

**RULES OF PRACTICE
OF THE
COURT OF COMMON PLEAS**

STATEMENT OF PURPOSE

Delay in criminal and civil cases in the Courts of Common Pleas throughout the state of Ohio is a serious problem in the administration of justice. Constitutional courts were created to serve the litigants and the interest of the public at large, not for the convenience or benefit of judges and lawyers. Unnecessary delay erodes the public's confidence in the judicial system.

It is the obligation of the judges of the Court of Common Pleas, Franklin County, Ohio, to operate the Court in a manner that is lawful, fair, just, and efficient for the benefit of the citizens of Franklin County and all other litigants that come before it. To that end, the following rules are designed (1) to expedite the disposition of both criminal and civil cases in this Court, while at the same time safeguarding the rights of litigants to the just processing of their cases; (2) to expedite and make consistent the disposition of cases in the general branch of the Court; and (3) to serve the public interest which mandates the prompt disposition of all cases before this Court.

RULE 27 - JURIES, JURORS - [05/18/94]

27.01 Opportunity for Service

- A. The opportunity for jury service in Franklin County 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 of the Court.
- B. Jury service is an obligation of all qualified citizens of Franklin County, Ohio.

Ohio Statutes

O.R.C. 2313.47 Race or color shall not disqualify a juror.

27.03 Jury Source List

- A. Pursuant to Court Order, the jury source list shall be obtained from the Board of Elections' list of registered voters.
- B. The jury source list shall be representative and should be as inclusive of the adult population in Franklin County as is feasible.
- C. The court shall on a regular basis review the jury source list for its representativeness and inclusiveness of the adult population in Franklin County 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. "Ballots" or automated data processing electronic/ magnetic storage devices remaining after the creation of the annual juror tape, on the jury draw automated data processing electronic/magnetic storage device, shall be disposed of by the erasure and/or reuse of this device for any other data processing use, pursuant to section 2313.35 O.R.C.

Ohio Statutes

- O.R.C. 1901.25 Selection and impaneling of a jury.
- O.R.C. 1907.28 Authorizes county courts to adopt local rules regarding jury selection and impaneling.
- O.R.C. 2311.42 Authorizes the drawing of a jury from an adjoining county if a party to the case is the board of county commissioners.
- O.R.C. 2313.06 Provisions relative to the summoning of jurors using lists of voters and licensed drivers.
- O.R.C. 2313.07 Construction of a jury wheel and the use of data processing equipment in drawing jurors.
- O.R.C. 2313.08 Contains provisions relative to the annual jury list.
- O.R.C. 2313.09 Supplemental jury lists.
- O.R.C. 2313.15 Report of names of jurors excused.
- O.R.C. 2313.20 Notice of drawing.
- O.R.C. 2313.21 Conduct of drawing.
- O.R.C. 2313.26 Order for additional number of jurors.

27.05 Random Selection Procedures

- A. Random selection procedures are to be used in selecting persons to be summoned for jury service, assigning prospective jurors to panels and calling prospective jurors for voir dire.

Departures from the principle of random selection are appropriate only to comply with lawful exceptions.

- B. The prospective juror list shall be created through the use of automated data processing electronic/magnetic storage devices pursuant to 2313.07(C), 2313.08(C) and 2313.21(C) of the Ohio Revised Code and such automated information retrieval systems shall not be activated except by order of this Court.

Ohio Statutes

- O.R.C. 1901.25 Selection and impaneling of a jury.
- O.R.C. 1907.28 Authorizes county courts to adopt local rules regarding jury selection and impaneling.
- O.R.C. 2101.30 Drawing of a jury in probate cases.
- O.R.C. 2313.07 Construction of a jury wheel and the use of data processing equipment in drawing jurors.
- O.R.C. 2313.08 Contains provisions relative to the annual jury list.
- O.R.C. 2313.09 Supplemental jury lists.
- O.R.C. 2313.15 Report of names of jurors excused.
- O.R.C. 2313.21 Conduct of drawing.

27.07 Eligibility for Jury Service

- A. All persons shall be eligible for jury service except those who:
- Are less than eighteen years of age;
 - Are not citizens of the United States;
 - Are not residents of the jurisdiction in which they have been summoned to serve; to wit, Franklin County;
 - Are not able to communicate in the English language; or
 - Have been convicted of a felony and have not had their civil rights restored.

Ohio Statutes

O.R.C. 1901.25 Selection and impaneling of a jury.

O.R.C. 1907.28 Authorizes county courts to adopt local rules regarding jury selection and impaneling.

O.R.C. 2961.01 Precludes convicted felons from serving as jurors.

27.09 Term of and Availability for Jury Service

- A. Unless otherwise provided by law or order of the Court, jurors shall be called to serve a tour of two weeks. The tours of the jurors shall be staggered so that a new panel of jurors is called each week to serve the respective tours. Jurors shall be oriented by the Duty Judge. Jurors may be excused or deferred pursuant to R.C. Sections 2313.16 by a representative of the Court. That representative may be any judge of the Common Pleas Court or the Deputy Jury Commissioner(s) who shall pass on requests by jurors to be excused or deferred from jury duty.
- B. "Ballots" or automated data processing electronic/ magnetic storage devices containing the names of jurors who serve as jurors shall be disposed of by erasing those names and reusing the tag device immediately after the service by the juror has terminated unless otherwise ordered by the Court pursuant to section 2313.30 O.R.C.

27.11 Exemption, Excuse and Deferral

- A. All automatic excuses or exemptions, with the exception of statutory exemptions from jury service, should be eliminated.
- B. Prospective jurors may be excused for the following reasons: over age 70 and request to be excused; financial hardship; personal or family illness; childcare hardship; school hardship; physician; firefighter; or lawyer. Prospective jurors are rescheduled for the following reasons: vacation; employment hardship; or student.
- C. Deferrals for jury service for reasonably short periods of time may be permitted by a judge or specifically authorized court official.
- D. Requests for excuses and deferrals and their disposition shall be written or otherwise made or recorded. See Exhibit A.

Ohio Statutes

- O.R.C. 737.26 Exempts fireman from jury duty.
- O.R.C. 1901.25 Selection and impaneling of a jury.
- O.R.C. 1907.28 Authorizes county courts to adopt local rules regarding jury selection and impaneling.
- O.R.C. 2313.12 Jury exemptions; proof of exemptions.
- O.R.C. 2313.13 Postponement of jury service; temporary excuse or discharge.
- O.R.C. 2313.14 Failure to attend after postponed service.
- O.R.C. 2313.15 Report of names of jurors excused.
- O.R.C. 2313.16 Reasons for which jurors may be excused.
- O.R.C. 2313.27 Evasion of jury service.
- O.R.C. 2313.36 Exemptions from jury service in court of record.
- O.R.C. 5919.20 Exempts certain officers and personnel of the Ohio National Guard from jury service.
- O.R.C. 5920.10 Exempts members of the Ohio Military Reserve from jury duty.
- O.R.C. 5921.09 Exempts members of the Ohio Naval Militia from jury service.

27.13 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, basic background information regarding panel members should be made available to counsel in writing for each party on the day on which jury selection is to begin. See Exhibit B.
- C. 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.
- D. The judge should ensure that the privacy of prospective jurors is reasonably protected, and the questioning is consistent with the purpose of the voir dire process.
- E. In criminal cases, the voir dire process shall be held on the record unless waived. In civil cases, the voir dire process SHALL NOT be held on the record unless requested by the parties.
- F. Rules on Voir Dire
 - The case may not be argued in any way while questioning the jurors.
 - Counsel may not engage in efforts to indoctrinate jurors.
 - 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.
 - Jurors may not be asked what kind of verdict they might return under any circumstance.
 - Questions are to be asked collectively of the entire panel whenever possible.
- G. All prospective jurors shall complete the "Juror Questionnaire" approved by the Court. If a trial judge approves a supplemental questionnaire, jurors shall complete the supplemental questionnaire.
- H. Subject to the availability of jurors, the Deputy Jury Commissioner shall, at all times, have a panel of jurors available for call to a courtroom. Such panel shall be randomly drawn and shall consist of twenty-four jurors.
- I. When a bailiff requests that a panel of jurors report to a courtroom, the Deputy Jury Commissioner shall provide for the bailiff the prepared panel of jurors, along with three copies of the Questionnaire.
- J. If a lesser or greater number of jurors is needed for the case that is called, the bailiff shall advise the Deputy Jury Commissioner of the number of jurors needed. If available, the jurors, along with copies of their Questionnaires, shall be made available to the bailiff.
- K. The Questionnaire shall be used by the parties for purposes of voir dire only. No copies of

the Questionnaire shall be made by the parties. Upon completion of the voir dire, the copies of the Questionnaire shall be returned to the bailiff who shall return them to the Deputy Jury Commissioner when the juror has completed his or her service in the courtroom. The Questionnaire is not to be marked on.

Ohio Statutes

O.R.C. 1901.25 Selection and impaneling of a jury.

O.R.C. 1907.28 Authorizes county courts to adopt local rules regarding jury selection and impaneling.

Court Rules

Civ. R. 47 Jurors.

Crim.R. 24 Trial jurors.

27.15 Removal from the Jury Panel for Cause

- A. 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.

Ohio Statutes

- O.R.C. 1901.25 Selection and impaneling of a jury.
- O.R.C. 1907.28 Authorizes county courts to adopt local rules regarding jury selection and impaneling.
- O.R.C. 2313.42 Challenge for cause of persons called as jurors.
- O.R.C. 2313.43 Challenge of petit jurors.
- O.R.C. 2945.25 Causes for challenging jurors.
- O.R.C. 2945.26 Challenge of juror for cause.

Court Rules

- Civ. R. 47 Jurors.
- Crim.R. 24 Trial jurors.

27.17 Peremptory Challenges

- A. Procedures 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.

Ohio Statutes

- O.R.C. 1901.25 Selection and impaneling of a jury.
O.R.C. 1907.28 Authorizes county courts to adopt local rules regarding jury selection and impaneling.
O.R.C. 2938.06 Number of jurors and challenges.
O.R.C. 2945.21 Peremptory challenges.
O.R.C. 2945.23 Use of peremptory challenges.

Court Rules

- Civ. R. 47 Jurors.
Crim.R. 24 Trial jurors.

27.19 Administration of the Jury System

- A. The responsibility for administration of the jury system shall be vested exclusively in the Franklin County Common Pleas Court.
- B. All procedures concerning jury selection and service should be governed by these rules and other applicable statutes and the Ohio Rules of Criminal Procedure and Civil Procedure.

Ohio Statutes

- O.R.C. 1901.14 Authorizes the adoption of local rules regarding the summoning of jurors.
- O.R.C. 1907.28 Authorizes county courts to adopt local rules regarding jury selection and impaneling.
- O.R.C. 2313.01 Authorizes the appointment of jury commissioners.
- O.R.C. 2313.02 Compensation and appointment of deputies and clerks in the office of jury commissioners.
- O.R.C. 2313.03 Oath of office for jury commissioners.
- O.R.C. 2313.04 Lists cases in which the deputy jury commissioner may act.

27.21 Notification and Summoning Procedures

The notice summoning a person to jury service should be:

- A. Phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems.
- B. Delivered by ordinary mail.
- C. The summons should clearly explain how and when the recipient must respond and the consequences of a failure to respond.
- D. Jurors who fail to report for service may be scheduled for a contempt hearing before a referee or judge to inform the hearing officer as to why they did not appear. Sanctions are imposed as warranted.

Ohio Statutes

- O.R.C. 1905.28 Gives the mayor of a municipal corporation the authority to compel the attendance of jurors.
- O.R.C. 1907.29 Cross-references to civil and criminal rules and authorizes the punishment by contempt for summoned jurors who refuse to serve.
- O.R.C. 2101.30 Drawing of a jury in probate cases.
- O.R.C. 2313.10 Notice to jurors to appear and testify before jury commissioners.
- O.R.C. 2313.11 Failure of summoned juror to attend or testify.
- O.R.C. 2313.14 Failure to attend after postponed service.
- O.R.C. 2313.25 Service and return of venire.
- O.R.C. 2313.26 Order for additional number of jurors.
- O.R.C. 2313.29 Failure of juror to attend.
- O.R.C. 2313.30 Arrest for failure to attend.

27.23 Monitoring the Jury System

- A. The Court shall collect and analyze information regarding the performance of the jury system on a regular basis in order to evaluate:
- The representativeness and inclusiveness of the jury source list;
 - The effectiveness of qualification and summoning procedures;
 - The responsiveness of individual citizens to jury duty summonses;
 - The efficient use of jurors; and
 - The cost-effectiveness of the jury management system.

27.25 Juror Use

- A. The Court shall determine the minimally sufficient number of jurors needed to accommodate trial activity. This information and appropriate management techniques should be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.
- B. The Court should use the services of prospective jurors so as to achieve optimum results with a minimum of inconvenience to the juror.

Ohio Statutes

O.R.C. 2313.19 Number of jurors drawn.

O.R.C. 2313.24 Number of jurors; exception for smaller counties.

27.27 Jury Facilities

- A. The Court shall provide an adequate and suitable environment for jurors.
- B. The entrance and registration area shall 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 should be arranged to minimize contact between jurors, parties, counsel and the public.

Ohio Statutes

- O.R.C. 1907.29 Cross-references to civil and criminal rules and authorizes the punishment by contempt for summoned jurors who refuse to serve.
- O.R.C. 2313.05 Office and supplies for the jury commissioners.
- O.R.C. 2315.03 Deliberations of jury.
- O.R.C. 2945.33 Keeping and conduct of the jury after case is submitted to the jury.

27.29 Juror Compensation

- A. Persons called for jury service shall receive fees which are set by statute. Petit jurors shall receive \$7.50 per day for the first ten days and \$15.00 per day for each day thereafter. Grand jurors shall receive a fee of \$10.00 per day.
- B. Such fees shall be paid weekly by the Clerk of Courts.
- C. Employers SHALL be prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

Ohio Statutes

- O.R.C. 1901.25 Selection and impaneling of a jury.
- O.R.C. 1907.28 Authorizes county courts to adopt local rules regarding jury selection and impaneling.
- O.R.C. 2101.16 Cross-references to other sections regarding jury fees.
- O.R.C. 2313.34 Discharge of juror, compensation.

27.31 Juror Orientation and Instruction

A. The Court shall have an orientation program:

Designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors;

Presented in a uniform and efficient manner using a combination of written, oral and audiovisual material.

B. The Court shall provide orientation or instructions to persons called for jury service.

C. The trial judge should:

Give preliminary instructions to all prospective jurors;

Give instructions directly following empanelment of the jury to explain the jury's role, the trial procedures including notetaking and questioning by jurors, the nature of evidence and its evaluation, the issues to be addressed and the basic relevant legal principles;

Prior to the commencement of deliberation, instruct 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. Such instructions may be made available to the jurors during deliberations;

Prepare and deliver instructions which are readily understood by individuals unfamiliar with the legal system; and

Provide written instructions when possible.

Before dismissing a jury at the conclusion of a case, the trial judge should:

Release the jurors from their duty of confidentiality;

Explain their rights regarding inquiries from counsel or the press;

Either advise them that they are discharged from service or specify where they must report; and

Express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.

D. All communications between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire until dismissal shall be in writing or on the record in open court. Counsel for each party shall be informed of such communication and given the opportunity to be heard.

Ohio Statutes

O.R.C. 2945.10 Order of trial proceedings, including the charge to the jury.

O.R.C. 2945.11 Charge to the jury on questions of law and fact.

O.R.C. 2945.34 Admonition to be administered to jurors if they are separate during trial.

Court Rules

Civ. R. 51 Instructions to the jury; objections.

Crim.R. 30 Instructions to the jury.

27.33 Jury Size and Unanimity of Verdict

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

Ohio Statutes

- O.R.C. 1901.24 Cross-references to civil and criminal rules related to juries.
O.R.C. 1907.29 Cross-references to civil and criminal rules and authorizes the punishment by contempt for summoned jurors who refuse to serve.
O.R.C. 2938.06 Number of jurors and challenges.

Court Rules

- Civ.R. 38 Jury trial of right.
Civ.R. 48 Juries, majority verdict, stipulation of number of jurors.
Civ. R. Form 18 Judgment on jury verdicts.
Crim.R. 23 Trial by jury or by the court.

27.35 Jury Deliberations

- A. Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision-making and shall conform with existing Ohio law.
- B. The judge should instruct the jury concerning appropriate procedures to be followed during deliberations.
- C. A jury should not be required to deliberate after the normal closing time of the Court unless the trial 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 should be provided to personnel who escort and assist jurors during deliberation.

Ohio Statutes

- O.R.C. 2315.03 Deliberation of jury.
- O.R.C. 2315.04 Duty of officer in charge of jury.
- O.R.C. 2945.32 Contains the oath to be administered to an officer if the jury is sequestered.
- O.R.C. 2945.33 Keeping and conduct of the jury after case is submitted to the jury.

Court Rules

- Civ. R. Form 18 Judgment on jury verdicts.
- Crim.R. 30 Instructions to the jury.

27.37 Sequestration of Jurors

- A. A jury should be sequestered only for good cause, including but not limited to insulating its members from improper information or influences.
- B. THE JURY SHALL BE SEQUESTERED AFTER A CAPITAL CASE IS SUBMITTED TO THE JURY in conformity with existing Ohio law.
- C. The trial 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..
- D. Standard procedures should be promulgated to:
 - Achieve the purpose of sequestration; and
 - Minimize the inconvenience and discomfort of the sequestered jurors.
- E. Training shall be provided to personnel who escort and assist jurors during sequestration.

Ohio Statutes

- O.R.C. 2315.04 Duty of officer in charge of jury.
- O.R.C. 2945.31 Allows, but does not require, sequestering of jurors after a trial has commenced.
- O.R.C. 2945.33 Requires sequestration of jurors in capital cases once a case is submitted to the jury.

Court Rules

Crim.R. 24 Trial jurors.

JUROR NAME _____

DATE _____

EXCUSE/RESCHEDULE

NAME _____

ADDRESS _____ ZIP _____

TELEPHONE _____

DATE TO SERVE _____

CHANGE TO _____

REASON:

_____ OVER 70

_____ NO TRANSPORTATION

_____ NOT PAID

_____ SELF-EMPLOYED

_____ DR. CERTIFICATE/ILLNESS

_____ OUT OF TOWN

_____ SMALL CHILDREN

_____ MOVED FROM COUNTY

_____ STUDENT

_____ ILL RELATIVE

_____ OTHER _____

SIGNATURE OF JUROR _____

OR

INFORMATION RECEIVED BY TELEPHONE BY _____

_____ EXCUSED

_____ NOT EXCUSED

_____ RESCHEDULE

APPROVED BY: _____

JUDGE/DEPUTY JURY COMMISSIONER