

Rule 8 Assignment of cases

8.01 Single Assignment to Judges. Upon receipt of the file in any case described in Rule 1.01 (D), the assignment commissioner shall assign the case to a judge by lot unless the defendant meets the criteria set forth below.

(A) If the defendant meets any of the criteria below, the case shall be assigned in the following priority:

1. If the defendant has a pending case before an assigned judge, the new case shall be assigned to the judge to whom the pending case with the oldest case number has been assigned. Pending case means:

- a. Defendant has an active case with a judge.
- b. Defendant is order-in on an assigned case.

2. If the defendant is on community control, the new case shall be assigned to the judge who most recently placed the defendant on community control. Community control means:

- a. Defendant is on active probation.
- b. Defendant is order-in for revocation hearing.
- c. Defendant is currently under sentence suspended Provided No Convictions

(B) If the defendant meets any of the criteria below, the case shall be assigned as follows:

1. Any application for the sealing or expungement of records, including felony cases, shall be assigned to the judge who disposed of the case.

2. If the defendant has two or more cases assigned to different judges, all applications for the sealing or expungement of records in those cases shall be assigned to the Administrative Judge for disposition.

3. If a defendant has two or more cases assigned to different judges, and the defendant has filed an application to expunge records pursuant to R.C. 2953.38 (Expungement for Human Trafficking), all cases that are the subject of the application shall be referred to the CATCH Court judge for disposition.

8.011 Administrative Judge Relief From Case or Trial Duties. Pursuant to Sup.R. 4.03, the Assignment Commissioner shall reduce the number of cases individually assigned to the Administrative Judge under Loc.R. 1.01 by up to 25% percent. The percentage of the reduction shall be determined by the sitting Administrative Judge, in his or her sole discretion.

8.02 Jury Use and Management Plan. The court adopts the Jury Use and Management Plan as set forth below.

(A) Opportunity for Service

1. The opportunity for all qualified citizens to be called for jury service and to serve on a jury 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 this jurisdiction.

(B) Jury Source List

1. The names of potential jurors shall be drawn by the Commissioners of Jurors of the Franklin County Municipal Court from a jury source list obtained pursuant to R.C. 2313.08 through the Franklin County Board of Elections. Subsequent notice for appearance and service of summons will be made by the bailiff of the Franklin County Municipal Court.

2. The jury source list shall be as representative and inclusive of the adult population of Franklin County as possible. The Jury Commissioner of the Franklin County Municipal Court shall annually review the list for its representativeness and inclusiveness.

(C) Random Selection Procedures

1. Random selection procedures shall be used throughout the jury selection process except as authorized in Section (C)(2). The Jury Commissioner may use any method so long as the method chosen provides each eligible and available person with an equal probability of selection. The selection procedures shall be documented by the Jury Commissioner.

2. Departure from the principle of random selection is authorized to:

- a. Exclude persons ineligible for service in accordance with Section (D);
- b. Excuse or defer prospective jurors in accordance with Section (F);
- c. Remove prospective jurors for cause or if challenged peremptorily in accordance with Section (I); and
- d. Provide all prospective jurors with an opportunity to be called for jury service and to be assigned to a panel in accordance with Section (M).

(D) Eligibility for Jury Service

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

- a. Less than 18 years of age;
- b. Not citizens of the United states;
- c. Not residents of the jurisdiction in which they have been summoned to serve;
- d. Not able to communicate in the English language; or
- e. Have been convicted of a felony and have not had their civil rights restored due to currently being on probation or parole for that felony.

(E) Term of and Availability for Jury Service

1. The Court shall summon jurors for a term of availability of one week, the shortest period that is consistent with the needs of the Court. Jurors shall not be required to maintain a status of availability for jury service for longer than a week, except in a case where jurors have already been sworn and are required to extend their service in order to bring the case to completion.

(F) Exemption, Excusal, and Deferral

1. Automatic excusals or exemptions from jury service, with the exception of statutory exemptions, are not permitted. Eligible persons who are summoned may be excused from jury service only if:

- a. 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 a judge; or
- b. 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 assigned Judge or the Jury Commissioner.

2. Deferrals and excusals from jury service may be authorized by the Administrative Judge or the Jury Commissioner for good cause. Whenever appropriate, deferral of service is preferred over excusal.

- a. Reasons for excusal or deferral include, but are not limited to those provided in Ohio Revised Code 2313.

3. Requests for excusals or deferral and their disposition shall be written or otherwise made or recorded. Requests for deferrals may be made by phone, email, or fax to the Jury Commissioner's Office and their disposition shall be written or otherwise made or recorded. Specific uniform guidelines for determining such requests have been adopted by the Court.

(G) Voir Dire

1. 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.

2. Background information regarding panel members shall be made available to all counsel on the day on which jury selection is to begin.

3. The trial judge should conduct a preliminary voir dire examination. Counsel shall be permitted to question panel members for a reasonable period of time.

4. The privacy of prospective jurors shall be protected as much as possible. The Jury Commissioner shall avoid disclosing the address, social security number, or phone number of any juror. Questioning of jurors shall be consistent with the purpose of the voir dire process.

5. In criminal cases, the voir dire process shall be held on the record. In civil cases, the voir dire process shall be held on the record unless waived by the parties.

(H) Removal from the Jury Panel for Cause

1. If the judge determines during the voir dire process that any individual is unable to or unwilling to hear the particular case at issue fairly and impartially, that individual should be removed from the panel. Such a determination may be made on motion of counsel or by the judge.

(I) Peremptory Challenges

1. Procedures for exercising and ruling on peremptory challenges shall be in accordance with the Rules of Procedure as adopted by the Supreme Court of Ohio and applicable statutory authority. R.C. 2945.21, 2945.23, civ. R. 47 and Crim. R. 24.

(J) Administration of the Jury System

1. The Jury Commissioner of the Franklin County Municipal Court is responsible for administering the jury system consistent with provisions of this plan and under the supervision and direction of the Administrative Judge.

(K) Notification and Summoning Procedures

1. The notice summoning a person to jury service shall be readily understood by an individual unfamiliar with the legal and jury systems and shall clearly explain how and when the recipient must respond and the consequences of a failure to respond. The notice shall be served by ordinary mail.

2. The juror questionnaire shall be completed prior to service.

3. The questionnaire shall be completed online, or in person on the report date, and shall be phrased and organized to facilitate quick and accurate screening.

4. The questionnaire shall request only that information essential to determine whether a person meets the criteria for eligibility and to provide basic background information ordinarily sought during voir dire examination.

5. The Jury Commissioner shall maintain a list of the names of all jurors summoned who do not respond by phone or mail for service. Thirty days after any reporting date, the Jury Commissioner shall mail a follow up letter to all individuals who have failed to respond to the summons. Any inadequate or frivolous request for excusal shall be referred to the Administrative Judge for disposition.

6. The Administrative Judge shall authorize and hear any contempt proceeding based upon a prospective juror's failure to appear.

(L) Monitoring the Jury System

1. The Jury Commissioner shall collect information regarding the performance of the jury system and, on a regular basis, evaluate it and report to the judges concerning:

- 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;
- e. The cost-effectiveness of the jury management system; and
- f. The responses to the jurors' critique at the completion of service.

(M) Juror Use

1. The jurors should be utilized in a manner to achieve optimum use but with minimum inconvenience to the jurors.
2. The Jury Commissioner shall determine the minimum number of jurors needed to accommodate anticipated 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. The Jury Commissioner should make every effort to ensure that each prospective juror who has reported to the Court is assigned for voir dire.
3. The Jury Commissioner should coordinate jury management and calendar management to make effective use of jurors.

(N) Jury Facilities

1. The Jury Commissioner shall ensure that the waiting facilities for the jurors are a pleasant, adequate and suitable environment. The entrance and registration area shall be clearly identified. The facilities shall be arranged to accommodate the daily flow of prospective jurors to the courthouse and to minimize contact between jurors, parties, counsel, and the public.
2. Jury deliberation rooms shall include space, furnishings, and facilities conducive to reaching a fair verdict. The safety and security of the deliberation rooms should be ensured.

(O) Juror Compensation

1. Persons called for jury service shall receive a reasonable fee for their service and their expenses as set by the Court.
2. Employers shall not discharge, layoff, deny advancement opportunities to, or otherwise penalize employees who miss work because of jury service.

(P) Juror Orientation and Instruction

1. The Jury Commissioner shall conduct orientation programs designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors.

2. The Court should provide some form of orientation or instructions to persons called for jury service:

- a. Upon initial contact prior to service;
- b. Upon first appearance at the court; and
- c. Upon reporting to a courtroom for voir dire.

3. The trial judge should:

- a. Give preliminary instructions to all prospective jurors.
- b. Give instructions directly following empanelment of the jury to explain the jury's role, the trial procedures including note taking and questioning by jurors, 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, 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 should 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. Recognize utilization of written instructions is preferable.
- f. Before dismissing a jury at the conclusion of a case:
 - i. Release the jurors from their duty of confidentiality;
 - ii. Explain their rights regarding inquiries from counsel or the press;
 - iii. Either advise them that they are discharged from service or specify where they must report; and
 - iv. Express appreciation to the jurors for their service, but not express approval or disapproval of the result of the deliberation.

4. All communications between the judge and members of the jury panel from the time of reporting to the courtroom for voir dire until dismissal from the courtroom 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.

(Q) Jury Size-Unanimity of Verdict

1. Jury size and unanimity in civil and criminal cases shall be determined by the Rules of Practice as adopted by the Supreme Court of Ohio and by statute.

(R) Jury Deliberations

1. Jury deliberations should take place under conditions and pursuant to procedures that are designed to ensure impartiality and to enhance rational decision-making.

2. The Jury Commissioner shall provide appropriate training to court personnel who escort and assist jurors during deliberations.

3. A jury should not be required to deliberate after a reasonable hour unless the trial judge determines that extending deliberations into the evening would not impose an undue hardship upon the jurors and is required in the interest of justice.

(S) Sequestration of Jurors.

1. A jury should be sequestered only for good cause, including but not limited to insulating its members from improper information or influences.

2. The decision to sequester a jury is within the sole discretion of the trial judge and shall be made on the motion of counsel or on the judge's initiative. The trial judge shall instruct the Jury Commissioner on the conditions of sequestration and the Jury Commissioner is charged with the responsibility to comply with the conditions and, at the same time, minimize the inconvenience and discomfort of the sequestered jurors.

8.03 Conflicts in case schedules. Upon receipt of form 1.03, the assignment commissioner shall review the form for conflicts of assignment. If conflicts are discovered, the assignment commissioner shall notify the judge of the conflict, and the judge shall adjust the case schedule accordingly.

8.04 Specialized Dockets.

(A) The Specialized Dockets are the dockets certified by the Ohio Supreme Court under Sup.R. 36.20 through 36.26 and will be conducted consistent with the Specialized Docket Standards provided by the Supreme Court in Appendix I of the Rules of Superintendence.

(B) Unassigned Case(s).

Upon execution of a Request for Admission to one of the specialized docket Programs by a judge in arraignment court (4C or 4D), or the duty judge in their absence, the case shall be referred to the judge presiding over the specialized docket Program, and the case shall be assigned to that Judge. If the defendant is not accepted into the specialized docket Program, the case(s) shall be assigned pursuant to Loc.R. 8.01.

(C) Assigned Case(s).

Upon the execution of a Request for Admission to one of the specialized dockets Programs by the assigned judge and the Administrative Judge, pursuant to Sup.R. 4(B)(1), the assignment commissioner shall transfer the case from the assigned judge to the specialized docket judge. In the absence of the assigned judge, the administrative judge may authorize the transfer and sign the Request for Admission pursuant to Loc.R. 2.02.

If the defendant is accepted into a Program, the case(s) shall be permanently assigned to the judge who has been elected to oversee the LINC, Recovery Court, MAVS, H.A.R.T., or CATCH Docket. If the defendant is not accepted into a Program, the case shall be transferred back to the judge to whom the case was originally assigned.

(D) Acceptance into a Specialized Docket.

Acceptance into the LINC Program shall be determined by the guidelines and procedures set forth in Administrative Order No. 02-2004 to govern the operation of said Program.

Acceptance into the Recovery Court shall be determined by the guidelines and procedures set forth in Administrative Order No. 02-2009 to govern the operation of said Program.

Acceptance into the CATCH Program shall be determined by the guidelines and procedures set forth in Administrative Order No. 03-2009 to govern the operation of said Program.

Acceptance into the MAVS Program shall be determined by the guidelines and procedures set forth in Administrative Order No. 06-2013 to govern the operation of said Program.

Acceptance into the H.A.R.T. Program shall be determined by the guidelines and procedures set forth in Administrative Order No. 09-2013 to govern the operation of said Program.

(E) Election of Judge.

The judge assigned to preside over a Specialized Docket Program shall be elected each year at the meeting during which the administrative judge is elected. A judge assigned to preside over a Specialized Docket Program shall serve for a term of two years. If the judge elected to preside over a Program is unable or unwilling to serve, a new judge shall be elected at the next judges meeting.