

FILED
PROBATE COURT
SENECA COUNTY, OHIO

2024 FEB -8 PM 3:47

JAY A. MEYER
PROBATE JUDGE
EX-OFFICIO CLERK

FILED
JUVENILE COURT
SENECA COUNTY, OHIO

2024 FEB -6 P 3:35

**IN THE COURT OF COMMON PLEAS, SENECA COUNTY, OHIO
JUVENILE AND PROBATE DIVISIONS**

IN THE MATTER OF:

Case No. 22460008

Case No. 00013368

**JURY MANAGEMENT PLAN PURSUANT
TO RULE 5(D)(2) OF THE RULES OF
SUPERINTENDENCE FOR THE COURTS OF OHIO**

JOURNAL ENTRY

Effective February 1, 2024, the Jury Management Plan for the Seneca County Juvenile and Probate Court, in compliance with the Rules of Superintendence for Courts of Ohio, is hereby adopted. This Jury Management Plan is made to comply with Rule 5(D)(2) of the Ohio Rules of Superintendence, the Ohio Trial Court Jury Use and Management Standards, and Ohio Revised Code Chapter 2313. This Jury Management Plan is incorporated into the Seneca County Juvenile and Probate Court Local Rules by reference.

IT IS SO ORDERED:


JUDGE JAY A. MEYER

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SENECA COUNTY JUVENILE AND PROBATE COURT

JURY MANAGEMENT PLAN

JUVENILE COURT
SENECA COUNTY, OHIO
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CONDUCTING OF DRAWING OF JURORS

Pursuant to R.C. Section 2313.09, this Court¹ hereby adopts the procedure of using automated data processing for conducting the drawing of jurors. This process shall provide an equal, random opportunity for selection.

STANDARD 1 - OPPORTUNITY FOR SERVICE

- A. 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.
- B. Jury service is an obligation of all qualified citizens of Seneca County, Ohio.

STANDARD 2 - JURY SOURCE LIST

- A. The names of potential jurors shall be obtained from the Board of Elections of Seneca County, Ohio. The list shall consist of registered and current voters as defined by R.C. Section 2313.06.
- B. The jury source list shall be representative and as inclusive of the adult population in Seneca County as is feasible.
- C. The Court shall 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 shall be taken.
- E. The Jury Commissioners and/or Deputy Jury Commissioners of the Court shall remove from the annual jury source list the names of individuals granted a permanent jury excuse as provided by R.C. Section 2313.14 and the names of individuals discharged from service under R.C. Section 2313.21.

STANDARD 3 - RANDOM SELECTION PROCEDURES

- A. Random selection procedures shall 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 shall be documented.

¹ "Court" shall hereafter be defined as the Seneca County Juvenile and Probate Court, with the assistance of the Seneca County Common Pleas General Division, as necessary and appropriate.

1. The Court shall issue an order clarifying when the jury year begins and how the terms will be divided (R.C. Section 2313.05). In addition, the Court shall order the number of individuals to be drawn. (R.C. Section 2313.07)
2. Potential jurors shall be drawn from a jury source list, which shall constitute a list of all current registered voters in Seneca County, by the use of random selection procedures using automated data processing equipment in conformity with R.C. Section 2313.06.
3. The names for the term jury list shall be obtained by using an electronic method that provides each person on the annual jury source list with "an equal, random probability of selection." (R.C. Section 2313.09)
4. The jury year for the Seneca County Juvenile and Probate Court shall be the calendar year, with the jury year beginning on January 1st of each year. The jury year shall be divided into three parts, with the beginning date of January 1, May 1, and September 1 of each year. (R.C. Section 2313.05)
5. In December of the preceding year and in March and July of each calendar year, the Jury Commissioners of the Court shall convene and complete, by use of automated data processing equipment, a list of prospective jurors for grand and petit juries.
6. In the event the number of prospective jurors is insufficient to meet the needs for the Court in the calendar year, or in any part of the jury year, the Jury Commissioners of the Court shall reconvene as necessary to select additional prospective jurors in accordance with R.C. Section 2313.07.
7. The lists for prospective jurors shall be reviewed. If, in the opinion of the Court, the jury source list is not representative of the adult population of the jurisdiction, additional source lists shall be utilized as authorized by law.
8. All prospective jurors shall be notified by regular mail that their name has been drawn (summoned) and placed upon the list for upcoming jury service.
9. All prospective jurors shall be notified of the requirement of their service by the issuance of a summons. Said summons shall be phrased so as to be readily understood by an individual unfamiliar with the legal process and shall be delivered by ordinary mail.

B. Random selection procedures shall 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;
 2. To excuse or defer prospective jurors;
 3. To remove prospective jurors for cause or if challenged peremptorily; and
 4. To provide all prospective jurors with an opportunity to be called for jury service and to be assigned to a panel.

STANDARD 4 - ELIGIBILITY FOR JURY SERVICE

All persons shall 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; namely, Seneca County; or
- 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 shall be the shortest period consistent with the needs of justice.
- B. Petit jurors serve an "on-call" term of four (4) months. They will be called to be a juror as needed during that four-month term. They will receive a postcard with a date and time to appear approximately one week prior to the date of jury service. Included on that card is a telephone number to call the night before the trial date to see if they will actually need to appear. Most jury trials last two days. However, a trial could last longer. The Judge will adjourn the jury each evening and will instruct them as to what time to return the following morning.

STANDARD 6 - EXEMPTION, EXCUSE, AND DEFERRAL

- A. There shall be no excuses or exemptions from jury service except those authorized by R.C. Section 2313.14.
- B. Prospective jurors may be excused for the reasons outlined by R.C. Section 2313.14.
- C. Requests for excuses may be made by telephone or in writing in accordance with Sections 2313.14 and 2313.15 of the Ohio Revised Code. Such requests must be made at least two (2) business days before they are required to appear. The Court shall decide upon requests for excuses on an individual basis, and the Court's decision will be communicated by telephone.
- D. 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 the 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 the Judge or a specifically authorized Court official.
- E. Deferrals for jury service for reasonably short periods of time may be permitted by the Judge or a specifically authorized Court official.

STANDARD 7 - VOIR DIRE

- A. 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.
- B. To reduce the time required for voir dire, a list of prospective jurors shall be provided to the attorneys prior to the trial date.
- C. The Judge shall conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time.
- D. The Court shall use the "strike method" of jury selection.
- E. The Judge shall ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process. In accordance with R.C. Section 2313.18, prospective jurors shall be given an opportunity to request an in-camera hearing.
- F. In all cases, the voir dire process shall be held on the record.

G. Rules of Voir Dire:

1. The case may not be argued in any way while questioning the jurors;
2. Counsel may not engage in efforts to indoctrinate jurors;
3. Jurors may not be questioned concerning anticipated instructions or theories of law. This does not prevent general questions concerning the validity and philosophy of reasonable doubt or the presumption of innocence;
4. Jurors may not, under any circumstance, be asked what kind of verdict they might return;
5. Questions are to be asked collectively of the entire panel whenever possible.

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, or that juror meets any other criteria under R.C. Section 2313.17, that individual shall be removed from the panel. Such a determination may be made on motion of counsel or by the Judge.

STANDARD 9 - 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.

STANDARD 10 - ADMINISTRATION OF THE JURY SYSTEM

- A. The responsibility for administration of the jury system shall be vested exclusively in the Court.
- B. All procedures concerning jury selection and service shall be governed by the Constitution of the United States and State of Ohio, Ohio Rules of Court, and the laws of the State of Ohio.
- C. Responsibility for administering the jury system shall be vested with the Judicial Assistants who will be designated as deputies to the Jury Commissioners. In accordance with R.C. Section 2313.03, the proper oaths will be administered.
- D. In accordance with R.C. Section 2313.23, the Court, 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 Ohio Rules of Superintendence.

STANDARD 11 - NOTIFICATION AND SUMMONING PROCEDURES

- A. The notice summoning a person to jury service shall be phrased so it can be readily understood by an individual unfamiliar with the legal and jury systems and delivered by ordinary mail.
- B. The summons shall clearly explain how and when the recipient must respond and the consequence of a failure to respond.
- C. 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.

STANDARD 12 - MONITORING THE JURY SYSTEM

The Court shall 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.

STANDARD 13 - JUROR USE

- A. The Court shall employ the services of prospective jurors so as to achieve optimum use with a minimum of inconvenience to jurors.
- B. The Court shall determine the minimally sufficient number of jurors needed to accommodate trial activity.

STANDARD 14 - JURY FACILITIES

- A. The Court shall provide an adequate and suitable environment for jurors.
- B. The entrance and registration area will be clearly identified and appropriately designed to accommodate the daily flow of prospective jurors to the Courthouse.
- C. Jurors shall be accommodated in pleasant waiting facilities furnished with suitable amenities.

- D. 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.
- E. To the extent feasible, juror facilities shall be arranged to minimize contact between jurors, parties, counsel, and the public.

STANDARD 15 - JUROR COMPENSATION

- A. Persons called for jury service shall receive a reasonable fee for their service and expenses pursuant to statutory authority (R.C. Section 2313.22) and as established by the Seneca County Board of Commissioners.
- B. Such fees shall 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.
 - 1. 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.
 - 2. 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 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.
- D. Upon completion of the juror's term of service, the assigned Deputy Jury Commissioner shall coordinate payment to the jurors for each day of actual service.

STANDARD 16 - JUROR ORIENTATION AND INSTRUCTION

- A. The Court shall send with the petit and grand juror summons an informational letter designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors.
- B. On the day of trial, the Court shall provide orientation and instruction in a uniform, accessible and efficient manner.
- C. The Judge may for petit jurors:
 - 1. Give preliminary instructions to all prospective jurors;

2. 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;
 3. 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; and
 4. The use of written instructions to the jury is preferable.
- D. Before dismissing a petit jury at the conclusion of a case, the Judge may:
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 express approval or disapproval of the result of the deliberation.

STANDARD 17 - JURY SIZE AND UNANIMITY OF VERDICT

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

STANDARD 18 - JURY DELIBERATIONS

- A. Jury deliberations shall take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision-making and shall conform to existing Ohio law.
- B. The Judge shall instruct the jury concerning appropriate procedures to be followed during deliberation.
- C. A jury shall not be required to deliberate after a reasonable hour unless the Judge determines that evening or weekend deliberations would not impose an undue hardship upon the jurors and are required in the interest of justice.
- D. Training shall be provided to personnel who escort and assist jurors during deliberation.

STANDARD 19 - SEQUESTRATION OF JURORS

- A. A jury shall be sequestered only for good cause, including but not limited to insulating its members from improper information or influences.
- B. The 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.
- C. The judicial assistant 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.
- D. Training shall be provided to personnel who escort and assist jurors during sequestration.

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.