SUPREME COURT OF ARIZONA

In the Matter of

PETITION TO AMEND RULE 47(a)(3), ARIZONA RULES OF CIVIL PROCEDURE, AND RULE 18.6(b), ARIZONA RULES OF CRIMINAL PROCEDURE

Arizona Supreme Court
No. R-13-0022

FILED 08/28/2013

ORDER
AMENDING RULE 47(a)(3), ARIZONA RULES OF CIVIL PROCEDURE, and RULE 18.6(b), ARIZONA RULES OF CRIMINAL PROCDURE

A petition having been filed proposing to amend the rules pertaining to the jurors' oath in civil and criminal proceedings, and comments having been received, upon consideration,

IT IS ORDERED that Rule 47(a)(3), Arizona Rules of Civil Procedure, and Rule 18.6(b), Arizona Rules of Criminal Procedure, be amended as modified, in accordance with the attachment hereto, effective January 1, 2014.

DATED this _______ day of August, 2013.

REBECCA WHITE BERCH
Chief Justice

TO:
Rule 28 Distribution
Robert M Brutinel, Chairperson, Committee on Impact of Wireless Mobile Technologies
Mark E Meltzer
John A Furlong

ATTACHMENT[*]

ARIZONA RULES OF CIVIL PROCEDURE

Rule 47(a). Trial Jury Procedure; List; Striking; Oath

1. [No change in text.]

2. [No change in text.]

3. After the jury is completed, the clerk shall make a list thereof and deliver it to the parties for peremptory challenges. The parties shall exercise their challenges by alternate strikes, beginning with the plaintiff, until the peremptory challenges are exhausted. Failure of a party to exercise a challenge in turn shall operate as a waiver of remaining challenges but shall not deprive the other party of that other party's full number of challenges. The list shall then be delivered to the clerk who shall call the first eight names remaining on the list who shall constitute the trial jury, and to whom an oath or affirmation shall then be administered in substance as follows: ~~"You do solemnly swear (or affirm) that you will well and truly try the issues now on trial and a true verdict render according to the law and the evidence, so help you God."~~ Do you swear (or affirm) that you will give careful attention to the proceedings, follow the court's instructions, including the admonition, and render a verdict in accordance with the law and evidence presented to you, so help you God?" If a juror affirms, the clause "so help you God" shall be omitted.

4. [No change in text.]

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[*] Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

ARIZONA RULES OF CRIMINAL PROCEDURE

Rule 18.6. Preparation of jurors

a. Handbook. [No change in text.]

b. Oath. Each juror shall take the following oath:

> Do you swear (or affirm) that you will give careful attention to the proceedings, ~~abide by~~ follow the court's instructions, including the admonition, and render a verdict in accordance with the law and evidence presented to you ~~(so help you God)~~, so help you God?

If a juror affirms, the clause “so help you God” shall be omitted.

c. Preliminary Instructions. [No change in text.]

d. Note Taking; Access to Juror Notes and Notebooks. [No change in text.]

e. Juror Questions. [No change in text.]

f. Additional Communications. [No change in text.]

Comments

Rule 18.6(a). [No change in text.]

Rule 18.6(c). [No change in text.]

Rule 18.6(d). [No change in text.]

Rule 18.6(d), Comment to 1995 Amendment [No change in text.]

Rule 18.6(e), Comment to 1995 Amendment [No change in text.]

Rule 18.6(b), Comment to 2014 Amendment

In justice court cases, the court should give jurors the oath prescribed by A.R.S. § 22-322.