

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 Washington County having filed with the Clerk of the Court of Appeals on April 19, 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 29th day of April 2021,

ORDERED, by the Court of Appeals of Maryland, that the amended jury plan of the Circuit Court for Washington County 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: April 29, 2021

/s/ Suzanne C. Johnson

Suzanne C. Johnson

Clerk

Court of Appeals of Maryland

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



Suzanne C. Johnson, Clerk

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 the Clerk of the Circuit Court

B. *Acting Jury Commissioner.*

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

(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 C 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 summoning 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 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 1 yearⁱ and has not been pardoned;
 8. has pending a criminal charge with potential sentence of imprisonment for more than 1 yearⁱⁱ; 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 16-301(b).

A. Terms

The grand jury terms shall begin on the Tuesday following the second Monday of March of each year, and on the Tuesday following the second Monday of September of each year.

B. Additional Grand Juries – CJ § 8-413; Rule 16-301(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 16-301(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;
- (ii) is prepared by the recipient of the donations; and
- (iii) 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.

ⁱⁱ **ENDNOTE:** This plan was modified on April 8, 2021 to comply with the requirements in Md. Courts and Judicial Proceedings § 8-103(b)(4) and (5) that a potential juror is disqualified if he or she has been convicted, in a federal or state court of record, of a crime punishable by imprisonment exceeding 1 year and received a sentence of imprisonment for more than one year or has a charge pending, in a federal or state court of record, for a crime punishable by imprisonment exceeding 1 year.