

**Tuscarawas County Court of Common Pleas
General Trial Division
Jury Management Plan**

A. Opportunity for Service

1. The opportunity for jury service shall not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, disability, or any other factor that discriminates against a cognizable group in the jurisdiction.
2. Jury service is an obligation of all qualified residents of Tuscarawas County, Ohio.

B. Jury Source List

1. Under court order, the jury source list shall be obtained from the Board of Elections list of Tuscarawas County registered and “current” voters (Voters) and the State of Ohio licensed drivers who are at least 18 years of age, including those who hold a valid State of Ohio identification card (Licensed Drivers) under R.C. 2313.06, which reads as follows:

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

(1)

(a) 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 R.C. 111.44.

- (2)
- (a) 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 R.C. 111.41 to 111.99.
- (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 commission 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 R.C. 2313.14 and the names of any jurors discharged under R.C. 2313.21.
- (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) 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 R.C. 111.41 to 111.99.

2. The jury source list shall be representative and should be as inclusive of the adult population in the jurisdiction as is feasible.
3. The court shall periodically review the jury source list for its representativeness and inclusiveness of the adult population in the jurisdiction as is feasible.
4. Should the court determine that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective action shall be taken.

C. Random Selection Procedures

1. Potential jurors shall be randomly selected from a jury source list which shall constitute a list of all registered voters and adult licensed drivers who reside in Tuscarawas County, including holders of State of Ohio Identification Cards, by the use of random selection procedures using automated data processing equipment in conformity with R.C. 2313. Postponed jurors from the prior year may also be included in the annual list.
2. The list is then electronically transferred to the court's automated system via the Tuscarawas County Information Technology Department (IT Department).
3. The jury commissioners or an authorized court or county employee shall remove from the annual jury source list the names of individuals granted a permanent jury excuse as provided by R.C. 2313.14 and the names of individuals disqualified from service under R.C. 2313.21.
4. Between September 15 and October 15 of each year, the jury commissioners, appointed by the court under R.C. 2313.01, shall have the county IT Department select a sufficient number of prospective jurors for grand and trial juries for the following calendar year.

5. The jury year and list shall each be divided into three four month terms. The draws for the beginning term shall occur before the term begins. In March and July of each calendar year, the jury commissioners shall complete, by use of automated data processing equipment, a list of prospective jurors for grand and trial juries for the jury term that next occurs.
6. In the event the number of prospective jurors is insufficient to meet the needs for the court in the calendar year, the jury commissioners shall reconvene as necessary to select additional prospective jurors in accordance with R.C. 2313.11.
7. Departures from random selection shall be permitted only as follows:
 - a. To exclude persons ineligible for service.
 - b. To excuse or defer prospective jurors.
 - c. To remove prospective jurors for cause or if challenged peremptorily.
 - d. To provide all prospective jurors with an opportunity to be called for jury service and to be assigned to a panel.
8. All prospective jurors that are selected for a panel shall be notified of the requirement of their service by the issuance of a summons directing them to appear on a specific date. The summons shall be sent by the Sheriff, and worded so as to be readily understood by an individual unfamiliar with the legal process and shall be delivered by ordinary mail.

D. Eligibility for Jury Service

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

1. Are less than 18 years of age
2. Are not citizens of the United States;
3. Are not residents of the jurisdiction in which they have been summoned to service; namely, Tuscarawas County; or

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

E. Term of and Availability for Jury Service

1. 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.
2. Trial Jurors shall be “on-call” for a two week period. Jurors are instructed to call the clerk’s office designated phone number to hear a message which informs them as to their jury service requirements. Juror reporting information can also be obtained online.
3. Grand Jurors shall be “on-call” for the term of court in which they are selected. Jurors are required to serve throughout the term and are instructed to report on a weekly basis, or as otherwise instructed.

F. Exemption, Excuse, and Postponement

1. There shall be no excuses or exemptions from jury services except those authorized by R.C. 2313.14.
2. Prospective jurors may be excused for the reasons outlined by R.C. 2313.14.
3. Jurors who are requesting a postponement of jury service under R.C. 2313.15 and jurors who are requesting an excusal under R.C. 2313.14 may do so by telephone, in writing or by e-mail. Jurors requesting an excusal under R.C. 2313.14 for medical reasons, physical hardship or financial hardship shall submit documentation of such to the court in writing.
4. The designated deputy clerk shall notify jurors receiving exemptions, excuses or postponements and shall maintain a record of it.

5. Excusals and postponements for jury service are governed by R.C. 2313 or its successor. Postponements for jury service for reasonably short periods of time may be permitted by a judge or a specifically authorized court official. An “extraordinary circumstance” for purposes of postponement beyond the jury year includes the need to postpone a juror from the last quarter of the year prior. Such a postponement shall not be for more than six months.

G. Jury Selection Process

1. Jury selection 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.
2. To reduce the time required for jury selection, the collection of juror questionnaires shall, upon request, be provided to the attorneys up to five business days prior to the trial date.
3. The trial judge may conduct a preliminary examination. Counsel shall then be permitted to question panel members for a reasonable period of time.
4. The judge shall ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the jury selection process.
5. Counsel shall return the jury questionnaires to the judge’s staff immediately upon conclusion of jury selection examination.
6. In criminal cases, the jury selection process shall be held on the record. In civil cases, the jury selection process shall be held on the record unless waived by the parties.

H. Removal from the Jury Panel for Cause

If the judge determines during the jury selection process that any individual juror is unable or unwilling to fairly and impartially hear the particular case at issue, or that any juror meets any other criteria under

R.C. 2313.17, that individual shall be removed from the panel. Such a determination may be made on motion of counsel or upon initiative of the judge.

I. Peremptory Challenges

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

1. Peremptory challenges should be limited to a number no larger than necessary to provide reasonable assurance of obtaining an unbiased jury.
2. In civil cases, the number of peremptory challenges shall 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.
3. In criminal cases, the number of peremptory challenges shall not exceed:
 - a. Six for each side when a death sentence may be imposed upon conviction;
 - b. Four for each side when a sentence of imprisonment (state institution) may be imposed; or
 - c. Three for each side in all other prosecutions. One additional peremptory challenge shall be allowed for each defendant in a multi-defendant criminal proceeding.
4. In criminal and civil proceedings each side shall 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.

J. Administration of the Jury System

1. The responsibility for administration of the jury system shall be vested in the Tuscarawas County Court of Common Pleas, General Trial Division. The office of the Clerk of Court shall implement the Court's jury system.
2. Ohio Rules of Court and the laws of the State of Ohio shall govern all procedures concerning jury selection and service.
3. Responsibility for administering the jury system shall be vested with the jury commissioners and the clerk of court acting under the supervision of the court administrator and/or judges.
4. In accordance with R.C. 2313.23, the Tuscarawas County Court of Common Pleas shall file an order with the clerk of courts stating the length of time all records filed with the jury commissioners, electronic or otherwise, must be retained. This order shall be in compliance with the Rules of Superintendence for the Courts of Ohio.
5. In accordance with R.C. 2313.05, the jury year is a calendar year.

K. Notification and Summoning Procedures

1. The notice summoning a person to jury service and any questionnaires eliciting essential information regarding that person shall be combined into one mailing and be phrased so it can be readily understood by an individual unfamiliar with the legal and jury processes and delivered by ordinary mail.
2. The summons or jury handbook shall clearly explain how and when the recipient must respond and the consequence of a failure to respond.
3. The jury questionnaire shall be phrased and organized so as to facilitate quick and accurate screening and shall request only that information essential for:

- a. Determining whether a person meets the criteria for eligibility;
 - b. Providing basic background information ordinarily sought during the jury selection process; and
 - c. Efficiently managing the jury system.
4. The questionnaire shall include language disclosing that the information on the questionnaire may be publicly disclosed, that a juror may request an in-camera conference on the record with the judge and counsel for the parties, and that the judge may require a juror to answer the question(s).
 5. A juror's term of service is stated in the summons. During the term of service the Court may notify jurors by text message and telephone. A juror may opt out of automated electronic notifications by calling the Clerk of Court's office.
 6. A notification letter shall be sent to non-responsive prospective jurors via ordinary mail. Jurors who fail to report for service may be brought before the court to explain why they did not appear. Sanctions will be imposed as warranted.

L. Monitoring the Jury System

1. The court may collect and analyze information regarding the performance of the jury process 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.

M. Juror Use

1. The court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.
2. The court shall determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques shall be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.
3. The court shall coordinate jury management and calendar management to make effective use of jurors.

N. Jury Facilities

1. The court shall attempt to provide adequate and suitable waiting facilities for jurors.
2. To the extent feasible, juror facilities shall be arranged to minimize contact between jurors, parties, counsel and the public.
3. Jury deliberation rooms shall include space, furnishings and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms shall be ensured.

O. Juror Compensation

1. Persons called for jury service should promptly receive a reasonable fee for their service and expenses pursuant to statutory authority.
2. Employers:
 - a. No employer shall discharge, threaten to discharge, or take disciplinary action that could lead to discharge of any permanent employee who is summoned to serve as a juror

if the employee gives reasonable notice to the employer of the summons.

- 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 as a juror. Nothing 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.
 - c. The court shall automatically postpone and reschedule the service of a summoned juror of an employer with twenty-five or fewer full-time employees, or their equivalent, if another employee of that employer has previously been summoned to appear during the same term or part of a term of that court.
3. Upon completion of the juror's term of service, the Clerk of Court shall submit a requisition to the Tuscarawas County Auditor's Office for payment to the juror for each day of actual service.

P. Juror Orientation and Instruction

1. The court shall send with the juror summons an informational handbook designed to increase prospective jurors' understanding of the jury process and prepare them to serve competently as jurors. The same information shall be provided via the court's web page for those jurors wishing to access information electronically; and
2. The day of trial the trial judge shall provide further orientation and instruction in a uniform and efficient manner.
3. The trial judge may:
 - a. Give preliminary instructions to all prospective jurors;
 - b. Give instructions directly following empanelment of the jury to explain the jury role, the trial procedures, the nature of

- evidence and its evaluation, the issues to be addressed, and the basic relevant legal principles;
 - c. Prior to the commencement of deliberations, give instructions to 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, which instructions shall be made available to the jurors during deliberations;
 - d. Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system; and
 - e. The use of printed instructions to the jury is preferable.
4. Before dismissing a jury at the conclusion of a case, the trial judge may:
- a. Release the jurors from their duty of confidentiality;
 - b. Explain their rights regarding inquiries from counsel or the media;
 - 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.
5. All communications between the judge and members of the jury panel from the time of reporting to the courtroom for jury selection until dismissal shall be in writing or on the record in open court, except where a confidential conversation is warranted. If such is needed, counsel for each party shall be informed of such communication and given the opportunity to be heard.

Q. Jury Size and Unanimity of Verdict

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

R. Jury Deliberations

1. Jury deliberations shall take place under conditions and consistent with procedures that are designed to ensure impartiality and to enhance rational decision-making and shall conform to existing Ohio law.
2. The judge shall instruct the jury concerning appropriate procedures to be followed during deliberations in accordance with Standard 16 of the Ohio Trial Court Jury Use and Management Standards (Standards) promulgated by the Ohio Supreme Court.
3. The deliberation room should conform to the recommendations listed in Section N.

S. Sequestration of Jurors

1. A jury shall be sequestered only for good cause, including but not limited to insulating its members from improper information or influences. During the deliberation in the guilt phase and penalty phase of a capital case, the jurors shall be sequestered.
2. The trial judge shall have the discretion to sequester a jury on the motion of an attorney or on the judge's initiative and shall have the responsibility to oversee the conditions of sequestration.
3. The trial judge and staff shall be responsible for ensuring that standard procedures are followed to achieve the purpose of sequestration and minimize the inconvenience and discomfort of the sequestered jurors.
4. Training shall be provided to personnel who escort and assist jurors during sequestration.

T. Enforcement of Rules

The court reserves the right within its sound discretion to enforce these rules and otherwise use and manage the jury system to ensure justice.