

## JURY RULES

The Supreme Court adopted as guidelines the "Ohio Trial Court Jury Use and Management Standards" on August 16, 1993. This Jury Management Plan is intended to further the goals and objectives of the Ohio Trial Court Jury Use and Management Standards considering the needs of the jurisdiction of the Niles Municipal Court. The Ohio Trial Court Jury Use and Management Standards found in Appendix B to the Ohio Rules of Superintendence are incorporated herein by reference. The responsibility for administration of the jury system shall be vested exclusively in the Niles Municipal Court.

(A) Jury Commissioner. The court assignment commissioner shall serve as the jury commissioner for the purpose of random selection of potential jurors and selecting jury panels unless the judge designates some other person to serve in that position on a regular or temporary basis.

(B) Procedure for Jury Selection. Potential jurors shall be drawn from a jury source list which shall constitute a list of all registered voters residing in the City of Niles, Township of Weathersfield, and The Village of McDonald, Trumbull County, including random selection procedures using automated data processing equipment in accordance with these local rules and the provisions of R.C. 2313.06.

The jury commissioner shall convene and obtain at least two hundred fifty (250) names, drawn at random by the Trumbull County Board of Elections, for potential jury trials for the year. In the event the number of prospective jurors drawn is insufficient to meet the needs of the court, the jury commissioners shall reconvene as necessary to select additional names. The jury commissioner may obtain more than one thousand (250) names, but the jury list provided by the board of elections must be updated at least once within a two (2) year period. Each time a new list of prospective jurors are obtained from the board of elections and the names are entered into the jury list, the remaining names from the prior two (2) year period shall be purged from the jury list. Once a person has been called for jury duty at least twice during the two (2) year period, that person may be removed from the jury list.

The court may annually review the jury source list for its representativeness and inclusiveness of the adult population in the jurisdiction as is feasible. If the court determines that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective action shall be taken.

Random selection processes shall also be utilized to assign prospective jurors to specific panels also for assignment during voir dire. Departures from random selection shall be permitted:

1. To exclude persons ineligible for service.
2. To excuse or defer prospective jurors.
3. To remove prospective jurors for cause or if challenged peremptorily.
4. To provide all prospective jurors with an opportunity to be called for jury service and to be assigned to a panel.
5. To assure that a prospective jury panel is representative, diverse and fair.

All prospective jurors shall be notified by regular mail of their requirement of service by the issuance of a summons directing them to appear on the date assigned. Further, all prospective jurors shall be required to complete a jury questionnaire and, if appropriate, a request for excuse, exemption or a deferral. The summons shall be phrased to be readily understood by an individual unfamiliar with the legal process, and shall be delivered by ordinary mail. The summons shall also clearly explain how and when the recipient must respond and the consequences of his failure to respond. The jury commissioner shall remove from the jury list any summons returned for lack of receipt or other reasons indicating that the prospective juror would not be eligible to serve as a juror in the Niles Municipal Court.

(C) Summoning Prospective Jurors. Prospective jurors shall be summoned for trial dates determined by the court. Prospective jurors shall be summoned to appear in sufficient numbers to accommodate trial activity. Panels of thirty (30) to thirty five (35) persons per trial shall be summoned for service unless the court determines that a lesser or greater number is necessary for a particular trial.

The court and counsel and/or parties are required to make efforts to resolve case scheduled for jury trial prior to the day of trial. At least two (2), but no more than seven (7) days prior to trial, the court shall conduct a final pretrial conference unless otherwise ordered by the court.

In cases where multiple trials are set for the same date, jury costs shall be assessed to the last trial settled on that date. If a trial is settled on the day of trial, all lawful jury costs shall be assessed against the party who requested the jury unless otherwise agreed to by the parties or ordered by the court.

Persons summoned for jury service shall receive compensation in an amount determined by court order or fee schedule. These fees shall be promptly paid from the city or county treasury, as appropriate.

Any juror wishing to waive his fee for service shall be permitted to do so in writing in the clerk's office. All waived fees shall be returned to the city or county treasury, as appropriate.

The term of service for any prospective panel shall be for the completion of one trial.

(D) Exemption, Excuse, and Deferral. All persons except those who exercise their right to exemption are subject to service. Eligible persons who are summoned may be excused from service only if it is determined that their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors, or that service upon a jury would constitute a significant hardship to them or members of the public. Persons excused from service shall be deferred and may be subject to jury service at a later time. Unless in the case of exigent circumstances or for good cause showing, all requests for excuse, exemption or deferral must be made in writing and shall be accompanied by appropriate documentation. These documents shall be retained by the court.

The following factors constitute a partial, although not exclusive, list of excuses for which a person may be excused or deferred from jury service:

1. Any person who suffers from a substantial physiological or psychological impairment.
2. Any person who has a scheduled vacation or business trip during potential jury service.
3. Any person for whom jury service would constitute a substantial economic hardship.
4. Any person for whom service on a jury would constitute a substantial hardship on their family, clients, or members of the public affected by the prospective juror's occupation.
5. Any person who has served on a jury within the last year.
6. Any person for whom it may be readily determined is unfit for jury service.
7. Any person for whom it is readily apparent would be unable to perform their duty as a juror.
8. Other valid excuse.

Any person shall not be excused from jury service, except by the judge, jury commissioner, or other specifically authorized by the judge to excuse jurors. Any person who does not complete the jury information form shall not be excused from service. Once a prospective juror has submitted his request for excuse, the prospective juror must report for service unless otherwise notified by the court.