

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 of their service at
7 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 as defined by
13 the Utah Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49 (3) Random selection procedures.

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

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

54 (4) Qualified jury list.

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

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

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

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

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

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

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

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

87 (4)(I) If a prospective juror fails to respond to the qualification questionnaire and the form is not
88 returned by the U.S. Postal Service as undeliverable, the clerk shall mail the qualification form a second
89 time with a notice that failure to answer the questions may result in a court order requiring the prospective
90 juror to appear in person before the clerk to complete the qualification form. If a prospective juror fails to
91 answer the questions after the second mailing, the qualification form and a summons may be delivered to
92 the sheriff for personal service upon the prospective juror. The summons shall require the prospective
93 juror to answer the questions and file them with the court within ten days or to appear before the clerk to
94 prepare the form. Any prospective juror who fails to answer the questions or to appear as ordered shall
95 be subject to the sanctions set forth in the Utah Code.

96 (5) Excuse or postponement from service.

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

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

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

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

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

110 (6) Summons from the qualified jury list.

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

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

119 (6)(C) Juror summons.

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

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

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

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

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

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