

The Ohio Jury Management
Association Newsletter

The Ohio Jury Management
Association promotes and enhances
jury service through
excellent jury management.

E.J. Griffith, President
Greene County Common Pleas Court
937/562.5300
egriffith@co.greene.oh.us

David Ballmann, Vice President
Montgomery Co. Common Pleas Court
937/224-3887
ballmand@montcourt.org

Victoria Robertson, Sec/Treasurer
Butler County Common Pleas Court
H. 513/423-0526
VRRobertson@aol.com

Jean E. Atkin, Trustee
Attorney
jeactadm@aol.com
Whitehouse, Ohio

Hon. J. Timothy Campbell, Trustee
Greene County
937/562.5135
Tim.cmpbill@gmail.com

Robert G. Jackson, Trustee
Mahoning Co. Common Pleas Court
330-740-2216
rjackson@mahoningcountyoh.gov

Tom Shields, Trustee
Franklin County Municipal Court
614/645.7652
shieldst@fcmclerk.com

Willie Steiner, Trustee
Warren County Common Pleas Court
513/695.1231
willie@co.warren.oh.us

Scott F. Sturges, Trustee
1622 Cambridge Boulevard
Columbus OH 43212
614/486-3046

Hon. Reginald Routson, Trustee
Hancock County Common Pleas Court
419/424-7009
rjroutson@co.hancock.oh.us

Vicky Unger, Executive Director
OJMA
614/487.4475 vunger@osbf.net
www.ohiojury.org

Jury Notes

This interesting article brings up the issue of social media and the courts.

Googling for the Perfect Juror

February 17, 2011 Brian Grow, Reuters Legal.

Some lawyers, surreptitiously searching sites to uncover the personal details of potential jurors, are instigating a privacy debate and raising questions about whether the online vetting process has enough court supervision.

Before selecting jurors, lawyers conduct in-depth searches, delving into individuals' online identities to ascertain how they are likely to side on particular issues. The online information gathered on prospective jurors is compiled into spreadsheets, reports Reuters Legal.

"Jurors are like icebergs—only 10 percent of them is what you see in court," Jason Bloom, a Dallas-based jury consultant, told Reuters Legal.

With social media sites providing unabashed looks at people's private lives, online vetting allows lawyers to uncover the unromanticized, often undisclosed, facts about prospective jurors. In Cameron County, Texas, prosecutors can use iPads to search the Facebook profiles of potential jurors, according to a recent ABAJournal.com post.

Although online vetting is increasing in popularity in U.S. courtrooms, lawyers are reluctant to discuss the process "because court rules on the subject are murky or nonexistent in most jurisdictions," reports Reuters Legal.

While interviews suggest that Internet vetting of jurors is catching on in courtrooms across the nation, lawyers are skittish about discussing the practice, in part because court rules on the subject are murky or nonexistent in most jurisdictions.

The federal courts so far have not addressed the issue of online vetting of jurors, and just two states, Missouri and New Jersey, have said it's acceptable in some forms. But judges and lawyers, even in those states, still seem to be grappling with the practice.

To view the entire article, see: http://newsandinsight.thomsonreuters.com/Legal/News/2011/02_-_February/Googling_for_the_Perfect_Juror/

Alliance Municipal Court

Hon. Robert Lavery

Jean Madden, Magistrate and Bailiff

alliancejudge@neo.rr.com

Location: Alliance/Stark County

Jurisdiction: 42,428 people

Cases Per Year: 6,965

Number of Jury Trials in 2010: 18

Number of Jurors Called: 360

We have made some innovative changes in past three years including hearing assistance devices, use of Power Point to display exhibits on a large screen, and having more comfortable juror chairs. All jurors are given copies of written instructions and jurors are allowed to submit questions and take notes. The outcome is that we receive more positive feedback from exit questionnaires.

Our court has one judge and once we did three jury trials in one day and frequently we have had two jury trials in one day.

Our Alliance Clerk of Court's website provides information about jury duty including: juror duties inside and outside the courtroom, selecting a jury, types of cases, criminal proceedings and court terminology.

The amenities that we offer jurors are: Cookies, coffee, tea, bottled water, newspapers, free parking, a smoking area and vending machines.

New trends that we have noticed include more juror deferrals to a future date, fewer minorities in the jury pool (which is taken from voter registration lists) and fewer jury trials, probably a result of more plea bargaining. We see fewer guilty verdicts, shorter jury trials and deliberations, and we rarely have hung juries. In addition, there has been an increase in the number and percentage of female defendants and fewer juror failures to appear. We have not had a civil jury trial in a long time.

Only seated jurors are paid \$25.00. It is rare to have a juror return the fee, but if they waive it, it is returned to the City Auditor.

New Data on Juror Utilization and Satisfaction

A recent article in *Third Branch* has happy news about the jury system in the U.S. Last year, 59,405 American citizens served on federal petit juries, with a national average of 39 percent of jurors not selected, serving, or challenged on the first day of service. This is down from 40 percent in 2009, and represents a savings of more than \$224,000 in juror costs.

The bottom line is that courts are getting more efficient in their use of jurors. If you're called for jury duty, in other words, the chances have just gone up that you'll be used on a jury if you show up at court. That's good news because it reduces the cost of summoning juries, and high costs could slowly erode courts' ability and eagerness to assemble juries.

The article also included some new survey data on the jury experience. Here are some highlights: More than two-thirds (67%) in a national survey reported that they had been summoned for jury duty. Twenty percent said they had, at one time or another, served on a jury.

When asked to rate the experience, a majority (51%) said it was "good," with equal numbers rating it as "excellent" or "fair" (21% each), and the remaining 7% saying it was a "poor" experience. (Those numbers match the results we report in our intensive study on this subject, *The Jury & Democracy*.)

When asked if jury duty was an important "responsibility" or "just a hassle," only 7% gave the latter answer, with 85% viewing as one of the responsibilities of citizenship. **May 27, 2011 by [jgastil](#)**

Job Lovers a Joy to See in Action

Linda Deitch, Columbus Dispatch 9.5 2011

"When someone enjoys a job so much that the work hardly suggests labor, I can usually tell. Such a person has smiling eyes, makes conversation easily and exudes an enthusiasm that others soak up."

The author mentions a local librarian, her dentist, and a jury commissioner—Tom Shields! Most of you know Tom as an OJMA Trustee and a presenter at our conference. It is great to know that the work that you do to make jury duty meaningful to those who are called to serve is appreciated and noteworthy.

Talk in Elevator Leads to Mistrial

Juror overhears police discussing suspect's record

Theodore Decker

Columbus Dispatch August 18, 2011

A Franklin County judge has declared a mistrial in a murder case after a juror overheard Columbus police officers discussing the defendant's criminal history on a courthouse elevator. The trial of Antwan Gripper, 23, ended abruptly Tuesday afternoon when Common Pleas Judge Guy Reece decided he had no choice but to excuse two jurors, leaving too few to continue.

Opening statements in Gripper's trial were heard Tuesday morning. He is charged with killing Willie Williams, 22, on March 8, 2010, and was expected to testify that he acted in self-defense.

Reece said two problems stopped the trial. The first occurred when a juror informed the court that her nephew was a witness in the case. The sole alternate juror was expected to take her place, Reece said.

The second problem arose when two jurors returning from lunch were riding a courthouse elevator back to the sixth floor. One of Gripper's attorneys, James Owen, also was on the elevator.

Uniformed police officers who were witnesses in the case boarded the elevator and were having an ongoing personal discussion about Gripper and his background, Reece said.

One juror didn't hear much, but the other heard "pretty much everything they said," Reece said. "It was not necessarily complimentary about the defendant."

Owen alerted prosecutors. The juror who heard the most told Reece that although he believed he could still be fair to Gripper, he might view the officers differently.

Gripper, formerly of E. 20th Avenue in South Linden, will stay in jail while awaiting a new trial in October.

He is charged with aggravated murder and having a weapon despite having been convicted as a juvenile of a delinquency count of felonious assault.

The article was printed in its entirety.

Jurors to be Told Not to Tweet Under New California Law

Bob Egelko

San Francisco Chronicle August 6, 2011

Jurors in California will soon be reminded not to conduct online research during the trial, and to resist the temptation to tweet their friends about how boring the testimony is or how guilty the defendant looks.

Gov. Jerry Brown signed legislation Friday requiring trial judges to tell jurors that existing bans on conducting their own research about the case, or talking to outsiders about it, applies to electronic and wireless communication. Violations by jury members will be punishable by up to six months in jail for criminal contempt.

AB141 by Assemblyman Felipe Fuentes, D-Los Angeles, effective next year, was prompted by numerous reports around the country of jurors' using cell phones and other devices to sidestep judges' warnings against outside research or contacts.

Jurors have, for example, looked up the defendant's record on the Internet or checked out the crime scene, accessing information that was not presented in court and may be incomplete or one-sided. Judges have declared mistrials or overturned jury verdicts in some cases after learning of the misconduct.

California Lawyer magazine reported in April on a Southern California murder case in which the jury foreman posted messages showing a photo of the lethal weapon and describing the defense lawyer as "whacked out." The judge later held the foreman in contempt but refused to overturn the defendant's conviction, the magazine said.

In another case, a jury foreman in a gang assault trial in Sacramento last year posted a Facebook message saying the testimony was boring. Lawyers for the defendants want Facebook to release all the juror's postings during the trial, a dispute now before a state appeals court.

A similar bill by Fuentes was vetoed last year by Gov. Arnold Schwarzenegger, who said current judicial warnings were adequate. This year's measure won legislative approval without any opposing votes.