

1 Rule 4-404. Jury selection and service.

2 Intent:

3 To identify the source lists from which the master jury list is built.

4 To establish a uniform procedure for jury selection, qualification, and service.

5 To establish administrative responsibility for jury selection.

6 To ensure that jurors are well informed of the purpose and nature of the obligations
7 of their service at each stage of the proceedings.

8 Applicability:

9 This rule shall apply to all trial courts.

10 Statement of the Rule:

11 (1) Master jury list and jury source lists; periodic review.

12 (1)(A) The state court administrator shall maintain for each county a master jury list
13 as defined by Utah Code Ann. § section 78-46-4 ~~for each county~~.

14 (1)(B) The master jury list for each county shall be a compilation of the following
15 source lists:

16 (1)(b)(i) driver licenses and identification cards for ~~persons~~ citizens of the United
17 States 18 years of age and older from the Drivers License Division of the Department of
18 Public Safety; and

19 (1)(b)(ii) the official register of voters from the Elections Division of the Office of the
20 Lt. Governor.

21 (1)(C) The Judicial Council may ~~direct the use of~~ additional source lists to improve, ~~if~~
22 necessary, the inclusiveness of the master jury list for a county.

23 (1)(D) At least twice per year the state court administrator shall obtain from the
24 person responsible for maintaining each source list a new edition of the list reflecting
25 any additions, deletions, and amendments to the list. The state court administrator shall
26 renew the master jury list for each county by incorporating the new or changed
27 information.

28 (1)(E) The master jury list shall contain the name, address, and date of birth for each
29 person listed and any other identifying or demographic information deemed necessary
30 by the state court administrator. The state court administrator shall maintain the master
31 list on a data base accessible to the district courts and justice courts of the state.

32 (1)(F) The state court administrator shall compare the number of persons on each
33 master jury list for a county with the population of the county 18 years of age and older
34 as reported by the Economic and Demographic Data Projections published for the year
35 by the Office of Planning and Budget. The state court administrator shall report the
36 comparison to the Judicial Council at its planning workshop during even numbered
37 years. The sole purpose of this report is to improve, if necessary, the inclusiveness of
38 the master jury list.

39 (2) Term of service and term of availability of jurors.

40 (2)(A) The following shall constitute satisfactory completion of a term of service of a
41 juror:

42 (2)(A)(i) service on a jury panel for one trial whether as a primary or alternate juror
43 regardless of whether the jury is called upon to deliberate or return a verdict;

44 (2)(A)(ii) reporting once to the courthouse for potential service as a juror; or

45 (2)(A)(iii) expiration of the term of availability.

46 (2)(B) The term of availability of jurors shall be:

47 (2)(B)(i) one month for the trial courts of record in Salt Lake county;

48 (2)(B)(ii) three months for the trial courts of record in Davis, Utah, and Weber
49 counties; and

50 (2)(B)(iii) six months for all other courts unless otherwise ordered by the court.

51 (3) Random selection procedures.

52 (3)(A) Random selection procedures shall be used in selecting persons from the
53 master jury list for the qualified jury list.

54 (3)(B) Courts may depart from the principal of random selection in order to excuse or
55 defer-postpone a juror in accordance with statute or these rules and to remove jurors
56 challenged for cause or peremptorily.

57 (4) Qualified jury list.

58 (4)(A) For each term of availability as defined above, the state court administrator
59 shall provide, based on a random selection, to the court the number of jurors requested
60 by that court. This shall be the list from which the court qualifies prospective jurors. The
61 names of prospective jurors shall be delivered to the requesting court in the random
62 order in which they were selected from the master jury list. The court shall maintain that

63 random order through summons, assignment to panels, selection for voir dire,
64 peremptory challenges, and final call to serve as a juror; or the court may rerandomize
65 the names of jurors at any step.

66 (4)(B) For each term of availability the court should request no more than the
67 number of prospective jurors reasonably calculated to permit the selection of a full jury
68 panel with alternates if applicable for each trial scheduled or likely to be scheduled
69 during the term. The number of prospective jurors requested should be based upon the
70 size of the panel plus any alternates plus the total number of peremptory challenges
71 plus the anticipated number of prospective jurors to be postponed, excused ~~or deferred~~
72 from service or removed for cause less the number of jurors ~~excused or deferred~~
73 postponed to that term.

74 (4)(C) The clerk of the court shall mail to each prospective juror a qualification form.
75 The prospective juror shall return the form to file the answers to the questions with the
76 clerk within ten days after it is received. The state court administrator shall develop a
77 uniform form for use by all courts. In addition to the information required by statute, the
78 qualification form shall contain ~~inquiries regarding demographic information sufficient to~~
79 ~~accomplish the purposes of paragraph (1)~~, information regarding the length of service,
80 and procedures and grounds for requesting an excuse or ~~deferral~~ postponement.

81 (4)(D) If a prospective juror is unable to complete the ~~juror qualification form~~
82 answers, the form they may be completed by another person. The person completing
83 the form answers shall indicate that fact ~~on the form, state the reason the form is being~~
84 ~~completed by someone other than the prospective juror, state his or her name and~~
85 ~~address, and sign the form in addition to or on behalf of the prospective juror.~~

86 (4)(E) If the clerk determines that there is an omission, ambiguity, or error in ~~a~~
87 ~~returned qualification form~~ the answers, the clerk shall return the form to the prospective
88 juror with instructions to make the necessary addition, clarification, or correction and
89 ~~return the form to~~ file the answers with the clerk within ten days after it is received.

90 (4)(F) The clerk ~~of the court~~ shall review all ~~returned qualification forms~~ answers and
91 record ~~as disqualified any the~~ prospective juror as qualified or disqualified as defined by
92 statute ~~not to be a competent juror.~~

93 (4)(G) The clerk ~~of the court~~ shall notify the state court administrator of any
94 determination that a prospective juror is not competent-qualified to serve as a juror, and
95 the state court administrator shall accordingly update the master jury list. ~~A prospective~~
96 ~~juror disqualified from service because of a temporary disability shall be automatically~~
97 ~~included in the next qualified jury list following the termination of the disability.~~

98 (4)(H) A prospective juror whose qualification form is returned by the United States
99 Postal ~~authorities-Service~~ as "undeliverable," or "moved - left no forwarding address," or
100 "addressee unknown," or other similar statement, shall not be pursued further by the
101 clerk. The clerk shall notify the state court administrator who shall accordingly update
102 the master jury list.

103 (4)(I) ~~A-If a~~ prospective juror ~~who~~ fails to respond to the qualification ~~form~~
104 questionnaire and ~~whose-the~~ form is not returned by the ~~postal-authorities-U.S. Postal~~
105 Service as undeliverable, ~~the clerk~~ shall ~~be-mailed~~ the qualification form a second time
106 with a notice that failure to ~~return-the-form-answer-the-questions~~ may result in a court
107 order requiring the prospective juror to appear in person before the clerk to complete
108 the qualification form. If a prospective juror fails to ~~return-the-qualification-form-answer~~
109 the questions after the second mailing, the qualification form and a summons may be
110 delivered to the sheriff for personal service upon the prospective juror. The summons
111 shall require the prospective juror to ~~complete-the-qualification-form-answer-the~~
112 questions and ~~deliver-it-to-file-them-with~~ the court within ten days or to appear before the
113 clerk to prepare the form. Any prospective juror who fails to ~~complete-the-form-or~~
114 answer the questions or to appear as ordered shall be subject to the sanctions set forth
115 in-~~§ Utah Code section~~ 78-46-20.

116 (5) Excuse or deferral-postponement from service.

117 (5)(A) No competent juror is exempt from service.

118 (5)(B) Persons on the qualified juror list may be excused from jury service, either
119 before or after summons, ~~if their service would be an undue hardship or extreme~~
120 inconvenience to them or to the public for undue hardship, public necessity or because
121 the person is incapable of jury service under Utah Code section 78-46-15. This
122 provision does not limit the authority of a judge to remove a juror for cause in any
123 particular case. The court shall make reasonable accommodations for any prospective

124 juror with a disability. Excuse from jury service satisfies the prospective juror's statutory
125 service obligation.

126 (5)(C) ~~A prospective juror excused from service because of a temporary hardship~~
127 ~~shall be included in the qualified jury list for the term following the termination of the~~
128 ~~hardship unless otherwise ordered by the court. A prospective juror may be postponed~~
129 ~~to later in the term or to a future term for good cause.~~

130 (5)(D) Without more, being enrolled as a full or part-time post-high school student is
131 not sufficient grounds for excuse from service.

132 (5)(E) Disposition of a request for excuse from service or postponement may be
133 made by the judge presiding at the trial to which panel the prospective juror is assigned,
134 the presiding judge of the court, or the judge designated by the presiding judge for that
135 purpose. The presiding judge may establish written standards by which the clerk ~~of the~~
136 ~~court~~ may dispose of requests for ~~temporary~~ excuse from service or postponement.

137 (6) Summons from the qualified jury list.

138 (6)(A) After consultation with the judges or the presiding judge of the court, the clerk
139 ~~of the court~~ shall determine the number of jurors needed for a particular day. The
140 number of prospective jurors summoned should be based upon the number of panels,
141 size of the panels, any alternates, the total number of peremptory challenges plus the
142 anticipated number of prospective jurors to be postponed, excused ~~or deferred~~ from
143 service or removed for cause. The clerk shall summon the smallest number of
144 prospective jurors reasonably necessary to select a trial jury.

145 (6)(B) The judge may direct that additional jurors be summoned if, because of the
146 notoriety of the case or other exceptional circumstances, the judge anticipates
147 numerous challenges for cause.

148 ~~(6)(C)(i) The clerk of the court, or other officer of the court at the direction of the~~
149 ~~clerk, shall summon jurors from the qualified jury list in the random order in which they~~
150 ~~appear on the qualified jury list.~~

151 (6)(C)(ii) The summons may be by first class mail delivered to the address provided
152 on the juror qualification form or by telephone.

153 (6)(C)(iii) Mailed summonses shall be on a form approved by the ~~court executive~~
154 state court administrator. ~~The summons shall contain a warning regarding the penalty~~

155 ~~for failure to obey the summons.~~ The summons may direct the prospective juror to
156 appear at a date, time, and place certain or may direct the prospective juror to
157 telephone the court for further information. The summons shall direct the prospective
158 juror to present the summons for payment. The summons may contain other information
159 determined to be useful to a prospective juror.

160 (6)(C)(iv) If summons is made by telephone, the clerk shall follow the procedures of
161 paragraph (9) of this rule.

162 (7) Assignment of qualified prospective jurors to panels. Qualified jurors may be
163 assigned to panels in the random order in which they appear on the qualified jury list or
164 may be selected in any other random order. If a prospective juror is removed from one
165 panel, that prospective juror may be reassigned to another panel if the need exists and
166 if there are no prospective jurors remaining unassigned.

167 (8) Selection of prospective jurors for voir dire. Qualified jurors may be selected for
168 voir dire in the random order in which they appear on the qualified jury list, or may be
169 selected in any other random order.

170 (9) Calling additional jurors. If there is an insufficient number of prospective jurors to
171 fill all jury panels, the ~~court judge~~ shall direct the clerk ~~of the court~~ to summon from the
172 qualified jury list such additional jurors as necessary. The clerk shall make every
173 reasonable effort to contact the prospective jurors in the order listed on the qualified jury
174 list. If after reasonable efforts the clerk fails to contact a juror, the clerk shall attempt to
175 contact the next juror on the list. If the clerk is unable to obtain a sufficient number of
176 jurors in a reasonable period of time, the court may use any lawful method for acquiring
177 a jury.

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