IN THE COURT OF APPEALS OF MARYLAND

ORDER ADOPTING REVISED PLAN FOR RANDOM SELECTION OF JURORS IN TALBOT COUNTY

WHEREAS, Maryland Rule 16-107(b) requires the jury plan for each county to specify the term of a grand jury; and

WHEREAS, Talbot County has revised its jury plan, in accordance with Rule 16-107(b), to change the grand jury term.

NOW, THEREFORE, It is ORDERED by the Court of Appeals of Maryland, this 17th day of July, 2014, that the appended, revised jury plan be, and hereby is, approved, effective immediately.

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

Filed: July 17, 2014

/s/ Bessie M. Decker
Bessie M. Decker
Clerk
Court of Appeals of Maryland

I. **Jury Judge** – CJ § 8-204.

The jury judge for the Circuit Court shall be the County Administrative Judge of the Circuit Court or another judge designated by the County Administrative Judge.

II. **Jury Commissioner and Acting Jury Commissioner** – CJ § 8-205.

A. *Jury Commissioner.*

The jury commissioner for the Circuit Court shall be an individual designated by the County Administrative Judge.

B. *Acting Jury Commissioner.*

(1) If the jury commissioner is temporarily unavailable or unable to perform duties, the individual holding the position of Administrative Assistant to the County Administrative Judge shall serve as acting jury commissioner until revocation of the designation and, should the designee also be temporarily unavailable or unable to perform duties, an individual designated by the County Administrative Judge.

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

III. **Juror Selection.**

A. *Randomness* – CJ § 8-104.

Each jury for a county shall be selected at random from a fair cross section of the adult citizens of this State who reside in the county. 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* – CJ § 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* – CJ § 8-216.

Notwithstanding CJ § 8-310(c)(2), an individual may be summoned for jury service after 1 year if the individual serves on a trial jury for fewer than 5 days in a 3-year period.

D. *Source Pool for Prospective Jurors* – CJ §§ 8-206(a) and (b) and 8-213.

(1) The source pool shall include the names of all of the adult residents of the County on:

(i) a Statewide voter registration list;

(ii) a list of holders of driver's licenses issued by the Maryland Motor Vehicle Administration; and

(iii) a list of holders of identification cards issued by the Maryland Motor Vehicle Administration.

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 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* – CJ §§ 8-206(a), 8-207, and 8-213.

(1) To ensure that each jury is selected in accordance with the requirements of CJ Title 8, 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 jury judge shall have the names of prospective jurors selected at least once a year and at additional times when the 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 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* – CJ §§ 8-106(c), 8-208, 8-210, 8-212, 8-213, 8-214, 8-302, and 8-402.

(1) Each individual whose name is selected under Section E shall be sent a juror qualification form, which may include a summons. The 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 CJ § 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 summonsing may be a single procedure or two separate procedures.

(4) (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 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 jury judge shall:

(i) except as expressly provided otherwise in this Section F(6), decide all questions with regard to disqualifying a person 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 jury commissioner's decision as to disqualification, exemption, or postponement.

(6) Based on the information provided on the juror qualification form or during an interview or other competent evidence, the jury commissioner may:

(i) exempt an individual from jury service:

1. if the individual makes a written request for exemption as being 70 years old or older;

2. while the individual is an elected official of the federal legislative branch, as defined in 2 U.S.C. § 30A;

3. if the individual is an active duty member of the Armed Forces with documentation required under 10 U.S.C. § 982 and 32 C.F.R. Parts 144 and 516, pursuant to DoD Directive 5525.8; or

4. if the individual is a member of the organized militia with documentation required under Maryland Code, Public Safety Article, § 13-218;

(ii) decide whether an individual is disqualified from jury service because the individual:

1. is not a United States citizen;

2. is not an adult on the day selected as a prospective juror;

3. is not a county resident;

4. cannot comprehend spoken English or speak English;

5. cannot comprehend written English, read English, or write English proficiently enough to complete a juror qualification form satisfactorily;

6. has a disability documented by a health care provider;

7. has been convicted of a crime for which the individual was sentenced to imprisonment for more than 6 months and has not been pardoned;

8. has pending a criminal charge with potential sentence of imprisonment for more than 6 months; or

9. is dead; or

(iii) reschedule jury service for an individual not more than twice.

(7) Notwithstanding any authority granted under this Section F(6), the jury commissioner:

(i) may refer a decision to the jury judge;

(ii) shall inform the jury judge immediately after the jury commissioner becomes aware that a qualified juror was, is, or will be disqualified for jury service; and

(iii) shall inform the jury judge and trial judge immediately after the jury commissioner becomes aware that a sworn juror was, is, or will be disqualified for jury service.

(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* – CJ §§ 8-207, 8-209, and 8-213.

(1) To ensure that each jury is selected in accordance with the requirements of CJ Title 8, the jury commissioner is to have the names of qualified jurors selected as provided in this Section G.

(2) The jury judge shall have the names of qualified jurors selected at intervals that the jury judge directs.

(3) The jury judge shall determine the minimum number of names to be selected based on the needs of the Circuit Court.

(4) The 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** – CJ § 8-105.

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

V. **Grand Jury Terms** - Md. Rule 16-107(b).

A. *Terms.*

The grand jury term shall be from May 1st through April 30th of the following year.

B. *Additional Grand Juries* - CJ § 8-413; Rule 16-107(b).

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

C. *Extending the Term of a Grand Jury* - Rule 16-107(b).

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

VI. **Grand Jury Forepersons** – CJ § 8-211.

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

VII. **Donation Program** – CJ §§ 8-217 and 8-430.

A. *Authorization.*

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

B. *Account.*

The County 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:

(i) describes the donation program and the recipient of the donations; and
(ii) has been approved by the jury judge.

VIII. **Show Cause** – CJ §§ 8-503(b), 8-504(b), and 8-505(b).

A. *Order.*

On order of the 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 CJ § 8-503, § 8-504, or § 8-505.

B. *Hearing.*

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