

Rule 27

JURY TRIALS AND JURY MANAGEMENT PLAN

(A) A criminal defendant charged with other than a minor misdemeanor is entitled to a jury of eight pursuant to Rule 23(A) of the Ohio Rules of Criminal Procedure. In serious offense cases the defendant before commencement of the trial may knowingly, intelligently and voluntarily waive in writing his right to trial by jury. Such waiver may also be made during trial with the approval of the court and the consent of the prosecuting attorney. In petty offense cases, where there is a right of jury trial, the defendant shall be tried by the court unless he demands a jury trial. Such demand must be in writing and filed with the clerk of court not less than 10 days prior to the date set for trial, or on or before the third day following receipt of notice of the date set for trial, whichever is later. Failure to demand a jury trial as provided in this subdivision, including the failure to use required forms or pay required deposits in the case of a civil jury trial demand, is a complete waiver of the right thereto.

(B) In a civil case either party may demand a trial by jury with time specified by Rule 38 of the Ohio Rules of Civil Procedure by first filing a jury request form and jury costs of \$400.00 with the clerk of court. In forcible entry and detainer actions, a demand for trial by jury under Ohio Revised Code Section 1923.10, shall be made by jury request form and the jury cost deposit of \$400.00 shall be deposited with the clerk of court no later than three days before the date set for hearing. In any civil jury case, counsel for plaintiff must file a trial brief with the clerk at least 20 days before the date of trial. Copies of the trial brief must be certified to all opposing counsel or parties unrepresented by counsel. Reply briefs must be filed with the clerk of court at least 10 days before the date of trial with copies certified to all opposing counsel or unrepresented parties. Said costs shall be refunded pursuant to Ohio Revised Code Section 1901.26(A)(7). [Click here for a copy of the Jury Request Form in Word format, or here for a copy of the Jury Request Form in PDF format.](#)

(C) The costs of a jury trial shall include the costs for jurors charged to Toledo Municipal Court by the Lucas County Court of Common Pleas. The party demanding a jury may withdraw a jury demand, with the consent of all parties as required by Rule 38(D) of the Ohio Rules of Civil Procedure, two full business days prior to the scheduled trial date. Such a withdrawal shall be in writing. Defendants who are acquitted in criminal trials will not be charged jury costs. As required by Ohio Revised Code Section 2947.23, in all criminal cases, the judge shall include in a sentence the costs of the prosecution and if a jury has been sworn, the fees of the jurors shall be included in the costs.

(D) Pursuant to Rule 5(B)(2) of the Rules of Superintendence for the Courts of Ohio, the court has adopted and implemented the following jury management plan for the purposes of ensuring the efficient and effective use and management of jury resources. To that end, the Toledo Municipal Court has an agreement with the Lucas County Court of Common Pleas to provide, administer, and manage jury resources.

(1) Opportunity for Service. 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. Jury service is an obligation of all qualified citizens. The court shall make reasonable accommodations for those jurors having special needs due to a physical impairment.

(2) Jury Source List. The names of potential jurors shall be drawn from a jury source list compiled from registered voters in Lucas County, Ohio. This list is maintained

by the Lucas County Board of Elections. The list shall be representative and as inclusive of the adult population in the jurisdiction as is feasible. The Lucas County Common Pleas Court will periodically request the Lucas County Board of Elections to review the voter's registration list to ensure the list is representative and inclusive of the adult population in Lucas County. If improvement is needed in the representativeness or inclusiveness of the source list, appropriate corrective action shall be taken. On a quarterly basis, the Lucas County Common Pleas Court will evaluate the demographic profile of jurors reporting for service. This will be used as an indicator of the representativeness and inclusiveness of the jury source list.

(3) **Random Selection Procedures.** Random selection procedures shall be used throughout the juror selection process pursuant to the agreement with the Lucas County Court of Common Pleas.

(4) **Eligibility for Jury Service.** All persons shall be eligible for jury service except those who are less than 18 years of age, are not citizens of the United States, are not residents of the jurisdiction, are not able to communicate in the English language, or have been convicted of a felony and have not had their civil rights restored.

(5) **Term of and Availability for Jury Service.** The time that persons are called upon to perform jury service and to be available is the shortest period consistent with the needs of justice. Citizens shall be called upon to perform jury service for a term of two days or the completion of one trial, whichever is longer. Persons are not required to maintain a status of availability for jury service for longer than two days.

(6) **Exemption, Excuse, and Deferral.** Eligible persons who are summoned for jury service 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; 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 Lucas County Common Pleas Court. Deferrals for jury service for reasonably short periods of time may be permitted by that court. Requests for excuses, deferrals, and disqualifications and their disposition are recorded by that court.

(7) **Voir Dire.** 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. To reduce the time required for voir dire, basic background information contained on any juror questionnaire regarding panel members shall be made available to counsel in writing for each party on the day on which jury selection is to begin. This background information shall be handled in a manner to ensure privacy. When prospective jurors are initially sworn, the oath shall also indicate that the answers to any jury questionnaire are true. The trial judge may conduct a preliminary voir dire examination. Counsel shall then be permitted to question panel members for a reasonable period of time. The judge shall ensure that the privacy of prospective jurors is reasonably protected and the questioning is consistent with the purposes of the voir dire process. 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.

(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, that individual shall be removed from the panel. Such a determination may be made on motion of counsel or by the judge.

(9) Peremptory Challenges. The exercise of peremptory challenges shall be in accordance with the Ohio Revised Code, Civil Rules, and Criminal Rules.

(10) The responsibility for administration of the jury system is vested exclusively in the judiciary. All procedures concerning jury selection and service shall be governed by Ohio Rules of Court. Responsibility for administering the jury system is vested in the court administrator of the Lucas County Court of Common Pleas acting under the supervision of the administrative judge of the Lucas County Court of Common Pleas.

(11) Notification and Summoning Procedures. The notice summoning a person to jury service shall be done by the Lucas County Court of Common Pleas pursuant to the agreement between Toledo Municipal Court and Lucas County Court of Common Pleas.

(12) Monitoring the Jury System. The Lucas County Court of Common Pleas collects and analyzes 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.

(13) Juror Use. The Lucas County Court of Common Pleas will determine the minimally sufficient number of jurors needed to accommodate trial activity and Toledo Municipal Court will coordinate with the court administrator of Lucas County Court of Common Pleas to make effective use of jurors pursuant to the agreement. If there are not enough persons to constitute the required panel, the court may order the panel filled from the bystanders, or from among the citizens from within the territorial jurisdiction of this court, or may order additional jurors from the Jury Commissioner of Lucas County.

(14) Jury Facilities. The court shall provide an adequate and suitable environment for jurors. The 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. To the extent feasible, juror facilities are arranged to minimize contact between jurors, parties, counsel, and the public.

(15) Juror Compensation. Persons called for jury service shall promptly receive a reasonable fee for their service. Employers are prohibited from discharging, laying-off, denying advancement opportunities to, or otherwise penalizing employees who miss work because of jury service.

(16) Juror Orientation and Instruction. Juror orientation is designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors. Juror orientation shall be presented in a uniform manner using a combination of written, oral, and audiovisual materials. The Lucas County Common Pleas Court, pursuant to the agreement, shall provide some form of orientation or instructions to persons called for jury service upon initial contact prior to service and upon first appearance at the Common Pleas Court for juror orientation.

The trial judge shall give preliminary instructions to all prospective jurors upon reporting to a courtroom for voir dire.

The trial judge shall give instructions directly following impanelment 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. Prior to the commencement of deliberations, the trial judge shall 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. The trial judge shall within his or her discretion, make available to the jurors such written instructions during deliberations.

Before dismissing a jury at the conclusion of a case, the trial judge shall release jurors from their duty of confidentiality, explain their rights regarding inquiries from counsel or the press, and either advise them that they are discharged from service or specify where they must report.

All communication 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.

(17) Jury Size and Unanimity of Verdict. Jury size and unanimity in civil and criminal cases shall conform to existing Ohio law.

(18) Jury Deliberations. Jury deliberations shall take place under conditions and pursuant to procedures to ensure impartiality, secrecy, and to enhance rational decision-making. A jury should not be required to deliberate after a reasonable hour 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. Training shall be provided to personnel who escort and assist jurors during deliberation. Counsel and appropriate court personnel shall remain readily available during jury deliberations.

(19) Sequestration of Jurors. A jury shall be sequestered only for good cause, including but not limited to insulating its members from improper information or influences. 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. Training shall be provided to personnel who escort and assist jurors during sequestration.

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