified in hindsight and adjustments made in a gradual fashion to bring the system into line with demonstrated needs.

This approach provides powerful advantages. First, it allows the jury staff to determine the actual practice of the jury system before making incremental changes geared at fine-tuning the court's performance. Second, it provides data that can be used to persuade trial judges of the efficacy of the proposed change (i.e., a reduced number of jurors for standard jury panels).

Incremental change is also an important concept to utilize to the advantage of jury staff. There may be reluctance on the part of the judiciary to change traditional practices. For example, by slowly reducing the number of jurors over a certain amount of time, the potential for ill effects will be minimized. It is important that a jury management program does not suffer an early setback by having a significant shortage of jurors.

## 5.0 High-Profile Cases/Capital Cases

### 5.1 Introduction

Occasionally, a case stimulates the public's interest. It could be caused by the brutal nature of the crime, or by the involvement of a famous person, or by the fact that the issue in the case touches many individuals. When such a trial occurs, the court becomes the focus of attention for the newspapers and television.

The trial judge must consider many issues in a high-profile case. While this section of the manual addresses only jury-related issues, an excellent source of overall information on high-profile cases is *Managing Notorious Trials* by Timothy R. Murphy, Paula L. Hannaford, Geneva Kay Loveland, and G. Thomas Munsterman (National Center for State Courts, 1998). This publication is available for download from the NCSC Library E-Collection at [Managing Notorious Trials](#)

The NCSC Center for Jury Studies has online information relating to High Profile trials at [High-Profile Cases \(ncsc.org\)](#). This website was developed as part of a collaborative effort involving an advisory committee of experts. The information is intended to assist judges and court staff plan for and manage high profile cases.

A checklist for managing a capital case has been provided in Appendix H. Many aspects of this list also apply to the management of a non-capital high profile case.

### 5.2 Trial Team

The responsibility for managing the trial rests with the trial judge. However, representatives from various areas of the court should be assigned to the trial team as soon as the probability of a high-profile trial emerges. Members of the trial team should include a bailiff, court reporter, facility maintenance, jury management, law clerk, media relations and security. The court administrator or an experienced aide should also be a member of the team.

Pre-trial planning meetings of the trial team should address the following topics, which are detailed in the above referenced book, *Managing Notorious Trials*.

- Estimated length of the trial
- Trial schedule
- Number of jurors needed
- Jury management system
- Excusing prospective jurors
- Juror instructions
- Pre-screening procedures
- Jury selection procedures
- Alternates
- Sequestration
- Courtroom facilities
- Juror privacy

- Tools for jurors
- Juror Security
- Verdict and dismissal

### 5.3 Jury Management Responsibilities

The responsibilities of the Jury Manager will be determined by the Judge but may include the following:

- Perform duties and secure information on the checklist
- Meet with judge, bailiff and trial team
- Assist bailiff as necessary
- Perform tasks associated with summoning jurors
- Perform tasks associated with notifying excused jurors
- Ensure adequate space is available for all reporting jurors
- Coordinate voir dire scheduling with the bailiff
- Prepare forms and other documentation
- Make hotel reservations and coordinate meal menus
- Make arrangements for the movement of jurors between the courthouse, hotel and restaurants
- Assist in the coordination of the staffing schedule for jury sequestration
- Assist with document preparation
  - Verdict forms
  - Verdict entries

### 5.4 Panel Size

High-profile trials usually require a larger panel for jury selection due to the greater number of prospective jurors that have been potentially exposed to the publicity associated with the case. The length of such a trial often eliminates many individuals because of financial, family, or job-related issues. The probability of being sequestered is an additional hardship that affects the number of individuals available to serve as jurors.

#### 5.4.1 Requested Number of Panels

The determination of the number of panels required is a function of:

- The number of individuals in a normal panel
- The yield rate of a normal panel in the jurisdiction
- The estimated yield rate of a panel in a high-profile case, based on previous experience or advice

As an example, if 100 individuals are summoned in a normal panel and the typical yield is 25 percent, then ten panels would be needed to provide 250 prospective jurors for voir dire.

Estimating the yield for a specific, high-profile trial may be influenced by the amount of pretrial publicity as well as time of year/day of the week

Courts using a jury pool may be able to supplement the special panel summoned for a high-profile case from the pool called for other scheduled trials.

#### **5.4.2 Scheduling of Panels**

A high-profile trial requires extra attention to scheduling reporting times for prospective jurors so as to minimize juror inconvenience and to maximize the efficiency of the court.

Due to the larger number of jurors, it is advisable to have the panels report on a staggered schedule to minimize waiting time prior to voir dire.

Utilize non-peak times and days when possible

Utilize the juror “reporting instructions” telephone lines to delay their reporting time if the voir dire process is behind schedule

A modification of staggered reporting times is to have the entire panel report for an initial court proceeding to introduce the case and provide preliminary instructions to all jurors (for example, the admonishment to avoid all media coverage of the matter). The reporting jurors can then be given the questionnaire to be completed while in the courthouse and the voir dire schedule, be organized into smaller groups and be instructed on when they must report back to court for the voir dire process.

#### **5.5 Pretrial Process to Excuse Jurors**

The trial judge has the responsibility to determine the policy for excusing jurors in a high-profile case. The trial judge may decide that all requests to be excused, disqualified, or postponed be reviewed by counsel and approved by the judge. Alternately, the jury office may be authorized by the trial judge to excuse those with exemptions under state statutes and those providing written medical statements or excuses from their physician. All other requests would be reviewed by counsel and approved by the judge. Consider scheduling a day to meet with the trial team to review excuses from prospective jurors. If you do, factor that meeting into determining when your summons need to be sent.

The procedure normally used by the jury office to advise jurors that they have been excused, disqualified, or postponed should be utilized for high-profile cases.



## 5.6 Prescreening of Jurors with Questionnaire

The pre-screening of jurors for age, residency, citizenship and felony convictions must occur with high profile cases just as it occurs for normal, more routine cases. However, with high profile cases the judge and attorneys often create a case specific questionnaire to facilitate the voir dire process.

An issue for specific discussion and consideration is the timing of the distribution of the questionnaire. Particularly if the trial has received significant pre-trial publicity, the judge may want to consider delaying the completion of the questionnaire until after the jurors have reported to the courthouse and received some preliminary instructions and admonitions. It should be anticipated that the pretrial distribution of a questionnaire, especially if there are questions that telegraph the case for which the jurors have been summoned, the failure to appear rate may be increased. Jurors may be intimidated by the high-profile nature of the case, concerned about the potential length of the trial and the potential for sequestration and/or tempted to conduct “research” about the case which could impact their ability to serve. If individual voir dire (see section 5.7) is to be conducted, the court may want to think about having only the jurors retained after the initial questioning complete the questionnaire.

A screening questionnaire for a high-profile case usually addresses these other areas:

- Demographic and personal information
- Knowledge of the case
- Opinions about the case
- Familiarity with anyone involved with the case
- Previous experiences and existing attitudes and beliefs
- Health issues
- Length of trial issues
- Willingness to adhere to judge’s instructions

Sample questionnaires for prescreening jurors in high profile cases have been provided in Appendix D.

R.C. 2313.18 requires that questionnaires used for voir dire contain a **prominent** legend to advise the prospective juror of the right to request and have an in-camera hearing, on the record, in the presence of counsel for the parties, regarding any legitimate privacy interest of the prospective juror.

## 5.7 Individual Voir Dire

In order to properly plan for individual voir dire, check with the trial judge regarding the specific procedures to be followed for individual voir dire. It is important to know in advance if the process will entail jurors being questioned one at a time, in small groups or in a large group. The anticipated time and facilities needed for individual voir dire will be determined by the process. The subject matter of this questioning is typically limited to pre-trial publicity, the juror’s availability to serve and, for capital cases, views on the death penalty.

Individual voir dire can be very time consuming. The first jurors questioned usually take the longest as the Judge and counsel adjust to the individual voir dire and work out the details and scope of the questioning process. The

individual questioning of jurors is intended to elicit more candid responses and to eliminate the possible impact of jurors hearing the responses of other prospective jurors.

If the media wants to cover voir dire, arrangements for using the courtroom for individual voir dire and having the prospective jurors secured in a convenient, comfortable location while waiting to be questioned should be anticipated and arranged in advance. The Judge should anticipate addressing the issue of the media identifying or photographing/recording/broadcasting the jurors during voir dire in an order directed toward media coverage of the trial.

## **5.8 Capital Cases**

### **5.8.1 Introduction**

Capital cases present a number of jury management challenges. Often the case has generated significant pretrial publicity. The trial will likely involve more testimony, resulting in a longer trial. The case may involve difficult testimony, resulting in increased juror stress. The prospect of jury sequestration requires considerable advanced preparation. This section will cover some of the basics for the management of a capital case. A detailed checklist for the management of a capital case is included in Appendix H. Even though the procedures reflect the practices in Lucas County, the review of the checklist by any court facing a capital case is recommended, with the expectation that each court will want to develop its own checklist.

### **5.8.2 Statutes for Capital Cases**

The following statutory provisions should be reviewed in preparation for a death penalty case.

- 2945.31 - Separation of jurors
- 2945.32 - Oath of Officers (copy of oath is provided at end of Appendix H)
- 2945.33 - Supervision of jury after case submitted to the jury for deliberation
- 2945.34 - Admonition if jurors separate during trial
- 2945.35 - Papers the Jury May Take
- 2315.03 - Deliberations of jury
- 2315.04 - Duty of officer in charge of jury
- CrimR 23. Trial by Jury or by the Court
- CrimR 24. Trial Jurors

### **5.8.3 Timeline to Prepare for Jury Sequestration**

#### **Two - three months prior to trial**

- Date of trial
- Trial judge
- Number of jurors to be summoned
- Contact hotel(s) for preliminary information for reservations
- Length of trial

#### **Four - six weeks prior to trial**

- General information meeting with the judge
- Issue jury summons
- Panel reporting schedule

#### **Two - three weeks prior to trial**

- Prepare forms and documentation
- Confirm reservations with the hotel
- Meet with all staff to review sequestration and security plan
- Prepare for “down time” for jurors during sequestration

#### **One week prior to trial**

- Verify all prior arrangements

### **5.8.4 Managing the Jury During the Trial**

With the high-profile nature of the case, and often with elevated emotions on the part of the family and friends of both the defendant and the victim, it is important to isolate the jury as much as possible during the trial. This may necessitate security or jury management personnel escorting the jurors during breaks, having lunch/dinner delivered to the courthouse for the jurors and escorting the jurors to and from their vehicles. To avoid creating the impression that the jurors are at risk, it is best to start the heightened supervision of the jury at the beginning of the trial so that the actions taken by the court are just a part of their jury service experience.

### **5.8.5 Sequestered Jury Guidelines**

What is a sequestered jury? In order to avoid the jury being improperly exposed to outside influences, the judge may order the trial jurors to be isolated during all or part of the trial. During this time, the jurors remain under the control of the court.

Prospective jurors should be made aware of the possibility of being sequestered very early in the process, (i.e., via pre-screening questionnaires and during voir dire.)

*Managing Notorious Trials*, the previously cited reference book published by the National Center for State Courts, suggests the following areas should be considered while planning for a sequestered jury.

- Security
- Emergencies
- Conjugal visits
- Room searches
- Transportation
- Chain of Command
- Jurors' personal needs
- Entertainment and other activities
- Medical needs
- Financial

### **5.8.6 Hotel Arrangements and Accommodation for Sequestering a Jury**

Hotel arrangements should be explored with hotels in reasonable proximity to the courthouse and where the expenditures are reasonable for the court. Reservations for a sequestered jury should be made three months in advance to assure suitable accommodations. The hotel must be able to accommodate the need to isolate jurors from other guests. The selected hotel should have restricted access to the rooms occupied by the jurors, and in no event should a hotel with direct outside access to individual rooms be used for juror sequestration.

Each juror, alternate juror and bailiff should be assigned a separate single room at the hotel. All assigned rooms should be on the same floor and in the same block. A hospitality suite should be provided within the block of rooms with enough room for the entire group of 18 people. A TV/ DVD unit should be available in the hospitality suite. The bailiff(s) should be assigned to the end rooms in the block of rooms at the hotel. Deputies or other security personnel should stand guard in the hallway of the block of rooms at all times when the jurors are at the hotel.

### **5.8.7 Management of a Jury at the Verdict**

The Judge, courtroom staff, security personnel and jury manager need to keep in mind that for capital cases, there may be two phases to the trial. If there is a guilty verdict during the first phase, the jurors, upon announcing that verdict, need to be instructed as to the next phase. The potential for the second phase should have been explained at the beginning of the trial. Typically, courts will sequester jurors only during the deliberation, so jurors are sent home for the time between the first and second phases of the capital case trial.

The Judge needs to give a strong admonition to the jurors to guide them during the time they are away from the court. Security and court personnel should anticipate the possibility of heightened emotions from the jurors at the time of the initial verdict. This is a delicate time when the jurors need to be given support to deal with their feelings but also prepared for the continuation of the trial into the second phase.

At the verdict for the second phase, jurors will often be very emotional. It was both a physical and psychological test for the jurors. The Judge should speak with the jurors to reassure them about their verdict, advise them about the potential for media contact, set their mind at ease about any personal security concerns, and, whenever possible, address the issue of post-trial juror stress, which is the subject of the next section.

## 6.0 Juror Stress/Debriefing

### 6.1 Introduction

Juror debriefing refers to any process used by the court to assist jurors with the transition from the trial back to their regular lives. Some level of debriefing is recommended for all jury trials and action by the court to assist jurors following a particularly difficult trial (e.g., gruesome testimony or evidence) is strongly advised. Jurors take the responsibility of their service very seriously and, for some cases, the emotional impact affects the ability of the jurors to resume their normal lives. This section covers the issue of juror stress and some options for the court to consider for responding to juror stress.

### 6.2 Types of Post-Verdict court contact with jurors

- Discharge instructions given by Judge on the record
  - Jurors speaking about the case
  - Contact by the media
  - Express appreciation of the court for the work of the jury
- Judge speaks informally with jurors about trial experience
  - Reassure jurors that verdict was “correct”
  - Explain court procedures
  - Possibly provide additional case information
  - Answer questions (may be restricted by potential for post-verdict issues)
- Exit Questionnaires
  - Obtain information from jurors on various aspects of the trial experience
  - Ask for suggestions to improve jury experience
  - Collect demographic information
- Juror Debriefing to address stress related to jury service
  - Person with counseling credentials conducts post-verdict session with jurors
  - Counseling is usually for the group but may include individual counseling
  - Purposes are to address stress resulting from trial experience and to prevent excessive future stress

### 6.3 Potential causes of stress for trial jurors

- Disruption of daily routine
- Financial impact of jury service
- Unfamiliarity with court processes
- Trial evidence (i.e., grisly photographs)
- Trial testimony (i.e., emotional testimony of victim)
- Moral conflicts in trying to arrive at a verdict (e.g., death penalty)
- Conflict with other jurors during deliberation
- Intense community conflict (high local interest in the case)
- Perceived or actual threats or fear of harm

- Inability to discuss with others (including other jurors) any aspect of the case during the trial
- Contact by media

#### 6.4 Court Response to Juror Stress

- Improve administrative procedures to reduce stress (e.g., reduce delays, provide more information to jurors to decrease unknowns, limit time during which jurors must be available)
- Provide juror debriefing session

#### 6.5 Resources to Assist with Developing Juror Debriefing Program

The following resources are available online at the National Center for State Courts website [Juries - National Center for State Courts \(oclc.org\)](#)

- Casey, Pamela. *Through the Eyes of the Juror: A Manual for Addressing Juror Stress*. Williamsburg, VA: National Center for State Courts (1998).
- King County Superior Court Evaluation of the Jury Debriefing Program, Final Report, August 14, 20000, National Center for State Courts project with funding support by the State Justice Institute

A PDF version of *A New Option for Addressing Juror Stress*, an article authored by Center for Jury Studies Director Paula Hannaford-Agor is available at [A New Option for Addressing Juror Stress](#). This article includes information prepared by the Maricopa County Common Pleas Court in Arizona to share information about stress with jurors.

The Conference of State Court Administrators (COSCA) issued the following paper in December 2023 focused upon the importance of improving the juror experience. A large part of the report addresses juror stress. [Citizens on Call: Responding to the Needs of 21st Century Jurors - Jury - National Center for State Courts \(oclc.org\)](#)

## 7.0 Monitoring and Control

### 7.1 Introduction

Each court needs to monitor the efficiency and effectiveness of the jury system. To obtain the data needed to conduct an analysis, information should be routinely collected so that the court is able to evaluate its performance from period-to-period and year-to-year. Questionnaires with demographic and service-related information from jurors as well as operational statistics reflecting the administrative management of the jury system will provide the needed data to the court. The questionnaires provide information from the individuals who are appearing in court for jury service. The information collected from the demographic questionnaires will enable the court to determine whether it is reaching the community in a representative manner. The information on the Exit/Satisfaction Questionnaire will help the court measure the efficiency of the jury system, evaluate the satisfaction level of the jurors and identify needed improvements. The statistics will help the court understand its performance and to view the court's performance in relationship to other jurisdictions and to national standards. Without statistics, it is impossible to measure the effect that changes to the system might generate.

The National Center for State Courts has designed several performance measurements to assist courts in the evaluation of the quality-of-service delivery in multiple operational areas. The single performance measure relating to jury service is Measure 8, Effective Use of Jurors, which focuses upon jury yield. The purpose of this performance measurement is stated as “to minimize the amount of effort expended to summon and qualify prospective jurors and to maximize the rate at which they are used to select jurors.” [Measure Eight: Effective Use of Jurors | CourTools \(ncsc.org\)](#) (See Section 7.4 et seq)

### 7.2 Demographic Questionnaires

In February 2004, the Task Force on Jury Service of the Supreme Court of Ohio recommended that courts be required to collect demographic information on a periodic basis.

The Task Force recommended that, at a minimum, the courts periodically measure the demographics of the individuals who do report for jury service and compare that data to the most recent census data for the jurisdiction. While the collection of demographic data is not currently required, obtaining such information is advised.

Examples of the demographic questionnaire currently utilized by the Franklin County Municipal Court and the Montgomery County Common Pleas Court are included in Appendix E.

### 7.3 Juror Exit/Satisfaction Questionnaires

A jury service exit or satisfaction questionnaire provides the court with information as to the views of jurors about how the system is working and their attitudes toward jury service. The court may distribute the exit questionnaire to all of the individuals who report for jury service or only to those who are selected as trial jurors. In either case, the questionnaire is not distributed until the end of the term of service. With the level of activity which usually accompanies the conclusion of a jury trial, it may be helpful for the jury management staff to remind the Judge and courtroom personnel to distribute the exit questionnaire and encourage the return of completed questionnaires. The completion and submission of the questionnaire are voluntary. While the use of an exit questionnaire is not



required, many courts find them to be useful, especially when re-examining best practices and procedures. If jury fee checks are sent to jurors at the conclusion of their service, the exit questionnaire could be included with the check. Pre-paid postage for the return of the exit questionnaire would likely increase the response.

Sample exit/satisfaction questionnaires are included in Appendix G. Many courts use a variation of the jury service exit questionnaire presented in G. Thomas Munsterman, *Jury System Management* (National Center for State Courts, 1996).

## **7.4 Statistical Reports Used to Evaluate Jury System**

### **7.4.1. Statistical Reports**

The majority of jury management systems have statistical reporting capabilities. Even if a court uses manual procedures for jury management, the collection of data to help in the evaluation of the jury system is recommended.

### **7.4.2 Jury Yield**

The term “juror yield” is defined as the number of individuals summoned for jury service that are available to serve. Those individuals that are excused, disqualified, deferred, or fail to respond to the summons are included in the calculation of the yield. Tracking of the various types of data used to calculate jury yield needs to be captured, either through the jury management software or manually.

Calculating the yield is a two-step process if the court initially sends qualification questionnaires to potential jurors prior to actually sending a summons. The first yield is based upon the results of the initial qualification questionnaire sent out to all prospective jurors. The second yield is based upon the response to the jury summons sent at the time the juror is being asked to report for service. Since there are two opportunities for the jurors to “fall out”, there are typically fewer jurors available for actual service than if the jurors are contacted only at the time they are needed to serve.

For a one-step system, the yield is calculated only at the time the prospective jurors are sent a summons and then subsequently ordered to report for service. A qualification questionnaire is included in the summons to identify those individuals who need to be disqualified or excused.

### 7.4.3 Calculation of Jury Yield

Jury Yield for Two-Step qualification/summoning:

$$\left[ \frac{\# \text{ jurors qualified for service}}{\# \text{ qualification questionnaires mailed}} \right] \times \left[ \frac{\# \text{ qualified jurors available for service}}{\# \text{ jury summons mailed}} \right] \times 100$$

Jury Yield for One-Step qualification/summoning

$$\left[ \frac{\# \text{ jurors qualified and available for service}}{\# \text{ jury summons mailed}} \right] \times 100$$

### 7.4.4 Data to Collect to Evaluate Jury Yield

To determine the total number of **jurors potentially available**:

- # Summons Sent
- # Postponed to Serve This Period
- # Instructed Not to Report

To determine the number **not available to serve**

- # Undeliverable
- # Disqualified
- # Excused/# Exempt
- # Postponed to a Future Date
- # No Shows (Instructed to Report but Failed to Appear)

Total Serving = Total Jurors Potentially Available - Total Not Available to Serve

Jury Yield Percentage = (Total Serving/ Total Jurors Potentially Available) x 100

#### 7.4.5 Interpretation of Yield Data

If a large number of summons are undeliverable, the quality of the jury list needs to be studied. The requirement under R.C. 2313.06 that the Board of Elections remove the names of the individuals who have failed to vote at least once during the preceding four consecutive years from the list of registered voters provided to the court for the annual jury draw will help with managing the number of undeliverable jury summons.

If a large number of jurors are disqualified for residency reasons, the court should evaluate the accuracy of the source list. In Ohio, jurors may be drawn from the current list of registered voters or from a combined list of current registered voters and licensed drivers/state ID holders (see Section 2.2). When the drivers' license/State ID list is combined with the voters' list, the percentage disqualified can be expected to increase because the drivers' license list may be less current, resulting in an increase in the number of summons that are undeliverable.

If a large number of jurors are being excused from service, the court should look at the court's policies and practices for excusing jurors to make sure that there is compliance with the statute. R.C. 2313.14 lists the reasons a person may be excused from jury service and requires that a record be maintained of the reason a prospective juror is excused. Jury management personnel should review this information to evaluate compliance with the statute and court policy and the impact upon the number and composition of the prospective jurors available for jury service.

The percentage of individuals who fail to comply with the court's order for jury service can be very problematic and may impact the ability of a jury trial to proceed in a timely fashion. To decrease the number of jurors who fail to appear, the court may want to consider instituting a "show cause" process. Jurors who fail to appear may first be contacted by letter stating that the court's records indicate that they did not appear for jury service as ordered and that they need to contact the court to select a new date for service (follow the procedures established for jurors who postpone their service). If there is no response to the letter, an official, journalized notice (commonly referred to as a "show cause order") is issued setting a date for the juror to appear in court to explain to a Judge why they did not respond to the jury summons. At the show cause hearing, the Judge, on the record, will ask why the juror failed to appear. Unless it was a willful act, typically the juror will be given a new jury service date. The court does have the authority to find the individual in contempt of court and under R.C. 2705.05, the potential penalty is a fine of not more than two hundred fifty dollars, a definite term of imprisonment of not more than thirty days in jail, or both. Penalties can become more severe if there is a repeat offense.

If there is a concern about the resources needed for a continuous jury show cause process, the Court may consider selecting random enforcement dates. Media coverage may help the court remind the community about the importance of jury service and the expectation for compliance with the summons for jury duty.

## 8.0 Use of Technology

### 8.1 Jury Management Software

#### 8.1.1 Overview

Many courts utilize computer-based jury management software to collect, organize and analyze information on prospective jurors. This software helps to maintain a database of names from which the jury pool can be pulled. With many of the software programs, users simply enter the desired number of jurors to be selected and the date of appearance and allow the program to do the rest. A list of prospective jurors will be made available for review and users can then attach that list of names to the summons letter or information to be sent out and allow the program to print the information or send that information to an outside printing source.

Although jury management software may not be needed for courts that have very few jury trials each year, such software can be useful for maintaining proper and accurate information on jurors. Software programs may also include other features such as calendar databases which can be used to coordinate court dockets, as well as case flow management information which can allow court personnel to follow the steps that have been completed in each case filed with the court.

#### 8.1.2 Selection of Appropriate Software Type and Package

Any jury management software company must be able to supply a product that complies with ORC 2313.09(A) which guarantees that all prospective jurors have an “equal, random probability of selection.”

The JTC (Joint Technology Committee established by the National Center for State Courts, Conference of State Court Administrators, and the National Association for Court Management) prepares technology guidelines for system acquisition by courts. In December 2014 JTC adopted a set of requirements proposed as a national standard for jury management system requirements. This standard could be used by a court to prepare a request for proposal. PDF and Word versions of the JTC guidelines can be found on the page of JTC Court Technology Standards at: <https://www.ncsc.org/About-us/Committees/Joint-Technology-Committee/JTC-Court-Technology-Standards.aspx>

A factor that makes many jury management software packages appealing is the availability of customization features, which can be used to allow court personnel to log-in information on when a jury summons was sent out, if and when the court communicated with the prospective juror, courtroom assignments and even juror payment schedules. Software management can cut down on errors in data entry by allowing users to print reports on various information sections and correct any inconsistencies found. A court can work with the software developer to select the types of customization features their particular court needs and what type of package would most suit their current as well as future needs.

Larger courts may need to consider a software package which contains many extra added features, while smaller courts or courts that have jury trials less frequently would only need a standard package. It is also necessary to be aware of the type of computer-based operating system your court has and select a software program that is compatible. Jury management software can be a large cost expenditure for a court, so making sure that the software is user-friendly, compatible with your current operating system, and effective for the use you envision is necessary before purchasing.

Jury management software may be offered as a module for a larger case management system used by the court and/or Clerk.

Web-based products may offer additional options for the court to consider, including the ability of jurors to access the system to postpone their own jury service (within court-established parameters) and/or to complete and submit jury questionnaires electronically. The self-help options allow jurors 24/7 access and reduce the workload of jury management personnel.

### **8.1.3 Cost Concerns**

Jury management software can be costly and thus, court personnel should coordinate with and discuss the options available with budget control officers, court administrators and judges. This is a product that can assist not only the jury managers, but other court personnel as well, so purchasing a software package that has features which would be useful for others may be a factor that could help determine what type of software is needed.

The cost of jury management software can rise quickly depending on the needs of the court. A standard package would start out at a lower purchase rate and can rise according to the type and number of customization features required, how often updates would be necessary to maintain, and even how many computers in the courthouse the program needs to be installed on for use.

Other factors to consider that can increase the purchase price include upgrades that may be needed on court computers before the software can even be added, possibly purchasing new computers for use, other necessary programs which would need to be installed on court computers to make the use of the jury management software more effective, and any security measures that are necessary to protect the privacy of the juror names within the database contained in the software.

A full overview of all the cost expenditures and concerns necessary to consider when purchasing a jury management software program would need to be discussed in depth with the persons in charge of making the final decision of how much to spend and which program to purchase. The software developer is also someone to discuss this issue with, as they could provide more detailed information on the pros and cons of each type of software available.

### **8.1.4 Jury Software**

There is no single jury management software program used by the various trial courts in Ohio. A jury management function is often a part of the general case management software used by the court but there are also standalone options available.

## **8.2 Messaging Systems**

### **8.2.1 Email**

Communication with jurors has evolved beyond mailed summonses and letters and telephone calls to include outbound and inbound email messages. Some jury management systems (JMS) automatically communicate the approval or denial of requests to be excused, disqualified or deferred via email if the juror has provided an email address. Additionally, email messages to a group of jurors instructing or reminding them to report for jury service may be automatically or manually initiated by the jury management staff or the JMS. Reporting instructions may also be cancelled via email.

### **8.2.2 Text Messaging**

With the proliferation of mobile smart phones, the variety of functions noted in Section 8.2.1 that may be executed using email, may also be executed via text messaging. Some jury management systems (JMS) also support the initiation, via text messaging, of requests to be excused, disqualified or deferred.

## **8.3 Websites**

Court websites address the multiple functions of the court. Juror specific information can provide educational background about jury service as well as very practical instructions and suggestions.

## **8.4 Jury Fee Payment Kiosk**

The cost of producing checks to pay jurors is often greater than the value of the payment. An alternative approach is to pay the juror fees with cash. When paying with cash, there are many logistical and audit related issues to consider. One approach, as implemented by the General Division of the Montgomery County Ohio Common Pleas Court in 2014, addressed these concerns.

The cash is not touched by court staff. Brinks replenishes the cash in the two kiosks on a weekly basis. The cash that remains in the kiosks is removed by Brinks and returned to the bank. The jury office provides a cash control sheet detailing the cash dispensed on a daily basis that has been reconciled with the court's jury management system (JMS).

When prospective jurors report to the courthouse, they are attended into JMS by scanning the barcode preprinted on their summons. After jury selection has been completed, the non-seated jurors proceed to the cash payment kiosks, which communicate with JMS, to collect their fee. The barcode on the summons is scanned by the kiosk's barcode reader, the juror's name is displayed on the monitor, the juror enters their date of birth, using the touch screen display, to confirm their identity and the cash is then dispensed. JMS generates an electronic audit report for each payment and updates the juror's electronic history with the payment details.

The seated jurors are identified in JMS, which increases their daily fee, and then attended for each day of the trial. The seated jurors are usually paid at the end of the trial using the same procedure as the non-seated jurors.

# APPENDIX

APPENDIX A **Ohio Jury Statutes and Rules**

APPENDIX B **Glossary of Common Jury Trial Terms**

APPENDIX C **Jury Draw Samples**

Butler County Common Pleas Court Jury Draw Order

Butler County Common Pleas Court Draw Certification

Hamilton County Common Pleas Court Jury Draw Notice

Hamilton County Common Pleas Court Annual Jury Draw  
Order and Draw Certification

Montgomery County Common Pleas Court Term Jury Draw  
Order

Montgomery County Common Pleas Court Draw Certification

Tuscarawas County Common Pleas Court Annual Draw Order

Tuscarawas County Common Pleas Court Jury Term Draw  
Order

Generic Annual Jury Draw Order

Generic Jury Draw Certification

**APPENDIX D Jury Summons/Jury Questionnaire Samples**

Butler County Common Pleas Court Jury Summons/  
Questionnaire

Hamilton County Common Pleas Court Questionnaire (Regular)

Hamilton County Common Pleas Court Questionnaire (High  
Profile)

Lucas County Common Pleas Court Questionnaire (High  
Profile)

Montgomery County Common Pleas Court Questionnaire

Tuscarawas County Common Pleas Court Juror Personal  
Information Form

Tuscarawas County Common Pleas Court Questionnaire  
(Regular)

Tuscarawas County Common Pleas Court Questionnaire  
(High Profile)

**APPENDIX E Juror Demographic Information Surveys**

Franklin County Municipal Court Demographic Survey

Montgomery County Common Pleas Court Juror Demographic  
Information

**APPENDIX F Jury Panel/Pool Management Forms**

Lucas County Jury Orders/Tracking (Manual Tracking)

Lucas County Daily Transaction Form (Manual Tracking)

Lucas County Jury Panel Usage Record (Manual Tracking)

Butler County Common Pleas Court Jury Management  
Worksheet



**APPENDIX G Juror Exit Questionnaires**

Delaware Municipal Court Exit Questionnaire (Present)

Delaware Municipal Court Exit Questionnaire (Served)

Lucas County Common Pleas Court Exit Questionnaire

Montgomery County Common Pleas Court Exit Questionnaire

**APPENDIX H Checklist for Managing a Capital Case and Oath to Officers In Charge of a Sequestered Jury**

**APPENDIX I Other Information**

Hamilton County Common Pleas Court Juror Handout

Montgomery County Common Pleas Court Juror Debriefing  
Brochure

Montgomery County Common Pleas Court Jury Service  
Verification Letter

## **APPENDIX A: SELECT OHIO JURY LAWS AND RULES**

### **1901.14. Powers of judges; fees; rules; annual report**

(A) Municipal judges have the following powers and duties:

(1) To perform marriage ceremonies anywhere in this state, take acknowledgment of deeds and other instruments, administer oaths, and perform any other duties that are conferred upon judges of county courts.

All fees, including marriage fees, collected by a municipal judge when not connected with any cause or proceeding pending in the municipal court, shall be paid over to the clerk of the municipal court to be paid to the city treasury, except that, in a county-operated municipal court, the fees shall be paid to the treasury of the county in which the court is located.

(2) To adopt, publish, and revise rules for the regulation of the practice and procedure of their respective courts, and for the selection and manner of summoning persons to serve as jurors in the court;

(3) To adopt, publish, and revise rules relating to the administration of the court;

(4) On or before the last day of March of each year, the court shall render a complete report of its operation during the preceding calendar year to the legislative authority and to the board of county commissioners of each county within its territory. The report shall show the work performed by the court, a statement of receipts and expenditures of the civil and criminal branches, respectively, the number of cases heard, decided, and settled, and any other data that the supreme court, the secretary of state, the legislative authority, and the board of county commissioners requires.

(B) Any rule adopted pursuant to division (A)(2) or (3) of this section does not apply to the housing or environmental division of the municipal court if the judge of the housing or environmental division has adopted rules pursuant to division (C) of this section, unless the rules adopted pursuant to division (C) of this section do not regulate the subject regulated by the rule adopted pursuant to division (A)(2) or (3) of this section.

(C) Judges of the housing or environmental division of a municipal court, other than the judge of the environmental division of the Franklin County Municipal Court, may adopt, publish, and revise rules for the regulation of the practice and procedure of the division, for the selection and manner of summoning persons to serve as jurors in the division, and for the administration of the division.

### **1901.24 Demand for jury trial - number of jurors - verdict.**

(A) A jury trial in a municipal court shall be demanded in the manner prescribed in the Rules of Civil Procedure or the Rules of Criminal Procedure. The number of persons composing a jury and the verdicts of jurors shall be governed by those rules.

(B) The right of a person to a jury trial in a municipal court is waived under the circumstances prescribed in the Rules of Civil Procedure or the Rules of Criminal Procedure.

### **1901.25. Selection and impaneling of jury**

(A)

(1) A municipal court may provide by rule the manner in which jurors shall be chosen and may provide that jurors to be used in the court may be chosen and summoned by the jury commissioners of the county as provided in Chapter 2313. of the Revised Code. Selection shall be made from residents within the territory and those appearing to reside outside the territory shall be returned to the annual jury list.

(2) If the rules of the court provide for jurors to be chosen in a manner other than by the jury commissioners of the county, the rules shall require any person who appears to the court to be a program participant in the address confidentiality program described in sections 111.41 to 111.99 of the Revised Code to be excluded from the list of possible jurors.

(B) Jurors shall be impaneled in the same manner, shall have the same qualifications, and shall be challenged for the same causes as jurors in the court of common pleas.

(C) Each municipal court shall establish the fees of jurors in that court. The fees of jurors in any criminal case involving the violation of state law shall be paid out of the county treasury. The fees of jurors in any criminal case involving a violation of a municipal ordinance shall be paid out of the treasury of the municipal corporation in which the violation occurred.

Amended by 131st General Assembly, HB 359, §1, eff. 9/8/2016.

## **1907.28. Selection of jurors**

A county court may provide, by rule, how jurors shall be chosen, and may provide that jurors to be used in the court may be chosen and summoned by the jury commissioners of the county as provided in Chapter 2313. of the Revised Code. Selection shall be made from residents within the county court district, and, if Chapter 2313. of the Revised Code is followed, those appearing to reside outside the district shall be returned to the annual jury list.

Jurors shall be impaneled in the same manner, shall have the same qualifications, shall be challenged for the same causes, and shall receive the same fees as jurors in the court of common pleas. The fees of jurors in any criminal case that involves a violation of state law shall be paid out of the county treasury, and the fees of jurors in any case that involves a violation of a municipal ordinance shall be paid out of the treasury of the municipal corporation that enacted the ordinance.

## **1907.29. Procedure for trial by jury**

(A) A jury trial shall be demanded in the manner prescribed in the Rules of Civil Procedure or the Rules of Criminal Procedure. The number of persons composing a jury and the verdicts of jurors shall be governed by those rules.

(B) The right of a person to a jury trial is waived under the circumstances prescribed in the Rules of Civil Procedure or the Rules of Criminal Procedure.

(C) If, as a result of challenges or other causes, a jury panel is not full, the deputy sheriff or constable who is in attendance at a trial before a county court may fill the panel in the same manner as the sheriff fills a panel in the court of common pleas.

(D) The judge of the county court involved in a case shall administer an oath to the jury to try the matters in difference between the parties that are to be determined by the jury, and to give a verdict in accordance with the evidence.

(E) After the jurors are sworn in a case before a county court, they shall sit together and hear the proofs and allegations of the parties. After the hearing, the jury shall be kept together in a convenient place until they have agreed upon their verdict or have been discharged by the county court judge involved in the case.

(F) If an action being tried to a jury in a county court is continued, the jurors shall attend at the time and place appointed for trial without further notice.

(G) The judge of a county court involved in a case may punish as for contempt any juror who neglects or refuses

to attend when properly summoned or who, although in attendance, refuses to serve.

(H) If, in a civil action before a county court, the judge is satisfied that the number of jurors required by [Civil Rule 48](#) for concurrence purposes cannot concur in a verdict, and the jury has deliberated upon the verdict for a reasonable time, the judge may discharge the jury and continue the action. If either party requests a new jury, the judge shall cause the selection of another jury. If the action is continued, it shall be continued to a time that the judge considers reasonable unless the parties or their attorneys agree on a longer or shorter time.

### **2101.30. Jury - drawing (Probate Court)**

Whenever a jury is required in the probate court, the probate judge shall notify the commissioners of jurors, who shall cause to be drawn from the annual jury list the names of sixteen jurors. Additional names may be drawn if required. The clerk of the court of common pleas or one of the clerk's deputies shall make a list of those names in the order drawn and certify the list to the probate court, and the court shall issue a summons commanding the persons whose names were drawn to appear on the day and at the hour set for trial. The probate court shall deliver the summons to the sheriff, who shall serve it within five days of delivery and make prompt return of the service.

### **2313.01 Commissioners of jurors; examination of jurors.**

(A) The judges of the general division of the court of common pleas shall appoint two persons, neither of whom shall be an attorney at law nor more than one of whom shall be of the same political party, and either or both of whom may be court employees, to be commissioners of jurors for the county. The appointments shall be made in writing, by the judge or a majority of all the judges in those counties where there is more than one judge, and shall be filed in the office of the clerk of the court of common pleas of the county and entered upon the journal of the court. The commissioners shall hold office at the pleasure of the judges of the court of common pleas in the county of their appointment. The judges may at any time, by a vote of a majority of all their number, remove any commissioner and appoint a successor. Upon a vacancy occurring in the office of commissioners of jurors, for any cause, the judges shall, as soon as practicable, in like manner appoint a successor. The successor so appointed shall be of the same political party as the commissioner whose place is to be filled. The commissioners shall be officers of the courts of common pleas in such county.

(B) The commissioners may examine under oath any juror called for trial as to that person's qualifications to serve as a juror.

### **2313.02 Compensation - appointment of deputies; administration of oaths or affirmations.**

(A) The commissioners of jurors shall receive compensation fixed by the court of common pleas payable out of the county treasury. They may appoint and remove, with the consent of the court, expressed in writing, as many deputy commissioners as are necessary to carry out Chapter 2313. of the Revised Code. The deputy commissioners shall receive compensation fixed by the court of common pleas payable out of the county treasury. Such compensation may at any time be changed by the court. All appointments made under this section shall be filed in the office of the clerk of the court of common pleas and entered on the journal of the court.

(B) The commissioners of jurors may, in writing, authorize a deputy to perform any duty or class of duties that a commissioner may perform. The commissioners or any deputy may administer an oath or affirmation in relation to any matter governed by Chapter 2313. of the Revised Code.

### **2313.03 Oath of office.**

Before entering upon the duties of their office, the commissioners of jurors and any deputy commissioners shall take and subscribe to the following oath of office, and file it with the clerk of the court of common pleas:

"I do solemnly swear (or affirm) that I will honestly and faithfully discharge the duties of a commissioner of jurors (or deputy commissioner of jurors) without fear or favor; and that I will report to the court the names of any and all persons who, in any manner, seek by request, hint, or suggestion to influence me in the selection of jurors; and this I do as I shall answer to God" or, "and this I do under the pains and penalties of perjury").

### **2313.04 Office and supplies.**

The board of county commissioners shall provide a suitable office for the commissioners of jurors on the order of the court of common pleas and shall make provision for supplying all equipment, stationery, postage, advertisement expenses, computer software, and other supplies as are necessary for the proper and convenient conduct of the commissioners in discharging the duties imposed by Chapter 2313. of the Revised Code.

### **2313.05 Establishment of jury year.**

The court of common pleas shall establish the date on which the jury year shall begin. The court may divide each jury year into parts.

### **2313.06 Annual compilation of jury source list.**

A) The commissioners of jurors shall compile a new and complete jury source list annually in accordance with both of the following:

(1)

(a) Except as otherwise provided in division (A)(1)(b) of this section, on a date ordered by the court of common pleas, the board of elections for each county shall compile and file with the commissioners of jurors of the county a certified, current list containing the names, addresses, and dates of birth of all the electors of the county shown on the registration lists for the most recent general election. The board of elections shall remove from the list of all electors those electors who have failed to vote at least once during the preceding four consecutive years. The voter list so compiled shall be the current voter list.

(b) The current voter list shall not include any elector who has a confidential voter registration record, as described in section 111.44 of the Revised Code.

(2)

(a) Except as otherwise provided in division (A)(2)(b) of this section, on a date ordered by the court of common pleas of any particular county, the registrar of motor vehicles shall compile and file with the commissioners of jurors of each county a certified, current list containing the names, addresses, dates of birth, and citizenship of all residents of the particular county who have been issued, on or after January 1, 1984, a commercial driver's license pursuant to Chapter 4506. or a driver's license or identification card pursuant to Chapter 4507. of the Revised Code that is valid and current on the date of the compilation of the list, who are or will be eighteen years of age or older as of the day of the general election of the year in which the list is filed, and who, regardless of whether they actually are registered to vote, would be electors if they were registered to vote.

(b) The list compiled under division (A)(2)(a) of this section shall not include any person who has provided to the registrar of motor vehicles an address designated by the secretary of state to use as the person's address because the person is a program participant in the address confidentiality program described in sections 111.41 to 111.99 of the Revised Code.

(B) In compiling the annual jury source list, the commissioners, unless otherwise ordered by the court of common pleas, shall include all names from the current voter list and may include all names for the certified, current list of all names provided to the commissioners from the registrar of motor vehicles; provided that, upon merging the lists, any duplication shall be eliminated. The commissioners shall exclude from the annual jury source list the names of

any jurors permanently excused under section [2313.14](#) of the Revised Code and the names of any jurors discharged under section [2313.21](#) of the Revised Code.

(C) The annual jury source list so compiled shall be certified by the commissioners and filed in their office before the beginning of each jury year. The names shall be entered in a suitable book or record, to be known as the "annual jury source list," and shall be arranged alphabetically. With each name shall be recorded the place of residence, date of birth, and citizenship of the person as nearly as they can be ascertained. A duplicate of the list shall be certified by the commissioners and filed in the office of the clerk of the court of common pleas.

(D)

(1) Except as otherwise provided in division (D)(2) of this section, the commissioners may, by order of the court, supplement the annual jury source list with the names of persons who, after the list has been filed, are discovered to be qualified to serve as jurors. The commissioners shall certify any supplemental jury source list and file it in their office and in the office of the clerk of the court of common pleas. Any supplemental jury source list shall be added to the annual jury source list, and the supplemented annual jury source list shall be used for the rest of the jury year.

(2) A supplemental jury source list shall not include any person who appears to the commissioners to be a program participant in the address confidentiality program described in sections 111.41 to 111.99 of the Revised Code.

### **2313.07 Number of jurors drawn.**

(A) The number of jurors to be drawn for the jury year, and each separate part of a jury year, or for any special term of a court of record, at which issues of facts are triable by jury, shall be fixed by a general order of the court, for which such jurors are drawn. The order shall be filed in the office of the clerk of the court for which the jurors are to be drawn. If the number has not been fixed at the time of the drawing, the commissioners of jurors shall fix a number they determine necessary for the business of the court for such jury year or such part of a jury year.

(B) At any time during the jury year, the court may order an additional number of jurors to be drawn by the commissioners of jurors for the jury year or for a part of a jury year at which the order is made or for immediate service in a particular case. The order shall specify the number to be drawn.

### **2313.08 Notice of drawing; collection of forfeiture.**

(A) At least six days before the drawing of jurors under section [2313.09](#) of the Revised Code, the commissioners of jurors shall publish notice of the drawing in at least one newspaper of general circulation in the county. They shall also serve written notice upon the clerk of the court of common pleas and at least one judge of the court of common pleas of the county.

(B) All drawings of jurors shall be public on a day designated by the commissioners of jurors. A commissioner or a designated deputy commissioner, a judge of the court of common pleas or the judge's designated representative, and the clerk of the court of common pleas or the clerk's deputy or other designated representative shall attend at the office of the commissioners to supervise the jury list selection process.

### **2313.09 Methods for drawing jurors; certification and filing of list.**

(A) To conduct a drawing of jurors, the commissioners of jurors may use any manual, electronic, or automated method that provides each person on the annual or supplemental jury source list with an equal, random probability of selection. The commissioners shall document the method used. The list drawn shall be the annual jury list or supplemental annual jury list.

(B) The commissioners shall certify and file in their office the annual jury list or supplemental annual jury list. The commissioners shall enter the names on the list alphabetically in a suitable book or record to be known as the annual jury list or supplemental annual jury list and record with each name the person's place of residence, date of birth, and citizenship, as nearly as they can be ascertained. The commissioners shall certify and file in the office of the clerk of the court of common pleas a duplicate of the list.

### **2313.10 Commissioner may establish electronic juror notification system.**

(A) The commissioners of jurors may send to a juror whose name is drawn a printed notice informing the juror that the juror has been drawn for jury duty and will be summoned by the sheriff or commissioners of jurors. The notice may contain copies of the portions of Chapter 2313. of the Revised Code that the commissioners consider advisable.

(B) The commissioners of jurors may establish an electronic notification system to allow a person who has been drawn as a juror to be notified electronically that the juror shall attend in person the jury year or part of the jury year specified in the notice. The types of electronic notification include, but are not limited to, cellular telephone, pager, e-mail, or other forms of telecommunication. If the commissioners of jurors establish an electronic notification system, the commissioners shall establish a procedure for implementing the system, a procedure for the juror to select the method of electronic notification that is applicable to the juror, and a procedure for the juror to opt in or opt out of the electronic notification system, whichever is applicable.

(C) If under division (B) of this section the commissioners of jurors establish a procedure for the electronic notification of a person who has been drawn as a juror, the notice addressed to the juror and served pursuant to division (B) of this section shall specify the procedure for electronically notifying the juror.

(D) The sheriff, commissioners of jurors, or clerk of the court of common pleas shall summon each juror to attend in person or electronically the jury year, part of a jury year, or specified date within a part of the jury year for which the juror was drawn by serving upon the juror at least six days before the commencement of the jury year, part of a jury year, or specified date within a part of the jury year a summons addressed to the juror stating that the juror has been drawn and is required to attend in person the jury year, part of a jury year, or specified date within a part of the jury year specified in the notice. The jury commissioners or sheriff shall serve the summons by mail or by leaving it at the juror's residence or usual place of business.

(E) When the sheriff is interested in a cause in any court of record, only the jury commissioners shall summon the jurors.

### **2313.11 Summoning jurors.**

(A) When, by reason of challenge or other cause, enough jurors to make up the panel, either of the grand or petit jury, are not present, or if the array is set aside, upon order of the court the sheriff or commissioners of jurors shall immediately summon as many persons having the qualifications of a juror as, in the opinion of the court, are necessary. The summoned jurors shall appear forthwith or at such times as the court fixes.

(B) No person known to be in or about the courthouse shall be summoned without the consent of both parties.

### **2313.12 Obligation to serve as juror.**

It is the policy of this state that every qualified citizen has an obligation to serve on petit juries when summoned by the courts of this state unless the citizen is excused as provided in Chapter 2313. of the Revised Code.

### **2313.13 Race or color shall not disqualify a juror.**

No officer or other person charged with a duty in compiling the jury source list or the annual jury list or summoning jurors shall exclude or fail to summon a citizen as a grand or petit juror on account of race or color, provided such citizen possesses all other qualifications required by law for jurors.

**2313.14 Juror may be excused. (Revised 04/2024, Effective July 7, 2024)**

(A) Except as provided by section 2313.15 of the Revised Code, the court of common pleas or the commissioners of jurors shall not excuse a person who is liable to serve as a juror and who is drawn and notified, unless it is shown to the satisfaction of the judge or commissioners by either the juror or another person acquainted with the facts that one or more of the following applies:

- (1) The interests of the public will be materially injured by the juror's attendance.
- (2) The juror's spouse or a near relative of the juror or the juror's spouse has recently died or is dangerously ill.
- (3) The juror is a cloistered member of a religious organization.
- (4) The prospective juror has a mental or physical condition that causes the prospective juror to be incapable of performing jury service. The court or commissioners may require the prospective juror to provide the court with documentation from a physician licensed to practice medicine verifying that a mental or physical condition renders the prospective juror unfit for jury service for the remainder of the jury year.
- (5) Jury service would otherwise cause undue or extreme physical or financial hardship to the prospective juror or a person under the care or supervision of the prospective juror. A judge of the court for which the prospective juror was called to jury service shall make undue or extreme physical or financial hardship determinations. The judge may delegate the authority to make these determinations to an appropriate court employee appointed by the court.
- (6) The juror is over seventy-five years of age, and the juror requests to be excused.
- (7) The prospective juror is an active member of a recognized Amish sect and requests to be excused because of the prospective juror's sincere belief that as a result of that membership the prospective juror cannot pass judgment in a judicial matter.

(B)

- (1) A prospective juror who requests to be excused from jury service under this section shall take all actions necessary to obtain a ruling on that request by not later than the date on which the prospective juror is scheduled to appear for jury duty.
- (2) A prospective juror who requests to be excused as provided in division (A)(6) of this section shall inform the appropriate court employee appointed by the court of the prospective juror's request to be so excused by not later than the date on which the prospective juror is scheduled to appear for jury duty. The prospective juror shall inform that court employee of the request to be so excused by appearing in person before the employee or contacting the employee by telephone, in writing, or by electronic mail.

(C)

- (1) For purposes of this section, undue or extreme physical or financial hardship is limited to circumstances in which any of the following apply:



(a) The prospective juror would be required to abandon a person under the prospective juror's personal care or supervision due to the impossibility of obtaining an appropriate substitute caregiver during the period of participation in the jury pool or on the jury.

(b) The prospective juror would incur costs that would have a substantial adverse impact on the payment of the prospective juror's necessary daily living expenses or on those for whom the prospective juror provides the principal means of support.

(c) The prospective juror would suffer physical hardship that would result in illness or Disease

(d) The prospective juror is a mother who is breast-feeding her baby, and the baby is one year of age or younger.

(2) Undue or extreme physical or financial hardship does not exist solely based on the fact that a prospective juror will be required to be absent from the prospective juror's place of employment.

(D)

(1) A prospective juror who asks a judge to grant an excuse based on undue or extreme physical or financial hardship shall provide the judge with documentation that the judge finds to clearly support the request to be excused. If a prospective juror fails to provide satisfactory documentation, the court may deny the request to be excused.

(2) A signed affidavit that a prospective juror described in division (C)(1)(d) of this section provides to the judge and states that the prospective juror is a mother who is breast-feeding her baby is satisfactory documentation to support the prospective juror's request to be excused based on undue or extreme physical or financial hardship.

(E) An excuse, whether permanent or not, approved pursuant to this section shall not extend beyond that jury year. Every approved excuse shall be recorded and filed with the commissioners of jurors. A person is excused from jury service permanently only when the deciding judge determines that the underlying grounds for being excused are of a permanent nature.

(F) No person shall be exempted or excused from jury service or be granted a postponement of jury service by reason of any financial contribution to any public or private organization.

(G) The commissioners shall keep a record of all proceedings before them or in their office, of all persons who are granted an excuse or postponement, and of the time of and reasons for each excuse.

### **2313.15 Juror may be discharged or have service postponed or excused.**

A juror may request at least two business days before the juror's initial appearance by telephone, in writing, or by electronic mail, and the judge of the court of common pleas of a county, the commissioners of jurors, or the appropriate court employee shall grant, a postponement of the juror's initial appearance for jury duty if both of the following apply:

(1) The juror has not previously been granted a postponement.

(2) The juror and the appropriate court employee appointed by the court agree to a specified date on which the juror will appear for jury service. The specified date shall be one on which the court is in session and, unless extraordinary circumstances exist, that is within the jury year and not more than six months after the date for which the juror was originally called to serve. If extraordinary circumstances exist, the court may, at the court's discretion, specify a date

on which the juror will appear for jury service that is more than six months after the date for which the juror was originally called to serve.

(B) The court of common pleas of a county may grant a second or subsequent postponement of jury service to a juror only in the event of an extreme emergency, such as a death in the juror's family, a sudden illness of the juror, or a natural disaster or national emergency in which the juror is personally involved, that could not have been anticipated at the time the initial postponement was granted. Before receiving a second or subsequent postponement, the juror shall agree to a specified date on which the juror will appear for jury service. The specified date shall be one on which the court is in session and that is not more than six months after the date of the postponement.

(C) After a juror appears for jury duty, the court of common pleas of a county may postpone the juror's service at that term of court for not more than three days at a time if the exigencies of the juror's business require the juror's temporary excuse.

(D) The court of common pleas of a county, or a judge of the court of common pleas of a county, may excuse until a specified date one or more jurors summoned for jury duty whose attendance is not required for the trial of issues until that day. Each juror excused until a specified date may be required to attend the opening of court on that day and on each day after that day until the juror is discharged, without additional summons from the court.

(E) The court of common pleas of a county or a judge of the court of common pleas of a county shall automatically postpone and reschedule to a mutually agreeable date not more than six months from the date of the summons the service of a summoned juror of an employer with twenty-five or fewer full-time employees, or their equivalent, if another employee of the employer has previously been summoned to appear and served as a juror within thirty days prior to the date on which that juror has been summoned and if that employee or employee demonstrates to the satisfaction of the court that the other employee was so summoned and did serve and that the employer has twenty-five or fewer full-time employees or their equivalent.

### **2313.16 Array may be set aside.**

A challenge to the array may be made by any party. The whole array may be set aside by the court when the jury, grand or petit, was not selected, drawn, or summoned as required by Chapter 2313. of the Revised Code or if any group protected by section 2313.13 of the Revised Code is systematically excluded from the jury selection process. No indictment shall be quashed or verdict set aside for any irregularity in the selection of jurors if the jurors possessed the requisite qualifications to act as jurors.

### **2313.17 Causes for challenge of persons called as jurors.**

(A) Any person called as a juror for the trial of any cause shall be examined under oath or upon affirmation as to the person's qualifications. A person is qualified to serve as a juror if the person is eighteen years of age or older, is a resident of the county, and is an elector or would be an elector if the person were registered to vote, regardless of whether the person actually is registered to vote.

(B) The following are good causes for challenge to any person called as a juror:

- (1) That the person has been convicted of a crime that by law renders the person disqualified to serve on a jury;
- (2) That the person has an interest in the cause;
- (3) That the person has an action pending between the person and either party;
- (4) That the person formerly was a juror in the same cause;
- (5) That the person is the employer, the employee, or the spouse, parent, son, or daughter of the employer or employee, counselor, agent, steward, or attorney of either party;

(6) That the person is subpoenaed in good faith as a witness in the cause;

(7) That the person is akin by consanguinity or affinity within the fourth degree to either party or to the attorney of either party;

(8) That the person or the person's spouse, parent, son, or daughter is a party to another action then pending in any court in which an attorney in the cause then on trial is an attorney, either for or against any such party to another such action;

(9) That the person discloses by the person's answers that the person cannot be a fair and impartial juror or will not follow the law as given to the person by the court.

(C) Each challenge listed in division (B) of this section shall be considered as a principal challenge, and its validity tried by the court.

(D) In addition to the causes listed in division (B) of this section, any petit juror may be challenged on suspicion of prejudice against or partiality for either party, or for want of a competent knowledge of the English language, or other cause that may render the juror at the time an unsuitable juror. The validity of the challenge shall be determined by the court and be sustained if the court has any doubt as to the juror's being entirely unbiased.

### **2313.18 Failure to testify; request for in-camera hearing.**

(A) No prospective juror shall fail to answer any legal and pertinent question put to the prospective juror by the court or commissioners of jurors.

(B) If a prospective juror is required to answer written questions during the voir dire process, the questionnaire shall contain a prominent legend advising the prospective juror that the juror has the right to request and have an in-camera hearing on the record with counsel for the parties present regarding any legitimate privacy interest of the prospective juror.

(C) The court shall inform a prospective juror that if a question put to the prospective juror involves a legitimate privacy interest of that prospective juror the prospective juror has the right to request and have an in-camera hearing on the record with counsel for the parties present to respond to that question.

### **2313.19 Employer may not penalize employee for being called to jury duty.**

(A) No employer shall discharge, threaten to discharge, or take any disciplinary action that could lead to the discharge of any permanent employee who is summoned to serve as a juror pursuant to Chapter 2313. of the Revised Code if the employee gives reasonable notice to the employer of the summons prior to the commencement of the employee's service as a juror and if the employee is absent from employment because of the actual jury service.

(B) No employer shall require or request an employee to use annual, vacation, or sick leave for time spent responding to a summons for jury duty, time spent participating in the jury selection process, or for time spent actually serving on a jury. Nothing in this division requires an employer to provide annual, vacation, or sick leave to employees under the provisions of this section who otherwise are not entitled to those benefits under the employer's policies.

### **2313.20 Mandatory attendance.**

No person whose name is drawn and who is notified to attend a jury year, part of a jury year, or specified date within a part of a jury year as a juror or who has had the person's jury service postponed shall fail to attend at the time specified in the notice or from day to day.

### **2313.21 Discharge for past service.**

(A) A person who is summoned as a juror and who has actually served as a juror in any county of the state under Chapter 2313. of the Revised Code for two consecutive calendar weeks shall be discharged by the court, except that the person shall not be so discharged until the close of a trial in which the person may be serving when the person's jury term expires.

(B) A person who is discharged as prescribed in this section is thereafter prohibited from jury service in any court of the state until the second jury year after the day of the person's last service, except that in counties of less than one hundred thousand population the court shall make rules in the county applicable to subsequent jury service by persons of that nature.

(C) Whenever the certificates of the clerk of the court of common pleas show that a person is entitled to a discharge as prescribed in this section, the commissioners of jurors upon request shall certify to that fact. No person shall be exempted from jury service for any reason, but a person may be excused from jury service or have the person's jury service postponed in accordance with Chapter 2313. of the Revised Code and the general statutes of the state.

### **2313.22 Compensation of jurors.**

(A) The board of county commissioners by resolution shall fix the compensation of each juror payable out of the county treasury.

(B) After ten days of actual service, except as otherwise authorized by division (B)(2) of this section, the compensation of a juror shall be fixed for each additional day of actual service at an amount equal to the greater of fifteen dollars or one and one-half times the compensation fixed pursuant to division (B)(1) of this section. The board of county commissioners by resolution may set the compensation at a greater amount that shall not exceed two times the compensation fixed pursuant to division (B)(1) of this section.

(C) Residents of townships that are comprised entirely of islands shall be reimbursed for the additional transportation costs they incur to serve as a juror, in the amount certified to be due by a judge of the court in which the jury service is performed.

### **2313.23 Retention of documents and electronic media.**

The court of common pleas of a county by general order filed with the clerk of the court shall determine the retention period for all documents and electronic media filed with the commissioners of jurors in compliance with applicable rules of superintendence for the courts of Ohio.

### **2313.24 Jurors in inferior courts not affected.**

Chapters 2313. and 2315. of the Revised Code do not contravene or affect any section of the Revised Code relating to jurors in the inferior courts in any county of the state.

### **2313.99 Penalty.**

(A) Whoever violates section 2313.18, 2313.19, or 2313.20 of the Revised Code may be punished as for contempt of court pursuant to Chapter 2705. of the Revised Code.

(B) Whoever violates section 2313.13 of the Revised Code shall be fined not less than fifty nor more than five hundred dollars, imprisoned not less than thirty nor more than ninety days, or both.

(C) Any fine assessed for a contempt against a person summoned or who has qualified as a juror may be collected by execution and shall be paid into the county treasury and disbursed as other fines.

### **2938.06. Number of jurors; challenges (Felony criminal case)**

If the number of jurors to be sworn in a case is not stated in the claim, the number to be sworn shall be twelve, but the accused may stipulate for a jury of six, provided in such case the number of peremptory challenges shall be limited to two on each side.

### **2945.21. Peremptory challenges**

(A)

(1) In criminal cases in which there is only one defendant, each party, in addition to the challenges for cause authorized by law, may peremptorily challenge three of the jurors in misdemeanor cases and four of the jurors in felony cases other than capital cases. If there is more than one defendant, each defendant may peremptorily challenge the same number of jurors as if he were the sole defendant.

(2) Notwithstanding [Criminal Rule 24](#), in capital cases in which there is only one defendant, each party, in addition to the challenges for cause authorized by law, may peremptorily challenge twelve of the jurors. If there is more than one defendant, each defendant may peremptorily challenge the same number of jurors as if he were the sole defendant.

(3) In any case in which there are multiple defendants, the prosecuting attorney may peremptorily challenge a number of jurors equal to the total number of peremptory challenges allowed to all of the defendants.

(B) If any indictments, informations, or complaints are consolidated for trial, the consolidated cases shall be considered, for purposes of exercising peremptory challenges, as though the defendants or offenses had been joined in the same indictment, information, or complaint.

(C) The exercise of peremptory challenges authorized by this section shall be in accordance with the procedures of [Criminal Rule 24](#).

### **2945.25. Causes of challenging of jurors**

A person called as a juror in a criminal case may be challenged for the following causes:

(A) That he was a member of the grand jury that found the indictment in the case;

(B) That he is possessed of a state of mind evincing enmity or bias toward the defendant or the state; but no person summoned as a juror shall be disqualified by reason of a previously formed or expressed opinion with reference to the guilt or innocence of the accused, if the court is satisfied, from examination of the juror or from other evidence, that he will render an impartial verdict according to the law and the evidence submitted to the jury at the trial;

(C) In the trial of a capital offense, that he unequivocally states that under no circumstances will he follow the instructions of a trial judge and consider fairly the imposition of a sentence of death in a particular case. A prospective juror's conscientious or religious opposition to the death penalty in and of itself is not grounds for a challenge for cause. All parties shall be given wide latitude in voir dire questioning in this regard.

- (D) That he is related by consanguinity or affinity within the fifth degree to the person alleged to be injured or attempted to be injured by the offense charged, or to the person on whose complaint the prosecution was instituted, or to the defendant;
- (E) That he served on a petit jury drawn in the same cause against the same defendant, and that [petit]\* jury was discharged after hearing the evidence or rendering a verdict on the evidence that was set aside;
- (F) That he served as a juror in a civil case brought against the defendant for the same act;
- (G) That he has been subpoenaed in good faith as a witness in the case;
- (H) That he is a chronic alcoholic, or drug dependent person;
- (I) That he has been convicted of a crime that by law disqualifies him from serving on a jury;
- (J) That he has an action pending between him and the state or the defendant;
- (K) That he or his spouse is a party to another action then pending in any court in which an attorney in the cause then on trial is an attorney, either for or against him;
- (L) That he is the person alleged to be injured or attempted to be injured by the offense charged, or is the person on whose complaint the prosecution was instituted, or the defendant;
- (M) That he is the employer or employee, or the spouse, parent, son, or daughter of the employer or employee, or the counselor, agent, or attorney of any person included in division (L) of this section;
- (N) That English is not his native language, and his knowledge of English is insufficient to permit him to understand the facts and law in the case;
- (O) That he otherwise is unsuitable for any other cause to serve as a juror.

The validity of each challenge listed in this section shall be determined by the court.

## **2945.26. Challenge for cause**

Challenges for cause shall be tried by the court on the oath of the person challenged, or other evidence, and shall be made before the jury is sworn.

# OHIO CIVIL AND CRIMINAL RULES

## Civil Rule 47. Jurors

### **(A) Brief introduction of case.**

To assist prospective jurors in understanding the general nature of the case, the court, in consultation with the parties, may give jurors a brief introduction to the case. The brief introduction may include a general description of the legal claims and defenses of the parties.

### **(B) Examination of prospective jurors.**

Any person called as a prospective juror for the trial of any cause shall be examined under oath or upon affirmation as to the prospective juror's qualifications. The court may permit the parties or their attorneys to conduct the examination of the prospective jurors or may itself conduct the examination. In the latter event, the court shall permit the parties or their attorneys to supplement the examination by further inquiry. Nothing in this rule shall limit the court's discretion to allow the examination of all prospective jurors in the array or, in the alternative, to permit individual examination of each prospective juror seated on a panel, prior to any challenges for cause or peremptory challenges.

### **(C) Challenges to prospective jurors.**

In addition to challenges for cause provided by law, each party peremptorily may challenge three prospective jurors. If the interests of multiple litigants are essentially the same, "each party" shall mean "each side." Peremptory challenges shall be exercised alternately, with the first challenge exercised by the plaintiff. The failure of a party to exercise a peremptory challenge constitutes a waiver of that challenge, but does not constitute a waiver of any subsequent challenge. However, if all parties or sides, alternately and in sequence, fail to exercise a peremptory challenge, the joint failure constitutes a waiver of all peremptory challenges. A prospective juror peremptorily challenged by either party shall be excused. Nothing in this rule shall limit the court's discretion to allow challenges to be made outside the hearing of prospective jurors.

### **(D) Alternate jurors.**

#### **(1) Selection; powers.**

The court may direct that no more than four jurors in addition to the regular jury be called and impaneled to sit as alternate jurors. Alternate jurors in the order in which they are called shall replace jurors who, prior to the time the jury retires to consider its verdict, become or are found to be unable or disqualified to perform their duties. Alternate jurors shall be drawn in the same manner, shall have the same qualifications, shall be subject to the same examination and challenges, shall take the same oath, and shall have the same functions, powers, facilities, and privileges as the regular jurors. Each party is entitled to one peremptory challenge in addition to those otherwise allowed by law if one or two alternate jurors are to be impaneled, and two peremptory challenges if three or four alternate jurors are to be impaneled. The additional peremptory challenges may be used against an alternate juror.

#### **(2) Retention; discharge.**

The court may retain alternate jurors after the jury retires. The court must ensure that a retained alternate does not discuss the case with anyone until that alternate replaces a juror or is discharged. If an alternate replaces a juror after deliberations have begun, the court must instruct the jury to begin its deliberations anew. If the court does not retain alternate jurors after the jury retires and instead discharges the alternate jurors, the alternate jurors cannot be recalled as jurors.

### **(E) Taking of notes by jurors.**

The court, after providing appropriate cautionary instructions, may permit jurors who wish to do so to take notes during a trial. If the court permits the taking of notes, notes taken by a juror may be carried into deliberations by that juror. The court shall require that all juror notes be collected and destroyed promptly after the jury renders a verdict.

**(F) Juror questions to witnesses.**

The court may permit jurors to propose questions for the court to ask of the witnesses. If the court permits jurors to propose questions, the court shall use procedures that minimize the risk of prejudice, including all of the following:

- (1) Require jurors to propose any questions to the court in writing;
- (2) Retain a copy of each proposed question for the record;
- (3) Instruct the jurors that they shall not display or discuss a proposed question with other jurors;
- (4) Before reading a question to a witness, provide counsel with an opportunity to object to each question on the record and outside the hearing of the jury;
- (5) Read the question, either as proposed or rephrased, to the witness;
- (6) Permit counsel to reexamine the witness regarding a matter addressed by a juror question;
- (7) If a question proposed by a juror is not asked, instruct the jurors that they should not draw any adverse inference from the court's refusal to ask any question proposed by a juror.

Amended, eff 7-1-2019

**Criminal Rule 24. Trial Jurors**

**(A) Brief introduction of case.**

To assist prospective jurors in understanding the general nature of the case, the court, in consultation with the parties, may give jurors a brief introduction to the case.

**(B) Examination of prospective jurors.**

Any person called as a prospective juror for the trial of any cause shall be examined under oath or upon affirmation as to the prospective juror's qualifications. The court may permit the attorney for the defendant, or the defendant if appearing *pro se*, and the attorney for the state to conduct the examination of the prospective jurors or may itself conduct the examination. In the latter event, the court shall permit the state and defense to supplement the examination by further inquiry. Nothing in this rule shall limit the court's discretion, with timely notice to the parties at any time prior to trial, to allow the examination of all prospective jurors in the array or, in the alternative, to permit individual examination of each prospective juror seated on a panel, prior to any challenges for cause or peremptory challenges.

**(C) Challenge for cause.**

A person called as a juror may be challenged for the following causes:

- (1) That the juror has been convicted of a crime which by law renders the juror disqualified to serve on a jury.
- (2) That the juror is a chronic alcoholic, or drug dependent person.
- (3) That the juror was a member of the grand jury that found the indictment in the case.
- (4) That the juror served on a petit jury drawn in the same cause against the same defendant, and the petit jury was discharged after hearing the evidence or rendering a verdict on the evidence that was set aside.
- (5) That the juror served as a juror in a civil case brought against the defendant for the same act.
- (6) That the juror has an action pending between him or her and the State of Ohio or the defendant.



**(7)** That the juror or the juror's spouse is a party to another action then pending in any court in which an attorney in the cause then on trial is an attorney, either for or against the juror.

**(8)** That the juror has been subpoenaed in good faith as a witness in the case.

**(9)** That the juror is possessed of a state of mind evincing enmity or bias toward the defendant or the state; but no person summoned as a juror shall be disqualified by reason of a previously formed or expressed opinion with reference to the guilt or innocence of the accused, if the court is satisfied, from the examination of the juror or from other evidence, that the juror will render an impartial verdict according to the law and the evidence submitted to the jury at the trial.

**(10)** That the juror is related by consanguinity or affinity within the fifth degree to the person alleged to be injured or attempted to be injured by the offense charged, or to the person on whose complaint the prosecution was instituted; or to the defendant.

**(11)** That the juror is the person alleged to be injured or attempted to be injured by the offense charged, or the person on whose complaint the prosecution was instituted, or the defendant.

**(12)** That the juror is the employer or employee, or the spouse, parent, son, or daughter of the employer or employee, or the counselor, agent, or attorney, of any person included in division (B)(11) of this rule.

**(13)** That English is not the juror's native language, and the juror's knowledge of English is insufficient to permit the juror to understand the facts and the law in the case.

**(14)** That the juror is otherwise unsuitable for any other cause to serve as a juror.

The validity of each challenge listed in division (B) of this rule shall be determined by the court.

#### **(D) Peremptory challenges.**

In addition to challenges provided in division (C) of this rule, if there is one defendant, each party peremptorily may challenge three prospective jurors in misdemeanor cases, four prospective jurors in felony cases other than capital cases, and six prospective jurors in capital cases. If there is more than one defendant, each defendant peremptorily may challenge the same number of prospective jurors as if the defendant was the sole defendant.

In any case where there are multiple defendants, the prosecuting attorney peremptorily may challenge a number of prospective jurors equal to the total peremptory challenges allowed all defendants. In case of the consolidation of any indictments, informations, or complaints for trial, the consolidated cases shall be considered, for purposes of exercising peremptory challenges, as though the defendants or offenses had been joined in the same indictment, information, or complaint.

#### **(E) Manner of exercising peremptory challenges.**

Peremptory challenges shall be exercised alternately, with the first challenge exercised by the state. The failure of a party to exercise a peremptory challenge constitutes a waiver of that challenge, but does not constitute a waiver of any subsequent challenge. However, if all parties, alternately and in sequence, fail to exercise a peremptory challenge, the joint failure constitutes a waiver of all peremptory challenges.

A prospective juror peremptorily challenged by either party shall be excused.

Nothing in this rule shall limit the court's discretion to allow challenges under this division or division (D) of this rule to be made outside the hearing of prospective jurors.

#### **(F) Challenge to array.**

The prosecuting attorney or the attorney for the defendant may challenge the array of petit jurors on the ground

that it was not selected, drawn or summoned in accordance with law. A challenge to the array shall be made before the examination of the jurors pursuant to division (A) of this rule and shall be tried by the court.

No array of petit jurors shall be set aside, nor shall any verdict in any case be set aside because the jury commissioners have returned such jury or any juror in any informal or irregular manner, if in the opinion of the court the irregularity is unimportant and insufficient to vitiate the return.

**(G) Alternate jurors.**

**(1) Non-capital cases.**

The court may direct that not more than six jurors in addition to the regular jury be called and impaneled to sit as alternate jurors. Alternate jurors in the order in which they are called shall replace jurors who, prior to the time the jury retires to consider its verdict, become or are found to be unable or disqualified to perform their duties. Alternate jurors shall be drawn in the same manner, have the same qualifications, be subject to the same examination and challenges, take the same oath, and have the same functions, powers, facilities, and privileges as the regular jurors. The court may retain alternate jurors after the jury retires to deliberate. The court must ensure that a retained alternate does not discuss the case with anyone until that alternate replaces a juror or is discharged. If an alternate replaces a juror after deliberations have begun, the court must instruct the jury to begin its deliberations anew. Each party is entitled to one peremptory challenge in addition to those otherwise allowed if one or two alternate jurors are to be impaneled, two peremptory challenges if three or four alternate jurors are to be impaneled, and three peremptory challenges if five or six alternative jurors are to be impaneled. The additional peremptory challenges may be used against an alternate juror only, and the other peremptory challenges allowed by this rule may not be used against an alternate juror.

**(2) Capital cases.**

The procedure designated in division (G)(1) of this rule shall be the same in capital cases, except that any alternate juror shall continue to serve if more than one deliberation is required. If an alternate juror replaces a regular juror after a guilty verdict, the court shall instruct the alternate juror that the juror is bound by that verdict.

**(H) Control of juries.**

**(1) Before submission of case to jury.**

Before submission of a case to the jury, the court, upon its own motion or the motion of a party, may restrict the separation of jurors or may sequester the jury.

**(2) After submission of case to jury.**

**(a) Misdemeanor cases.**

After submission of a misdemeanor case to the jury, the court, after giving cautionary instructions, may permit the separation of jurors.

**(b) Non-capital felony cases.**

After submission of a non-capital felony case to the jury, the court, after giving cautionary instructions, may permit the separation of jurors during any period of court adjournment or may require the jury to remain under the supervision of an officer of the court.

**(c) Capital cases.**

After submission of a capital case to the jury, the jury shall remain under the supervision of an officer of the court until a verdict is rendered or the jury is discharged by the court.

### **(3) Separation in emergency.**

Where the jury is sequestered or after a capital case is submitted to the jury, the court may, in an emergency and upon giving cautionary instructions, allow temporary separation of jurors.

### **(4) Duties of supervising officer.**

Where jurors are required to remain under the supervision of an officer of the court, the court shall make arrangements for their care, maintenance and comfort.

When the jury is in the care of an officer of the court and until the jury is discharged by the court, the officer may inquire whether the jury has reached a verdict, but shall not:

- (a)** Communicate any matter concerning jury conduct to anyone except the judge or;
- (b)** Communicate with the jurors or permit communications with jurors, except as allowed by court order.

### **(I) Taking of notes by jurors.**

The court, after providing appropriate cautionary instructions, may permit jurors who wish to do so to take notes during a trial. If the court permits the taking of notes, notes taken by a juror may be carried into deliberations by that juror. The court shall require that all juror notes be collected and destroyed promptly after the jury renders a verdict.

### **(J) Juror questions to witnesses.**

The court may permit jurors to propose questions for the court to ask of the witnesses. If the court permits jurors to propose questions, the court shall use procedures that minimize the risk of prejudice, including all of the following:

- (1)** Require jurors to propose any questions to the court in writing;
- (2)** Retain a copy of each proposed question for the record;
- (3)** Instruct the jurors that they shall not display or discuss a proposed question with other jurors;
- (4)** Before reading a question to a witness, provide counsel with an opportunity to object to each question on the record and outside the hearing of the jury;
- (5)** Read the question, either as proposed or rephrased, to the witness;
- (6)** Permit counsel to reexamine the witness regarding a matter addressed by a juror question;
- (7)** If a question proposed by a juror is not asked, instruct the jurors that they should not draw any adverse inference from the court's refusal to ask any question proposed by a juror.

Amended, eff 7-1-75; 7-1-02; 7-1-05; 7-1-06; 7-1-08; 7-1-09.

# **RULES OF SUPERINTENDENCE FOR THE COURTS OF OHIO**

## **Rule 5. Local Rules**

### **(A) Adoption of local rules.**

**(1)** Nothing in these rules prevents the adoption of any local rule of practice that promotes the use of any device or procedure to facilitate the expeditious disposition of cases. Local rules of practice shall not be inconsistent with rules promulgated by the Supreme Court.

**(2)** A local rule of practice shall be adopted only after the court or division provides appropriate notice and an opportunity to comment on the proposed rule. If the court or division determines that there is an immediate need for the rule, the court or division may adopt the rule without prior notice and opportunity for comment, but promptly shall afford notice and opportunity for comment.

**(3)** Upon adoption, the court or division shall file a local rule of practice with its clerk and the clerk of the Supreme Court. On or before the first day of February of each year, each court or division of a court shall do one of the following:

**(a)** File with the clerk of the Supreme Court a complete copy of all local rules of the court or division in effect on the immediately preceding first day of January;

**(b)** Certify to the clerk of the Supreme Court that there were no changes in the immediately preceding calendar year to the local rules of the court or division.

### **(B) In addition to local rules of practice adopted pursuant to division (A)(1) of this rule and any other Rule of Superintendence, each court or division, as applicable, shall adopt the following by local rule:**

**(1)** A case management plan for the purposes of ensuring the readiness of cases for pretrial and trial, and maintaining and improving the timely disposition of cases. In addition to any other provisions necessary to satisfy the purposes of division (B)(1) of this rule, the plan shall include provisions for an early case management conference, referral to appropriate and available alternative dispute resolution programs, establishment of a binding case management schedule, and a pretrial conference in cases where the trial judge determines a conference is necessary and appropriate. A municipal or county court may establish separate provisions or exceptions from the plan for small claims, traffic, and other types of cases that the court determines would not benefit from the case management plan.

**(2) A jury management plan for purposes of ensuring the efficient and effective use and management of jury resources. In addition to any other provisions necessary to satisfy the purposes of division (B)(2) of this rule, the plan shall address the provisions of the Ohio Trial Court Jury Use and Management Standards adopted by the Supreme Court of Ohio on August 16, 1993.**

# **JURY USE AND MANAGEMENT STANDARDS**

## **Standard 1. Opportunity for Service**

**A.** The opportunity for jury service should 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.

**B.** Jury service is an obligation of all qualified citizens.

### **NOTES: COMMENTARY**

It is the obligation of every court to reasonably accommodate the special needs of physically handicapped jurors. While physically handicapped jurors may pose special issues for courts and their personnel, these issues are manageable.

Support agencies and advancing technologies exist to aid courts in accommodating the special needs of hearing impaired and visually impaired jurors, for example.

The obligation of jury service falls on all citizens; it is vitally important that the legal system open its doors to each person who desires to serve on a jury.

Reference is made to the ADA.

## **Standard 2. Jury Source List**

**A.** The names of potential jurors should be drawn from a jury source list compiled from one or more regularly maintained lists of persons residing in the court jurisdiction.

**B.** The jury source list should be representative and should be as inclusive of the adult population in the jurisdiction as is feasible.

**C.** The court should periodically review the jury source list for its representativeness and inclusiveness of the adult population in the jurisdiction as is feasible.

**D.** Should the court determine that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective action should be taken.

### **NOTES: COMMENTARY**

There should be a periodic review of the representativeness and inclusiveness of the jury source list.

## **Standard 3. Random Selection Procedures**

**A.** Random selection procedures should be used throughout the juror selection process. Any method may be used, manual or automated, that provides each eligible and available person with an equal probability of selection. These methods should be documented.

**B.** Random selection procedures should be employed in:

- 1.** Selecting persons to be summoned for jury service;
- 2.** Assigning prospective jurors to panels; and

**3.** Calling prospective jurors for voir dire.

**C.** Departures from the principle of random selection are appropriate:

**1.** To exclude persons ineligible for service in accordance with Standard 4;

**2.** To excuse or defer prospective jurors in accordance with Standard 6;

**3.** To remove prospective jurors for cause or if challenged peremptorily in accordance with Standards 8 and 9; and

**4.** To provide all prospective jurors with an opportunity to be called for jury service and to be assigned to a panel in accordance with Standard 13.

## **4. Eligibility for Jury Service**

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

**A.** Are less than eighteen years of age;

**B.** Are not citizens of the United States;

**C.** Are not residents of the jurisdiction in which they have been summoned to serve;

**D.** Are not able to communicate in the English language; or

**E.** Have been convicted of a felony and have not had their civil rights restored.

## **Standard 5. 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.

**B.** A term of service of one day or the completion of one trial, whichever is longer, is recommended. However, a term of one week or the completion of one trial, whichever is longer, is acceptable.

**C.** Persons should not be required to maintain a status of availability for jury service for longer than two weeks except in jurisdictions where it may be appropriate for persons to be available for service over a longer period of time.

### **NOTES: COMMENTARY**

Courts should reduce, to the extent possible, the number of days a person serves and the period of availability.

## **Standard 6. Exemption, Excuse, and Deferral**

**A.** All automatic excuses or exemptions, with the exception of statutory exemptions, from jury service should be eliminated.

**B.** Eligible persons who are summoned may be excused from jury service only if:

**1.** Their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors and they are excused for this reason by a judge; or

**2.** They request to be excused because their service would be a continuing hardship to them or to members of the public and they are excused by a judge or a specifically authorized court official.

**C.** Deferrals for jury service for reasonably short periods of time may be permitted by a judge or a specifically authorized court official.

**D.** Requests for excuses and deferrals and their disposition should be written or otherwise made or recorded. Specific uniform guidelines for determining such requests should be adopted by the court.

**NOTES: COMMENTARY**

Deferrals are encouraged rather than the granting of excuses.

With a shorter term of service (see Standard 5), reasons for being excused should be reduced.

## **Standard 7. 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, basic background information regarding panel members should be made available to counsel in writing 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.

**NOTES: COMMENTARY**

The questionnaire shall be handled in a manner to ensure privacy.

When prospective jurors are initially sworn, the oath should also indicate that the answers to the jury questionnaire are true.

## **Standard 8. 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.

**NOTES: COMMENTARY**

Jurors should be reminded that jury service is an obligation of each qualified citizen (see Standard 1).

## **Standard 9. Peremptory Challenges**

- A.** Rules determining procedure for exercising peremptory challenges should be uniform throughout the state.
- B.** Peremptory challenges should be limited to a number no larger than necessary to provide reasonable assurance of obtaining an unbiased jury.
- C.** In civil cases, the number of peremptory challenges should 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 peremptory challenges.
- D.** In criminal cases, the number of peremptory challenges should not exceed:
  - 1.** Six for each side when a death sentence may be imposed upon conviction;
  - 2.** Four for each side when a sentence of imprisonment (state institution) may be imposed upon conviction; or
  - 3.** Three for each side in all other prosecutions. One additional peremptory challenge should be allowed for each defendant in a multi-defendant criminal proceeding.
- E.** 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.

### **NOTES: COMMENTARY**

Standard 9 has been changed from the ABA Standard to be consistent with the O.R.C. and Ohio Rules of Court

## **Standard 10. Administration of the Jury System**

- A.** The responsibility for administration of the jury system should be vested exclusively in the judicial branch of government.
- B.** All procedures concerning jury selection and service should be governed by Ohio Rules of Court.
- C.** Responsibility for administering the jury system should be vested in a single administrator acting under the supervision of the administrative judge of the court.

### **NOTES: COMMENTARY**

Standard 10 suggests that current legislation be repealed.

## **Standard 11. Notification and Summoning Procedures**

- A.** The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person should be:
  - 1.** Combined in a single document;
  - 2.** Phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems; and
  - 3.** Delivered by ordinary mail.
- B.** A summons should clearly explain how and when the recipient must respond and the consequences of a failure



to respond.

**C.** The questionnaire should be phrased and organized so as to facilitate quick and accurate screening and should request only that information essential for:

- 1.** Determining whether a person meets the criteria for eligibility;
- 2.** Providing basic background information ordinarily sought during voir dire examination; and
- 3.** Efficiently managing the jury system.

**D.** Policies and procedures should be established for monitoring failures to respond to a summons and for enforcing a summons to report for jury service.

## **Standard 12. Monitoring the Jury System**

Courts should collect and analyze information regarding the performance of the jury system on a regular basis in order to evaluate:

- A.** The representativeness and inclusiveness of the jury source list;
- B.** The effectiveness of qualification and summoning procedures;
- C.** The responsiveness of individual citizens to jury duty summonses;
- D.** The efficient use of jurors; and
- E.** The cost-effectiveness of the jury management system.

### **NOTES: COMMENTARY**

Standard 12 is essentially identical to the ABA Standard, and the Jury Standard Project Team recognizes that the information gathered must be analyzed to ensure efficient jury management.

## **Standard 13. Juror Use**

**A.** Courts should employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.

**B.** Courts should 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.

- 1.** Courts using jury pools should ensure that each prospective juror who has reported to the court is assigned for voir dire; and
- 2.** Courts using panels should ensure that each prospective juror who has reported to the court is assigned for voir dire.
- C.** Courts should coordinate jury management and calendar management to make effective use of jurors.

## **Standard 14. Jury Facilities**

- A.** Courts should provide an adequate and suitable environment for jurors.
- B.** The entrance and registration area should be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the courthouse.
- C.** Jurors should be accommodated in pleasant waiting facilities furnished with suitable amenities.
- D.** Jury deliberation rooms should include space, furnishings, and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms should be ensured.
- E.** To the extent feasible, juror facilities should be arranged to minimize contact between jurors, parties, counsel, and the public.

## **Standard 15. Juror Compensation**

- A.** Persons called for jury service should receive a reasonable fee for their service and expenses.
- B.** Such fees should be paid promptly.
- C.** Employers shall be prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

## **Standard 16. Juror Orientation and Instruction**

- A.** Orientation programs should be:
  - 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.** Courts should provide some form of orientation or instructions to persons called for jury service:
  - 1.** Upon initial contact 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 notetaking 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. Such 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. Recognize utilization of written instructions is preferable.
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; and
  - d. Express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.
- 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.

**NOTES: COMMENTARY**

Reference may be made to Ohio Jury Instructions.

## **Standard 17. Jury Size and Unanimity of Verdict**

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

**NOTES: COMMENTARY**

Standard 17 has been changed from the ABA Standard to be consistent with the O.R.C.

## **Standard 18. 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 in accordance with Standard 16C.
- C. The deliberation room should conform to the recommendations set forth in Standard 14C.
- D. The jury should not be sequestered except under the circumstances and procedures set forth in Standard 19.
- E. 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.
- F. Training should be provided to personnel who escort and assist jurors during deliberation.

**NOTES: COMMENTARY**

Counsel and appropriate court personnel should remain readily available during jury deliberations.

Juries should be provided with a pleasant, comfortable, secure, and safe place in which to work.

## **Standard 19. 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 and shall have the responsibility to oversee the conditions of sequestration.
- D.** Standard procedures should be promulgated to:
  - 1.** Achieve the purpose of sequestration; and
  - 2.** Minimize the inconvenience and discomfort of the sequestered jurors.
- E.** Training shall be provided to personnel who escort and assist jurors during sequestration.

### **NOTES: COMMENTARY**

Standard 19 differs from the ABA Standard.

- 1.** "Should" was changed to "shall" in C and E.
- 2.** Jury escorts may be law enforcement personnel.

Standard 19 has been changed to be consistent with the O.R.C.

## **APPENDIX B – GLOSSARY OF COMMON TERMS USED DURING A JURY TRIAL**

### **Action, Case, Lawsuit, Suit**

A legal dispute brought into court for a hearing or trial.

### **Admonish**

To advise or caution. For example, the Judge will admonish the jurors to avoid all media reports about the case.

### **Answer**

In a civil case, a pleading filed with the court before the trial by the defendant to answer or deny the plaintiff's claims.

### **Acquit**

In a criminal case, to find the defendant in a criminal trial not guilty.

### **Bailiff**

A court attendant whose duties may include rendering administrative assistance to the Judge, maintaining order in the courtroom and/or keeping custody of the jury. This position may be defined differently by various Judges and/or courts.

### **Capital Crime**

A crime punishable by death. There are two phases in a capital case jury trial. The first is limited to determining if the defendant is guilty or not guilty. If the defendant is found guilty, the jury then hears additional evidence and makes a recommendation on the sentence to be imposed.

### **Cause of Action**

The legal grounds on which a party to a lawsuit relies to get a verdict against an opponent.

### **Challenge for Cause**

A request that a prospective juror be dismissed because there is a specific reason to believe the person cannot be fair, unbiased or capable of serving as a juror. The basis for a challenge for cause is defined by the Ohio Revised Code, Ohio Civil Rules and Ohio Criminal Rules.

### **Closing Argument**

After all the evidence of a lawsuit is heard on both sides, the lawyers tell the jury what they think the evidence proves and why they think the jury should find in favor of their client. This is an "argument" or "summing up." It is not evidence.

### **Complaint**

The first pleading in a civil case stating the alleged facts and demanding relief.

### **Contempt of Court**

Contempt is of two kinds: direct and indirect. Direct contempt is that committed in the immediate presence of the court; indirect is the term used with reference to the failure or refusal to obey a lawful order. Failing to report for jury duty may be considered as indirect contempt of Court.

**Conviction**

A judgment of guilt against a criminal defendant.

**Counterclaim**

An answer to the civil complaint in which the defendant claims to be entitled to damages or other relief from the plaintiff.

**Court Reporter**

A court reporter is present during every trial and is responsible for keeping the official record by recording every spoken word during the trial on a special machine called a stenograph. Some Courts may use an audio/video system in the place of a Court Reporter to capture the verbatim record of a court proceeding.

**Credibility** Whether testimony is worthy of belief, based on the competence of the witness and likelihood that the testimony is true. The jury determines the credibility of the testimony of each witness.

**Crime**

Conduct declared unlawful by a legislative body and for which there is a punishment of a jail or prison term, a fine, or both.

**Defendant**

The party against whom a criminal or civil action is brought.

**Deliberations**

The discussions of the jury which occur after the judge has instructed the jury to retire to the jury room and determine the verdict.

**Deposition**

A deposition is testimony taken outside of the courtroom. If a party to a lawsuit or a witness cannot be physically present in the courtroom, that person's testimony may be recorded some time before trial. The testimony may be in the presence of a court reporter and transcribed some time before trial. This testimony is then read at the trial. The testimony may also be captured through audio/video recording and played during trial. Attorneys for both sides are present when a deposition is taken. A deposition may also be used to deny or contradict a witness's testimony or for the purpose of refreshing a witness's recollection.

**Examination** The questioning of a witness by an attorney.

**Direct Examination**

The first questioning of a witness during a trial.

**Cross-Examination**

The opportunity for the attorney to ask questions in court of a witness who has testified in a trial on behalf of the opposing party. The questions on cross-examination are limited to the subjects covered in the direct examination of the witness, but importantly, the attorney may ask leading questions, in which he/she is allowed to suggest answers or put words in the witness's mouth. (For example, "Isn't it true that you told Mr. Smith that he had done nothing wrong?" which is leading, as compared to "Did you say anything to Mr. Smith?")

## **Redirect Examination**

When the witness is again questioned by the original attorney.

## **Exhibits**

Articles such as objects, pictures, books, letters and documents which are the subject of testimony during the trial, admitted into evidence and given to the jury to take to the jury room while deliberating.

## **Evidence**

Every type of proof legally presented at trial (allowed by the judge) which is intended to convince the judge and/or jury of alleged facts material to the case. Evidence can include oral testimony of witnesses, documents, public records, objects, and photographs. It also includes so-called "circumstantial evidence" which is intended to create belief by showing surrounding circumstances which logically lead to a conclusion of fact.

## **Hung Jury**

A jury whose members cannot agree on a verdict. A jury may be instructed by the Judge to continue deliberating in the effort to reach a verdict. A "hung jury" will be determined, once the Judge determines that there is no reasonable expectation of the jury reaching a verdict.

## **Inadmissible**

That which, under the established rules of evidence, cannot be admitted or received into evidence.

## **Indictment**

In a criminal case, the document providing specific information about a crime and informing the defendant that he or she has been charged with a crime.

## **Instructions**

During the trial the judge "instructs" the jury as to its duty and responsibility. After all the evidence is in, and the lawyers have made their arguments, the judge outlines the rules of law which must guide the deliberations and control the verdict of the jury. A judge may, and sometimes must, instruct the jury on some point of law while the trial is in progress.

## **Interrogatories**

A set of written questions to a party to a civil lawsuit asked by the opposing party as part of the pre-trial discovery process. These questions must be answered in writing under oath or under penalty of perjury within a specified time. There may also be interrogatories submitted to a jury in a civil case, primarily to answer a series of questions relating to the damages to be awarded to the prevailing party.

## **Issue**

A disputed question of fact which must be decided.

## **Jury Panel**

This term may be used to describe a group of jurors at several different levels of the jury selection process. The term may refer to all prospective jurors from which the trial jury is chosen. It may also be used to describe the jurors who are ultimately seated as trial jurors.

**Mistrial**

The termination of a trial before its normal conclusion because of a procedural error, statements by a witness, judge or attorney which prejudice a jury, a deadlock by a jury without reaching a verdict after lengthy deliberation (a "hung" jury), or the failure to complete a trial within the time set by the court.

**Objection**

A lawyer's protest about the legal appropriateness of a question which has been asked of a witness by the opposing attorney, with the purpose of making the trial judge decide if the question can be asked.

**Objection Overruled or Overruled**

The judge's ruling that a lawyer's objection is not well taken under the rules for conducting the trial. The judge's ruling, so far as the jury is concerned, is final and may not be questioned. The disputed statement or exhibit is not permitted.

**Objection Sustained or Sustained**

The judge's ruling that a lawyer's objection is well taken under the rules for conducting the trial. The judge's ruling, for the jury, is final and may not be questioned. The disputed statement or exhibit is not permitted and the Judge will instruct the jury to disregard the statement or exhibit.

**Opening Statement**

Before introducing any evidence in the case, a lawyer tells the jury what the case is about and what evidence is expected to be brought in to prove that side of the case. It is not evidence. As a jury innovation, a Judge may allow the opening statement to be made prior to jury selection (voir dire) as a method of putting the questions being asked of the jurors into the context of the specific case.

**Parties**

The plaintiff and defendant in the case – also called the "litigants."

**Plaintiff**

The party who files a legal action. In a criminal case, the Prosecutor is the plaintiff.

**Pleadings**

All the documents filed by the parties before the trial begins to establish what issues must be decided by the jury.

**Peremptory Challenge**

A procedure used in jury selection that allows an attorney to reject a prospective juror without having to give a reason for the dismissal. Each side is allowed a limited number of peremptory challenges.

**Preponderance of Evidence**

The general standard of proof in civil cases. The weight of evidence presented by one side is more convincing to the trier of facts than the evidence presented by the opposing side.

**Probable Cause**

Reasonable cause; having more evidence for than against; a reasonable belief that a crime has or is being committed; the basis for all lawful searches, seizures, and arrests.



**Reasonable Doubt**

If, in the minds of the jury, a doubt exists which may have arisen from the evidence, or lack of evidence, a doubt that would exist in the mind of a reasonable person after fully, fairly, and carefully considering all the evidence, or lack of evidence.

**Record**

The official word-for-word copy of the court proceedings, taken in shorthand, stenotype, or audio-transcription by an official court reporter. Often the judge or the lawyers state that something is – or is not- “on the record.”

**Rest**

The lawyer concludes the evidence to be introduced at that stage of the trial.

**Settlement**

The conclusion of a legal matter; a compromised agreement between opposing parties in a civil suit before judgment is made, eliminating the need for a judge or jury to resolve the conflict.

**Stipulation**

An agreement by attorneys on opposite sides of a case as to any matter pertaining to the proceedings or trial. It is not binding unless assented (agreed to freely) to by the parties. Most stipulations must be in writing.

**Subpoena**

A process to cause a witness to appear and give testimony before a court or magistrate.

**Testimony**

Any statement made by a witness under oath in a legal proceeding.

**Transcript**

The official record of proceedings in a trial or hearing, which is kept by the court reporter.

**Verdict**

The formal decision made by a judge or jury regarding the outcome of a case.

**Voir Dire** (pronounced “vwar-deer”)

“To speak the truth.” The process of the questioning of prospective jurors, by the court or attorneys, regarding their qualifications to sit on a particular case.

**Witness**

One who testifies under oath to what he or she saw, heard, or otherwise observed.

# APPENDIX C

## **Jury Draw Samples**

**In The Court of Common Pleas  
Butler County, Ohio**

**ORDER TO CONDUCT  
THE DRAWING OF JURORS  
FOR CALENDAR YEAR 2021**

:       **IN RE:** \_\_\_\_\_  
:  
\_\_\_\_\_

In accordance with the Ohio Revised Code and Local Rules of Court, the Commissioners of Jurors are required to conduct a computerized drawing from a randomized list of Butler County registered voters for the purpose of serving as potential jurors for the Common Pleas, Municipal and County Courts.

It is, therefore, hereby **ORDERED** that the Clerk of this Court shall conduct the drawing of the jurors for calendar year 2021. This drawing shall be conducted on Thursday, August 27, 2020.

It is **FURTHER ORDERED** that the Clerk of this Court shall draw 91,000 jurors. From those 91,000 jurors, the following are **ORDERED** to be drawn.

Fairfield Municipal Court	Fairfield Municipal	2,500
Hamilton Municipal Court	Hamilton Municipal	6,000
Middletown Municipal Court	Middletown Municipal	2,500
Area I County Court	Area I	2,000
Area II County Court	Area II	2,000
Area III County Court	Area III	2,000
Grand Jury term	Grand Jury	4,000
Petit Jury term	Petit Jury	60,000
Special Jury	Petit Jury	<u>10,000</u>
		<b>91,000</b>

**IT IS SO ORDERED:**

\_\_\_\_\_  
Judge Michael A. Oster, Jr.  
Administrative Judge

\_\_\_\_\_  
Mary L. Swain  
Clerk of Courts

\_\_\_\_\_  
Joseph L. Statzer, Chief Deputy  
Clerk of Courts

\_\_\_\_\_  
Wayne Gilkison  
Court Administrator

## BUTLER COUNTY 2021 JURY DRAW

August 27, 2020

The draw was held in the office of the Butler County Clerk of Courts in accordance with the procedures set forth in the Ohio Revised Code and Local Rules of Court. The potential jurors, identified from the Board of Elections voter registration master file, were randomly selected by a computerized draw. Exempted from the list are those names that have served in the current year or have been permanently excused by the Common Pleas Court. Randomization is apportioned by precinct and court jurisdiction.

The Clerk of Courts has completed the computerization selection process required by statute for the 2021 jury draw, under the direction of the Jury Commissioners for the courts of Butler County, Ohio.

### 2021 TERM SELECTION:

1. Fairfield Municipal Court	Fairfield Municipal	2,500
2. Hamilton Municipal Court	Hamilton Municipal	6,000
3. Middletown Municipal Court	Middletown Municipal	2,500
4. Area I County Court	Area I	2,000
5. Area II County Court	Area II	2,000
6. Area III County Court	Area III	2,000
7. Grand Jury Term	Grand Jury	4,000
8. Petit Jury Term	Petit Jury	60,000
9. Special Jury	Petit Jury	<u>10,000</u>
		<b>91,000</b>

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Mary L. Swain, Clerk of Courts

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Joseph L. Statzer, Chief Deputy, Clerk of Courts

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Wayne Gilkison, Court Administrator

**Hamilton County Common Pleas Court Jury Draw Publication Notice**

**November 28, 2016**

**Cincinnati Court Index  
119 W. Central Parkway  
Cincinnati, Ohio 45202**

**Please publish this notice in one edition of your newspaper on November 28, 2016**

\*\*\*\*\*

**LEGAL NOTICE**

**Pursuant to the Ohio Revised Code, notice is hereby given that on the 5th day of December, 2016 at 2:00 P.M. the drawing of prospective jurors for the session of 2017 will be held in room 455 of the Hamilton County Court House.**

**Jury Commissioner-Repub  
Jury Commissioner-Dem**

**Jury Commissioners by:**

**Bradley J. Seitz  
Jury Coordinator**

\*\*\*\*\*

**C.C. PRESIDING JUDGE, COURT OF COMMON PLEAS  
C.C. SHERIFF  
C.C. CLERK OF COURTS**

**g/jury/leg.not**

**COURT OF COMMON PLEAS**

**HAMILTON COUNTY, OHIO**

**Re: Order of drawing and summoning  
Petit & Grand Jurors for  
Common Pleas Court of Hamilton County,  
Ohio for the year of 2021.**

**Order  
M20-6**

---

It is ordered that the names of **60,000** persons be drawn from the data processing equipment and that said persons be summoned to appear in this court to serve as jurors in **2021** of the Common Pleas Court, Hamilton County, Ohio.

That **60,000** of said persons be summoned to appear as petit and grand jurors between the weeks of **January 1, 2021 through December 31, 2021.**

---

Ethna M. Cooper  
Assistant Presiding/Administrative Judge, 2020

The following persons were present at the above drawing of jurors.

\_\_\_\_\_ Judge Ethna M. Cooper

\_\_\_\_\_ Sheriff's Deputy ( Lt. Dennis Brogan)

\_\_\_\_\_ Clerk of Courts (Christopher Wagner)

\_\_\_\_\_ Chief Deputy Jury Commissioner Bradley J Seitz

Also in attendance: Patrick Dressing Susan Luken, Debbie Flammer Sherri Donnellon

IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO

IN THE MATTER OF: PUBLICLY AND  
RANDOMLY DRAWING GRAND AND  
PETIT JURORS FOR THE SECOND  
JURY TERM BEGINNING  
JANUARY 2021 IN THE COUNTY  
OF MONTGOMERY, OHIO

\*  
\*  
\*  
\*  
\*  
\*  
\*

ORDER AND ENTRY

\* \* \* \* \*

IT IS HEREBY ORDERED, by the Court that the Commissioners of Jurors or their representative, in the presence of a Judge of the Common Pleas Court or his/her representative, together with the Clerk of Common Pleas Court, shall publicly and randomly draw Grand and Petit Jurors on November 19, 2020 at 1:30 p.m. by automatic data processing equipment located in the Jury Services Office, Room No. 113, First Floor, in the Montgomery County Common Pleas Court Building, 41 North Perry Street, Dayton, Ohio. The automated process is hereby required to utilize a truly random process for generating the pools of prospective jurors by employing an algorithm that generates a number between zero and the number of records in the source list. This random selection process is in accordance with Ohio Trial Court Standards, Number 1 - Opportunity for Jury Service, Number 2 - Jury Source List, and Number 3 - Random Selection Procedures, O.R.C. 2313.08, O.R.C. 2313.09 and *State v. Puente* (1982), 69 Ohio St.2d 136.

It is ordered that **eleven thousand, two hundred and twenty two (11,220)** names of persons whose names appear on automated software containing the Annual Jury List for the Jury Year 2020/2021 be selected to serve as Grand and Petit Jurors for the second term. Said Annual Jury List having been previously selected in accordance with O.R.C. 2313.06 the prospective Grand and Petit Jurors drawn for the second jury term shall be ordered to appear for service as Grand and Petit Jurors at such time and on such dates as may be hereafter prescribed by the Court.

\_\_\_\_\_  
Honorable E. Gerald Parker  
or Representative

\_\_\_\_\_  
Clerk of Montgomery County  
Common Pleas or Representative

\_\_\_\_\_  
Jury Commissioner of Montgomery  
County or Representative

\_\_\_\_\_  
Jury Commissioner of Montgomery  
County or Representative

CERTIFICATION OF TERM JURY DRAW:

**COMMON PLEAS COURT  
MONTGOMERY COUNTY, OHIO**

**November 19, 2020**

**We, the undersigned, have examined each randomly drawn pool. The Jury Pools are to be used for the January, 2021 Term of Service. There is one Grand Jury Pool, number 0002210201 consisting of 300 juror names and eighty-four Petit Jury Pools drawn from the source list. Petit Jury Pools consist of pool numbers 0001210101 through 0001210420 and consist of 10,920 juror names.**

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CLERK OF COURTS OR REPRESENTATIVE

---

JURY COMMISSIONER OR REPRESENTATIVE

---

JURY COMMISSIONER OR REPRESENTATIVE

---

JUDGE OR REPRESENTATIVE



IN THE COURT OF COMMON PLEAS  
TUSCARAWAS COUNTY, OHIO  
GENERAL TRIAL DIVISION

IN THE MATTER OF THE SELECTION : JUDGMENT ENTRY/ORDER FOR  
OF NAMES FOR THE ANNUAL JURY : SELECTION OF JURORS  
LIST FOR THE 2021 JURY YEAR :

The matter of the selection of the names of prospective jurors for the Jury Year 2021 to begin January 1, 2021 is before the Court for consideration.

IT IS ORDERED:

- ◆ That automatic data processing procedures and/or visual display apparatus shall be utilized in the selection of names and in the actual compilation of the annual jury list.
- ◆ That the selection of names for the annual jury list shall be made under R.C. §2313.08 from the certified list of registered voters appearing on the current master registration list presented to the Jury Commission by the Board of Elections of Tuscarawas County and the list of qualified driver licensees of Tuscarawas County certified by the Registrar of Motor Vehicles under R.C. §2313.06.
- ◆ That in the selection of names for the annual jury list, the Jury Commission shall direct that a total of 22,000 names be retrieved on a random basis. The names so selected shall comprise the prospective annual jury list.

- ◆ That upon the completion of the list, the Commission shall cause such selectees to be placed in the automatic data processing system for drawing under R.C. §2313.23.
- ◆ That a copy of this order shall be certified by the Clerk of Courts to the Jury Commission.

---

ELIZABETH LEHIGH THOMAKOS, ADMINISTRATIVE JUDGE

---

EDWARD EMMETT O'FARRELL, JUDGE

cc: Judge Elizabeth Lehigh Thomakos  
Judge Edward Emmett O'Farrell  
Clerk of Courts, Jeanne Stephen  
Jury Commission  
IT Department

IN THE COURT OF COMMON PLEAS  
TUSCARAWAS COUNTY, OHIO  
GENERAL TRIAL DIVISION

IN RE: DRAWING OF JURORS : MISC. CASE NO. \_\_\_\_\_  
FOR JANUARY 2021 TERM :

It is Ordered that the Jury Commission of Tuscarawas County, Ohio, shall draw the names of 4,100 persons for jury duty in the General Trial Division of the Court of Common Pleas, Tuscarawas County, Ohio, during the May 2021 Term.

It is further Ordered that the first 100 names shall comprise the venire of the Grand Jury during the term; the remaining 4,000 names drawn shall comprise the venire for the Trial Jury during the term.

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ELIZABETH LEHIGH THOMAKOS, ADMINISTRATIVE JUDGE

---

EDWARD EMMETT O’FARRELL, JUDGE

cc: Judge Edward Emmett O’Farrell  
Judge Elizabeth Lehigh Thomakos  
IT Department  
Jury Commission

GENERIC ENTRY FOR ANNUAL JURY DRAW

IN THE COURT OF COMMON PLEAS OF \_\_\_\_\_ COUNTY, OHIO

RE: THE SELECTION OF REGISTERED VOTERS TO BE \*  
PROSPECTIVE JURORS DURING THE 20\_\_ – 20\_\_ \* ORDER JURY  
YEAR \*

WHEREAS, randomness is an integral part of the jury selection process, and;

WHEREAS, the selection of registered voters to be prospective jurors is a part of the jury process;

IT IS ORDERED that the selection of approximately (fill in the number) registered voters to be prospective jurors shall be from the current list of registered voters maintained by the \_\_\_\_\_ County Board of Elections and certified as the most recent current list of registered voters in \_\_\_\_\_ County, Ohio, as provided by R.C. 2313.06.

IT IS FURTHER ORDERED that, pursuant to R.C. 2313.09, the selection of the prospective jurors from the current list of registered shall be random, with all registered voters on the current list having an equal probability of selection. The Commissioners of Jurors are ordered to remove the name of any individual granted a permanent excuse from jury service as provided by R.C. 2313.08 and the name of any individual disqualified from jury service pursuant to R.C. 2313.21.

All names chosen from the record, not subject to removal by the Jury Commission, shall be entered on the ANNUAL JURY LIST of prospective jurors, without exception. This list of names shall be used for the 20\_\_ – 20\_\_ Jury Year, beginning (fill in first date for jury year).

IT IS FURTHER ORDERED that the Jury Commission shall supervise the selection of the prospective jurors in accordance with this order and the Ohio Revised Code and shall certify that all proper procedures were followed. The names of the randomly selected prospective jurors shall be certified by the Jury Commissioners. An alphabetical copy of the annual jury list shall be prepared and filed in the Office of the Jury Commission and the Office of the Clerk of Court.

IT IS FURTHER ORDERED that the Jury Commission shall randomly select (insert number) prospective jurors from the Annual Jury List, to be notified and summoned as needed, to appear for service as GRAND JURORS during the 20\_\_ – 20\_\_ Jury Year. The remainder of the names of the Annual Jury List shall be available for selection as PETIT JURORS, as needed, during the 20\_\_ – 20\_\_ Jury Year.

---

Administrative Judge

GENERIC DRAW CERTIFICATION ENTRY:

IN THE COURT OF COMMON PLEAS OF \_\_\_\_\_ COUNTY, OHIO

RE: THE SELECTION OF REGISTERED VOTERS TO BE \*  
PROSPECTIVE JURORS DURING THE 20\_\_ – 20\_\_ \* JOURNAL ENTRY  
JURY YEAR \*

We hereby certify that, in accordance with R.C. 2313.08, the prospective petit and grand jurors for the \_\_\_\_\_ County Common Pleas Court during the 20\_\_ – 20\_\_ Jury Year were selected in compliance with the attached order. The selection of the names of the prospective jurors was randomly made from the current list of \_\_\_ County Registered Voters. The names of individuals permanently excused from jury service and the names of individuals disqualified from service during the 2012 – 2013 Jury Year were removed. The resulting list is the Annual Jury List which has been certified. We further certify that an alphabetical copy of the Annual Jury List will be filed with the Jury Commission and the Clerk of Courts.

The required notice of the jury drawn was properly published in a newspaper of general circulation. All necessary parties were present for the jury draw. The following individuals were in attendance at the annual jury draw.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

IN WITNESS THEREOF, WE SET OUR  
HANDS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
20\_\_

\_\_\_\_\_  
Jury Commissioner

\_\_\_\_\_  
Jury Commissioner

## APPENDIX D

# **Jury Summons/Jury Questionnaire Samples**

**SUMMONS FOR PETIT JURY SERVICE**

**Common Pleas Court**

**Butler County, Ohio**

To: «name»  
«addr1», «addr2»  
«addr3»  
«city», «state» «zip»

**MASTER JUROR NUMBER: «annual» - Internet usage only!  
«group1»- Phone line**

**JUROR NUMBER:**

**PLEASE READ THROUGH ALL INSTRUCTIONS BEFORE ATTEMPTING TO CONTACT THE COURT**

Dear Prospective Juror:

You are commanded to be available to appear and serve on the petit jury of the Butler County Court of Common Pleas. You will need to be available to serve during the following term:

**YOUR PETIT JURY TERM IS MARCH 8, 2021 THROUGH MARCH 19, 2021**

This summons notifies you that your name is in the pool of jurors from which the petit jury panel will be selected. You must complete the questionnaire and immediately return it in the self-addressed, stamped envelope. It is important to submit complete juror information so that the Court can either qualify you to serve on the petit jury panel or excuse you from service.

**FOR GENERAL JUROR INFORMATION, OR IN CASE OF INCLEMENT WEATHER, PLEASE CALL OUR RECORDING AT 513-785-5155**

During your period of jury service, you are required to phone daily to determine if your name has been selected from the pool of jurors. If your juror number (identified above, top right) is mentioned on the recorded message, you must report to jury duty the following business day. If you receive a busy signal, please call back. Remember that you are to report only if your jury number is mentioned.



**TO RECEIVE THE RECORDED MESSAGE:**

**PLEASE CALL (513) 887-3550 OR 1-800-548-2818 EACH DAY AFTER 3:30 P.M.**

**PLEASE BEGIN PLACING DAILY CALLS ON FRIDAY MARCH 5<sup>TH</sup> (Phone lines are open through the weekend)**

**AND STOP PLACING CALLS ON THURSDAY MARCH 18<sup>TH</sup>**

**YOU MAY ALSO LOG ON TO [www.butlercountyclerk.org](http://www.butlercountyclerk.org) and ENTER YOUR MASTER JUROR NUMBER**

All prospective jurors can be assured that special circumstances will be addressed on an individual basis. This information should be provided on line twelve (12) of the questionnaire. If you encounter a circumstance or emergency that prevents you from appearing, and your juror number has been selected, please notify: Court Administration at (513) 785-6550 between the hours of 8:00 a.m. – 4:30 p.m.

Please note that your potential jury service will require you to enter into a secured area where you will be required to pass through security checkpoints, including metal detectors and scanning devices. Therefore, please leave all unnecessary personal items at home or in your vehicle, i.e. pocket knives, nail files, etc. Such items will be taken into temporary custody of court security and may cause unnecessary delays.

All qualified citizens in the State of Ohio have an obligation to serve on a jury when summoned unless excused by the Court. While it is rare that a juror serves the full two week term, jurors can occasionally serve on more than one trial. Employers are prohibited from discharging or threatening to discharge a permanent employee who gives reasonable notice of jury summons. Employers may not take disciplinary action that could lead to discharge. An employer may not require the use of annual, vacation, or sick leave for time spent on a jury. If a juror fails to attend and serve a term, without having been excused, the Court of Common Pleas may impose a fine of \$100 - \$250 and find him/her in contempt of court.

**Please keep this summons available as a reference for the scheduled dates and bring it with you to check in for the first day of service.**

Thank you for your time and cooperation.

**PETIT JUROR QUESTIONNAIRE**

*Butler County Court of Common Pleas*

MASTER JUROR NUMBER: «annual»  
«group1»

**JUROR NUMBER:**

«name»

«city»

**PLEASE COMPLETE THIS SECTION AND RETURN WITHIN THREE DAYS. USE INK ONLY.**

1. Years of residence in Butler County: \_\_\_\_\_ Place of birth: \_\_\_\_\_ Age: \_\_\_\_\_
2. Education completed: \_\_\_\_\_
3. Provide your phone number: \_\_\_\_\_
4. Your occupation (If Retired, Former Occupation): \_\_\_\_\_  
\_\_\_\_\_
5. Employer: \_\_\_\_\_
6. Marital status: \_\_\_\_\_
7. List the immediate members of your family: (spouse and children only)

RELATIONSHIP	AGE	LIVING WITH YOU		OCCUPATION <i>(If Retired, what was your previous occupation)</i>	EMPLOYER
		YES	NO		

8. Have you, or any member of your family listed above:
- a. ever suffered bodily injury? Yes\_\_\_\_ No\_\_\_\_
- b. been sued or sued another person? Yes\_\_\_\_ No\_\_\_\_
- If yes, when? \_\_\_\_\_
- If yes, what type of suit? \_\_\_\_\_
- c. been the victim of a crime? Yes\_\_\_\_ No\_\_\_\_
- d. had a personal injury claim, other than a lawsuit made against you? Yes\_\_\_\_ No\_\_\_\_
9. Are you a Butler County resident? Yes\_\_\_\_ No\_\_\_\_
10. Have you served as a juror prior to this term? Yes\_\_\_\_ No\_\_\_\_
- a. If yes, where? \_\_\_\_\_
11. Are you related to, or a close friend of any law enforcement officer? Yes\_\_\_\_ No\_\_\_\_
12. Have you ever been convicted of a felony offense? Yes\_\_\_\_ No\_\_\_\_
13. Are you requesting to be excused from jury duty? Yes\_\_\_\_ No\_\_\_\_
- If there is a reason that you believe would excuse you from serving, please so state:

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**Jurors requesting to be excused for medical or mental conditions must fill out questionnaire and send in physician's statement as soon as possible, including your juror number, located on the top, right of the summons/questionnaire. (If you wish to be excused, you must include your phone number so that the court can contact you.)**

*(Persons more than 75 years of age and members of cloistered religious organizations may request to be excused.)*

***THE COURT HAS EXCLUSIVE AUTHORITY TO QUALIFY OR EXCUSE JURORS FROM SERVICE.***

7<sup>th</sup> Petit Service Session

**JUROR NUMBER: «group1»**

Pursuant to ORC 149.43, information on your questionnaire may be subject to public disclosure under the Ohio Public Records Act.

# JUROR QUESTIONNAIRE

## Hamilton County, Ohio

Please legibly print your name

1) Name & Age \_\_\_\_\_ Age \_\_\_\_\_

2) Area of county you reside \_\_\_\_\_ Length of residence \_\_\_\_\_  
 (Example-City of Cinti, Delhi, Wyoming)

3) Place of Birth \_\_\_\_\_ Years of residence in Hamilton County \_\_\_\_\_

4) Highest level of education- Where attended? Field of study? \_\_\_\_\_

5) Occupation & Employer \_\_\_\_\_  
(if retired, write "RETIRED" and give last occupation and employer)

6) If you are a widow or widower, give late spouse's occupation and employer \_\_\_\_\_  
 \_\_\_\_\_

7) Marital Status: Married \_\_\_\_\_ Separated \_\_\_\_\_ Widow \_\_\_\_\_ Number of  
 (Please Check) Single \_\_\_\_\_ Divorced \_\_\_\_\_ Widower \_\_\_\_\_ Children \_\_\_\_\_  
 Age Range \_\_\_\_\_

8) List living members of your family: (Do not put names)

Relationship Spouse - Child	Age	Living With You		Occupation	Employer
		Yes	No		

9) Have you served as a juror before? When? Type of Case?  
 \_\_\_\_\_

10) Have you or a member of your family been charged with a crime? Explain \_\_\_\_\_  
 \_\_\_\_\_

11) Have you or a member of your family been a victim of a crime? Explain \_\_\_\_\_  
 \_\_\_\_\_

www.hamiltoncountyohio.gov

12) Have you or a member of your family been involved in a lawsuit? Explain \_\_\_\_\_

\_\_\_\_\_

13) Are you related to or a close friend of any law enforcement officer or prosecutor? What are your feelings about police officers?

\_\_\_\_\_

\_\_\_\_\_

14) What clubs/organizations do you belong to? \_\_\_\_\_

\_\_\_\_\_

15) What magazines do you read? \_\_\_\_\_

16) Do you think you would be a good Juror? Why?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please NOTE: Prospective Jurors have the right to request and have an In-camera hearing on the record with counsel for the parties present regarding any legitimate privacy interest of the prospective juror,

\_\_\_\_\_  
Juror Signature

Please provide current phone numbers on the back of this Questionnaire.

INSTRUCTIONS FOR JURORS

YOUR ANSWERS TO THESE QUESTIONS ARE BEING  
GIVEN UNDER OATH.

The attached questions must be answered by you under oath. They will assist the Judge and the lawyers in selecting a jury. Your complete written answers will save a great deal of time for the Judge, for the lawyers, and for you.

Take your time. Answer all the questions to the best of your ability. **DO NOT ASK FOR HELP.** There are no right or wrong answers. The only requirement is that the answers be full and honest.

We need your candid answers so that we pick a fair and impartial jury for a trial involving criminal accusations. The judge and the lawyers realize that every person has beliefs and opinions concerning many things. You should answer with your true feelings, whatever they may be. Do not assume that any of your answers will qualify you or disqualify you from serving on this jury.

If you cannot answer a question because you do not understand it, write "Do not understand" in the space after the question. If you cannot answer because you do not know, write "Do not know" in the space after the question. Write only on the front side of each page. If you need additional space for an answer, there are blank pages at the end of the questionnaire for that purpose. Write "see back page" on your answer. On the back page(s), be sure to include the question number to which you are responding.

**JUROR QUESTIONNAIRE**

JUROR NAME AND NUMBER \_\_\_\_\_

1. Age: \_\_\_\_\_

2. What is your gender? Male \_\_\_\_\_ Female \_\_\_\_\_

3. What is your race? (please circle)

a) White/Caucasian

b) Black/African American

c) Hispanic/Latino

d) Asian/Pacific Islander

e) Other (please state) \_\_\_\_\_

4. If you have children, please list (include children not living with you):

<u>Sex</u>	<u>Age</u>	<u>Does child live with you</u>	<u>Level of education</u>	<u>Occupation</u>
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5. Do you have any medical or physical condition that might make it difficult for you to serve as a juror? (Please include any hearing or eyesight problem.) Yes \_\_\_\_\_ No \_\_\_\_\_

Please describe: \_\_\_\_\_

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6. Are you taking any medications that might make it difficult for you to serve as a juror?

Yes \_\_\_\_\_ No \_\_\_\_\_

7. Do you have any problems or areas of concern at home or at work that might interfere with your duties as a juror during trial? Yes No \_\_\_\_\_

If yes, please describe: \_\_\_\_\_

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8. What type of area do you live in? (Please circle one.)

City \_\_\_\_\_ Suburb \_\_\_\_\_ Rural \_\_\_\_\_

9. How long have you lived at your present residence?

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10. Do you own or rent? Own \_\_\_\_\_ Rent \_\_\_\_\_

11. List areas of past residence within the last ten years and indicate how long you lived in each location (you do not need to give addresses):

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12. Where were you born? \_\_\_\_\_

13. Where were you raised? \_\_\_\_\_

14. Is English your first language? Yes \_\_\_\_\_ No \_\_\_\_\_  
If no, what is your first language? \_\_\_\_\_

15. Do you have any difficulty:

Reading English? Yes \_\_\_\_\_ Sometimes \_\_\_\_\_ No \_\_\_\_\_

Understanding spoken English? Yes \_\_\_\_\_ Sometimes \_\_\_\_\_ No \_\_\_\_\_

16. Are you currently employed outside the home? Yes \_\_\_\_\_ No \_\_\_\_\_

If so, by whom are you employed? \_\_\_\_\_

Full or part-time? \_\_\_\_\_

If part-time, how many hours per week? \_\_\_\_\_

How long have you been so employed? \_\_\_\_\_

17. What are your specific duties and responsibilities on the job? \_\_\_\_\_

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18. Do you have the authority to hire and fire employees or have a significant say in these decisions if someone else has the final word? Yes \_\_\_\_\_ No \_\_\_\_\_

19. If not currently employed outside the home, please check the category that applies to your status:

\_\_\_\_\_ Homemaker

\_\_\_\_\_ Student



\_\_\_\_\_ Unemployed looking for work

\_\_\_\_\_ Retired

\_\_\_\_\_ Unemployed not looking for work

\_\_\_\_\_ Disabled

\_\_\_\_\_ Other (please explain) \_\_\_\_\_

20. If you are not currently employed outside the home, but were previously so employed, please describe your most recent form of employment, stating the name of your employer, whether you were employed full or part-time, when and for how long you were so employed:

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21. Please list your work experience over the past ten years and state when and for how long you were employed at each job. Please give a brief description of each job.

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22. Do you now work or have you ever worked in law enforcement or the security field (including federal, military, state, county, corrections, city, auxiliary, volunteer, etc.)?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please describe the position(s) and dates in detail: \_\_\_\_\_

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23. Have any of your relatives and/or close friends ever worked in law enforcement or the security field (including federal, military, state, county, corrections, city, auxiliary, volunteer, etc.)?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please describe in detail: \_\_\_\_\_

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24. What is the highest grade in school that you completed? \_\_\_\_\_

25. If you attended any schools or colleges after high school, please name the schools and colleges you attended, your major areas of study, and the field in which you obtained your degree(s):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
26. Are you currently in school? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, which school and what are you studying? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
27. What special training or skills do you have? (Please include any technical, medical, psychology or scientific training and special skills acquired on the job.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
28. Do you have any legal training or have you taken any law course? Yes \_\_\_\_ No \_\_\_\_  
If yes, please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
29. Do you now own or have you ever owned a firearm? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, what type of firearm and for what purpose did you own it? \_\_\_\_\_  
\_\_\_\_\_
30. Have you ever fired a handgun or rifle? Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, please explain the type of gun and the circumstances under which you fired it: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
31. Have you ever had any bad experiences with guns, such as having one pointed at you?  
Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes, please explain \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

32. Have you ever served in the military? Yes\_\_\_\_\_ No \_\_\_\_\_

If yes, please list: Branch of service: \_\_\_\_\_

Rank: \_\_\_\_\_ Dates of service: \_\_\_\_\_

33. Do you have combat experience? Yes\_\_\_\_\_ No \_\_\_\_\_

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

\_\_\_\_\_

34. Were you ever involved in any way with military law enforcement, court martial or investigations?

Yes \_\_\_\_\_ No \_\_\_\_\_

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

\_\_\_\_\_

35. Please complete regarding your current spouse or partner:

Spouse/partner's place of birth? \_\_\_\_\_

Spouse/partner's race or ethnic background? \_\_\_\_\_

Spouse/partner's current employment status? \_\_\_\_\_

Spouse/partner's occupation? (If that person is retired, unemployed or disabled, what his or her occupation?)

\_\_\_\_\_

By whom is he or she employed? \_\_\_\_\_

How long has he or she worked there? \_\_\_\_\_

What is the last level of education he or she completed? (Please list any degrees he or she has.)

\_\_\_\_\_

\_\_\_\_\_

36. Have you ever been in a courtroom before? Yes\_\_\_\_\_ No \_\_\_\_\_

If yes, how many times and for what purpose(s)? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

37. Have you ever served on a trial jury before? Yes\_\_\_\_\_ No \_\_\_\_\_

For each time you have sat on a trial jury, please indicate whether it was a criminal case or a civil case:

Was a verdict reached?

Type of case \_\_\_\_\_ Year \_\_\_\_\_ (Please DO NOT state the verdict)

\_\_\_\_\_

\_\_\_\_\_

38. Have you ever served on a grand jury? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, was it state or federal and when was it? \_\_\_\_\_

39. Have you ever been the foreperson of a trial jury or grand jury? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please state what type of case and when: \_\_\_\_\_

\_\_\_\_\_

In this case, the defendant has previously been convicted and sentenced by another jury. Based on a change in the law, the Ohio Supreme Court has ordered a new sentencing hearing for the defendant. In any case where a possible punishment may be the death penalty, the law requires that jurors answer questions regarding their thoughts, feelings and opinions about the Death Penalty.

40. Please describe your views on the death penalty:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

41. Have you ever held a different view on the death penalty? Yes \_\_\_\_\_ No \_\_\_\_\_

If "yes," what caused you to change your view?

\_\_\_\_\_

\_\_\_\_\_

42. Which of the following statements best reflects your view of using the death penalty (check one)?

- Appropriate in every case where someone has been murdered.
- Appropriate with very few exceptions where someone has been murdered.  Appropriate in some murder cases, but inappropriate in most murder cases.
- Opposed with very few exceptions.
- Opposed in all cases.

43. DIRECTIONS: Place a check in one of the spaces next to each statement indicating your agreement and/or disagreement with the statement at the left.

Statement	Strongly Agree	Agree	Slightly Agree	Slightly Disagree	Disagree	Strongly Disagree
The death penalty should never be used as the punishment for any murder.						
The death penalty should always be used as the punishment for every murder.						
The death penalty should sometimes be used as the punishment in certain murder cases.						
Only a guilty person would object to a search of his or her home.						
A person sentenced to death in Ohio will probably never be executed.						
It does not make any difference to me whether or not we have a death penalty in Ohio.						
Convicted criminals always get out of prison too soon.						
The testimony of law enforcement officers is entitled to more impact merely because they are law enforcement officers.						
The courts have made it too difficult to prosecute and convict criminals.						
If the prosecution goes to the trouble to bring someone to trial that person is probably guilty.						
People in prison have a better life than most of the taxpayers who pay for the prisons.						

44. A defendant does not have to testify or produce any evidence in a trial. Despite this, do you believe that a defendant in a criminal case should testify or produce some evidence to prove that he or she is not guilty? Yes \_\_\_\_\_ No \_\_\_\_\_

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

---

45. Because this case has received some publicity, some of you may have heard or read something about this case at some time. It is vitally important that you truthfully answer the following questions concerning what you have learned about this case from the media. Please indicate from what sources you have learned about this case (check as many as apply):

Television \_\_\_\_\_ Newspapers \_\_\_\_\_

Radio \_\_\_\_\_ Have had conversations with other people \_\_\_\_\_

Have overheard other people discuss it \_\_\_\_\_

Other (Please specify) \_\_\_\_\_

46. A previous jury has convicted Mr. Kirkland of Aggravated Murder for the deaths of Casonya Crawford and Esme Kenney. That same jury convicted Mr. Kirkland of Murder for the deaths of Mary Jo Newton and Kimya Rolison, along with other crimes related to all 4 victims. You will hear evidence regarding all of these crimes but will not be asked to vote on his guilt or innocence. In order to sit on this jury you will have to accept the guilty verdicts of a prior jury and just consider the appropriate punishment. Are you able to accept these guilty verdicts as you will be instructed by the Court? Yes \_\_\_\_\_ No \_\_\_\_\_

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

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47. Do you know or are you acquainted with any persons in the following positions (if so, please check the appropriate boxes):

- The Judge
- The Bailiff
- The Clerk of Courts
- Other Employees in the Courthouse
- The County Prosecutor or an employee in that Office
- Law Enforcement Officers working in this County

The Defense Attorneys or someone employed by them

48. Do you have a family member of close friend who works in the Legal System (e.g., lawyers, police officers, probation officers, federal agents, prison or jail guards or other institutional employees)?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, what are their names and please describe how you know them: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

49. Did you know any of the victims in this case or ever encounter any of them before they died?

Yes \_\_\_\_\_ No \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

50. Do you know any of the victims' relatives? Yes \_\_\_\_\_ No \_\_\_\_\_

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

\_\_\_\_\_

---

51. Do you know Anthony Kirkland, the defendant? Yes \_\_\_\_\_ No \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

52. Do you know any of the defendant's relatives? Yes \_\_\_\_\_ No \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

53. When you were growing up, what was the racial and ethnic make-up of your neighborhood?

\_\_\_\_\_

54. Is there any racial or ethnic group that you do not feel comfortable being around?

Yes \_\_\_\_\_ No \_\_\_\_\_

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

55. With respect to the issue of racial discrimination against African Americans in our society, do you think it is:

A very serious problem \_\_\_\_\_ A somewhat serious problem \_\_\_\_\_

Not too serious \_\_\_\_\_ Not at all serious \_\_\_\_\_ Not a problem \_\_\_\_\_

56. Have you ever had a negative or frightening experience with a person of another race?

Yes \_\_\_\_\_ No \_\_\_\_\_

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

\_\_\_\_\_

57. Have you ever been exposed to persons who exhibited racial, sexual, religious and/or ethnic prejudice?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please describe the experience: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

58. "Some races and/or ethnic groups tend to be more violent than others."

Strongly agree \_\_\_\_\_ Agree \_\_\_\_\_

Strongly disagree \_\_\_\_\_ Disagree \_\_\_\_\_

No opinion \_\_\_\_\_

If you wish to do so, please explain your answer : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

58. Are you a member of any group or organization which is concerned with racial or ethnic issues?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please identify the groups: \_\_\_\_\_

\_\_\_\_\_

59. Are you a member of any private club, civic, professional or fraternal organization which limits its membership on the basis of race, ethnic origin, gender or religion?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please identify the group(s) or organization(s): \_\_\_\_\_

\_\_\_\_\_



60. Generally speaking, do you consider yourself to be (check one):

Very Conservative \_\_\_\_\_ Liberal \_\_\_\_\_

Conservative \_\_\_\_\_ Very Liberal \_\_\_\_\_

Moderate \_\_\_\_\_ Other \_\_\_\_\_

61. Are you familiar with psychological testing? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, how do you feel about the validity of these tests? \_\_\_\_\_

\_\_\_\_\_

62. Have you ever studied psychiatry, psychology, or any related subjects?

Yes \_\_\_\_\_ No \_\_\_\_\_

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

\_\_\_\_\_

63. Have you, or any member of your family, or close friend ever consulted a psychiatrist or psychologist for professional services? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, how did this consultation affect your opinion about the value of psychiatry or psychology? Please explain: \_\_\_\_\_

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64. There is a wide range of opinions about psychologists, psychiatrists, counselors and therapists. Generally, how do you regard these professions? \_\_\_\_\_

\_\_\_\_\_

65. Do you know anyone who has a mental health problem? Yes \_\_\_\_\_ No \_\_\_\_\_

If so, without violating your sense of the right to privacy, please briefly describe the situation:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

66. Do you think people are born with mental health problems or do they develop after birth or both?

Born with \_\_\_\_\_ After birth \_\_\_\_\_ Both \_\_\_\_\_

67. Do you have any specialized training or course work in medicine, science or biology?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please describe: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

68. Have you ever been a victim of a crime? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, how many times? \_\_\_\_\_ What type of crime(s)? \_\_\_\_\_

\_\_\_\_\_

69. Did you or anyone else report it to the police? Yes \_\_\_\_\_ No \_\_\_\_\_ If no, why not?

\_\_\_\_\_

\_\_\_\_\_

70. Were you interviewed by police? Yes \_\_\_\_\_ No \_\_\_\_\_

71. Was the suspect caught? Yes \_\_\_\_\_ No \_\_\_\_\_

72. Did you testify in court? Yes \_\_\_\_\_ No \_\_\_\_\_

73. How has that experience affected your impressions about the criminal justice system?

\_\_\_\_\_

\_\_\_\_\_

74. Other than answers you may have already given, have you had a good or positive experience with any police officers? Yes \_\_\_\_\_ No \_\_\_\_\_ Please explain and indicate the police agency involved:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

75. Other than answers you may have already given, have you had a bad or negative experience with any police officers? Yes \_\_\_\_\_ No \_\_\_\_\_ Please explain and indicate the police agency involved:

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76. In the past several years there has been much public discussion concerning the issue of crime in our society. Please describe your personal feelings about this issue.

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77. Do you feel that people convicted of crimes are treated:

Too leniently \_\_\_\_\_ Too harshly \_\_\_\_\_ Justly \_\_\_\_\_

78. Have you, or a member(s) of your family, or someone close to you ever been accused of or charged with a criminal offense? Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, how was this person related to you?

Were you (they) convicted? Yes \_\_\_\_\_ No \_\_\_\_\_

What was the crime? \_\_\_\_\_

How has that experience affected your impressions about the criminal justice system?

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79. Have you ever visited or been inside a prison/jail? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please explain the circumstances and describe how it made you feel: \_\_\_\_\_

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80. When you have the time, what are your leisure time interests, hobbies, and activities?

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81. Is there any reason why, if you were the defendant, you would not want someone in your state of mind on the jury? Yes \_\_\_\_\_ No \_\_\_\_\_

82. Apart from what you may have read or heard, do you have any personal knowledge of this case or the charges that have been referred to? Yes \_\_\_\_\_ No \_\_\_\_\_

If the answer is yes to the above, please state what your personal knowledge consists of:

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83. Do you know any of the other prospective Jurors in this case? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please explain:

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84. If selected to serve as a juror on this case, the Court would order you not to read, listen to or watch any accounts of this case reported by television, radio or other news media. Will you have any difficulty following this order?

Yes \_\_\_\_\_ No \_\_\_\_\_ Do not know \_\_\_\_\_

85. If you are selected as a juror in this case, the Court would order you not to discuss this case with anyone unless and until permitted to do so by the Court. Will you have any difficulty in following this order?

Yes \_\_\_\_\_ No \_\_\_\_\_ Do not know \_\_\_\_\_

86. As a result of answering this Juror Questionnaire, have you started to form any opinions about this case?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please explain:

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87. Is there anything going on in your life either at home or at work that might make it difficult for you or distract you if you were seated as a juror in this case? Yes \_\_\_\_\_ No \_\_\_\_\_

If "Yes", please explain:

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88. Is there any matter not covered by this questionnaire that you think the attorneys or Court might want to know about when considering you as a juror in this case? \_\_\_\_\_

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I DO HEREBY SOLEMNLY SWEAR OR AFFIRM THAT THE ANSWERS TO THE FOREGOING QUESTIONS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

EXTRA SHEET FOR COMPLETING ANSWERS IF NECESSARY

PLEASE INDICATE THE QUESTION NUMBER BY YOUR ANSWERS

SAMPLE QUESTIONNAIRE FOR HIGH-PROFILE CASES:

TELEPHONE NUMBERS: WILL NOT  
BE DISCLOSED. Used by Court Staff  
for contact purposes only.

Home: \_\_\_\_\_

Work: \_\_\_\_\_

Cell: \_\_\_\_\_

**JUROR QUESTIONNAIRE  
STATE OF OHIO V. JOHN DOE**

**The attached questions must be answered by you under oath. Your answers will assist the judge and the lawyers in selecting a jury. Your complete written answers will save a great deal of time for the Judge, for the lawyers, and for you.**

**Take your time. Answer all the questions to the best of your ability. DO NOT ASK FOR HELP. There are no right or wrong answers. The only requirement is that the answers be full and honest.**

**We need your candid answers so that we pick a fair and impartial jury for a trial involving criminal accusations. The judge and the lawyers realize that every person has beliefs and opinions concerning many things. You should answer with your true feelings, whatever they may be. Do not assume that any of your answers will qualify you or disqualify you from serving on this jury.**

**If you cannot answer a question because you do not understand it, write “Do not understand” in the space after the question. If you cannot answer because you do not know, write “Do not know,” in the space after the question. Write only on the front side of each page. If you need additional space for an answer, there are blank pages at the end of the questionnaire for that purpose. Write “see back page” on your answer. On the back page(s), be sure to include the question number to which you are responding.**

**EXCEPT FOR YOUR TELEPHONE NUMBER, ALL INFORMATION ON THIS FORM MAY BE PUBLICLY DISCLOSED. If you believe your privacy interests will be hurt by answering any of the following questions, you may leave the response blank and, once you are in the courtroom, ask for a hearing to state your reasons for leaving the answer(s) blank. The hearing will be held in the Judge’s office, on the record, with the court reporter and trial counsel present. The judge may require you to answer the question(s).**

\_\_\_\_\_  
Judge

1. Full Name \_\_\_\_\_

2. Place of birth: \_\_\_\_\_

3. What is your race or ethnic background? (Please circle)

a) White/Caucasian      b) Black/African American

c) Hispanic/Latino      d) Asian/Pacific Islander

e) Other (please state) \_\_\_\_\_

4. In what community do you reside? \_\_\_\_\_

5. Marital status?     Single     Married     Widow(er)

6. How many years of formal education have you had? \_\_\_\_\_

7. Beginning with high school, please list every school you have attended, degrees you have received, if any, your major area of study, and the years attended:

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8. Have you ever served in the military?  Yes  No If yes, please indicate the branch, years of service, rank attained, and whether you enlisted or were drafted and the nature of your discharge.

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9. Are you currently employed outside the home?  Yes  No If yes, where and how long have you been with this employer? Please give your job title and a brief job description. and responsibilities on the job? \_\_\_\_\_

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**10. If you are married, what is your spouse's occupation?**

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**11. List the name(s) and occupation(s) of any adult children within the family:**

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**12. Do you now work or have you ever worked in law enforcement or the security field (including federal, military, state, county, corrections, city, auxiliary, volunteer, etc.)?**

Yes  No **If yes, please describe your job and the dates you were employed.**

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**13. Have any of your relatives and/or close friends ever worked in law enforcement or the security field (including federal, military, state, county, corrections, city, auxiliary, volunteer, etc.)?**

Yes  No **If yes, please identify the person, the relationship to you and their job.**

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**14. Have you or any member of your family ever been convicted of a crime?**

Yes  No **If yes, please explain.** \_\_\_\_\_

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**15. Have you or any close relatives or close friends ever been the victim of a crime?**

Yes  No **If yes, state who, what happened, and when.**

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16. Have you ever been called for jury duty before?  Yes  No If yes, state what Court, when, and indicate whether you served as a juror or an alternate, and whether you deliberated to a verdict.

17. Have you ever served on a Grand Jury?  Yes  No If yes, state what Court and the dates of your service.

18. What newspapers do you read?

19. What magazines do you read?

20. What television programs do you like to watch?

21. What do you do in your spare time (hobbies, sports, leisure time)?

22. Is there any reason, such as health problems, handicap, family concerns, economic or job related concerns that might impair your ability to serve as a juror?  Yes  No  
If yes, please explain

23. Would you characterize yourself as a leader or a follower?

24. In your opinion, who is (or was) the greatest American to ever live? Why?

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**25. In your opinion, who do you most admire? Why?**

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**26. Please state any knowledge, thoughts, or comments you may have regarding the case of State of Ohio v. John Doe.**

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**PLEASE SIGN HERE:**

**I do solemnly swear/affirm that the answers to the foregoing questions are true and correct to the best of my knowledge and belief:**

---

**(Signature)**

---

**Date**

on the Internet at: <https://eresponse.montcourt.oh.gov>

Or complete this paper Questionnaire and mail it within 7 days.

Or complete this paper Questionnaire and mail it within 7 days.

Last Name [ ] New	First Name	Middle Initial	Phone #	Mobile #	Do you live in Montgomery County?
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Address [ ] New	City	State	Zip Code	Are you a citizen of the United States? <input type="checkbox"/> Yes <input type="checkbox"/> No
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The answers to these questions are true to the best of my knowledge.  X	If you are 76 years of age or older, you will automatically be excused by checking this box.
---	--

SIGNATURE	DATE
-----------	------

Name	Zip Code	Age Years	Gender Male Female	Marital Status
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Your Employer	Your Occupation/Prior Occupation if Retired
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Level of Education Completed: Less-than 12 years - -O Other	H.S.-diploma or 'GÉD- -O	College - Bachelor	Master
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Are you related to or a close friend of any law enforcement officer? Yes/No	Been Seated as a Juror? Yes/No
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Have you or a family member been convicted of a crime?	Yes No	Been the victim of a crime?	Yes No
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Have you been convicted of a felony?	[ ] Yes [ ] No	If Yes, have you completed probation and sanctions? [ ] Yes [ ] No
--------------------------------------	----------------	--

Have you or any family member been sued or sued another person?	[ ] Yes [ ] No
Number of family members living in your household:	

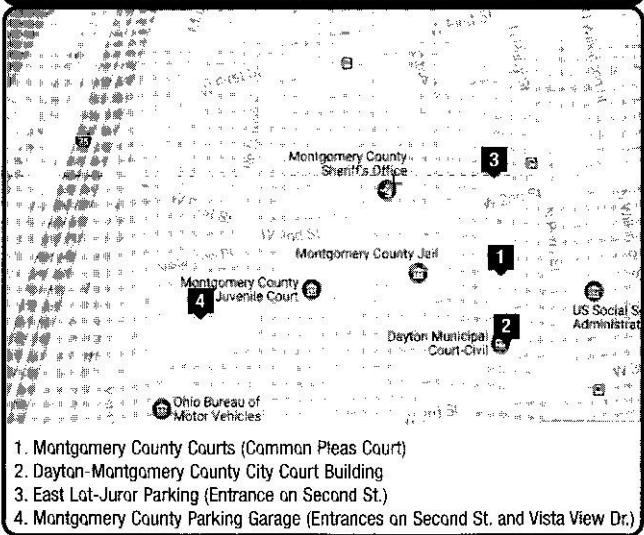
To be excused for medical reasons, you must submit a written statement from your doctor. The statement may be faxed to 937.824.7967, Please use "e entre fax number, including the area code or you may e-mail it to [eresponse.eresponse@montcourt.oh.gov](mailto:eresponse.eresponse@montcourt.oh.gov) For non-medical reasons, please indicate below why you wish to be excused or postponed.



MOISTEN



**▲ DETACH AT THIS PERFORATION ▲**  
Be sure to bring this lower portion with you when you report for jury duty.



REV. 6/18

1. Montgomery County Courts (Common Pleas Court)
2. Dayton-Montgomery County City Court Building
3. East Lot-Juror Parking (Entrance on Second St.)
4. Montgomery County Parking Garage (Entrances on Second St. and Vista View Dr.)

- You will be notified prior to your on call start date as to whether your request to be excused was approved or denied.
- You may also check [eresponse.montcourt.oh.gov](http://eresponse.montcourt.oh.gov) to determine your status.
- Visit our website at: [montcourt.oh.gov](http://montcourt.oh.gov) to obtain additional information regarding jury duty.
- Jury Services may be contacted at 937-225-4704 between the hours of 8:30 AM and 4:30 PM. Monday through Friday.

**PLEASE DO NOT PARK AT A METER.**

The Courts Building is located at 41 N. Perry St. in Downtown Dayton. (#1 on the map).

You will receive a \$10 Fee for reporting for jury duty or \$20 a day if you are seated as a juror.

Please check this box if you wish to voluntarily waive your payment for jury duty.

If you believe your privacy interests will be hurt by answering any of these questions, you may leave the response blank and, once you are in the courtroom, ask for a hearing to state your reason for leaving the answer(s) blank. The hearing will be held by the Judge, on the record, with counsel for the parties present.

MOISTEN RED STRIPED AREAS TO SEAL THIS RETURN ENVELOPE.

Be sure to bring this lower portion with you when you report for jury duty

PLEASE DO NOT PARK AT A METER.

**SECURITY\*** Upon arrival, you and your personal items will be scanned. Please do not bring any items with you that may be considered a weapon. Cameras are also prohibited.

ADDITIONAL INFORMATION

AS A PETIT JUROR, YOU ARE ON CALL FOR FIVE DAYS FROM YOUR ON CALL START DATE, OR FOR THE LENGTH OF ONE TRIAL IF SEATED AS A JUROR. The length of the average trial is three days.

- Your employer is required to give you time off from work to serve as a juror.
- You will receive a \$10 appearance fee if you are not selected as a juror or \$20 per day compensation if you are seated as a juror.
- Check with your employer to find out your company's policy regarding jury duty.
- TN users may dial the Ohio Relay service toll free number 1-800-750-0750.
- For disability related accommodations or questions regarding your jury service please call (937) 225-4704, Monday through Friday 8:30 a.m. until 4:30 p.m.
- Mail all correspondence to Jury Services, 41 North Perry St., Dayton, Ohio 45422-2154.
- Food service in the courthouse is limited to vending machines.

**OFFICIAL DOCUMENT JURY SUMMONS DO NOT DISCARD**

YOU ARE SUMMONED AS A PETIT JUROR  
YOUR APPEARANCE REQUIRED BY OHIO LAW  
YOU ARE ASSIGNED TO POOL NUMBER  
ON CALL START DATE AT  
COURTROOM # / FLOOR # JUROR #  
YOU MUST CALL FOR THE RECORDED JURY  
MESSAGE ON AFTER 7:00 P.M. FOR YOUR REPORTING  
INSTRUCTIONS, WHICH WILL CONFIRM WHERE AND WHEN  
YOU WILL NEED TO REPORT.

YOU MAY ALSO CHECK YOUR REPORTING INSTRUCTIONS AT  
[montcourt.oh.gov](http://montcourt.oh.gov)

\* 68782 Electionform

# Tuscarawas County Common Pleas Court Personal Information Sheet:

**Return this form with the enclosed yellow questionnaire in the enclosed postage pre-paid envelope immediately or via email at: [jury@co.tuscarawas.oh.us](mailto:jury@co.tuscarawas.oh.us)**

## Personal Information Sheet *Please Print*

Name: \_\_\_\_\_ Annual No.: \_\_\_\_\_

Address: \_\_\_\_\_ Service/Juror No.: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

1. Address – **only fill in if different from address listed on the paperwork you received:**

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Mailing address if different from above or P.O. Box

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

### For Court Use Only:

2. Home Telephone \_\_\_\_\_

Hours you can be reached at home \_\_\_\_\_

3. Work/Business Telephone \_\_\_\_\_ Hours you can  
be reached at work \_\_\_\_\_

4. Cell Phone\* \_\_\_\_\_  
Hours you can be reached on your cell phone \_\_\_\_\_

5. Other telephone numbers where messages can be conveyed to you and the name of the party to contact.  
\_\_\_\_\_

6. In case of a medical emergency while you are serving on jury duty, Name(s), Relationship and Telephone numbers of individual(s) to contact.  
\_\_\_\_\_

7. Name and Telephone number of doctor to be contacted.

Doctor's Name \_\_\_\_\_

Telephone \_\_\_\_\_

\* If you do not wish to receive automated electronic jury service notifications via text message or cell phone, you must call the Clerk of Courts office at 330-365-3243. If you do so, please provide your cell number in case the Court needs to call you.

Personal Information Sheet for Web 1/2/2018

Court of Common Pleas, General Trial Division Tuscarawas  
County, Ohio

**Juror Questionnaire**

Read this before answering: All information on this form may be publicly disclosed. If you believe your privacy interests will be compromised by answering any of the following questions, you may leave the response blank and once you are in a courtroom, request an in-camera conference on the record with

1. Name \_\_\_\_\_ Juror # \_\_\_\_\_ Age \_\_\_\_\_
  
2. Education – Completed: Indicate completion by “X” or if uncompleted indicate years attended  
 Grade School                       High School  
 College                                       Graduate/Professional School
  
3. Your Occupation and Employer \_\_\_\_\_ (If retired, write “retired” and give last occupation and employer)
  
4. Are you married:     Yes     No
  
5. List members of your family living with you:  
Name                                      Relationship                                      Age  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
6. Have you, or any member of your family listed above, sued or been sued?  
 Yes     No  
If “yes”, complete the following:  
Type of Lawsuit \_\_\_\_\_ Court: \_\_\_\_\_
  
7. Have you ever served as a juror prior to this term?  Yes  No    (If “yes”, when, which court and type (civil or criminal) of case)  
\_\_\_\_\_  
\_\_\_\_\_

8. Are you related to, or a close friend of, any law enforcement officer?

Yes  No (If “yes”, please identify)

---

---

9. Have you ever been convicted of a felony?  Yes  No If your answer is yes, have you completed your sentence?  Yes  No

10. Is there any other information that you wish to share with the court or attorneys concerning your ability to serve as a fair and impartial juror?

---

---

---

**Please note:**

**Completing this form does not excuse you from jury service. Only a judge or designated court employee can grant an excusal from or postponement of jury service after a request for excusal or postponement is submitted to the Clerk of Courts. You must appear as summoned for jury duty unless you receive an excuse or postponement prior to your service date.**

Dated: \_\_\_\_\_

Signature: \_\_\_\_\_



**JURY QUESTIONNAIRE**

Name: \_\_\_\_\_ Juror# \_\_\_\_\_  
(Please Print)

You have been summoned for Jury service in a criminal case alleging that the Defendant, on June 2, 2016, near Mineral City, Ohio in Tuscarawas County committed the following crimes:

- Attempted Murder, Kidnapping and Rape** of an eleven (11) year old boy

The Court appreciates your answering the following questions:

1. Have you gained prior knowledge of this case from print, radio or broadcast (TV) media?

(Circle Answer) YES NO

2. If your answer to 1 is Yes, which media source provided this information?

(Name of newspaper, radio or TV station)

\_\_\_\_\_

3. Have you done an internet search for information about this case?

(Circle Answer) YES NO

4. If your answer to 3 is Yes, please explain briefly what information you discovered from your search?

5. Do you believe that you know or are acquainted with the alleged child victim and/or his family?

(Circle Answer) YES NO

6. If your answer to 5 is Yes, please explain how you know or are acquainted with the alleged child victim and/or his family.

7. Do you know any of the following law enforcement officers and/or witnesses who will testify in the case?

**Law Enforcement Officers (Circle your choices)**

Orvis Campbell, Tusc. County Sheriff

Mike Snider, Tusc. County Deputy

Ryan Hamilton, Tusc. County Deputy

Adam Fisher, Tusc. County Deputy

Phil Valdez, Tusc. County Deputy

Jeff Moore, Tusc. County Detective

Jason Peters, Dover Police Department

Cathy Bickford, Tusc. County Detective

**Non- Law Enforcement Witnesses (Circle your choices)**

Francis Haney

Narali Patel, M.D. Akron Children=s Hospital

Louis Gonzales

Aaron P. Garrison, M.D., Akron Children=s Hospital

Maria F. Bonvechio

Natasha Collia, M.D., Akron Children=s Hospital

Louis Helwig, III

Paul McPherson, M.D., Akron Children=s Hospital

Cheryl Sleutz

David M. Ross, Scientist from BCI-Richfield

John Weber

David M. Miller, Scientist from BCI-Richfield

8. If your answer(s) to 7 is/are Yes, please briefly explain your relationship.

Thank You

Judge Edward Emmett O'Farrell

2/13/20

# APPENDIX E

## **Jury Demographic Information Surveys**

**DEMOGRAPHICS SURVEY**  
**FRANKLIN COUNTY MUNICIPAL COURT**  
**JURORS**

The Franklin County Municipal Court, Jury Commission is conducting a survey of the jury pools to determine if they are representative of the population of Franklin County. Your answers will in no way affect your ability to be impaneled on a jury. All answers will be used only for legitimate research purposes and to determine if there is a need for change in the way jurors are drawn for service in Franklin County.

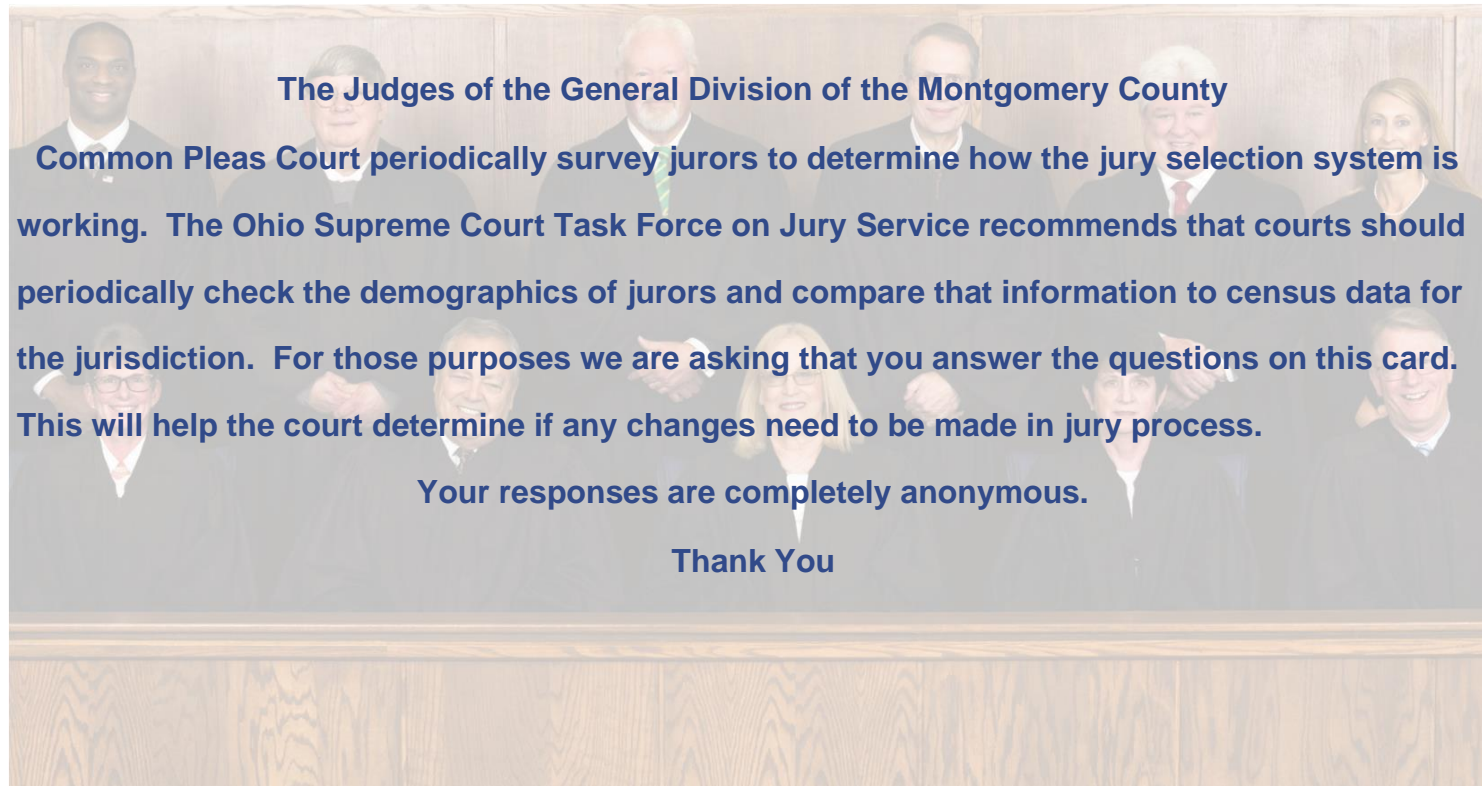
**THESE FORMS WILL BE DESTROYED AFTER THEY HAVE BEEN ENTERED IN A SECURE DATABASE.**

1. Your highest education level:
- |                             |                          |   |
|-----------------------------|--------------------------|---|
| Some high school            | <input type="checkbox"/> | 1 |
| High school diploma or GED  | <input type="checkbox"/> | 2 |
| Some college                | <input type="checkbox"/> | 3 |
| Vocational/technical school | <input type="checkbox"/> | 4 |
| College degree              | <input type="checkbox"/> | 5 |
| Some graduate work          | <input type="checkbox"/> | 6 |
| Graduate degree             | <input type="checkbox"/> | 7 |
2. Your age: \_\_\_\_\_
3. Gender: Male 1 Female 2
4. Marital status: Single 1 Married 2 Widowed 3 Divorced 4 Separated 5
5. Employment status: Employed 1 Unemployed 2 Self-employed 3 Retired 4
6. Race / Ethnicity (Check one only)
- |                                 |                          |   |
|---------------------------------|--------------------------|---|
| African-American/Black          | <input type="checkbox"/> | 1 |
| Asian-American/Pacific Islander | <input type="checkbox"/> | 2 |
| Hispanic/Latino                 | <input type="checkbox"/> | 3 |
| Other                           | <input type="checkbox"/> | 4 |
| White                           | <input type="checkbox"/> | 5 |
7. How many times have you **REPORTED** for jury service in Franklin County in the past five years? **INCLUDE TODAY.** 1 2 3 4 5
8. What is your zip code? \_\_\_\_\_

**\*PLEASE PRINT YOUR LAST NAME AND YOUR BARCODE NUMBER (ON YOUR BADGE)**

LAST NAME \_\_\_\_\_ BADGE NUMBER \_\_\_\_\_

MONTGOMERY COUNTY COMMON PLEAS DEMOGRAPHIC SURVEY:



**JUROR DEMOGRAPHIC INFORMATION**

1. What is your Zip Code? \_\_\_\_\_
2. What is your age?  18-20  21-29  30-39  40-49  50-59  60-69  70 or over.
3. Are you?  Male  Female
4. Are you Hispanic or Latino origin?  Yes  No
5. Which of the following categories best describe you? *(you may choose more than one category)*  
 American Indian  Alaskan Native  Asian  African American  Native Hawaiian  Pacific  
Islander  Caucasian  Other *(please specify)*
6. What is your annual income?  less than \$10,000  \$10,001 to \$20,000  \$20,001 to \$30,000   
 \$30,001 to \$40,000  \$40,001 to \$50,000  \$50,001 to \$75,000  More than \$75,000

# APPENDIX F

## **Jury Panel/Pool Management Forms**

LUCAS COUNTY COMMON PLEAS COURT JURY ORDERS MANUAL TRACKING FORM:

JURY ORDERS/TRACKING

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

Courtroom _____ Civil <input type="checkbox"/> Regular <input type="checkbox"/> _____ Criminal <input type="checkbox"/> Large <input type="checkbox"/> _____ Disposition Case # _____ Caption _____ Time: _____	<b>Status</b> Out <input type="checkbox"/> Used <input type="checkbox"/>	<b>Voir Dire</b> Start _____ End _____	<b>Jurors</b> Taken____ Used____
Courtroom _____ Civil <input type="checkbox"/> Regular <input type="checkbox"/> _____ Criminal <input type="checkbox"/> Large <input type="checkbox"/> _____ Disposition Case # _____ Caption _____ Time: _____	<b>Status</b> Out <input type="checkbox"/> Used <input type="checkbox"/>	<b>Voir Dire</b> Start _____ End _____	<b>Jurors</b> Taken____ Used____
Courtroom _____ Civil <input type="checkbox"/> Regular <input type="checkbox"/> _____ Criminal <input type="checkbox"/> Large <input type="checkbox"/> _____ Disposition Case # _____ Caption _____ Time: _____	<b>Status</b> Out <input type="checkbox"/> Used <input type="checkbox"/>	<b>Voir Dire</b> Start _____ End _____	<b>Jurors</b> Taken____ Used____
Courtroom _____ Civil <input type="checkbox"/> Regular <input type="checkbox"/> _____ Criminal <input type="checkbox"/> Large <input type="checkbox"/> _____ Disposition Case # _____ Caption _____ Time: _____	<b>Status</b> Out <input type="checkbox"/> Used <input type="checkbox"/>	<b>Voir Dire</b> Start _____ End _____	<b>Jurors</b> Taken____ Used____
Courtroom _____ Civil <input type="checkbox"/> Regular <input type="checkbox"/> _____ Criminal <input type="checkbox"/> Large <input type="checkbox"/> _____ Disposition Case # _____ Caption _____ Time: _____	<b>Status</b> Out <input type="checkbox"/> Used <input type="checkbox"/>	<b>Voir Dire</b> Start _____ End _____	<b>Jurors</b> Taken____ Used____
Courtroom _____ Civil <input type="checkbox"/> Regular <input type="checkbox"/> _____ Criminal <input type="checkbox"/> Large <input type="checkbox"/> _____ Disposition Case # _____ Caption _____ Time: _____	<b>Status</b> Out <input type="checkbox"/> Used <input type="checkbox"/>	<b>Voir Dire</b> Start _____ End _____	<b>Jurors</b> Taken____ Used____

\_\_\_\_\_ Number to call in = Number needed/reporting percentage \_\_\_\_\_/.81  
 \_\_\_\_\_ Number of jurors reporting for service

Standard Panel Sizes: Civil Regular – 18 Large – 22 Criminal Regular – 25 Large – 30 Municipal/Probate/Juvenile: 16 -18

LUCAS COUNTY COMMON PLEAS COURT MANUAL DAILY TRANSACTION FORM:

DAILY TRANSACTION RECORD

DATE \_\_\_\_\_

JUDGE \_\_\_\_\_

TIME	CASE TYPE	TRANSACTION	# IN TRANS.	# IN POOL	# IN VOIR DIRE/TRIAL	TOTAL IN SERVICE
		START-UP				

DAILY SUMMARY:

TOTAL IN SERVICE \_\_\_\_\_  
 CARRYOVERS \_\_\_\_\_  
 REPORTING TO POOL \_\_\_\_\_  
 SENT TO VOIR DIRE \_\_\_\_\_  
 VOIR DIRES BEGUN \_\_\_\_\_  
 VOIR DIRES ANTICIPATED \_\_\_\_\_  
 PEAK \_\_\_\_\_

JUROR APPEARANCE RATE:

AVAILABLE TO REPORT \_\_\_\_\_  
 INSTRUCTED TO REPORT \_\_\_\_\_  
 REPORTED \_\_\_\_\_



**JURY PANEL USAGE RECORD**

CASE NUMBER: \_\_\_\_\_ JUDGE: \_\_\_\_\_

CASE TYPE:  CIVIL       CRIMINAL      CHARGE(S): \_\_\_\_\_

<b>EVENTS:</b>	<u>DATE</u>	<u>TIME</u>
• PANEL ORDERED FOR	_____	_____
• PANEL TAKEN TO CRTM.	_____	_____
• VOIR DIRE STARTED	_____	_____
• VOIR DIRE ENDED	_____	_____
• TRIAL STARTED	_____	_____
• TRIAL ENDED	_____	_____

**PANEL USE:**

$$\boxed{\phantom{000}} = \boxed{\phantom{000}} + \boxed{\phantom{000}} + \boxed{\phantom{000}} + \boxed{\phantom{000}}$$

Panel taken To courtroom	Size of jury plus alternates	Challenge for cause	Peremptory challenges	Jurors not sworn or challenged
-----------------------------	---------------------------------	------------------------	--------------------------	--------------------------------------

**CASE DISPOSITION:**

- Tried to verdict
- Settlement/Plea
- Continued
- Other \_\_\_\_\_

Prepared by: \_\_\_\_\_

BUTLER COUNTY COMMON PLEAS COURT JURY MANAGEMENT WORKSHEET:

**BUTLER COUNTY CLERK OF COURTS**

**JURY MANAGEMENT WORKSHEET**

Plaintiff \_\_\_\_\_

-vs-

Defendant \_\_\_\_\_

Judge \_\_\_\_\_ Case Number \_\_\_\_\_

Number of jurors requested \_\_\_\_\_ Estimated days of service \_\_\_\_\_

Jury Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Jury Time \_\_\_\_\_ a.m. / p.m.

**JURY MANAGER PROCEDURES**

- Name of JuryView clerk completing this worksheet \_\_\_\_\_
- Jury confirmed \_\_\_\_\_ (name of court personnel) \_\_\_\_\_
- Complete the Panel Scheduling in JuryView
- Print the Courtroom Worksheet in alphabetical order
- Hand write "Date: \_\_\_\_\_" on the Courtroom Worksheet
- Print 5 copies of the Courtroom Group
- Assemble the Juror questionnaires in order of the Courtroom Group and make 5 copies.
- Assemble 5 packets of the Courtroom Group and the questionnaires to distribute as follows: two for Attorneys, one for the Judge, one for the Bailiff, and one for the Jury Trial Clerk. Each packet should be labeled.
- Assemble the sign-in packet for the Bailiff with 5 additional copies of the Courtroom Worksheet for each additional day of the trial.
- Assemble the Jury Trial Clerk clipboard to include: a copy of the Courtroom Group, the questionnaires, a copy of the Courtroom Worksheet dated for the first day of the trial, and \_\_\_\_\_ attendance vouchers and juror parking passes.

- Place the message on the Jury phone line to call the jurors that are listed on the Courtroom Panel in numerical order.

**LEGAL DIVISION JURY TRIAL CLERK PROCEDURES**

- The following Jury Clerk is assigned to this trial and has been given the jury trial clipboard. \_\_\_\_\_
- Time and date clipboard was given to Jury Clerk \_\_\_\_\_
- Jury Trial Clerk: record the first day of juror attendance from Courtroom Worksheet Date served \_\_\_\_\_
- JuryView Clerk record of daily juror attendance:
 

Date served: _____	Date entered in JuryView _____
Date served: _____	Date entered in JuryView _____
Date served: _____	Date entered in JuryView _____
Date served: _____	Date entered in JuryView _____
Date served: _____	Date entered in JuryView _____
Date served: _____	Date entered in JuryView _____
Date served: _____	Date entered in JuryView _____
Date served: _____	Date entered in JuryView _____
Date served: _____	Date entered in JuryView _____
Date served: _____	Date entered in JuryView _____
Date served: _____	Date entered in JuryView _____
- Verify that this jury is closed.
- List the actual number of days jurors were seating during the trial \_\_\_\_\_
- Number of jurors seated \_\_\_\_\_ Number of alternates \_\_\_\_\_
- Input jury payment information.
- Forward the Voucher List, Jury Management Worksheet, Courtroom Juror Status, and the daily sign in sheets to the scanning department.

Jury Manager signature: \_\_\_\_\_

Date Voucher List was sent to the Auditor: \_\_\_\_\_

APPENDIX G

**Juror Exit Questionnaires**

JUROR EXIT SURVEY

Please take the time to respond to this survey. Your answers and opinions will assist us in monitoring our jury management system and to identify areas for improvement. **DO NOT SIGN YOUR NAME. ALL RESPONSES ARE VOLUNTARY AND CONFIDENTIAL.**

- 1. Have you been called for jury service at this court prior to this term?  Yes  No  
If yes, indicate the number of times previously called: \_\_\_\_\_ times
- 2. During this period of service, how many times did you report to the courtroom for the jury selection (voir dire) process? \_\_\_\_\_ times
- 3. Were you seated as a trial juror?  Yes  No
- 4. Did you find the questioning of jurors by attorneys hard to understand or difficult to tolerate?  Yes  No
- 5. Did you understand the law as explained by the Judge?  Yes  No
- 6. Did the Judge appear fair and impartial?  Yes  No
- 7. Should the Judge have done anything differently?  Yes  No

Please specify: \_\_\_\_\_

- 8. Were you paid by your employer during jury service?  Yes  No
- 9. Did you lose income as a result of jury service?  Yes  No
- 10. Did you have contact with the jury commissioners prior to or during your term of jury service?  Yes  No
- 11. If yes, were your questions or concerns answered?  Yes  No

- 12. How would you describe your contact with the Jury Commissioners?  
 Efficient       Inefficient       Friendly       Unfriendly  
 Professional       Unprofessional       Other: \_\_\_\_\_

- 13. How were you greeted when you appeared for jury duty?  
 Professionally       Unprofessionally       With courtesy       Lack of courtesy  
 Friendly       Unfriendly       Other: \_\_\_\_\_

- 14. Did you have contact with the Clerk’s Office?  Yes  No  
1. Was it helpful?  Yes  No  
2. If not, please specify: \_\_\_\_\_

- 15. How would you rate the following:

1 - Excellent	Video-tape orientation (online)	_____
2 - Good	Written orientation materials	_____
3 - Adequate	Treatment by court personnel	_____
4 - Poor	Personal safety	_____
	Physical comforts	_____
	Scheduling of your time	_____

**- PLEASE CONTINUE ON REVERSE SIDE-**

16. Was jury service meaningful to you?  Yes  No

Why? \_\_\_\_\_  
\_\_\_\_\_

17. What impressed you most about your jury service? \_\_\_\_\_  
\_\_\_\_\_

18. What disappointed you most about your jury service? \_\_\_\_\_  
\_\_\_\_\_

19. In what ways can we improve jury service at the Delaware Municipal Court? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

20. Would you use an online system to complete and return your juror questionnaire, if it were available?  Yes  No

**OPTIONAL STATISTICAL INFORMATION:**

Age: (circle) 18-20 21-30 31-40 41-50 51-60 61-70 Over 70

Gender: (circle) Female Male

Race: \_\_\_\_\_

Educational Level: (circle the highest number of years completed)

Elementary and High School  
1 2 3 4 5 6 7 8 9 10 11 12

College  
1 2 3 4

Graduate School  
1 2 3 4 5 6

Occupation: \_\_\_\_\_

Please take the time to respond to this survey. Your answers and opinions will assist us in monitoring our jury management system and to identify areas for improvement. **DO NOT SIGN YOUR NAME. ALL RESPONSES ARE VOLUNTARY AND CONFIDENTIAL.**

19. Have you been called for jury service at this court prior to this term?  Yes  No  
If yes, indicate the number of times previously called: \_\_\_\_\_ times

20. During this period of service, how many times did you report to the courtroom for the jury selection (voir dire) process? \_\_\_\_\_ times

21. Were you seated as a trial juror?  Yes  No

22. Did you find the questioning of jurors by attorneys hard to understand or difficult to tolerate?  Yes  No

23. Did you understand the law as explained by the Judge?  Yes  No

24. Did the Judge appear fair and impartial?  Yes  No

25. Should the Judge have done anything differently?  Yes  No

Please specify: \_\_\_\_\_

26. Were the number of breaks adequate?  Yes  No

27. Were the lunch breaks adequate?  Yes  No

28. Were the refreshments adequate?  Yes  No

29. Were jury deliberations  
1. Too long?  Yes  No  
2. Confusing?  Yes  No  
3. Other? Please specify: \_\_\_\_\_  Yes  No

30. Were you paid by your employer during jury service?  Yes  No

31. Did you lose income as a result of jury service?  Yes  No

32. Did you have contact with the jury commissioners prior to or during your term of jury service?  Yes  No

33. If yes, were your questions or concerns answered?  Yes  No

34. How would you describe your contact with the Jury Commissioners?  
 Efficient  Inefficient  Friendly  Unfriendly  
 Professional  Unprofessional  Other: \_\_\_\_\_

35. How were you greeted when you appeared for jury duty?  
 Professionally  Unprofessionally  With courtesy  Lack of courtesy  
 Friendly  Unfriendly  Other: \_\_\_\_\_

36. Did you have contact with the Clerk's Office?  Yes  No  
a. Were they helpful?  Yes  No  
If not, please specify: \_\_\_\_\_

37. How would you rate the following:

- |               |                                 |       |
|---------------|---------------------------------|-------|
| 1 - Excellent | Video-tape orientation (online) | _____ |
| 2 - Good      | Written orientation materials   | _____ |
| 3 - Adequate  | Treatment by court personnel    | _____ |
| 4 - Poor      | Personal safety                 | _____ |
|               | Physical comforts               | _____ |
|               | Scheduling of your time         | _____ |

38. Was jury service meaningful to you?  Yes  No

Why? \_\_\_\_\_

39. What impressed you most about your jury service? \_\_\_\_\_

40. What disappointed you most about your jury service? \_\_\_\_\_

41. After having served as a juror, what is your impression of jury service?

- The same as before, favorable.
- The same as before, unfavorable.
- More favorable than before.
- Less favorable than before.

24. In what ways can we improve jury service at the Delaware Municipal Court? \_\_\_\_\_

25. Would you use an online system to complete and return your juror questionnaire, if it were available?  Yes  No

**OPTIONAL STATISTICAL INFORMATION:**

Age: (circle) 18-20 21-30 31-40 41-50 51-60 61-70 Over 70

Gender: (circle) Female Male

Race: \_\_\_\_\_

Educational Level: (circle the highest number of years completed)

Elementary and High School  
1 2 3 4 5 6 7 8 9 10 11 12

College  
1 2 3 4

Graduate School  
1 2 3 4 5 6

Occupation: \_\_\_\_\_



LUCAS COUNTY COMMON PLEAS COURT EXIT QUESTIONNAIRE FOR SEQUESTERED JURY  
(2 SIDED)

**JURY EXIT QUESTIONNAIRE**

Your answers to the following questions will assist the Court in monitoring the current operations of the jury system and identifying areas for improvement.

Have you ever been called for jury service before?  Yes  No If yes, how many times? \_\_\_\_\_

<b>Please rate the following:</b>	Poor	Adequate	Good	Excellent
Treatment by Jury Office staff	[ ]	[ ]	[ ]	[ ]
Treatment by Courtroom staff	[ ]	[ ]	[ ]	[ ]
Treatment by Court Security staff	[ ]	[ ]	[ ]	[ ]
Treatment by other Court staff	[ ]	[ ]	[ ]	[ ]
Courtroom/deliberation room comfort	[ ]	[ ]	[ ]	[ ]

Comments on any of the above:

---

---

---

---

---

What suggestions do you have to improve future sequestrations? (keeping realistic financial limitations in mind)

---

- OVER -

After your service, what is your impression of jury service?

- The same as before – favorable
- The same as before – unfavorable
- More favorable than before
- Less favorable than before

Any other comments you would like to make about your experience as a juror:

---

---

---

Optional Information:

Your name: \_\_\_\_\_

Your age:  18 – 20    21 – 30    31 – 40    41 – 50    51 – 60    61 – 70  
 over 70

Your gender:  Male    Female

Did you lose income as a result of your jury service?    Yes    No

**Thank you for taking the time to respond to this questionnaire. The Court is always interested in providing for the best possible jury service experience possible and your feedback is greatly appreciated. THANK YOU!**

**Completed forms may be returned to:**      **Office of the Jury Commissioner**  
**Lucas County Common Pleas Court**  
**700 Adams Street**  
**Toledo, OH 43604**



**JUROR SATISFICATION SURVEY**

Judge \_\_\_\_\_ Date(s) of Service \_\_\_\_\_

In an effort to continually improve jury service, the Common Pleas Court would like to know how you feel about your experience as a juror. Would you please take a few minutes to complete this optional and confidential survey?

1. How many times have you been previously summoned for jury duty? \_\_\_\_\_
2. How many times have you been previously seated as a juror? \_\_\_\_\_

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
3. The directions to parking and the courthouse were helpful.....	0	0	0	0	0
4. The courthouse was comfortable and inviting.....	0	0	0	0	0

**Court Personnel**

5. Jury Services Staff were helpful and courteous prior to your service...	0	0	0	0	0
6. The Security Personnel were helpful and courteous.....	0	0	0	0	0
7. The Courtroom Bailiff was helpful and courteous.....	0	0	0	0	0

**Judge**

8. The Judge was knowledgeable in the application of rules and law.....	0	0	0	0	0
9. The Judge was fair and impartial.....	0	0	0	0	0
10. The Judge was patient, courteous, and communicated well.....	0	0	0	0	0

**Attorneys**

11. The Prosecutor/Attorney for the Plaintiff presented the case well.....	0	0	0	0	0
12. The Attorney for the Defendant presented the case well.....	0	0	0	0	0
13. The Prosecutor/Attorney for the Plaintiff was courteous and effective...	0	0	0	0	0
14. The Attorney for the Defendant was courteous and effective.....	0	0	0	0	0

**Jury Service**

15. The initial orientation prepared me for my duties as a juror.....	0	0	0	0	0
16. The physical comforts and deliberation room furnishings were good	0	0	0	0	0
17. The scheduling of my time was effective and efficient.....	0	0	0	0	0
18. I felt secure and safe while serving.....	0	0	0	0	0
19. Parking was convenient.....	0	0	0	0	0

**Please turn over for additional questions.**



**MONTGOMERY COUNTY**  
COMMON PLEAS COURT - GENERAL DIVISION

**Miscellaneous**

20. Did you lose income as a result of jury service .....Yes  No

21. Did you incur additional expenses..... Child care  Meals  Parking  Other  \_\_\_\_\_

22. Your age.....18-20 21-29 30-39 40-49 50-59 60-69 70+

23. Your gender..... Male  Female

24. Your occupation..... \_\_\_\_\_

25. Your level of education..... Elementary/High School College Graduate School  
1 2 3 4 5 6 7 8 9 10 11 12 1 2 3 4 1 2 3 4 5 6

26. Which of the following describes you best..... American Indian   
(You may choose more than one) Asian   
Black or African American   
Caucasian   
Hispanic or Latino   
Pacific Islander   
Other

27. In which zip code do you live..... \_ \_ \_ \_ \_

28. After having served as a juror, what is your impression of jury service.....  
The same as before – favorable   
The same as before – unfavorable   
More favorable than before   
Less favorable than before

**29. Comments, Questions, Concerns, and Recommendations**

For more information about the Common Pleas Court, please visit [www.montcourt.oh.gov](http://www.montcourt.oh.gov)

Name (Optional) \_\_\_\_\_ Phone Number (Optional) \_\_\_\_\_

## APPENDIX H – CHECKLIST FOR MANAGING A CAPITAL CASE AND THE OATH TO OFFICERS IN CHARGE OF A SEQUESTERED JURY

### PLANNING FOR THE CAPITAL CASE JURY NEEDS

- Obtain information for the jury draw (at least 6 weeks prior to trial date)
  - Judge's name
  - Case caption
  - Case number
  - Defendant's name
  - Date for the trial start
  - What type of panel is the Judge requesting?
    - Special venire (separate administration)
    - Regular draw jurors (no separate administration)
    - Special, to be supplemented by regular jurors, if needed
  - How many jury summons should be sent out for the capital case?
- Obtain information from the courtroom (either the Judge or the courtroom staff may be able to respond)
  - Estimated length of the trial
    - Voir Dire
    - Phase 1 (Guilty/Not Guilty)
    - Phase 2 (Mitigation/Sentencing) – if needed
  - Which courtroom will be used for
    - Introductory remarks by the Judge to entire jury panel
    - Individual voir dire

- General voir dire
- Trial
- What jury selection method will be used?
  - Individual voir dire
    - What will be parameters of voir dire questions?
    - Will this be conducted in open court to accommodate media interest? If yes, will need space for waiting jurors?
  - Small group voir dire
    - What will be parameters of voir dire questions?
    - Will this be conducted in open court to accommodate media interest? If yes, will need space for waiting jurors
  - Traditional (strike and replace)
  - Strike (question large panel and exercise challenges in proceeding held outside of jury presence)
- How many jurors need to be retained after individual voir dire to begin general voir dire?
- How many alternate jurors will be seated?
- Use of a jury questionnaire
  - What will be the format of the questionnaire?
    - Regular
    - Special
  - How will the questionnaire be distributed to the jurors?
    - Send out with the summons
    - Send out separately in advance of the reporting date
    - Give to all jurors upon initial reporting
    - Give only to jurors being retained after *Witherspoon* questioning

- Copying of the questionnaire
  - When will copies be made?
  - Who will make the copies? (staffing issue)
  - How many copies will be made?
  - Who will receive the original? copies?
  - Will the copies be returned to the Court? If yes, when? Who will monitor return?
  - What will be the response to a media request for a copy of the questionnaires?

- Jury Excuse Process

- Who has the authority to excuse jurors?
- Will special jury excuse pretrials be scheduled? If yes, when? Who needs to attend to present jury excuses?
- What documentation should be maintained on the request for a jury excuse and the decision made on the excuse?
- What will be the follow-up for denied excuses?
- What will need to be done with the jurors who fail to appear on the first day of the trial?

- Secure funding for jury needs

- Estimate costs for
  - Extra postage – mailing summons and, possibly, jury questionnaires
  - Juror fees (reminder that jury fees increase after the 10<sup>th</sup> day of service)
  - Food/beverages for the jury during the trial
  - Sequestration costs
    - Lodging for jurors and staff
    - Meals for jurors and staff

- Transportation for jurors between courthouse and hotel
- Overtime costs for personnel, especially security (if provided by the Sheriff, is reimbursement by the Court expected?)
- Prepare explanation re: necessity of incurring expenses
- Discuss costs with funding source (Commissioners and/or County Administrator/Budget Office)
- Budgeting options (must be determined and communicated at time of annual budget preparation)

## **PREPARATION FOR ARRIVAL OF JURORS**

- Determine location where jurors are to assemble
  - Is there proper separation from the parties?
  - Is there proper separation from potential witnesses?
  - Is there proper separation from the media?
  - Will another location be used for the actual trial/jury selection?
- Will additional seating for jurors be needed?
  - If yes, where will additional chairs be obtained?
  - What room set-up is needed?
  - Who will perform set-up and when?
- What accommodations will be made for the capital case jurors?
  - Will beverages (coffee, water) be provided?
  - Will reading material be provided? If yes, who will review to ensure that no improper information is contained in the material?
  - Will separate restroom facilities be made available for exclusive use by jurors?



- What staffing is needed?
  - Will jurors be reporting for other cases? Does this affect staff assignments to the capital case?
  - Who will perform check-in of jurors? (should keep capital case jurors separated from jurors for other cases)
  - Who will maintain the attendance of the jurors?
  - Who will remain with the jurors in the room where jurors are assembled?
  - Who will follow-up on the jurors who failed to appear (if such action is directed by the Judge)?
  - Will a change in the regular work hours for assigned staff be necessary?
  - Will overtime, compensatory time, or a work schedule adjustment be used in the event that a change in regular work hours is needed? Who needs to approve?
  
- What signage, if any, is needed?
  - Is a sign to be used to direct capital case jurors to room used for assembly (use juror numbers or panel numbers, not name of case)?
  - Is a sign needed to restrict access to the area being used by the jurors?
  - Where will signs be posted?
  - Who will put up and take down signs? When?

## **CHECK-IN PROCESS**

- Determine location of check-in area
  - In immediate vicinity of room where jurors will be reporting
  - Sufficient space for all check-in activity
  - Easy access by jurors, including those with mobility limitations
  
- Arrange for set-up of check-in area

- Table/chairs for use by staff during check-in process
- Tables/chairs for use by jurors who need to complete juror information forms
- Cart or other means of distributing/collecting clip boards/questionnaires from jurors
  
- Prepare materials needed at check-in desk
  - Alphabetical list of jurors scheduled to report for the capital case
  - Extra copies of the jury summons/juror information forms (this is the form included in the jury summons to provide juror name, address, and limited other information which is to be complete prior to reporting for service).
  - Pens to be used by jurors for paperwork completion
  - Labels with juror names and numbers (to place on juror information forms to assist with legibility of juror names)
  - Juror badges/badge holders
  - Numbered cards to be used for managing scheduling of individual voir dire
  - Juror questionnaires (distribution at check-in if all reporting jurors are to complete the questionnaire)
  - Clip boards for use by jurors in completing questionnaires in the room used to assemble the jurors
  
- Check-in Process
  - Collect juror information form from juror
  - Write the number from the card on the clip board on the juror information form
  - Provide clip board with number card, questionnaire, pen, jury badge holder to the juror
  - Instruct the juror to wear the jury badge at all times while in the courthouse, have a seat in the room being used for assembly and complete the questionnaire. The questionnaires will be collected from the jurors by staff.

- In the assembly room, staff directs jurors to a specific seat (maintaining jurors in the order in which they checked in for service)
- If a line develops, make an announcement that everyone should have their juror information form ready to be turned in and, if the form has not yet been completed, step to one of the side tables to complete the form.
- Jurors indicating a problem at the time of check-in should be advised that they must go through the check-in process and that they will have the opportunity to explain their problem to the Court at a later time. If the problem is of a critical nature that will obviously impact their ability to remain through individual voir dire (i.e., funeral of immediate family member that afternoon), use the procedure previously set up with the Judge for the review and determination of such excuses.
- Either through the assistance of another staff person or as time permits, place the labels with the names and juror numbers on each juror information form. Keep the information forms in the check-in order (number written on each form to coincide with the numbered card given to the juror at the time of check-in).
- Collect the completed jury questionnaires, along with the clip boards and the pens.

## **USE OF JURY QUESTIONNAIRES**

- Determination regarding use of jury questionnaire
  - Judge will make decision whether or not a special jury questionnaire will be used for the capital case
  - Judge will generally permit input from counsel on the content of the questionnaire
  - Timing on decision to permit special jury questionnaire approval of content and preparation of the form must take plan for distribution into account (see next)
- Design of Questionnaire
  - Limit questions to what is relevant to the specific case and questions that are not routinely asked during voir dire

- Incorporate area for use by staff in organizing the questionnaires (i.e., the check-in number of each juror) and for communication with the jurors (home, work and cell phone numbers)
- Include notice required by R.C. 2313.18 regarding public disclosure of questionnaire responses and option for juror to leave a question blank, with request for a hearing.
- Print questionnaires on one-sided paper rather than duplexing to make copying less burdensome and time consuming.
  
- Decision regarding distribution of special jury questionnaires
  - Send out with summons for jury service
    - will need questionnaire at least 4 weeks before trial
    - will questionnaires be returned prior to the trial date or will jurors bring them to the courthouse when reporting for service?
    - if jurors are returning questionnaires prior to the trial date
      - will a postage-paid return envelope be provided?
      - what is the due date?
      - what follow up is expected if a questionnaire is not returned by the due date?
  
  - Send out separately from summons
    - will need questionnaire 2 – 4 weeks before trial
    - will questionnaires be returned prior to the trial date or will jurors bring them to the courthouse when reporting for service?
    - if jurors are returning questionnaires prior to the trial date
      - will a postage-paid return envelope be provided?
      - what is the due date?
      - what follow up is expected if a questionnaire is not returned by the due date?

- Give to all jurors upon initial reporting
  - will need questionnaire a few days before trial
  - follow procedures outlined for check-in process
- Give only to jurors being retained after *Witherspoon* questioning
  - will need questionnaire a few days before trial
  - Court staff give questionnaire to juror being retained, provide location for juror to complete questionnaire, and collect completed questionnaire before juror departs
- Questionnaires copied for authorized use (see material above in "Planning for Capital Case Jury Needs" )
  - Need to be given priority use of a copier which has copy, collate, and staple capabilities
  - Need to keep questionnaires in order
  - Court needs to be aware of how long it will take to copy questionnaires if forms are needed prior to start of individual voir dire (give priority to copying of questionnaires of first 5 – 10 jurors – can continue copying remaining questionnaires while Court conducts voir dire of first group of jurors)

## **ARRANGEMENTS FOR INDIVIDUAL VOIR DIRE**

- What room will be used for individual voir dire
  - Must be large enough for those who will attend the individual voir dire
  - Must be convenient to where the jurors are assembled
- Who will attend the individual voir dire
  - Judge
  - Prosecutor(s)
  - Defense attorneys
  - Defendant

- Judicial Assistant/Bailiff
- Court Reporter
- Security Personnel
- Media
- If the Media will be covering the individual voir dire
  - Use of Courtroom for individual voir dire is recommended
  - Media order needs to be clear regarding the restrictions on photographing of jurors and broadcasting the voices of jurors
- A secondary room for the assembly of the jurors waiting for individual voir dire will be needed
  - Large enough to be comfortable for the number of jurors waiting
  - Restroom facilities available, preferably within the secured space of the waiting area
  - May need staff assigned to the room to monitor jurors who are waiting
  - Provide juror comforts to minimize movement from the space (i.e., reading material which has been screened, beverages, possibly snacks)
  - May need to take secured smoke breaks for waiting jurors
- Jurors must be instructed at the conclusion of their individual voir dire
  - Juror is excused
    - from all further service
    - from only this case, with instructions regarding continuing jury service
    - be prepared to provide juror with documentation of their service (may be needed by the juror's employer)
    - note excused status on attendance record
  - Juror retained for general voir dire

- prepare written instructions to be given to each juror at conclusion of their individual voir dire
  - date, time, place to return for general voir dire
  - may set up call-in system to give jurors further reporting instructions if timing for general voir dire is unknown/uncertain
  - include admonition regarding prohibition on discussion of case with others, exposure to media coverage, independent research
  - advise juror that any and all concerns should be immediately reported to the Court
  - Judge may want to consider juror as continuing to be on active jury duty during the “down time” between their individual voir dire and the general voir dire. Will need to determine ability of jurors to attend work, school, to other personal business. If there are restrictions, jurors should be paid as if they reported to the courthouse.
- note status on attendance record

## **JUROR ATTENDANCE**

- If a special venire is used, need to track all jurors drawn for the case
  - Jurors requesting an excuse from service prior to the trial date
    - Excuse granted – document reason and end service
    - Excuse denied – contact juror with information that must report
  - Jurors requesting postponement – if meet requirements for statutory entitlement, remove juror from the special venire and set for agreed upon date
  - Jurors – no contact prior to expected appearance for service
    - Juror appears
      - Document attendance
      - Tracking form may be used to assist with attendance record, particularly during phases of voir dire

- Juror fails to appear
  - What does the Judge want for follow-up, if any?
  - If directed to make contact, what information is available on the juror to assist with contact? Address? Telephone number? Employer? – A lack of information will reduce the ability to quickly contact the juror
  - Contacted jurors will need to be instructed on when and where to report for service. Will also need to plan for a second check-in process.

Track jurors at every stage

- Individual voir dire
  - Excused – document all time juror was present and reason excused
  - Retained – to attend general voir dire
- General voir dire
  - Excused – document all time juror was present and reason excused
  - Seated
- Seated trial jurors
  - Regular juror
  - Alternate juror (pursuant to Criminal Rule 24 (G)(2), alternate jurors may be retained during deliberation and substituted if a regular juror is excused from the case)
- Jurors excused/dismissed during trial – document reason

Attendance record used for juror pay and documentation of service

- Days/Half-Days served
- Record when excused/dismissed
- Compensation rate must be increased after 10 days of service



## SEQUESTRATION ISSUES TO REVIEW WITH JUDGE

- 6 – 8 Weeks Prior to Trial
  - Inquire as to estimated length of the trial
  - Inquire as to estimated length of each phase of the trial
  - Inquire into anticipated break, if any, between the phases
  - Review basic needs to schedule lodging, transportation, food service, staffing on notice
  
- 4 – 6 Weeks Prior to Trial
  - Inquire as to more precise timetable for the trial
  - Inquire as to anticipated break, if any, between the phases
  - Inquire as to initial orientation/introduction process for jurors
  - Inquire as to individual voir dire process
  - Inquire as to juror management parameters (i.e., if jurors will be permitted to consume alcohol while sequestered, possible activities if there is downtime during sequestration)
  - Inquire as to any special security issues
  
- 1 Week Prior to Trial
  - Review the plan for sequestration
    - Anticipated timetable
    - Place of lodging – contact with more precise dates
    - Method of transportation
    - Food service arrangements
    - Staffing levels
    - Role of the courtroom Bailiff

- Placement of alternates during deliberation
- Process for emergency contact with Judge during sequestration
  
- During the Trial
  - Inquire into pertinent information concerning the seated jurors
  - Confirm timetable for the trial – request that time closing arguments and instructions to permit jury deliberations to begin as early in the day as possible
  - Frequent contact with the Judge is needed to insure that all needs are anticipated and met

## **PREPARATION FOR SEQUESTRATION IN ADVANCE OF THE TRIAL**

- 6 - 8 Weeks Prior to Trial
  - Meet with the trial Judge re: time frames and concerns
  - Lodging – inquire into available and adequate facilities/services from area hotels
    - Availability during projected sequestration dates
    - Lay-out of space meets security needs for sequestration
    - Willingness to adjust telephones and televisions in rooms
    - Willingness to permit cancellation with at least 24 hour notice
    - Price
    - Availability of on-site food service
  - Transportation – inquire into availability of needed vehicles to transport jury on jury view and between the hotel and the courthouse during sequestration
    - Vehicle(s) with sufficient room for all jurors and escort personnel
    - Check with County Risk Management on insurance issues prior to rental – may affect number of vehicles needed and cost

- Accommodate possibility of jurors with mobility issues
- Availability during projected dates of sequestration – cannot guarantee pick-up and return dates
- Cost per day for vehicle rentals
- May need Purchase Order or contract
- Restaurant/Food Service - Inquire into available and adequate facilities/services from area restaurants
  - Meal service for breakfast, lunch and/or dinner
  - Separate room for exclusive use for jury preferred
  - Service must be efficient – buffets should be considered
  - Restaurants willing to deliver to the courthouse should be identified
  - Cost of meals must be within the established budget
  - Restaurants must be willing to bill for services unless the Court has access to a credit card for such expenses
- 4 – 6 Weeks Prior to Trial
  - Meeting with trial Judge, Prosecutor and Defense Counsel
    - Obtain general information about trial schedule
    - Identify special security issues
    - Identify level of media interest in the case
    - Identify lodging to be used by witnesses for the state and defense
  - Lodging – personal visits to area hotels for final selection of sequestration location
    - Do not disclose hotel to be used for sequestration except on need to know basis
    - Avoid use of same hotel being used for State or defense witnesses

- Secured parking for the jurors is needed

- Transportation – reserve vehicle(s) needed – may require Purchase Order or Contract approval

- Restaurants/Food Service – compile a list of sit-down and delivery restaurants which may be used during trial (if juror movement is restricted) and during sequestration

- 2 Weeks Prior to Trial

- Familiarization with case and participants

- Prepare forms and other documents

- Prepare staffing schedule (Court Deputies, Uniformed Deputies, possibly the Courtroom Bailiff)

- Meet with all staff to review sequestration and security plans

- Prepare plan to accommodate alternates in a secured and comfortable waiting area in the courthouse while regular jurors are deliberating

- Prepare plan for possible “down time” with the jury

- 1 Week Prior to Trial

- Verify all prior arrangements

- Meet privately with the trial Judge to review security, arrangements for juror lodging, transportation, food service, emergency situations, and overall plan for sequestration

- Meet with supervisor for Uniformed Deputies regarding plan review and officer staffing schedules

## JURY MANGEMENT DURING THE TRIAL

- Higher than usual visibility of trial
  - Planning, preparation, and performance is critical
  - Weaknesses or failures negatively impact public trust and confidence in the Court
  - Communication among staff and with jurors is a critical issue
  
- Get to know the Jurors
  - Starts with pretrial contact with jurors with jury office and/or at check-in – communicate any observations/experiences to courtroom/security personnel to assist with jury management
  - Listen during voir dire to learn more about juror’s backgrounds
  - Courtroom personnel may consider review of questionnaires of seated jurors to gain more insight into the jurors they will be managing
  - CRITICAL – must properly balance being professional and friendly**
    - must not be abrupt or impatient with jurors
    - must be approachable
    - must maintain authority and dignity of the court
    - being overly friendly is not advised – watch the chit chat or sharing personal information with jurors
    - failure to maintain proper balance may lead to issues that result in a mistrial
  
- Evaluate the Group Dynamics
  - Is one of the jurors the “leader” – asking questions on behalf of the other jurors, someone the other jurors turn to for guidance?
  - Is there tension between any of the jurors?
    - Tension can be subtle or openly displayed through comments/body language
    - Possible impact on deliberations and sequestration

- Are jurors well organized?
  - In court and ready on time each day?
  - Process of entering the courtroom and the jury box
  - Can signal how deliberations will proceed

- Be aware of juror stress

- Change of their daily lives and the content of the trial will likely cause stress for the jurors
- Remember – they cannot speak with anyone about what they are experiencing – not even other jurors – if it involves anything about the case
- Will likely observe a change in the demeanor of the jury during the course of the trial, deliberation, and sequestration

- Anticipate Special Needs of Jurors

- Isolation of any of the jurors – i.e., don't go out to lunch with the other jurors – can you make them more comfortable by providing a secure place in the courthouse for them to have lunch (remember, it may be a financial issue for a juror to go out to eat rather than a social issue)
- Emotionally fragile jurors – i.e., cries during testimony – try to calm the juror as much as possible – may want to signal the Judge to take a break
- Jurors with young children – may reduce their stress and help their attention to the trial if can volunteer to have the children make contact with court personnel when they arrive home from school or at other designated times during the day
- Medical needs of jurors – i.e., diabetic juror needs to eat or have a snack at a particular time each day – help remind the Judge to break at the necessary times – be discrete so as not to bring attention to the juror's situation
- Other needs identified through getting to know the jurors

- Increased awareness of possible use of technology by jurors

- Listen for any references to blogging, Facebook, twitter, etc.
- Consider policy to take cell phones from jurors while in the courthouse in trial – avoid accessing internet
- Consider the admonition developed by the Ohio State Bar Association which incorporates language relating to technology

**Security Related Issues**

**Parking**

- Secured parking is best option. Reserved parking in attended public lot is acceptable.
- Keeps jurors together and helps to avoid tardy jurors due to inability to locate parking
- Escort jurors to and from cars each day during trial to avoid any issues with jury tampering or improper communication

**Breaks**

- Consider providing jurors with beverages and snacks during trial to minimize juror movement in the courthouse
- If jurors are not “semi-sequestered” during trial, ensure a security presence in all areas of the courthouse where the jurors may go (snack bar, restrooms, etc.)
- Provide separate area for trial jurors to smoke to avoid contact with public and parties – should escort jurors during this break

**Security Plan**

- Movement of the defendant must be controlled to avoid jurors seeing the defendant in restraints
- Contingency plan in the event of a disturbance in the courtroom in front of the jurors, in the courtroom/courthouse outside of the direct observation of the jurors, protestors insider or outside of the courthouse, weather related issues (evacuation plans specific to the jury)
- Additional security added to the courtroom should be low-key to avoid any potential issues regarding creating bias – the least obtrusive means to have the proper level of security is best

- Consider draping both the defense and prosecution tables in the courtroom prior to the beginning of the trial. In the event that the defendant needs to be shackled at some point in the trial, can be accomplished without it being obvious to the jury
- Review the Court's regular security plan and adjust as needed for the particular concerns on the capital case

## **PRE-SEQUESTRATION**

- During the Trial Prior to Sequestration
  - Familiarization with the jurors
  - Arrange for Oath to Officers of a Sequestered Jury
  
- Day Prior to Sequestration
  - Contact hotel with final time projections
  - Pick up transportation vehicles
  - Meet with jurors
    - Explain sequestration process and distribute written guidelines for sequestration
    - Explain transportation to Court the next day
    - Distribute Juror Information Forms and explain reason the information is needed
  - Assignment of rooms to jurors/documentation
  - Make specific arrangements for location of alternate jurors during deliberation
  - Notifications of all arrangements and anticipated timetable to court security personnel, uniformed deputies, and Court Administrator



## EXPECTED FIRST DAY OF SEQUESTRATION/FOLLOWING DAYS OF SEQUESTRATION

- Court Deputies assigned to transportation vans
  - Meet jurors at designated parking area at hotel
  - Jurors will leave luggage locked in their vehicles
  - Collect juror information forms
  - Transport jurors from hotel to courtroom
  
- Discuss tentative schedule for the day with the trial Judge
  
- Make tentative arrangement for juror meal(s)
  
- Make plans for juror breaks
  - Beverages/snacks
  - Secured area for jurors to smoke
  
- Prepare map of hotel floor and assign rooms
  
- Make personal contact with the hotel
  - Verify that all rooms to be used by jurors have been properly prepared (television and telephone disabled)
  - Obtain room keys
  - Update hotel contact on tentative schedule for arrival
  - Obtain after-hours number for hotel contact person

## MANAGING JURORS DURING SEQUESTRATION

- Arrive with jurors at hotel
  - Jurors retrieve luggage from their cars
  - Escort jurors to floor/corridor where rooms are located
  - Assign rooms and distribute keys to jurors and staff
  - Review sequestration procedures with jurors and staff
    - emergency situations
    - movement of jurors
      - jurors not permitted in hotel rooms of other jurors
      - accommodation for jurors who smoke
    - use of community room
    - meal schedule and menu selections for breakfast
    - preparations for the next day
      - wake-up time
      - breakfast time
      - pack luggage and move it to secured room
      - time to depart for court
  - Security escorts jurors to their respective rooms and conducts a security check of their luggage (i.e., reading material, alcohol, electronic devices)
- Restrictions on juror communications
  - Use of community room for making monitored telephone calls
  - No visitors (for jurors or staff)

- No contact by jurors with hotel personnel (except for food service personnel during escorted meals)
- Immediate notification to security personnel in the event of an improper contact
  
- Meals during sequestration
  - Separation from other diners (private room for jurors preferred)
  - Consider pre-ordering meals prior to arrival at restaurant by providing menus to jurors in advance for meal selection
  - Clearly indicate any cost restrictions on menu selections
  - Clearly indicate restrictions, if any, on personal purchase by jurors of alcoholic beverages
  - Provide same gender security escort for any juror movement from the dining area (i.e., restroom visit)
  
- Issues/Needs if extended period of sequestration
  - Anticipated Court/jury schedule on holidays, weekends, religious days, election day
  - Will there be an accommodation for jurors to attend religious services?
  - Escort jurors to their homes to obtain additional clothing, medication
  - Accommodate jurors personal needs (i.e., over the counter medications, additional reading material, etc.) – at juror’s expense
  - Anticipate increased anxiety of jurors
  - Response to possible staffing issues if security personnel for sequestration are also maintaining regular work schedule
  - Additional funding may be needed for increased sequestration costs

## MANAGING JURORS AT THE VERDICTS

- **Remember that there are possibly two verdicts in a capital case, one for guilty/not guilty and a second for sentence/mitigation – if the first verdict is guilty, the trial is not over**
  
- Have a plan, which has been communicated to all necessary parties, in the event of a disturbance during the verdict
  - Judge or security personnel should instruct gallery on expected decorum before the jury enters the courtroom to announce their verdict
  - Have sufficient security personnel in the courtroom to handle a problem and assign the bailiff or an officer specifically to take charge of the jury and remove them from the courtroom in the event of a disturbance
  - Have understanding with Judge that security personnel will act immediately upon a disturbance without waiting for direction from the Judge
  - If the jury is removed from the courtroom, no comment should be made to the jury by anyone about the incident – if necessary, the Judge will question the jurors on the record about the impact of the disturbance
  - Anticipate that the jurors may be upset, frightened, agitated by the disturbance – reassure the jury without making improper comments
  
- Anticipate that the jurors may be emotional during the verdict
  - Have Kleenex available to jurors in the jury box – place in jury box prior to the time the jury enters the courtroom
  - Often times the jurors will comfort each other, particularly upon their return to the jury deliberation room after announcing the verdict – be supportive and give the jurors the opportunity to help each other
  - Be prepared in the event that a juror experiences a medical concern at the verdict (lighted headed, nauseous, panic attack, etc.)

- For jurors continuing to the second phase of the trial
  - The Judge will explain that the second phase of the trial will be required and information regarding the time and place for the jurors to report back to the Court – the admonition will be given by the Judge
  - Escort the jurors from the courthouse
    - As quickly as possible
    - As discretely as possible to avoid contact with the media, parties, and/or public
  - Staff must be very careful in answering any questions from the jury since the trial is not yet over
- For jurors at the conclusion of the trial
  - The Judge will often advise the jurors, in open court, about the possibility of a media contact following the trial, their options regarding any response and, in the event of perceived media harassment, to contact the Court
  - The Judge will meet with the jury in private to answer questions
  - If relevant, the Judge will advise the jurors about the post-trial media conference and their option to attend
  - If available, advise the jurors about post-trial counseling that the Court will make available to assist the jurors who have a high level of stress resulting from their jury service
  - Provide jurors with an exit questionnaire to provide feedback to the Court on their experience
  - Reassure jurors about their safety and security – provide them with contact information in the event they have concerns
  - Escort the jurors from the courthouse
    - As quickly as possible
    - As discretely as possible to avoid contact with the media, parties, and/or public
  - Conduct debriefing meeting with Judge, courtroom personnel, jury personnel, security personnel – what went well? What could be handled better in the future?

**SAMPLE OATH TO THE OFFICERS IN CHARGE OF THE SEQUESTERED JURY:**

**IN THE COURT OF COMMON PLEAS OF \_\_\_\_\_ COUNTY, OHIO**

STATE OF OHIO

Case No. \_\_\_\_\_

Plaintiff

Judge \_\_\_\_\_

v.

\_\_\_\_\_  
Defendant

**ORDER**

**OATH TO OFFICERS OF SEQUESTERED JURY**

You do solemnly swear that you will, to the best of your ability, keep the persons sworn as jurors on this trial, from separating from each other; that you will not suffer any communications to be made to them, or any of them, orally or otherwise; that you will not communicate with them, or any of them, orally or otherwise, except by the order of this court, or to ask them if they have agreed on their verdict, until they shall be discharged, and that you will not, before they render their verdict communicate to any person the state of their deliberations or the verdict they have agreed upon, so help you God.

\_\_\_\_\_  
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Clerk of Court

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\_\_\_\_\_  
\_\_\_\_\_

Judge

# APPENDIX I

## Other Information

Hamilton County Juror Handbook

Montgomery County Juror Debriefing

Montgomery County Jury Service Verification

Montgomery County Jury Service Appreciation Certificate

Jury Duty and Nursing Moms (Article revised April 2024)

American Bar Association Principles for Juries and Jury Trials

**HAMILTON COUNTY COURTS**



**JUROR HANDBOOK**



## **WELCOME**

Welcome to jury service. We sincerely hope that your stay with us will provide you with an enjoyable, interesting, educational and meaningful experience regarding the law, the Courts and our own system of justice.

To decide cases correctly, jurors must be honest and intelligent. They must have both integrity and judgment. The jury system is based on these attributes. Jurors must decide the facts and apply the law impartially. They must not favor the rich or the poor. They must treat alike all men and women, corporations and individuals. Justice should be rendered to all persons regardless of race, color or creed.

The performance of jury service is the fulfillment of a civil and moral obligation. Conscientious service brings its own reward in the satisfaction of an important task well done. There is no more valuable work that a citizen can perform in support of the juridical system of our government than the full and honest discharge of jury duty.

The purpose of this booklet is to familiarize you with some of the facets of jury service and it should not be used in your jury room deliberations. It is not intended to advise you about the law. This is the judge's responsibility and the law can be different in each case. Should you need help with a point of law, please ask the Court.

## **QUESTIONS AND ANSWERS**

### **Who may be called to serve as a juror?**

You may be called to serve if you are at least 18 years old, a United States citizen and a resident of Hamilton County. In addition, you must have a reasonable knowledge of English and be physically and mentally capable of serving.

### **How did my name get selected for jury duty?**

Jurors' names are selected at random by a computer from a list of registered voters provided by the Board of Elections.

### **How long will I be required to serve?**

Normal length of service is for two weeks. However, if you are not serving on a jury in progress, you will call a recording each night for reporting instructions for the next day. If your services are not required, it is recommended that you report to work.

### **Do I get paid for jury duty?**

You will receive a fee of \$19.00 for each day that you are required to attend. Work statements for your company indicating the days that you served as a juror and the amount paid will be furnished upon request.

## STEPS IN A TRIAL

### 1. Selection of a Jury

Jurors are selected for a courtroom from the pool of available jurors. The judge and attorneys question the jurors in a process called voir dire (vwar deer) “to speak the truth,” to determine if any juror has a personal interest in the case, a prejudice or bias that may wrongly influence him/her as a juror. The attorneys may challenge some jurors and ask the Court to excuse them from the trial. There are two types of challenges; challenge for cause and peremptory challenge. Although peremptory challenges are limited in number, each side has an unlimited number of challenges for cause.

### 2. Opening Statements

Each side may outline the proof to be presented to the jury during the trial. Opening statements are not evidence, only expectations of what each side expects the evidence to prove.

### 3. Presentation of Evidence and Testimony of Witnesses

The plaintiff’s or prosecution’s case is presented first. As each witness testifies, the side that called the witness asks questions in direct examination. Then the side that did not call the witness has an opportunity to ask questions in cross-examination. Physical evidence, such as documents, weapons or photographs are admitted into evidence and numbered for identification.

During the trial, if one attorney objects to a question, he/she presents his/her objection to the judge. These are questions of legal technicality and may be argued out of your hearing. Do not be concerned. The judge will advise the jury of any information you need to make your decision, or instruct you to disregard what should not be considered. A ruling by the judge to sustain or overrule an objection does not mean that the judge is taking sides. He/she is applying the law which permits or does not permit the question to be asked or the answer to the question.

When each side has presented all their evidence, they “rest” their case.

### 4. Closing Arguments

The attorneys summarize the evidence and try to persuade the jury to find in favor of their client. The plaintiff has the burden of proof and therefore has the opportunity to open and close the arguments.

### 5. Presentation of Jury Instructions (Charging the Jury)

The judge reads the instructions of law to the jury, defines the issues the jurors must decide and informs them of the law that governs the case. Jurors may not decide cases based on the laws as they would like them to be, but must reach a verdict on the laws as they are. This is your sworn duty.

### 6. Deliberation

The jury retires to the deliberation room to consider the case and reach a verdict. The jury first elects a foreperson who will see that discussions are conducted in a sensible and orderly fashion, that all issues are fully and fairly discussed, and that every juror is given a fair chance to participate. If the jurors have a question during their deliberations, they may write it down and have the bailiff deliver it to the judge.

When a verdict has been reached, the jurors agreeing to the verdict sign the form and notify the bailiff. The verdict is read by the clerk and the judge dismisses the jurors.

## **JUROR CONDUCT**

- \* Be on time. The trial cannot proceed until all jurors are present.
- \* Pay close attention to what is being said by everyone.
- \* Keep an open mind throughout the trial.
- \* Don't talk about the case with anyone while the trial is in progress, not even other jurors or family members.
- \* Don't try to discover evidence on your own. Cases must be decided only on the basis of evidence admitted in Court.
- \* Listen carefully to the instructions before deliberations.
- \* It is your duty to accept what the Judge says about the law to be applied to the case, whether you agree or disagree with the law.

## **JURY COMMISSIONERS' OFFICE**

Room 455 Courthouse

Bradley Seitz            Jury Commissioner

Alicia Vollner         Jury Clerk

Liz Jeffries            Jury Clerk

**Office**                 **Fax**  
(513) 946-5879        (513) 946-5885



## **Jury Debriefing**

Montgomery County Common Pleas Court  
General Division

*“Together we provide fair and efficient justice under the law for all”*

## ***What is Jury Debriefing?***

Jury debriefing is a process designed to help jurors reduce stress by giving them an opportunity to share their feelings about their experience in a group setting.

Some signs of stress following jury duty include: anxiety, sleep or appetite changes, moodiness, physical problems, i.e., headaches, stomach aches, no energy, and the like, second guessing your verdict, feeling guilty, fear, trouble dealing with issues or topics related to the case, a desire to be by yourself, or decreased concentration or memory problems.

Debriefing decreases the immediate unhealthy emotional response of jurors to what they experienced during and immediately following a trial.

## ***Who Conducts Jury Debriefing?***

The Jury Debriefing session is led by a counseling professional in a safe, confidential environment.

The session, which lasts about two hours, provides jurors with a forum to talk about their experiences as a juror, helps resolve feelings that may linger after the trial ends, and provides support for each juror to re-enter their world.

## ***Is Participation a Requirement?***

Participation in Jury Debriefing is completely voluntary.

If you find that you need to speak with someone at a later date, please contact the counselor listed below within two months of completion of your jury service.

**Robert Skipper,  
M.Div., LPCC, LICDC  
Therapy and Addiction  
Counseling LLC  
2621 Dryden Road  
Suite 310  
Dayton, Ohio 45439  
(937) 299-9005**

## **Jury Debriefing Session**

**A debriefing session is scheduled for \_\_\_\_\_ at \_\_\_\_\_ in**

**Judge \_\_\_\_\_ courtroom. Parking is available behind the Courts Building. Please ring the buzzer  
and security will let you in.**

An employee of the Court's Jury Services' office will contact you to inquire about your interest in attending this session.

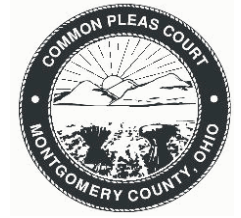
***Thank you again for serving as a Juror in our court!***

Montgomery County Common Pleas Court General Division

Montgomery County Courts Building

41 North Perry Street

Dayton, Ohio 45422



To Whom It May Concern:

Re : Juror Name  
Juror Address  
City, State, Zip Coe



Judge Gregory F. Singer

**Number of Attendances : 3**

Administrative Judge

Juror fees of \$60.00 have been paid with cash.

Judge Mary Katherine Huffman

Judge Timothy N. O'Connell

Very truly yours,

Judge Mary L. Wiseman

Judge Steven K. Dankof

Judge Dennis J. Adkins

Judge Mary L. Wiseman

Judge Michael W. Krumholtz

Judge Richard S. Skelton

Judge E. Gerald Parker

Judge Mary E. Montgomery

Judge Susan D. Solle

Steven Hollon, Court Administrator

Montgomery County Common Pleas Court

41 N. Perry Street

Dayton, OH 45422

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This letter is to certify that \_\_\_\_\_ served as a juror on the following day(s):

Wednesday, 3 March, 2021

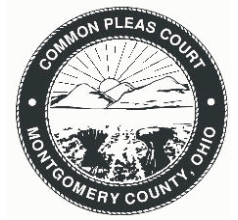
Thursday, 4 March 2021

Friday, 5 March 2021



Montgomery County Common Pleas Court  
41 N. Perry Street  
Dayton, OH 45422

March 05, 2021



Juror Name  
Juror Address  
City, State, Zip Code

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Dear Toni L Campbell:

On behalf of the Common Pleas Court and all the citizens of our community, thank you for serving as a juror.

The vast majority of countries in the world do not use the jury system. It is sometimes inefficient, expensive, and inconvenient, yet the "right to a speedy public trial by an impartial jury" has been at the core of American jurisprudence for over 200 years. The willingness of individuals such as yourself to commit the time and energy guarantees that this right will be maintained.

I trust that you acquired a greater familiarity with and appreciation of the jury's role in our system of justice. I hope you will encourage your family, friends, and neighbors to serve willingly as jurors when summoned.

I have enclosed a certificate to recognize your service. Thank you again.

Very truly yours,

Mary L. Wiseman, Judge  
Common Pleas Court of  
Montgomery County, Ohio

Montgomery County Common Pleas Court Certificate of Appreciation:



**Montgomery County Common Pleas Court**  
**State Of Ohio**  
Certificate of Jury Service  
To  
**NAME OF JUROR**

IN RECOGNITION OF RESPONSIBLE, DILIGENT AND UNSELFISH DEVOTION  
TO THE CAUSE OF JUSTICE THROUGH JURY SERVICE IN THE  
MONTGOMERY COUNTY COMMON PLEAS COURT

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Judge

## JURY DUTY AND NURSING MOMS\*

By Jean Atkin, OJMA Trustee and  
Elizabeth Stephenson, Court Administrator,  
Tuscarawas County Common Pleas Court

**\*PREVIOUS ARTICLE REVISED DUE TO 2024 STATUTORY  
CHANGE**

### Helpful Hints for Courts

- Train staff to be aware of the issue
- Know the rules on postponement and excuse
- It is fairly easy to be ready to accommodate with proper breaks and lactation space

### Options for Responding To Nursing Moms

- **Excuse From Service** – When the court is contacted by a prospective juror seeking an excuse due to being a breastfeeding mother, it is essential for the court to both obtain additional information and provide information. Having a clear understanding about the particular circumstances of the juror will help in making a decision about the request for an excuse.
  - How old is the child? 2313.14 requires that the child be one year of age or less for the excuse to be included under the provisions of an undue or extreme physical hardship. If the child is one year or less, the statute provides that an affidavit from the prospective juror is sufficient documentation to support the excuse.
  - If the child is greater than one year of age, the court, by policy and practice, may still allow the prospective juror to be excused. There should be a consistent policy followed by all judges and understood by all court personnel who respond to juror inquiries.
- **Postpone Service** - Postponing the service of a juror is preferable to excusing an individual who is otherwise qualified for service. Under existing law, the juror has an option to request a postponement of jury service. By statute, the reason for the postponement does not have to be submitted to the court but the juror does have the responsibility to submit for a postponement of service within the required timeframe. The juror must request a postponement at least two business days prior to the scheduled service. The responsibility of the court is to openly provide information on the opportunity to request a postponement and the required process. The summons and the court's website should clearly and conspicuously provide information on the process for requesting the postponement. Information for making contact with the court via telephone, in writing, by electronic mail or in person should be provided. Breastfeeding mothers may very well be willing and able to serve at a time in the near future.
- **Accommodate Nursing Mother During Jury Service** - Accommodating the needs of a nursing mother who is not excused or who chooses to serve despite eligibility for excuse, should be available. Information is provided below on the court should do to meet the needs of a nursing mother during her service as a juror.

## Court Accommodations for Jurors Who Are Nursing

The court may have already developed accommodations for employees who are nursing mothers which could be extended to meet the needs of jurors. In March 2010, Section 7(r) of the Fair Labor Standards Act was amended by Section 4207 of the Patient Protection and Affordable Care Act. This provision calls on all employers to provide reasonable unpaid break time and a private, non-bathroom place for non-exempt employees who are nursing mothers to express milk during the workday.


- **Breaks** - Women typically express their milk every 2 to 3 hours, or around 2–3 times per 8-hour work period. It can take 15–20 minutes to express milk. This does not include time needed to get to and from the room, the time needed to set up the breast pump, or the time to store the milk. A court should anticipate taking breaks of at least one-half hour in the morning and the afternoon. The juror should also be able to express her milk during an appropriately scheduled lunch break. A courtroom staff person should have responsibility for monitoring the scheduling of the breaks. In addition, the juror should be given a discrete means to remind the court of the need for a break.
- **Lactation Space** – There should absolutely be no expectation that the nursing mother will use a restroom to express her milk. A clean and sanitary space should be provided. The minimum amount of space needed for a lactation space is 4' x 5'. An empty office, jury deliberation room, witness room, or supply room should be sufficient as long as the room offers privacy. The basic needs for any space used to express milk include a comfortable chair and a flat surface such as a table, desk, or shelf for the employee's breast pump and supplies. A conveniently located electrical outlet will also be needed as the battery operation of some breast pumps is marginally effective. An insulated storage bag is typically included with the pumping kit so access to a refrigerator is not mandatory. If available, the option for storage space in a secured refrigerator should be offered. Having running water in the space or nearby will help manage the time needed for the break.

### Resources

Ohio Department of Health [www.odh.ohio.gov/odhprograms/ns/wicn/Breastfeeding](http://www.odh.ohio.gov/odhprograms/ns/wicn/Breastfeeding)

Ohio Breastfeeding Alliance [www.ohiobreastfeedingalliance.org](http://www.ohiobreastfeedingalliance.org)

[La Leche League of Ohio](http://www.lllloho.org) [www.lllloho.org](http://www.lllloho.org)

Office on Women's Health in the Office of the Assistant Secretary for Health  at the U.S. Department of Health and Human Services

Slavit W, editor. Investing in Workplace Breastfeeding Programs and Policies: An Employer's Toolkit. Washington, DC: Center for Prevention and Health Services, National Business Group on Health; 2009.



The full document may be viewed at [Principles for Juries and Jury Trials \(americanbar.org\)](https://www.americanbar.org/principles-for-juries-and-jury-trials)

# **American Bar Association Principles for Juries and Jury Trials**

**(Revised 2023)**

## **PREAMBLE**

The American jury is a living institution that has played a crucial part in our democracy for more than two hundred years. The American Bar Association recognizes the legal community's ongoing need to refine and improve jury practice so that the right to jury trial is preserved and juror participation enhanced. What follows is a set of twenty Principles that define our fundamental aspirations for the management of the jury system. Each Principle is designed to express the best of current-day jury practice in light of existing legal and practical constraints. It is anticipated that over the course of the next decade jury practice will improve so that the Principles set forth will have to be updated in a manner that will draw them ever closer to the ideals to which we aspire

## General Principles

Principle 1 – The Right to Jury Trial Shall Be Preserved

Principle 2 – Citizens Have the Right to Participate in Jury Service and Their Service Should Be Facilitated

Principle 3 – Juries Should Have Twelve Members

Principle 4 – Jury Decisions Should Be Unanimous

Principle 5 – It Is the Duty of the Courts to Enforce and Protect the Rights to Jury Trial and Jury Service

Principle 6 – Courts Should Educate Jurors Regarding the Essential Aspects of a Jury Trial

Principle 7 – Courts Should Protect Juror Privacy Insofar as Consistent with the Requirements of Justice and the  
Public Interest

Principle 8 – Individuals Selected to Serve on a Jury Have an Ongoing Interest in Completing Their  
Service

## Assembling a Jury

Principle 9 – Courts Should Conduct Jury Trials in the Venue Required by Applicable Law or the Interests of  
Justice

Principle 10 – Courts Should Use Open, Fair, and Flexible Procedures to Select a Representative Pool of  
Prospective Jurors

Principle 11 – Courts Should Ensure That the Process Used to Empanel Jurors Effectively Serves the Goal of  
Assembling a Fair and Impartial Jury

## Conducting a Jury Trial

Principle 12 – Courts Should Limit the Length of Jury Trials Insofar as Justice Allows and Jurors Should Be Fully  
Informed of the Trial Schedule Established

Principle 13 – The Court and Parties Should Vigorously Promote Juror Understanding of the Facts and the Law

## Jury Deliberations

Principle 14 – The Court Should Instruct the Jury in Plain and Understandable Language Regarding the Applicable Law and the Conduct of Deliberations

Principle 15 – Courts and Parties Have a Duty to Facilitate Effective and Impartial Deliberations

Principle 16 – Deliberating Jurors Should Be Offered Assistance When an Apparent Impasse Is Reported

## Post-Verdict Activity

Principle 17 – Trial and Appellate Courts Should Afford Jury Decisions the Greatest Deference Consistent with Law

Principle 18 – Courts Should Give Jurors Legally Permissible Post-Verdict Advice and Information

Principle 19 – Appropriate Inquiries into Allegations of Juror Misconduct Should Be Promptly Undertaken by the Trial Court

Principle 20 – Safeguarding the Physical Safety and Psychological Well-Being of Jurors