

IN THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR THE STATE OF FLORIDA

IN RE: JURY MANAGEMENT)

) Administrative Order
) No: 2.1
)

In an effort to reduce the expenditure of State funds for juror compensation as well as juror inconvenience and in order to ensure that an adequate number of jurors are provided for each case actually tried in this Circuit, the following rules are hereby adopted throughout this Circuit effective immediately:

I. IN ALL CRIMINAL CASES

No later than 3:00 p.m. on the day before the scheduled trial date, the Defendant (individually or through counsel) and the State Attorney shall notify the presiding judge as to whether the case will go to trial or be the subject of a plea. In the event the Court is advised that the case will be tried and later it is determined that the Defendant wishes to enter a plea, the following procedure may be applied:

1. Negotiated pleas may not be accepted by the Court. In the event the Defendant wishes to plea to the charge(s) the Defendant's sentence will be subject to the discretion of the Court in accordance with the sentencing guidelines.
2. The Court will then conduct an inquiry of Defendant and the State Attorney at the time the plea is taken as to whether the Defendant was advised of this procedure by his attorney prior to the deadline prescribed above. If the Court determines that the Defendant was not so advised, court costs may be imposed against the defense attorney. Court costs may be imposed against the State Attorney if he or she was not available to consult with the defense attorney about a negotiated plea on or before the deadline.

II. IN ALL CIVIL CASES

No later than 3:00 p.m. on the day before the scheduled trial date, counsel for all parties shall notify

the presiding judge as to whether it will be necessary to empanel a jury. In the event the Court is notified that the case will go to trial as scheduled and settlement occurs between that date and the date of trial, the following procedure will be strictly applied:

1. Court costs will be assessed against all parties.
2. The Court will then conduct an inquiry of the parties at the time the case is settled as to whether they were advised by their attorney that court costs would be assessed against them in the event the case settled after the deadline prescribed above. In the event the Court determines that the parties were uninformed by counsel and that this was the cause of non-compliance with this rule, court costs may instead be imposed against counsel.

MAXIMUM NUMBER OF JURORS

Subject to the exceptions set forth below, in standard cases, the maximum number of jurors to be provided are as follows:

1. Capital cases involving only one Defendant
- 35 jurors (50 in which the death penalty is sought).
2. Felony trials involving only one Defendant
- 18 jurors.
3. Eminent Domain cases involving a single property owner - 22 jurors.
4. Civil jury trial with single Plaintiff and single Defendant - 16 jurors.
5. Misdemeanor trials involving only one Defendant - 14 jurors.

EXCEPTIONS

- a) Multi-party civil cases
- b) Criminal cases involving co-defendants
- c) Criminal cases involving extensive pre-trial publicity.

All such exceptions shall be communicated to the jury clerk by the presiding judge no less than fourteen (14) days prior to trial.

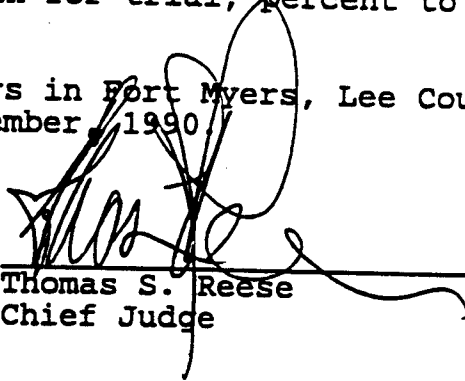
NOTIFICATION TO JURY CLERK

Notwithstanding any prior provision of this Order, the jury clerk is to be notified by the judge or judicial assistant in both civil and criminal cases of the fact that such cases have been resolved prior to trial where the clerk would otherwise be required to provide a jury panel. Said notice shall be provided as soon as it is known.

Due to the fact that a venire is summoned two to three weeks prior to trial, the State Attorney in all criminal cases and the judicial assistant for each presiding judge in all civil cases shall notify the jury clerk of the existence of exceptional cases at the time of summoning for the prospective jurors.

Jury system management reports required by the State on a monthly basis, shall also be provided by the jury clerk to the Administrative Office of the Courts on a weekly basis. Said reports shall contain statistics regarding summoning yield, juror days per trial, people brought in for trial, percent to Voir Dire and average panel size.

DONE AND ORDERED in Chambers in Fort Myers, Lee County, Florida, this 11 day of December 1990.



Thomas S. Reese
Chief Judge

History. - New.

STATE OF FLORIDA COUNTY OF LEE
This 11 Day of December 90 Record in _____
Book 34 _____ and Record Verified.

Clerk

