

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
AMENDING ARIZONA CODE OF)
JUDICIAL ADMINISTRATION §5-203:)
TRIAL JURY MANAGEMENT)
)
)
)
_____)

Administrative Order
No. 2003 - 96
(Affecting Administrative
Order No. 2003-34)

An amendment to the above captioned section of the Arizona Code of Judicial Administration having come before the Arizona Judicial Council on October 15, 2003 and having been approved and recommended for adoption,

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that Arizona Code of Judicial Administration §5-203 is amended as indicated on the attached document. All other provisions of §5-203, as originally adopted, remain unchanged and in effect.

Dated this 22nd day of October, 2003.

CHARLES E. JONES
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 5: Court Operations
Chapter 2: Programs and Standards
Section 5-203: Trial Jury Management

(Text to be deleted is shown by ~~strikeout~~, new text is in CAPS)

B. Selection of Prospective Jurors.

5. Term of trial jury service. ~~By July 1, 2005, courts shall adopt a term of service for trial jurors of one day or the completion of one trial, whichever is longer.~~

a. ~~An individual's jury service obligation is fulfilled when the person~~ EFFECTIVE JANUARY 1, 2005, A.R.S. §21-336.01 ESTABLISHES A TERM OF SERVICE FOR TRIAL JURORS AS FOLLOWS:

- ~~(1) Serves on one trial until excused or discharged;~~
- ~~(2) Appears at court but is not assigned to a trial division for selection of a jury before the end of the day;~~
- ~~(3) Is assigned on one day to one or more trial divisions for jury selection and serves through the completion of jury selection or is excused;~~
- ~~(4) Complies with a request to telephone a court or check a court's Web site to determine whether to report on a particular day, for four days within a 30-day period; or~~
- ~~(5) Provides the court with a valid phone number and stands ready to serve on the same day, for a period of two days.~~

A. A PERSON'S JURY SERVICE OBLIGATION IS FULFILLED WHEN THE PERSON DOES ANY OF THE FOLLOWING:

- 1. SERVES ON ONE TRIAL UNTIL BEING EXCUSED OR DISCHARGED.
- 2. APPEARS AT COURT BUT IS NOT ASSIGNED TO A TRIAL DIVISION FOR SELECTION OF A JURY BEFORE THE END OF THAT DAY.
- 3. IS ASSIGNED ON ONE DAY TO ONE OR MORE TRIAL DIVISIONS FOR JURY SELECTION AND SERVES THROUGH THE COMPLETION OF JURY SELECTION OR IS EXCUSED.
- 4. COMPLIES WITH A REQUEST TO TELEPHONE A COURT OR CHECK A COURT'S WEBSITE TO DETERMINE WHETHER TO REPORT ON A PARTICULAR DAY, FOR FOUR DAYS WITHIN A THIRTY DAY PERIOD.
- 5. PROVIDES THE COURT WITH A VALID TELEPHONE

NUMBER AND STANDS READY TO SERVE ON THE SAME DAY, FOR A PERIOD OF TWO DAYS.

b. ~~If a court is not in compliance with the statutory requirements by July 1, 2005, IF NECESSARY, the presiding judge in coordination with the jury commissioner shall, pursuant to A.R.S. §21-336.01(B), apply to the supreme court for exemption from the one-day one-trial system for a specified period of time NOT TO EXCEED ONE YEAR. An application under this section shall include either a plan to fully comply with this system by a specified date or an alternative plan that would provide the benefits of a one-day one-trial system to the maximum extent possible, given the conditions in the county. To qualify for exemption, the court must demonstrate that:~~

- (1) The cost of implementing the system is so high that the trial court would be unable to provide essential services to the public if required to implement such a system; or
- (2) The requirements of ~~subsection (B)(5)(a)~~ THE STATUTE cannot be met because of the size of the population in the jurisdiction compared to the number of jury trials.

6. [no change]

7. Exemption, excuse, and postponement. NO AUTOMATIC EXCUSES OR EXEMPTIONS FROM JURY SERVICE SHALL BE PERMITTED UNLESS SPECIFIED BY STATUTE. The following procedures shall apply to exempting, excusing and postponing jury service:

a. ~~No automatic excuses or exemptions from jury service shall be permitted unless specified by statute.~~ THE FOLLOWING ARE GROUNDS FOR EXEMPTION OR EXCUSE FROM JURY SERVICE:

- (1) QUALIFIED PEACE OFFICERS WHO MAKE A TIMELY APPLICATION PURSUANT TO A.R.S. §21-202.
- (2) THE INDIVIDUAL SUFFERS FROM A MENTAL OR PHYSICAL CONDITION CAUSING THAT PERSON TO BE INCAPABLE OF PERFORMING JURY SERVICE. A SUPPORTING STATEMENT FROM A PHYSICIAN WHO IS LICENSED PURSUANT TO TITLE 32 MUST BE PROVIDED.
- (3) JURY SERVICE BY THIS INDIVIDUAL WOULD SUBSTANTIALLY AND MATERIALLY AFFECT THE PUBLIC INTEREST OR WELFARE IN AN ADVERSE MANNER.
- (4) JURY SERVICE WOULD CAUSE UNDUE OR EXTREME PHYSICAL OR FINANCIAL HARDSHIP TO THE PROSPECTIVE JUROR OR A PERSON UNDER THE PROSPECTIVE JUROR'S CARE OR SUPERVISION. THIS EXCUSE MUST BE SUPPORTED BY DOCUMENTATION SUCH AS INCOME TAX RETURNS, PAYROLL RECORDS, MEDICAL STATEMENTS, PROOF OF DEPENDENCY OR GUARDIANSHIP AND IS LIMITED TO THE FOLLOWING CIRCUMSTANCES:
 - (A) JURY SERVICE WOULD REQUIRE ABANDONING A PERSON UNDER THE POTENTIAL JUROR'S CARE OR SUPERVISION DUE TO THE IMPOSSIBILITY OF OBTAINING AN APPROPRIATE SUBSTITUTE CAREGIVER.

(B) THE POTENTIAL JUROR WOULD INCUR COSTS THAT WOULD HAVE A SUBSTANTIAL ADVERSE IMPACT ON THE PAYMENT OF THE PERSON'S NECESSARY DAILY LIVING EXPENSES OR ON THOSE FOR WHOM THE POTENTIAL JUROR PROVIDES REGULAR EMPLOYMENT OR THE PRINCIPAL MEANS OF SUPPORT.

(C) THE POTENTIAL JUROR WOULD SUFFER PHYSICAL HARDSHIP THAT WOULD RESULT IN ILLNESS OR DISEASE.

(D) THE POTENTIAL JUROR IS NOT CURRENTLY CAPABLE OF UNDERSTANDING THE ENGLISH LANGUAGE.

(5) AN INDIVIDUAL WHO WAS SELECTED TO SERVE ON A JURY IN ARIZONA IS NOT REQUIRED TO SERVE AGAIN IN ANY COURT IN THIS STATE FOR TWO YEARS FOLLOWING THE JUROR'S SERVICE. A.R.S. §21-335.

b. ~~Upon timely application to the court or upon the court's own motion, the court shall excuse eligible persons from jury service for either of the following reasons: UNDU~~ OR EXTREME PHYSICAL OR FINANCIAL HARDSHIP DOES NOT EXIST SOLELY BASED ON THE FACT THAT A PROSPECTIVE JUROR WILL BE REQUIRED TO BE ABSENT FROM THE PROSPECTIVE JUROR'S PLACE OF EMPLOYMENT.

~~(1) Absence from the prospective juror's regular place of employment would, in the judgment of the court, tend to affect materially and adversely the public safety, health, welfare or interest; or~~

~~(2) Service as a juror would impose an undue financial, physical, emotional, or other hardship.~~

c. ~~A judge or duly authorized court official may excuse eligible persons from jury service upon their timely application to the court, if they have been sworn as a juror in any court in Arizona during the two years preceding their summons. THE FOLLOWING ARE GROUNDS FOR POSTPONEMENT FROM JURY SERVICE:~~

~~(1) POSTPONEMENT SHALL BE GRANTED TO AN INDIVIDUAL WHO WORKS FOR AN EMPLOYER WITH FIVE OR FEWER FULL-TIME EMPLOYEES, OR THEIR EQUIVALENT, IF DURING THE SAME PERIOD ANOTHER EMPLOYEE OF THAT EMPLOYER IS SERVING AS A JUROR. A.R.S. §21-236(D).~~

~~(2) A JURY COMMISSIONER SHALL POSTPONE SERVICE BY NOT MORE THAN THREE MONTHS FOR THOSE REQUESTING POSTPONEMENT, IF THE PERSON HAS NOT PREVIOUSLY BEEN GRANTED A POSTPONEMENT. A SECOND REQUEST FOR POSTPONEMENT MAY BE GRANTED BASED ON A FINDING THAT AN EXTREME EMERGENCY EXISTS THAT COULD NOT HAVE BEEN ANTICIPATED AT THE TIME OF THE INITIAL POSTPONEMENT. A.R.S. §21-336.~~

~~d. A judge or duly authorized court official may postpone jury service for reasonably short periods of time for the convenience of a juror.~~

ed. The presiding judge shall adopt specific uniform guidelines for screening and hearing

requests to postpone service and to be excused from service. Prospective jurors seeking to postpone their jury service ~~should~~ SHALL be permitted to submit a request by phone, mail, in person, or electronically if the court offers this option. Prospective jurors seeking to be excused from jury service shall ~~be required to~~ submit a written request that complies with the court's specific guidelines. Court officials shall promptly respond to requests to postpone service or to be excused from service. Any time a juror is granted a postponement or is excused from service, the court shall make an appropriate record of its decision.

C. Selection of a Particular Jury.

1. Voir dire. The following procedures shall apply to voir dire:
 - a. Voir dire examination shall be limited to matters relevant to determining whether to remove a juror for cause and to exercising peremptory challenges.
 - b. To reduce the time required for voir dire, basic background information regarding panel members, AS REQUIRED BY RULES 47(a)(4) OF THE ARIZONA RULES OF CIVIL PROCEDURE AND 18.3 OF THE ARIZONA RULES OF CRIMINAL PROCEDURE, ~~should~~ SHALL be made available to counsel for each party on the day on which jury selection is to begin. THE JURY COMMISSIONER SHALL OBTAIN AND MAINTAIN SUCH INFORMATION AS TO EACH POTENTIAL JUROR IN A MANNER AND FORM TO BE APPROVED BY THE SUPREME COURT.
 - c. through f. [no change]

D. Efficient Jury Management. [no change]

E. Juror Performance and Deliberations.

1. Juror orientation and instruction. The following practices should be observed in orienting and instructing jurors:
 - a. [no change]
 - b. Orientation programs should be designed to increase prospective jurors' understanding of the judicial system and prepare them to serve competently as jurors and presented in a uniform and efficient manner using a combination of written, oral, electronic and audiovisual materials. ANY ORIENTATION MATERIALS PROVIDED TO JURORS SHALL BE CONSISTENT WITH THIS SECTION AND ALL APPLICABLE RULES AND STATUTES. ANY HANDBOOK USED TO ORIENT JURORS SHALL BE APPROVED BY THE SUPREME COURT.
 - c. through e. [no change]