

**IN THE
CIRCUIT COURT FOR BALTIMORE CITY**

Jury Plan for the Circuit Court for Baltimore City

I. Jury Judge - Cts. & Jud. Proc. § 8-204.

The grand and trial jury judges for the Circuit Court of Baltimore City (the “Court”) shall be the Administrative Judge of the Court or another judge(s) designated by the Administrative Judge.

II. Jury Commissioner and Acting Jury Commissioner - Cts. & Jud. Proc. § 8-205.

A. Jury Commissioner.

The jury commissioner for the Court shall be an individual designated by a majority of the judges of the Court.

B. Acting Jury Commissioner.

(1) If the jury commissioner is temporarily unavailable or unable to perform duties, the trial jury judge shall designate an acting jury commissioner.

(2) In this plan, “jury commissioner” includes an acting jury commissioner.

III. Juror Selection.

A. Randomness - Cts. & Jud. Proc. § 8-104.

Each jury for the City of Baltimore (the “City”) shall be selected at random from a fair cross-section of the adult citizens of this State who reside in the City. To ensure randomness of selection, names shall be selected from the full pool of names in a manner in which no one can affect the selection or exclusion of a specific name. Computer or other means may be used for selection in accordance with the requirements for randomness.

B. Restrictions on Exclusions - Cts. & Jud. Proc. § 8-102(b).

A citizen may not be excluded from jury service due to color, disability, economic status, national origin, race, religion, or sex.

C. Frequency of Service - Cts. & Jud. Proc. § 8-216.

Notwithstanding Cts. & Jud. Proc § 8-310(c)(2), an individual who serves on a jury for fewer than 5 days in a 3-year period may be summoned for jury service after 1 year.

D. Source Pool for Prospective Jurors - Cts. & Jud. Proc. §§ 8-206(a) and (b), and 8-213.

- (1) The source pool shall include the names of all of the adult residents of the City on:
 - (i) a Statewide voter registration list used in the most recent general election as to residents of the City;
 - (ii) a list of holders of driver's licenses issued by the Maryland Motor Vehicle Administration as to residents of the City; and
 - (iii) a list of holders of identification cards issued by the Maryland Motor Vehicle Administration as to residents of the City.

This Section D does not preclude the use of technology and/or lists for removing duplicate or obsolete data, so long as new names are not added in the process.

- (2) The trial jury judge shall have the source pool compiled:
 - (i) by the jury commissioner;
 - (ii) with the agreement of the Administrative Office of the Courts, by the Administrative Office; or
 - (iii) by a contractor.
- (3) The Statewide voter registration list shall be no older than that used in the most recent general election.

E. Prospective Juror Pool - Cts. & Jud. Proc. §§ 8-206(a), 8-207, and 8-213.

- (1) To ensure that each jury is selected in accordance with the requirements of Title 8 of the Courts and Judicial Procedures Article, the jury commissioner is to have the names of prospective jurors selected solely from the most recent source pool as provided in this Section E.
- (2) The trial jury judge shall have the names of prospective jurors selected at least once a year and at additional times when the trial jury judge directs.
- (3) The minimum number of names to be selected is the greater of:
 - (i) 150 prospective jurors; or
 - (ii) 0.5% of the total number of names in the source pool.
- (4) The trial jury judge shall have the names selected randomly:
 - (i) by the jury commissioner,
 - (ii) with the agreement of the Administrative Office of the Courts, by the Administrative Office; or

(iii)by a contractor.

F. Juror Qualification - Cts. & Jud. Proc. §§ 8-103, 8-106(c), 8-208, 8-210, 8-212, 8-213, 8-214, 8-302, 8-402, and 8-404.

(1) Each individual whose name is selected under Section E shall be sent a juror qualification form, which may include a summons. The trial jury judge shall have the form sent:

- (i) by the jury commissioner;
- (ii) with the agreement of the Administrative Office of the Courts, by the Administrative Office; or
- (iii)by a contractor.

(2) In addition to the questions set forth under Cts. & Jud. Proc. § 8-302(a), the juror qualification form shall ask for:

- (i) home, work, and cellular telephone numbers;
- (ii) name of employer;
- (iii)electronic mail address(es); and
- (iv)need for an accommodation under the federal Americans with Disabilities Act.

(3) Qualification and summoning may be a single procedure or two separate procedures.

(4) Qualification and summoning procedure employed shall be the following:

- (i) Summonses for jury service shall be served:
 - 1. by first class United States Mail to address, and
 - 2. on failure to respond to service by mail, personally, by the Sheriff.
- (ii) The trial jury judge shall have service effected:
 - 1. by the jury commissioner;
 - 2. with the agreement of the Administrative Office of the Courts, by the Administrative Office; or
 - 3. by a contractor.

(5) Based on the information provided on the juror qualification form or during an interview or other competent evidence, a trial jury judge shall:

- (i) except as expressly provided otherwise in this Section F(6), decide all questions with regard to disqualifying an individual from jury service, exempting an individual from jury service, excusing an individual from jury service, and postponing jury service of an individual;
- (ii) decide all questions referred by the jury commissioner, and
- (iii)act on a written request for review of the commissioner's decision as to disqualification, exemption, or postponement.

- (8) An individual may submit a written request for review of the jury commissioner's decision under this Section F(6).

G. Qualified Juror Pool - Cts. & Jud. Proc. §§ 8-207, 8-209, and 8-213.

- (1) To ensure that each jury is selected in accordance with the requirements of Title 8 of the Courts and Judicial Procedures Article, the jury commissioner is to have the names of qualified jurors selected as provided in this Section G.
- (2) The trial jury judge shall have the names of qualified jurors selected at intervals that the jury judge directs.
- (3) The trial jury judge shall determine the minimum number of names to be selected based on the needs of the Circuit Court.
- (4) The trial jury judge shall have the names selected:
 - (i) by the jury commissioner,
 - (ii) with the agreement of the Administrative Office of the Courts, by the Administrative Office; or
 - (iii) by a contractor.
- (5) From among the qualified jurors, without dictating sequence of selection:
 - (i) 23 names shall be selected to serve as grand jurors;
 - (ii) names shall be selected to serve as alternate grand jurors in the number required under the Maryland Rules; and
 - (iii) the rest shall be available for selection for additional grand juries and for trial juries.

IV. Access to Juror Information - Cts. & Jud. Proc. § 8-105.

Access to juror information shall be only as allowed by rule.

V. Grand Jury Terms - Md. Rule 16-301.

- A. Term – Md. rule 16-301(a).

Unless authorized by the Administrative Judge, grand jury term shall begin on July 1st and end on the following Jun 30th.

- B. Additional Grand Juries - Cts. & Jud. Proc. § 8-413; Md. Rule 16-301(b).

On petition of the State's Attorney, the Administrative Judge may summons one or more grand juries in addition to any grand jury serving under Section A. The term of service of any additional grand jury shall be determined by the Administrative Judge.

C. Extending the Term of a Grand Jury – Md. Rule 16-301(b)(3).

On motion of the State's Attorney, the Administrative Judge or the jury judge may enter an order extending the term of a grand jury or any additional grand jury so that it may complete an investigation specified by the judge in the order. During an extension, the grand jury shall continue until it concludes its investigation or is sooner discharged by the judge but is limited to the specified in the order.

VI. Grand Jury Forepersons - Cts. & Jud. Proc. § 8-211.

The foreperson of each grand jury shall be the individual selected by the grand jury judge.

VII. Donation Program - Cts. & Jud. Proc. §§ 8-217 and 8-430.

A. Authorization.

Prospective, qualified, and sworn jurors may be asked to donate their State *per diems* and City supplements (if any) to the Department of Social Services' Foster Care Program.

B. Account.

The Administrative Judge shall superintend the establishment of an account into which donations are to be paid and withdrawals are to be made in accordance with appropriate accounting procedures.

C. Materials.

During juror orientation a jury commissioner may distribute to qualified jurors material that:

- (1) describes the donation program and the recipient of the donations;
- (2) is prepared by the recipient of the donations; and
- (3) has been approved by the trial jury judge.

VIII. Show Cause - Cts. & Jud. Proc. §§ 8-503(b), 8-504(b), and 8-505(b).

A. Order.

On order of the trial jury judge, the jury commissioner shall issue a show cause order directed to any person for whom good cause exists to believe that the person may have violated Cts. & Jud. Proc. § 8-503, § 8-504, or § 8-505.

B. Hearing.

The trial jury judge, or another judge designated by the Administrative Judge, shall hear and decide all issues pertaining to show cause orders issued under Section A.

IX. Revision Date Endnote.

In accordance with the *Administrative Order on Non-Substantive Modifications to Jury Plans*, issued by the Court of Appeals of Maryland on March 26, 2021, this Jury Plan, issued May 25, 2021, has been updated from its last iteration, issued May 7, 2010, to reflect proper format and citation to pertinent statutes and rules cited therein.

IN THE COURT OF APPEALS OF MARYLAND
ADMINISTRATIVE ORDER
APPROVING A REVISED JURY PLAN

WHEREAS, § 8-203 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland (§ 8-203) requires that the Court of Appeals determine whether to approve, within sixty days of filing, changes to jury plans proposed by the circuit courts and filed with the Court; and

WHEREAS, § 8-203 further provides that a proposed change to a jury plan takes effect on the sixty-first day after the plan's filing date; unless the Court sets an earlier effective date; and

WHEREAS, The General Assembly, from time to time, amends statutes in a manner that requires that all circuit courts change their plans to comply with the statutory amendment; and

WHEREAS, in Chapter 750 of its 2019 Session, the General Assembly amended § 8-103(b)(4) and (5) and § 8-302 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland, to modify two of the disqualifications for jury service; and

WHEREAS, The Court of Appeals, from time to time, recodifies and renumbers rules without substantive change; and

WHEREAS, The jury plan of each circuit court should contain accurate and up-to-date citations to pertinent statutes and rules; and

WHEREAS, The Court of Appeals having issued the *Administrative Order on Non-Substantive Modifications to Jury Plans*, filed March 26, 2021, requiring modifications to extant jury plans to conform the plans' citations to changes in the numbering of statutes and rules without substantive modification of those statutes or rules within thirty days of

the change having taken effect or within thirty days of the effective day of that order, whichever is later; and

WHEREAS, The Court of Appeals further having issued the *Administrative Order on Changes to Jury Plans Required by Chapter 750 (2019)*, also filed March 26, 2021, authorizing and directing the circuit courts to make the changes reflecting the 2019 Session, Chapter 750 amendments to § 8-103(b)(4) and (5) and § 8-302 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland to their respective jury plans within thirty days of the issuance of that administrative order; and

WHEREAS, the Circuit Court for Baltimore City having filed with the Clerk of the Court of Appeals on May 25, 2021, a revised jury plan reflecting both the non-substantive modifications to the plan's citations and the changes required by Chapter 750 (2019), it is this 27th day of May 2021,

ORDERED, by the Court of Appeals of Maryland, that the amended jury plan of the Circuit Court for Baltimore City shall be and hereby is approved, effective immediately; and it is further

ORDERED, that the Clerk of the Court shall forward a copy of the approved order along with this order to the State Court Administrator, who shall cause it to be posted on the Judiciary website, replacing the extant jury plan that has been posted with the revised approved plan.

/s/ Mary Ellen Barbera
Mary Ellen Barbera
Chief Judge
Court of Appeals of Maryland

Filed: May 27, 2021

Pursuant to Maryland Uniform Electronic Legal Materials Act
(§§ 10-1601 et seq. of the State Government Article) this document
is authentic.



2021-05-27 15:50-04:00

Suzanne C. Johnson, Clerk

/s/ Suzanne C. Johnson
Suzanne C. Johnson
Clerk
Court of Appeals of Maryland