RULE 78.3: Jury Management Plan

I. OPPORTUNITY FOR SERVICE.

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 this jurisdiction.

II. JURY SOURCE LIST

1. The jury source list shall be obtained from the Board of Elections' list of registered voters.

2. The Pike County jury commissioners appointed by the Pike County Court of Common Pleas shall select the electors in accordance with the rules of practices of that court. The jury source list shall be representative and inclusive of the adult population of Pike County. The court reserves the right to review the jury source list to assure that it is inclusive and representative, and if necessary, to require appropriate correction action.

III. RANDOM SELECTION PROCEDURES

Random selection procedures shall be used throughout the jury selection process. The methodology employed shall provide each and every available person with an equal probability of selection. The selection process is to be administered by the jury commissioner as set forth in the Rules of Practice of the Pike County Court of Common Pleas.

IV. ELIGIBILITY FOR SERVICE

1. All persons are eligible for jury service except those who:

   a. Are less than 18 years of age.
   b. Are not citizens of the United States
   c. Are not residents of Pike County
   d. Are not able to communicate in the English language
   e. Have been convicted of a felony and not had their civil rights restored.

2. The Pike County jury commissioner or deputy jury commissioner is responsible for notification of prospective jurors as set forth in Rules of Practice of the Pike County Court of Common Pleas.

V. TERM OF AN AVAILABILITY OF JURY SERVICE

1. The time that persons are called upon to perform jury service and to be available should be the shortest period consistent wit the needs of justice.

2. Jurors for probate court cases are to report to the jury commissioner's office in the Pike County Court of Common Pleas in accordance with the procedures of the jury commissioner.

3. The probate judge's staff shall communicate with the jury commissioner to determine the availability of jurors as is needed on a case by case basis.

VI. EXEMPTION, EXCUSE AND DEFERRAL

1. There shall be no automatic excuses or exemptions wit the exception of statutory exemptions as set forth in the Ohio Revised Code.

2. Persons who no longer reside in Pike County and persons convicted of a felony whose rights have not been restored are disqualified from jury service.

3. The term of juror service is to be determined by the Pike County jury commissioner.

4. The term of service shall be at a minimum sufficient to complete the trial in juvenile court in which the juror is impaneled.

5. The probate court judge presiding over the trial has the discretion to grant excused or postponements for good cause shown. Requests for excuses or deferrals should be written or otherwise made of record.

VII. VOIR DIRE

1. Voir Dire examination should be limited to matters relevant to determining whether to remove a juror for just cause and to determine the juror's fairness and impartiality.

2. To reduce the time required for voir dire, basic background information shall be available to counsel in writing for each party on the day in which jury selection is to begin.

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

4. The judge should ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with purpose of voir dire process.

5. In all cases the voir dire process shall be held on the record.

VIII. REMOVAL OF 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 shall be removed from the panel. Such a determination may be made on motion of counsel or by the judge.

IX. PEREMPTORY CHALLENGES

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

X. ADMINISTRATION OF THE JURY SYSTEM

1. The responsibility for administration of the jury system is vested in the court and the jury commissioner.

2. All procedures concerning jury selection and service shall be governed by applicable Ohio rules as promulgated by the various courts.

3. Management of the jury system is to be by the trial judge, the judge's staff and the juvenile court administrator.

XI. NOTIFICATION AND SUMMONING PROCEDURES

Procedures governing notification and summoning of jurors are set forth in the Rules of Practice of the Pike County Court of Common Pleas and are administered by the chief deputy jury commissioner.

XII. MONITORING THE JURY SYSTEM

The chief deputy jury commissioner shall collect and analyze information regarding the performance of the jury system as is set forth in the Rules of Practice of the Pike County Court of Common Pleas.

XIII. JUROR USE

1. Courts should employ the services of prospective jurors so as to achieve optimum use with a minimum inconvenience to jurors.
2. The chief deputy jury commissioner is responsible for management and assignment of jurors and the effective use of jurors.

XIV. JURY FACILITIES

1. The Court shall provide an adequate and suitable environment for jurors.

2. Jury deliberation room should include space, furnishings and facilities conducive to reaching a fair verdict. The safety and security of the deliberation room shall be ensured by the court.

3. To the extent feasible, juror facilities are to be arranged to minimize contact between jurors, parties, counsel and the public.

XV. JUROR COMPENSATION

1. Persons called for jury service shall receive compensation as established by the Pike County Commissioners pursuant to R.C. 2313.34.

2. Such fees shall be paid promptly.

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

XVI. JUROR ORIENTATION AND INSTRUCTION

1. The jury commissioner's office shall conduct a juror orientation program that is:

e. Designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors, and
f. Presented in a uniform and efficient manner using a combination of written, oral, and audiovisual materials.

2. The court shall provide some form of orientation or instructions to persons called for service upon first appearance in the court and upon reporting to the courtroom for voir dire.

3. The trial judge should:

a. Give preliminary instructions to all prospective jurors.
b. Give instructions directly following impanelment of the jury to explain the jury's role, the trial procedures including note taking and questions by jurors, the nature of evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles.
c. Prior to the commencement of deliberation, instruct the jury on the law, on the appropriate procedures to be following during deliberations, and on the appropriate method for reporting the results of its deliberations. The instructions should be made available to the jurors during deliberations.
d. Prepare and deliver instructions that are readily understood by individuals unfamiliar with the legal system.
e. Use written instructions when feasible.
f. Assure that all communications between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire to the panel's dismissal shall be in writing or on record in open court. Counsel for each party shall be informed of such communication and be given the opportunity to be heard.
g. Before dismissing a jury at the conclusion of a case, the trial

judge should:

(1). Release the jurors from their duty of confidentiality;
(2). Explain their rights regarding inquiries from counsel or the press;
(3). Either advise them that they are discharged from service or specify where they must report; and,
(4). Express appreciation to the jurors for their service, but not comment on the result of the deliberation, or express approval or disapproval of the result of the deliberation.

XVII. JURY SIZE AND UNANIMITY OF VERDICT

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

XVIII. JURY DELIBERATION

1. Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and enhance rational decision-making.

2. The judge should instruct the jury concerning appropriate procedures during deliberations.

3. 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.

4. Training should be provided to personnel who escort and assist jurors during deliberations.

XIX. SEQUESTRATION OF JURORS

1. A jury should not be sequestered unless for good cause, including but not limited to insulating its members from improper information or influences.

2. The trial judge shall have the discretion to sequester a jury on the motion of counsel or on the judge's initiative.

3. The judge's courtroom staff and the juvenile court administrator shall have the responsibility to provide for the safety and comfort of the jurors.

4. The court administrator is responsible for developing procedures to implement and achieve the purposes of sequestration.

5. Training shall be provided to court personnel who escort and assist sequestered jurors.