

1 **Rule 4-404. Jury selection and service.**

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3 **Intent:**

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

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

6 To establish administrative responsibility for jury selection.

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

9 **Applicability:**

10 This rule shall apply to all trial courts.

11 **Statement of the Rule:**

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

13 (1)(A) The state court administrator shall maintain for each county a master jury list as
14 defined by the Utah Code.

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

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

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

22 (1)(C) The Judicial Council may use additional source lists to improve the inclusiveness
23 of the master jury list for a county.

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

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

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

40 **(2) Term of service and term of availability of jurors.**

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

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

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

47 (2)(A)(iii) except for a juror living in a county of the fourth, fifth, or sixth class or a
48 county of the third class with populations up to 75,000, complying with a
49 summons as directed, even if not directed to report to the courthouse; or

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

51 (2)(B) The term of availability of jurors shall be as follows, unless a shorter term is
52 ordered by the court:

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

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

56 (2)(B)(iii) six months for all other courts.

57 **(3) Random selection procedures.**

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

60 (3)(B) Courts may depart from the principle of random selection in order to excuse or
61 postpone a juror in accordance with statute or these rules and to remove jurors
62 challenged for cause or peremptorily.

63 **(4) Qualified jury list.**

64 (4)(A) For each term of availability as defined above, the state court administrator shall
65 provide, based on a random selection, to the court the number of jurors requested by
66 that court. This shall be the list from which the court qualifies prospective jurors. The
67 names of prospective jurors shall be delivered to the requesting court in the random
68 order in which they were selected from the master jury list. The court shall maintain that
69 random order through summons, assignment to panels, selection for voir dire,
70 peremptory challenges, and final call to serve as a juror; or the court may rerandomize
71 the names of jurors at any step.

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

79 (4)(C) The clerk of the court shall sendmail to each prospective juror a qualification form.
80 The prospective juror shall file the answers to the questions with the clerk within ten
81 days after it is received. The state court administrator shall develop a uniform form for

82 use by all courts. In addition to the information required by statute, the qualification form
83 shall contain information regarding the length of service, and procedures and grounds
84 for requesting an excuse or postponement.

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

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

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

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

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

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

113 (5) **Excuse or postponement from service.**

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

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

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

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

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

129 **(6) Summons from the qualified jury list.**

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

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

140 **(6)(C) Juror summons.**

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

143 (6)(C)(ii) ~~Mailed s~~The summonses shall be on a form approved by the state court
144 administrator. The summons may direct the prospective juror to appear at a date,
145 time, and place certain or may direct the prospective juror to telephone the court
146 for further information. The summons shall direct the prospective juror to present
147 the summons for payment. The summons may contain other information
148 determined to be useful to a prospective juror.

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

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

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

159 **(9) Calling additional jurors.** If there is an insufficient number of prospective jurors to fill all jury
160 panels, the judge shall direct the clerk to summon from the qualified jury list such additional
161 jurors as necessary. The clerk shall make every reasonable effort to contact the prospective
162 jurors in the order listed on the qualified jury list. If after reasonable efforts the clerk fails to
163 contact a juror, the clerk shall attempt to contact the next juror on the list. If the clerk is unable to
164 obtain a sufficient number of jurors in a reasonable period of time, the court may use any lawful
165 method for acquiring a jury.

166 | *Effective: November 1, 20*~~23~~16