

RULE 19 - JURY SERVICE

19.1 Jury Service is a duty of all qualified citizens and shall not be denied or limited, in any way, on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group within the jurisdiction of this Court.

19.2 The names of potential Jurors shall be drawn from a Jury source list compiled from the poll list of registered voters obtained from the Board of Elections and may be obtained from the Ohio BMV list of Belmont County residents who hold a driver's license. The Jury source list shall be representative and shall be as inclusive of the adult population of Belmont County as is feasible. This Court shall review the Jury source list annually. Should the Court determine, upon review, that the Jury source list is not sufficiently representative and inclusive of the adult population of Belmont County, the Court shall direct appropriate corrective action.

19.3 Except as otherwise provided, selection of prospective Jurors from the Jury source list, summoning them for service, assigning them to panels, and calling them for voir dire shall be conducted in a random manner, either manual or automatic, so that every person listed has an equal probability of selection. The method utilized shall be documented by the Clerk of Courts. However, departure from random selection shall be appropriate under the following circumstances:

- (A) To exclude persons ineligible for service in accordance with Rule 19.4;
- (B) To excuse or defer prospective Jurors in accordance with Rule 19.6;
- (C) To remove prospective Jurors for cause or, or if challenged

peremptorily, in accordance with Rules 19.8 and 19.9;

- (D) To provide all prospective Jurors with an opportunity to be called for Jury Service and to be assigned to a panel in accordance with Rule 19.13.

19.4 All persons on the Jury source list shall be eligible for service except:

- (A) Persons under the age of 18 years;
- (B) Persons who are not U.S. citizens;
- (C) Persons who are not residents of Belmont County;
- (D) Persons who are not fluent in the English language; and
- (E) Convicted felons who have not had their civil rights restored.

19.5 Persons summoned for petit Jury service shall remain on a panel until:

- (A) Their services are no longer deemed necessary by the Court;
- (B) The term of Court has ended;
- (C) Said Juror has been summoned and has reported for service two (2) times without serving; or
- (D) Said Juror has served at least two (2) consecutive Trial days in one (1) Trial.

19.6 All Persons on the Jury source list shall be excused or deferred from Jury Service, in the discretion of the Court or the Jury Commissioners or their authorized representative. Request for an excuse or deferral of service shall be made in writing. **See Appendix A to Local Rule 19.** Excuses or deferrals from Jury Service are as follows:

- (A) Over the age of 70, or physically unable to serve, and has made a request to be excused;

- (B) Death of a spouse or near relative or serious personal or family illness supported by a physician's certificate of inability to serve;
- (C) The Juror is necessarily absent from the County for an extended period and will not return in time to serve;
- (D) Cloistered members of a religious organization (**does not apply to clergy**);
- (E) The Juror previously has been called as a Juror for Trial in a Court of Record in the County within the same Jury year;
- (F) The interest of the public or of the Juror will be materially injured by the Juror's attendance.

Persons on the Jury source list may be temporarily excused for a specified Trial or deferred a specific period of time by the Court, Juror Commissioners and/or their authorized representative, as follows:

- (A) The Juror will be necessarily absent from the County on a temporary basis and will not return in time to serve;
- (B) The Juror is a full time student at a bona fide educational institution and has requested to be excused;
- (C) The Juror will be on vacation during the period of their respective Jury service.

19.7

Voir dire examination shall be limited to matters relevant to determining whether to remove a Juror for cause and to determine the Juror's fairness and impartiality. So as to reduce the time required for voir dire, basic written background information regarding prospective Jurors shall be made available for review by counsel for all parties in the form of Juror Questionnaires (**See Appendix B of Local Rule 19**) three (3) business days before the Jury selection is to begin. The final determination of whether to use written Juror Questionnaires in any individual case and the contents of the Questionnaires

shall be left to the discretion of the Presiding Judge. Although photocopies of Juror Questionnaires shall be made available to Trial counsel, said copies shall be returned to the Court or to the Clerk of Courts upon completion of the Jury Selection process and additional copies shall not be retained.

Juror Questionnaires, without responses, are subject to disclosure under the Public Records Act. Although, personal information provided by prospective Jurors is subject to a constitutional presumption of openness, such personal information, in response to questions included in the Questionnaires, does not serve to document the activities of a public office and, therefore, such information does not constitute a public record subject to disclosure under the Public Records Act.

Therefore, so as to assure that the privacy interests of prospective Jurors are sufficiently compelling to rebut the constitutional presumption of openness, **before release to the public of any information from Juror Questionnaires, each prospective Juror shall first be informed of their right to request an in-camera hearing, on the record, with counsel present, regarding any written question and answer contained in the Juror Questionnaire or otherwise raised during the voir dire process.**

No release of information to the public from Juror Questionnaires shall be accorded until said prospective Jurors have been afforded an opportunity for said in-camera hearing to determine whether the prospective Juror has a legitimate privacy interest to warrant the non-disclosure of a response. In any event, there shall be no release of personal information which pertains only to Juror identification and qualification, including, but not limited to, social security number, telephone number and operator's license number. In no event, shall the Trial be delayed beyond the normal start time to permit a party, counsel or other authorized entity to review said Questionnaires with the intent of releasing

such information to the public.

The presiding Judge shall ensure that the privacy of prospective Jurors is reasonably protected and questions contained in Juror Questionnaires are consistent with the stated purpose of the voir dire process. Any party, legal counsel, or other entity, who violates this Rule shall be Ordered to appear before the Court to show cause as to why he or she should not be held in contempt and otherwise sanctioned for the unauthorized release of information.

19.8 Upon Motion or **Sua Sponte**, if the Court determines during the Jury Selection process that a prospective Juror is unable or unwilling to hear the matter fairly and impartially, the Court shall excuse that person for cause.

19.9 The exercise of peremptory challenges shall be governed by the law of the State of Ohio.

19.10 During the voir dire examination, counsel shall not argue their case in any manner; nor shall they engage in efforts to indoctrinate the Jurors; nor shall they ask questions concerning anticipated instructions or theories of law, except for general questioning on the validity and philosophy of the burden of proof and presumption of innocence; Jurors shall not be asked what kind of Verdict they would return under any circumstances. Questions that may be put to the panel of the prospective Jurors as a whole must be asked in that fashion.

19.11 The responsibility for administering the Jury System shall be vested in a Jury Administrator (Deputy Clerk) acting under the supervision of the Administrative Judge and in conjunction with the Jury Commissioners. Pursuant to the above authorization, the Jury Administrator shall issue the notice summoning prospective Jurors, Juror Questionnaires, and written requests for excuse or deferral, which documents shall be in a form approved by the Court and

delivered by ordinary mail with readily understandable explanations for completion of the forms, return of the forms, and the consequences for failure to do so. Said explanation shall clearly advise each prospective Juror of their right to request an **in-camera hearing** to determine whether their legitimate private interests warrant non-disclosure of their written responses in their Questionnaires. Any person summoned for Jury service who fails to appear without an excuse or deferral shall be summoned to show cause as to why that person should not be held in contempt.

19.12 The Court shall collect and analyze information regarding the performance of the Jury System on an annual basis, but not later than December of each calendar year, in order to evaluate:

- (A) Whether the Jury source list is representative and inclusive;
- (B) The effectiveness of the qualification and summoning procedures;
- (C) The responsiveness of individual citizens to Jury duty summons;
- (D) The efficient use of Jurors;
- (E) The cost effectiveness of the Jury Management System.

19.13 The Court shall utilize the service of Jurors in such a manner as to achieve optimum use and minimum inconvenience. To that end, the Court shall determine the minimum number of prospective Jurors necessary to accommodate Trial activity. Until a prospective Juror has been selected by the Court to participate in a Trial activity, the information contained in the Juror Questionnaires shall not be subject to release to the public, since the presumption of openness does not apply until the minimum number of Jurors needed to accommodate the prospective Trial has been Ordered by the Court.

19.14 The Court shall provide an adequate and suitable environment for Jurors. Clear directions for the time, place, and manner of checking in and information on parking shall be given to prospective Jurors in advance. The Jury deliberation room shall include space, furnishings and facilities conducive to reaching a fair verdict. The safety and security of the deliberation room shall be insured. To the extent feasible, Jury facilities and procedures shall minimize contact between the Jurors, parties, witnesses, counsel and the public.

19.15 Persons called for Jury duty shall receive a reasonable fee for their services and expenses in accord with R.C. §2313.34 and appropriate resolution of the Board of County Commissioners of Belmont County, Ohio. Such fee shall be promptly paid.

19.16 In accord with R.C. §2313.18, employers shall be prohibited from discharging, laying off, denying advancement opportunities to or otherwise penalizing the employees who miss work because of Jury service. Whoever violates R.C. §2313.18 and/or any provision of this Local Rule shall be punished as and for Contempt of Court pursuant to Chapter 2705 of the Revised Code.

19.17 The Court shall be responsible for providing instructions that are readily understood by individuals unfamiliar with the law and the legal system to prospective Jurors appearing pursuant to summons. The Trial Judge shall:

- (A) Provide preliminary instructions to all prospective Jurors;
- (B) Provide instructions at the commencement of voir dire and/or immediately following the empanelling of the Jury to explain the Jurors' role, the Trial procedure, the nature of evidence and its evaluation, the issues to be addressed and basic legal principles; and
- (C) Provide instructions, prior to deliberations, on the law,

procedures that the Jury must follow in deliberating, and the method for reporting the results of deliberation.

At the conclusion of the Trial, after the Jury has completed its service, the Trial Judge shall:

- (A) Advise the Jurors that they no longer have a duty of confidentiality;
- (B) Advise the Jurors as to their rights with respect to inquiries from counsel, the press, or others;
- (C) Advise the Jurors as to whether they are discharged from service or whether they will be required to report at another time;
- (D) Advise the Jurors that their service is appreciated;
- (E) Not express approval or disapproval of the result of the Jury's deliberation; and
- (F) Dismiss the Jury.

19.18 All communication between the Trial judge and the Jurors, from the time prospective Jurors report to the courtroom until the Jury is dismissed, shall be either in writing or on the record. The parties shall be advised of such communications and shall be given an opportunity to be heard.

19.19 A Jury shall be sequestered only for good cause. Good cause includes insulating members of a Jury from improper information or influence. In a capital case, the Jury shall be sequestered during deliberations of both the guilt phase and the penalty phase of the Trial. The Trial Judge shall have discretion to sequester a Jury on motion or **sua sponte** and shall have the responsibility to set and manage the conditions of sequestration in order to achieve the purpose and to minimize the inconvenience and discomfort of Jurors. Court personnel shall be given training as to escorting and assisting Jurors during sequestration.