



**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



Jamie Clem v. Pinal County and Pinal County Sheriff Ross Teeple
CV-25-0313-PR

PARTIES:

Petitioner: Jamie Clem

Respondent: Pinal County Sheriff Ross Teeple

FACTS:

In April 2015, petitioner Jamie Clem’s son Skyler (“Skyler”) failed to obey an order to appear in court in Pinal County and was taken into custody on a warrant. He was placed in a jail cell with some ten other detainees. Allegedly, no detention officer checked on Skyler’s welfare throughout the night. During that time, Skyler was observed by other detainees to be unconscious in the cell, struggling to breath and later gasping for air. During the night, Skyler died of a drug overdose. The jail was under the authority of the Pinal County Sheriff, who at the time was Paul Babeu and was subsequently Mark Lamb. Petitioner brought a wrongful death action against Pinal County and the Pinal County Sheriff, then Mark Lamb, for her son’s death. (The current Sheriff, Ross Teeple, has since been substituted as respondent in this case.)

At the commencement of trial, during jury selection, one prospective juror, “Juror 6,” disclosed that he was a political supporter of the defendant in the case, Sheriff Mark Lamb, who was running for the U.S. Senate at the time. The trial defense team for the County and Sheriff Lamb included Lt. Ross Teeple, who was then running for Pinal County Sheriff to replace Sheriff Lamb. Juror 6 also disclosed that he was a friend and supporter of Lt. Teeple. Juror 6 described his political activities in support of Sheriff Lamb and Lt. Teeple. He stated upon questioning that a person in plaintiff’s position might view him as biased. Plaintiff’s counsel moved to strike him for cause. However, the trial judge “rehabilitated” Juror 6 by asking if he could affirm that he could set his opinions and neutrally apply the law. Juror 6 affirmed that he could and was seated on the jury.

After jury selection was completed, the jury was instructed that “[d]uring recesses from the trial, you may discuss the evidence presented at the trial, but only amongst yourselves and only when you are all together and only in the jury room.” [Ariz. R. Civ. Proc. 40\(h\)\(1\)\(B\)](#) (requiring trial courts to tell the jurors that they generally “are permitted to discuss the evidence among themselves in the jury room during recesses from trial when all are present, so long as they reserve judgment about the action’s outcome until deliberations begin.”).

On the fourth day of trial, counsel for plaintiff Clem moved for a mistrial or removal of Juror 6 on the grounds a paralegal from counsel’s firm had discovered that Juror 6 was posting messages supportive of defendant Lamb and Lt. Teeple on Facebook during the trial. Juror 6 revealed during questioning that, during the discussions with other jurors, he spoke out in favor of defendant Lamb. The trial judge struck Juror 6 from the jury but denied a mistrial. The case went forward for five additional days, ending in a defense verdict. Petitioner Clem appealed, challenging the trial court’s initial failure to strike Juror 6 for cause and his subsequent failure to declare a mistrial. The Court of Appeals affirmed the verdict for defendants Pinal County and Sheriff Mark Lamb. The Arizona Supreme Court granted

review on the restated issues listed below.

ADDITIONAL INFORMATION/DEFINITIONS:

In 2022, the Arizona Supreme Court instituted substantial revisions to the rules governing jury selection in Arizona. Specifically, the Court “abolish[ed] peremptory strikes in jury selection in all the courts of the State of Arizona.” R-21-0020. The Court then requested the Task Force on Jury Data Collection, Practices, and Policies to assess whether “additional changes might be appropriate in other rules governing jury selection in light of the abolition of peremptory strikes.” R-21-0045. The Task Force proposed a Comment to Rule 47(c)(5)(B), Rules of Civil Procedure, which stated that “[t]he court should refrain from attempting to rehabilitate prospective jurors by asking leading, conclusory questions that encourage prospective jurors to affirm that they can set aside their opinions and neutrally apply the law.” On January 1, 2022, these jury selection reforms went into effect, and they governed the conduct of trial in this case.

ISSUES:

“1. In a civil case, during voir dire, may a trial court rehabilitate a prospective juror challenged for bias, prejudice, or loyalty to a party solely by asking whether the juror can be fair and impartial?

“2. Is the appearance of the denial of the right to an impartial jury as a result of seating a biased juror sufficient to require a new trial without a showing of prejudice?

“3. In a civil trial, can a party question jurors about a fellow juror’s favorable personal comments about a party?”

<i>This Summary was prepared by the Arizona Supreme Court Staff Attorneys’ Office solely for educational purposes. It should not be considered official commentary by the court or any member thereof or part of any brief, memorandum or other pleading filed in this case.</i>
