



SUPREME COURT OF ARIZONA

JURY MANAGEMENT STANDARDS

Administrative Order No. 92- 23

Pursuant to the authority granted the Supreme Court in Article VI, Section 3 of the Constitution of the State of Arizona,

IT IS ORDERED THAT the attached jury management standards are approved and shall be used for jury management in the municipal court, justice courts and superior courts.

DATED AND ENTERED this 4th day of August, 1992, at the Arizona State Courts Building in Phoenix, Arizona.

Stanley G. Feldman
Chief Justice

Jury Management Standards

Selection of Prospective Jurors.

STANDARD 1: OPPORTUNITY FOR JURY SERVICE

THE OPPORTUNITY FOR JURY SERVICE SHOULD NOT BE DENIED OR LIMITED ON THE BASIS OF RACE, NATIONAL ORIGIN, GENDER, AGE, RELIGIOUS BELIEF, INCOME, OCCUPATION, OR ANY OTHER FACTOR THAT DISCRIMINATES AGAINST A DISTINCTIVE GROUP IN THE JURISDICTION.

STANDARD 2: JURY SOURCE LIST

- (a) THE NAMES OF POTENTIAL JURORS SHOULD BE DRAWN FROM A JURY SOURCE LIST COMPILED FROM ONE OR MORE REGULARLY MAINTAINED LISTS OF PERSONS RESIDING IN THE COURT JURISDICTION.
- (b) THE JURY SOURCE LIST SHOULD BE REPRESENTATIVE AND SHOULD BE AS INCLUSIVE OF THE ADULT POPULATION IN THE JURISDICTION AS IS FEASIBLE.
- (c) THE COURT SHOULD PERIODICALLY REVIEW THE JURY SOURCE LIST FOR ITS REPRESENTATIVENESS AND INCLUSIVENESS OF THE ADULT POPULATION IN THE JURISDICTION.
- (d) SHOULD THE COURT DETERMINE THAT IMPROVEMENT IS NEEDED IN THE REPRESENTATIVENESS OR INCLUSIVENESS OF THE JURY SOURCE LIST, APPROPRIATE CORRECTIVE ACTION SHOULD BE TAKEN.

STANDARD 3: RANDOM SELECTION PROCEDURES

- (a) RANDOM SELECTION PROCEDURES SHOULD BE USED THROUGHOUT THE JUROR SELECTION PROCESS. ANY METHOD MAY BE USED, MANUAL OR AUTOMATED, THAT PROVIDES EACH ELIGIBLE AND AVAILABLE PERSON WITH AN EQUAL PROBABILITY OF SELECTION.
- (b) RANDOM SELECTION PROCEDURES SHOULD BE EMPLOYED IN
 - (i) SELECTING PERSONS TO BE SUMMONED FOR JURY SERVICE;
 - (ii) ASSIGNING PROSPECTIVE JURORS TO PANELS; AND
 - (iii) CALLING PROSPECTIVE JURORS FOR VOIR DIRE.

- (c) DEPARTURES FROM THE PRINCIPLE OF RANDOM SELECTION ARE APPROPRIATE
- (i) TO EXCLUDE PERSONS INELIGIBLE FOR SERVICE IN ACCORDANCE WITH STANDARD 4;
 - (ii) TO EXCUSE OR DEFER PROSPECTIVE JURORS IN ACCORDANCE WITH STANDARD 6;
 - (iii) TO REMOVE PROSPECTIVE JURORS FOR CAUSE OR IF CHALLENGED PEREMPTORILY IN ACCORDANCE WITH STANDARDS 8 AND 9.

STANDARD 4: ELIGIBILITY FOR JURY SERVICE

ALL PERSONS SHOULD BE ELIGIBLE FOR JURY SERVICE EXCEPT THOSE WHO

- (a) ARE LESS THAN EIGHTEEN YEARS OF AGE, OR
- (b) ARE NOT CITIZENS OF THE UNITED STATES, OR
- (c) ARE NOT RESIDENTS OF THE JURISDICTION IN WHICH THEY HAVE BEEN SUMMONED TO SERVE, OR
- (d) ARE CURRENTLY ADJUDICATED MENTALLY INCOMPETENT OR INSANE, OR
- (e) HAVE BEEN CONVICTED OF A FELONY AND HAVE NOT HAD THEIR CIVIL RIGHTS RESTORED.

STANDARD 5: TERM OF AND AVAILABILITY FOR JURY SERVICE

THE TIME THAT PERSONS ARE CALLED UPON TO PERFORM JURY SERVICE AND TO BE AVAILABLE THEREFORE, SHOULD BE THE SHORTEST PERIOD CONSISTENT WITH THE NEEDS OF JUSTICE.

- (a) TERM OF SERVICE OF ONE DAY OR THE COMPLETION OF ONE TRIAL, WHICHEVER IS LONGER, IS RECOMMENDED. HOWEVER, A TERM OF ONE WEEK OR THE COMPLETION OF ONE TRIAL, WHICHEVER IS LONGER, IS ACCEPTABLE.
- (b) PERSONS SHOULD NOT BE REQUIRED TO MAINTAIN A STATUS OF AVAILABILITY FOR JURY SERVICE FOR LONGER THAN TWO WEEKS EXCEPT WHEN IT MAY BE APPROPRIATE FOR PERSONS TO BE AVAILABLE FOR SERVICE OVER A LONGER PERIOD OF TIME.

STANDARD 6: EXEMPTION, EXCUSE, AND DEFERRAL

- (a) ALL AUTOMATIC EXCUSES OR EXEMPTIONS FROM JURY SERVICE SHOULD BE ELIMINATED.
- (b) ELIGIBLE PERSONS SHALL, UPON THEIR TIMELY APPLICATION TO THE COURT OR UPON THE COURTS OWN MOTION, BE EXCUSED FROM SERVICE AS A JUROR IF:
 - (i) THEIR ABILITY TO RECEIVE AND EVALUATE INFORMATION IS SO IMPAIRED THAT THEY ARE UNABLE TO PERFORM THEIR DUTIES AS JURORS AND THEY ARE EXCUSED FOR THIS REASON BY A JUDGE; OR
 - (ii) ABSENCE FROM THEIR REGULAR PLACE OF EMPLOYMENT WOULD, IN THE JUDGMENT OF THE COURT, TEND MATERIALLY AND ADVERSELY TO AFFECT THE PUBLIC SAFETY, HEALTH, WELFARE OR INTEREST; OR
 - (iii) SERVICE AS A JUROR WOULD, IN THE JUDGMENT OF THE COURT, IMPOSE AN UNDUE HARDSHIP.
- (c) ELIGIBLE PERSONS MAY, UPON THEIR TIMELY APPLICATION TO THE COURT, BE EXCUSED FROM SERVICE AS A JUROR, IF THEY HAVE BEEN SWORN AS A JUROR DURING THE TWO YEARS PRECEDING THEIR SUMMONS AND THEY ARE EXCUSED BY A JUDGE OR DULY AUTHORIZED COURT OFFICIAL.
- (d) DEFERRALS OF JURY SERVICE FOR REASONABLY SHORT PERIODS OF TIME MAY BE PERMITTED BY A JUDGE OR DULY AUTHORIZED COURT OFFICIAL.
- (e) REQUESTS FOR EXCUSES AND DEFERRALS AND THEIR DISPOSITION SHOULD BE WRITTEN. SPECIFIC UNIFORM GUIDELINES FOR DETERMINING SUCH REQUESTS SHOULD BE ADOPTED BY THE COURT.

Selection of a Particular Jury.

STANDARD 7: VOIR DIRE

VOIR DIRE EXAMINATION SHOULD BE LIMITED TO MATTERS RELEVANT TO DETERMINING WHETHER TO REMOVE A JUROR FOR CAUSE AND TO EXERCISING PEREMPTORY CHALLENGES.

- (a) TO REDUCE THE TIME REQUIRED FOR VOIR DIRE, BASIC BACKGROUND INFORMATION REGARDING PANEL MEMBERS SHOULD BE MADE AVAILABLE IN WRITING TO COUNSEL FOR EACH PARTY ON THE DAY ON WHICH JURY SELECTION IS TO BEGIN.

- (b) THE TRIAL JUDGE SHOULD CONTROL THE VOIR DIRE EXAMINATION. COUNSEL MAY BE PERMITTED TO QUESTION PANEL MEMBERS FOR A REASONABLE PERIOD OF TIME.
- (c) WHERE APPROPRIATE TO FURTHER THE PURPOSES OF VOIR DIRE, THE JUDGE SHOULD PERMIT WRITTEN QUESTIONNAIRES TO BE SUBMITTED TO THE PROSPECTIVE JURORS, IN ADDITION TO ORAL EXAMINATION.
- (d) THE JUDGE SHOULD ENSURE THAT THE PRIVACY OF PROSPECTIVE JURORS IS REASONABLY PROTECTED, AND THAT THE QUESTIONING BY COUNSEL IS CONSISTENT WITH THE PURPOSE OF THE VOIR DIRE PROCESS.
- (e) IN CRIMINAL CASES, THE VOIR DIRE PROCESS SHOULD ALWAYS BE HELD ON THE RECORD. IN CIVIL CASES, THE VOIR DIRE PROCESS SHOULD BE HELD ON THE RECORD UNLESS WAIVED ON THE RECORD BY THE PARTIES.

STANDARD 8: REMOVAL FROM THE JURY PANEL FOR CAUSE

IF THE JUDGE DETERMINES DURING THE VOIR DIRE PROCESS THAT ANY INDIVIDUAL IS UNABLE OR UNWILLING TO HEAR THE PARTICULAR CASE AT ISSUE FAIRLY AND IMPARTIALLY, THAT INDIVIDUAL SHOULD BE REMOVED FROM THE PANEL. SUCH A DETERMINATION MAY BE MADE ON MOTION OF COUNSEL OR ON THE JUDGE'S OWN INITIATIVE.

STANDARD 9: PEREMPTORY CHALLENGES

THE NUMBER OF AND PROCEDURE FOR EXERCISING PEREMPTORY CHALLENGES SHOULD BE IN COMPLIANCE WITH EXISTING ARIZONA LAW.

Efficient Jury Management.

STANDARD 10: ADMINISTRATION OF THE JURY SYSTEM

THE RESPONSIBILITY FOR ADMINISTRATION OF THE JURY SYSTEM SHOULD BE VESTED EXCLUSIVELY IN THE JUDICIAL BRANCH OF GOVERNMENT. RESPONSIBILITY FOR ADMINISTERING THE JURY SYSTEM SHOULD BE VESTED IN A SINGLE ADMINISTRATOR ACTING UNDER THE SUPERVISION OF A PRESIDING JUDGE OF THE COURT.

STANDARD 11: NOTIFICATION AND SUMMONING PROCEDURES

- (a) THE NOTICE SUMMONING A PERSON TO JURY SERVICE AND THE QUESTIONNAIRE ELICITING ESSENTIAL INFORMATION REGARDING THAT PERSON SHOULD BE PHRASED SO AS TO BE READILY UNDERSTOOD BY AN INDIVIDUAL UNFAMILIAR WITH THE LEGAL AND JURY SYSTEMS.
- (b) A SUMMONS SHOULD CLEARLY EXPLAIN HOW AND WHEN THE RECIPIENT MUST RESPOND AND THE CONSEQUENCES OF A FAILURE TO RESPOND.
- (c) THE QUESTIONNAIRE SHOULD BE PHRASED AND ORGANIZED SO AS TO FACILITATE QUICK AND ACCURATE SCREENING, AND SHOULD REQUEST ONLY THAT INFORMATION ESSENTIAL FOR
 - (i) DETERMINING WHETHER A PERSON MEETS THE CRITERIA FOR ELIGIBILITY;
 - (ii) PROVIDING BASIC BACKGROUND INFORMATION ORDINARILY SOUGHT DURING VOIR DIRE EXAMINATION; AND
 - (iii) EFFICIENTLY MANAGING THE JURY SYSTEM.
- (d) POLICIES AND PROCEDURES SHOULD BE ESTABLISHED FOR ENFORCING A SUMMONS TO REPORT FOR JURY SERVICE AND FOR MONITORING FAILURES TO RESPOND TO A SUMMONS.

STANDARD 12: MONITORING THE JURY SYSTEM

COURTS SHOULD COLLECT AND ANALYZE INFORMATION REGARDING THE PERFORMANCE OF THE JURY SYSTEM ON A REGULAR BASIS IN ORDER TO ENSURE

- (a) THE REPRESENTATIVENESS AND INCLUSIVENESS OF THE JURY SOURCE LIST;
- (b) THE EFFECTIVENESS OF QUALIFICATION AND SUMMONING PROCEDURES;
- (c) THE RESPONSIVENESS OF INDIVIDUAL CITIZENS TO JURY DUTY SUMMONSES;
- (d) THE EFFICIENT USE OF JURORS; AND,
- (e) THE COST EFFECTIVENESS OF THE JURY SYSTEM.

STANDARD 13: JUROR USE

- (a) COURTS SHOULD EMPLOY THE SERVICES OF PROSPECTIVE JURORS SO AS TO ACHIEVE OPTIMUM USE WITH A MINIMUM OF INCONVENIENCE TO JURORS.

- (b) COURTS SHOULD DETERMINE THE MINIMALLY SUFFICIENT NUMBER OF JURORS NEEDED TO ACCOMMODATE TRIAL ACTIVITY. THIS INFORMATION AND APPROPRIATE MANAGEMENT TECHNIQUES SHOULD BE USED TO ADJUST BOTH THE NUMBER OF INDIVIDUALS SUMMONED FOR JURY DUTY AND THE NUMBER ASSIGNED TO JURY PANELS.
- (c) COURTS SHOULD COORDINATE JURY MANAGEMENT AND CALENDAR MANAGEMENT TO MAKE EFFECTIVE USE OF JURORS.

STANDARD 14: JURY FACILITIES

COURTS SHOULD PROVIDE AN ADEQUATE AND SUITABLE ENVIRONMENT FOR JURORS.

- (a) THE ENTRANCE AND REGISTRATION AREA SHOULD BE CLEARLY IDENTIFIED AND APPROPRIATELY DESIGNED TO ACCOMMODATE THE DAILY FLOW OF PROSPECTIVE JURORS TO THE COURTHOUSE.
- (b) JURORS SHOULD BE ACCOMMODATED IN PLEASANT WAITING FACILITIES FURNISHED WITH SUITABLE AMENITIES.
- (c) JURY DELIBERATION ROOMS MUST INCLUDE SPACE, FURNISHINGS AND FACILITIES CONDUCIVE TO REACHING A FAIR VERDICT. THE SAFETY AND SECURITY OF THE DELIBERATION ROOMS SHOULD BE ENSURED.
- (d) TO THE EXTENT FEASIBLE, JUROR FACILITIES MUST BE ARRANGED TO MINIMIZE CONTACT BETWEEN JURORS, PARTIES, COUNSEL, AND THE PUBLIC.

STANDARD 15: JUROR COMPENSATION

- (a) PERSONS CALLED FOR JURY SERVICE SHOULD RECEIVE REASONABLE COMPENSATION (FEES AND/OR MILEAGE) PURSUANT TO STATE STATUTES AND COURT POLICY.
- (b) SUCH AMOUNTS AND FEES SHOULD BE PAID PROMPTLY.

Juror Performance and Deliberations.

STANDARD 16: JUROR ORIENTATION AND INSTRUCTION

- (a) COURTS SHOULD PROVIDE SOME FORM OF ORIENTATION OR INSTRUCTIONS TO PERSONS CALLED FOR JURY SERVICE
 - (i) UPON INITIAL CONTACT PRIOR TO SERVICE;

- (ii) UPON FIRST APPEARANCE AT THE COURTHOUSE;
- (iii) UPON REPORTING TO A COURTROOM FOR VOIR DIRE;
- (iv) DIRECTLY FOLLOWING EMPANELMENT;
- (v) DURING THE TRIAL;
- (vi) PRIOR TO DELIBERATIONS; AND
- (vii) AFTER THE VERDICT HAS BEEN RENDERED OR WHEN A PROCEEDING IS TERMINATED WITHOUT A VERDICT.

(b) ORIENTATION PROGRAMS SHOULD BE

- (i) DESIGNED TO INCREASE PROSPECTIVE JURORS' UNDERSTANDING OF THE JUDICIAL SYSTEM AND PREPARE THEM TO SERVE COMPETENTLY AS JURORS;
- (ii) PRESENTED IN A UNIFORM AND EFFICIENT MANNER USING A COMBINATION OF WRITTEN, ORAL, AND AUDIOVISUAL MATERIALS.

(c) THE TRIAL JUDGE SHOULD

- (i) GIVE PRELIMINARY INSTRUCTIONS DIRECTLY FOLLOWING EMPANELMENT OF THE JURY THAT EXPLAIN THE JURY'S ROLE, THE TRIAL PROCEDURES INCLUDING NOTE-TAKING AND QUESTIONING BY JURORS, THE NATURE OF EVIDENCE AND ITS EVALUATION, THE ISSUES TO BE ADDRESSED, AND THE BASIC RELEVANT LEGAL PRINCIPLES.
- (ii) PRIOR TO THE COMMENCEMENT OF DELIBERATIONS, INSTRUCT THE JURY ON THE LAW, ON THE APPROPRIATE PROCEDURES TO BE FOLLOWED DURING DELIBERATIONS, AND ON THE APPROPRIATE METHOD FOR REPORTING THE RESULTS OF ITS DELIBERATIONS. SUCH INSTRUCTIONS SHOULD BE RECORDED OR REDUCED TO WRITING AND MADE AVAILABLE TO THE JURORS DURING DELIBERATIONS.
- (iii) PREPARE AND DELIVER INSTRUCTIONS WHICH ARE READILY UNDERSTOOD BY INDIVIDUALS UNFAMILIAR WITH THE LEGAL SYSTEM.

(d) BEFORE DISMISSING A JURY AT THE CONCLUSION OF A CASE, THE TRIAL JUDGE SHOULD

- (i) RELEASE THE JURORS FROM THEIR DUTY OF CONFIDENTIALITY;

- (ii) EXPLAIN THEIR RIGHTS REGARDING INQUIRIES FROM COUNSEL OR THE PRESS; AND
- (iii) EITHER ADVISE THEM THAT THEY ARE DISCHARGED FROM SERVICE OR SPECIFY WHERE THEY MUST REPORT.

THE JUDGE SHOULD EXPRESS APPRECIATION TO THE JURORS FOR THEIR SERVICE, BUT ORDINARILY SHOULD NOT EXPRESS DISAPPROVAL OF THE RESULT OF THE DELIBERATIONS.

- (e) ALL COMMUNICATIONS BETWEEN THE JUDGE AND MEMBERS OF THE JURY PANEL FROM THE TIME OF REPORTING TO THE COURTROOM FOR VOIR DIRE UNTIL DISMISSAL SHOULD BE IN WRITING OR ON THE RECORD IN OPEN COURT. COUNSEL FOR EACH PARTY SHOULD BE INFORMED OF SUCH COMMUNICATION AND GIVEN THE OPPORTUNITY TO BE HEARD.

STANDARD 17: JURY SIZE AND UNANIMITY OF VERDICT

JURY SIZE AND NUMBER OF JURORS REQUIRED TO RETURN A VERDICT IN CRIMINAL AND CIVIL CASES IN ALL TRIALS COURTS SHOULD COMPLY WITH EXISTING ARIZONA LAW.

STANDARD 18: JURY DELIBERATIONS

JURY DELIBERATIONS SHOULD TAKE PLACE UNDER CONDITIONS AND PURSUANT TO PROCEDURES THAT ARE DESIGNED TO ENSURE IMPARTIALITY AND TO ENHANCE RATIONAL DECISION-MAKING.

- (a) THE JUDGE SHOULD INSTRUCT THE JURY CONCERNING APPROPRIATE PROCEDURES TO BE FOLLOWED DURING DELIBERATIONS IN ACCORDANCE WITH STANDARD 16(c).
- (b) THE DELIBERATION ROOM SHOULD CONFORM TO THE RECOMMENDATIONS SET FORTH IN STANDARD 14(c).
- (c) THE JURY SHOULD NOT BE SEQUESTERED EXCEPT UNDER THE CIRCUMSTANCES AND PROCEDURES SET FORTH IN STANDARD 19.
- (d) A JURY SHOULD NOT BE REQUIRED TO DELIBERATE AFTER NORMAL WORKING HOURS UNLESS THE TRIAL JUDGE AFTER CONSULTATION WITH COUNSEL AND THE JURY DETERMINES THAT EVENING OR WEEKEND DELIBERATIONS WOULD NOT IMPOSE AN UNDUE HARDSHIP UPON THE JURORS AND ARE REQUIRED IN THE INTERESTS OF JUSTICE.

(e) TRAINING SHOULD BE PROVIDED TO PERSONNEL WHO ESCORT AND ASSIST JURORS DURING DELIBERATION.

STANDARD 19: SEQUESTRATION OF JURORS

(a) A JURY SHOULD BE SEQUESTERED ONLY FOR THE PURPOSE OF INSULATING ITS MEMBERS FROM IMPROPER INFORMATION OR INFLUENCES.

(b) THE TRIAL JUDGE SHOULD HAVE THE DISCRETION TO SEQUESTER A JURY ON THE MOTION OF COUNSEL OR ON THE JUDGE'S INITIATIVE, AND THE RESPONSIBILITY TO OVERSEE THE CONDITIONS OF SEQUESTRATION.

(c) STANDARD PROCEDURES SHOULD BE PROMULGATED TO MAKE CERTAIN THAT:

(i) THE PURPOSE OF SEQUESTRATION IS ACHIEVED; AND

(ii) THE INCONVENIENCE AND DISCOMFORT OF THE SEQUESTERED JURORS IS MINIMIZED.

(d) TRAINING SHOULD BE PROVIDED TO PERSONNEL WHO ESCORT AND ASSIST JURORS DURING SEQUESTRATION. USE OF PERSONNEL ACTIVELY ENGAGED IN LAW ENFORCEMENT FOR ESCORTING AND ASSISTING JURORS DURING SEQUESTRATION IS DISCOURAGED.