

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 the Utah Code.

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 citizens of the United States 18
17 years of age and older from the Drivers License Division of the Department of Public
18 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 use additional source lists to improve the
22 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~~ October meeting during
37 even numbered years. The sole purpose of this report is to improve, if necessary, the
38 inclusiveness of 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 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 from
72 service or removed for cause less the number of jurors postponed to that term.

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

79 (4)(D) If a prospective juror is unable to complete the answers, they may be
80 completed by another person. The person completing the answers shall indicate that
81 fact.

82 (4)(E) If the clerk determines that there is an omission, ambiguity, or error in the
83 answers, the clerk shall return the form to the prospective juror with instructions to make
84 the necessary addition, clarification, or correction and to file the answers with the clerk
85 within ten days after it is received.

86 (4)(F) The clerk shall review all answers and record the prospective juror as qualified
87 or disqualified as defined by statute.

88 (4)(G) The clerk shall notify the state court administrator of any determination that a
89 prospective juror is not qualified to serve as a juror, and the state court administrator
90 shall accordingly update the master jury list.

91 (4)(H) A prospective juror whose qualification form is returned by the United States
92 Postal Service as "undeliverable," or "moved - left no forwarding address," or
93 "addressee unknown," or other similar statement, shall not be pursued further by the

94 clerk. The clerk shall notify the state court administrator who shall accordingly update
95 the master jury list.

96 (4)(I) If a prospective juror fails to respond to the qualification questionnaire and the
97 form is not returned by the U.S. Postal Service as undeliverable, the clerk shall mail the
98 qualification form a second time with a notice that failure to answer the questions may
99 result in a court order requiring the prospective juror to appear in person before the
100 clerk to complete the qualification form. If a prospective juror fails to answer the
101 questions after the second mailing, the qualification form and a summons may be
102 delivered to the sheriff for personal service upon the prospective juror. The summons
103 shall require the prospective juror to answer the questions and file them with the court
104 within ten days or to appear before the clerk to prepare the form. Any prospective juror
105 who fails to answer the questions or to appear as ordered shall be subject to the
106 sanctions set forth in the Utah Code.

107 (5) Excuse or postponement from service.

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

109 (5)(B) Persons on the qualified juror list may be excused from jury service, either
110 before or after summons, for undue hardship, public necessity or because the person is
111 incapable of jury service under the Utah Code. The court shall make reasonable
112 accommodations for any prospective juror with a disability. Excuse from jury service
113 satisfies the prospective juror's statutory service obligation.

114 (5)(C) A prospective juror may be postponed to later in the term or to a future term
115 for good cause.

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

118 (5)(E) Disposition of a request for excuse from service or postponement may be
119 made by the judge presiding at the trial to which panel the prospective juror is assigned,
120 the presiding judge of the court, or the judge designated by the presiding judge for that
121 purpose. The presiding judge may establish written standards by which the clerk may
122 dispose of requests for excuse from service or postponement.

123 (6) Summons from the qualified jury list.

124 (6)(A) After consultation with the judges or the presiding judge of the court, the clerk
125 shall determine the number of jurors needed for a particular day. The number of
126 prospective jurors summoned should be based upon the number of panels, size of the
127 panels, any alternates, the total number of peremptory challenges plus the anticipated
128 number of prospective jurors to be postponed, excused from service or removed for
129 cause. The clerk shall summon the smallest number of prospective jurors reasonably
130 necessary to select a trial jury.

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

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

136 (6)(C)(ii) Mailed summonses shall be on a form approved by the state court
137 administrator. The summons may direct the prospective juror to appear at a date, time,
138 and place certain or may direct the prospective juror to telephone the court for further
139 information. The summons shall direct the prospective juror to present the summons for
140 payment. The summons may contain other information determined to be useful to a
141 prospective juror.

142 (6)(C)(iii) If summons is made by telephone, the clerk shall follow the procedures of
143 paragraph (9) of this rule.

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

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

152 (9) Calling additional jurors. If there is an insufficient number of prospective jurors to
153 fill all jury panels, the judge shall direct the clerk to summon from the qualified jury list
154 such additional jurors as necessary. The clerk shall make every reasonable effort to

155 contact the prospective jurors in the order listed on the qualified jury list. If after
156 reasonable efforts the clerk fails to contact a juror, the clerk shall attempt to contact the
157 next juror on the list. If the clerk is unable to obtain a sufficient number of jurors in a
158 reasonable period of time, the court may use any lawful method for acquiring a jury.
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