

STATE OF MINNESOTA

IN SUPREME COURT

C5-85-837

ORDER PROMULGATING JURY MANAGEMENT RULES

WHEREAS, by order dated November 14, 1986, the Supreme Court adopted the Minnesota Standards Relating to Jury Use and Management as advisory guidelines for management of jury systems within the State of Minnesota, and

WHEREAS, pursuant to 1990 Minnesota Laws, Chapter 553, section 10, the Legislature recognized the inherent power of the Supreme Court to promulgate rules governing jury management by repealing statutes governing jury management, effective August 1, 1990, and authorizing the Supreme Court to promulgate rules governing jury management by July 31, 1990, and

WHEREAS, technological changes necessary to compile a jury source list from voter registration and drivers' license lists cannot be implemented until January 1, 1991,

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The attached Jury Management Rules be, and the same hereby are, prescribed and promulgated for the effective and efficient management of jury systems within the State of Minnesota.
2. These Jury Management Rules shall be effective August 1, 1990, and shall supersede the Minnesota Standards Relating to Jury Use and Management.

3. Effective January 1, 1991, the Jury Management Rule 802(c) shall be amended to read as follows:

(c) "Source list" means the voter registration and drivers' license lists for the jurisdiction served by the court, which may be supplemented with names from other sources as set out in the jury administration plan.

4. Effective January 1, 1991, Jury Management Rule 806(b) shall be amended to read as follows as follows:

(b) The voter registration and drivers' license list for the county must serve as the source list. The source list may be supplemented with names from other lists specified in the jury administration plan. Whoever has custody, possession, or control of the lists used in compiling the source list shall provide them to the jury commissioner, upon request and for a reasonable fee, at any reasonable time. All lists shall contain the name and address of each person on the list."

Dated: June 14/1990

OFFICE OF
APPELLATE COURTS

JUN 14 1990

FILED

BY THE COURT

Peter S. Popovich
Peter S. Popovich, Chief Justice

JURY MANAGEMENT RULES

RULE 801. GENERAL POLICY. Persons shall be selected randomly for jury service, from the broadest possible cross section of people in the area served by the court. All qualified persons have an obligation to serve as jurors when summoned, and all should be considered for jury service.

RULE 802. DEFINITIONS.

(a) "Court" means a district court of this state, and includes, when the context requires, any judge of the court.

(b) "Court administrator," "judicial district administrator," and "jury commissioner" include any deputy of the court designated to perform the functions listed in these rules.

(c) "Source list" means the voter registration list for the jurisdiction served by the court, which may be supplemented with names from other sources as set out in the jury administration plan.

(d) "Voter registration list" means the official record of persons registered to vote.

(e) "Drivers' license list" means the record, maintained by the department of public safety, of persons over 18 years old licensed to drive a motor vehicle or issued a state identification card.

(f) "Master list" means a list of names and addresses, or identifying numbers of prospective jurors, randomly selected from the source list.

(g) "Juror" means a person summoned and qualified for service who either is deferred to a specific future date, attends court for the purpose of serving on a jury, or is on call and available to report to court when requested.

(h) "Random selection" means the selection of names in a manner totally immune to the purposeful or inadvertent introduction of subjective bias and such that no recognizable class of the population from which names are being selected can be purposely included or excluded.

(i) "Petit jury" means a body of six persons, impaneled and sworn in any court to try and determine, by verdict, any question or issue of fact in a civil or criminal action or proceeding, according to law and the evidence as given them in court. In a criminal action where the offense charged is a felony, a petit jury is a body of 12 persons, unless the defendant consents to a jury of six.

RULE 803. JURY COMMISSIONER.

(a) A jury commissioner is established in each county to administer the jury system under the supervision and control of the chief judge of the judicial district. The jury commissioner shall be the judicial district administrator or designee. If another person is designated jury commissioner, the other person shall be responsible to the judicial district administrator in the performance of the jury commissioner's tasks.

(b) The jury commissioner shall collect and analyze information regarding the performance of the jury system on a regular basis in order to evaluate:

- (1) the representativeness and inclusiveness of the jury source list;

- (2) the effectiveness of qualification and summoning procedures;
- (3) the responsiveness of individual citizens to jury duty summonses;
- (4) the efficient use of jurors; and
- (5) the cost effectiveness of the jury system.

(c) The jury commissioner should seek to secure adequate and suitable facilities for juror use in each court facility in which jury trials are held.

RULE 804. JURY ADMINISTRATION PLAN.

(a) Each jury commissioner shall develop and place into operation a written plan for the administration of the jury system. The plan shall be designed to further the policies of these rules.

(b) Each plan must

- (1) describe the jury system;
- (2) give a detailed description of the random selection procedures to be used in all phases of juror selection, in accordance with Rule 805;
- (3) identify the lists of names, if any, which shall be used to supplement the source list, and describe the storage media by which the lists shall be maintained;
- (4) indicate if a master list is to be used, and set the minimum number of names which can be used;
- (5) list the conditions which will justify excusing a juror, as well as those which justify deferral;

- (6) describe the juror qualification questionnaire, which will be used to gather information to determine if a prospective juror is qualified;
- (7) contain policies and procedures for enforcing a summons and for monitoring failures to respond;
- (8) describe juror orientation and instruction for jurors upon initial contact prior to service; upon first appearance at the courthouse; upon reporting to a courtroom for voir dire; following empanelment; during the trial; prior to deliberations; and after the verdict has been rendered or when a proceeding is terminated without a verdict.

RULE 805. RANDOM SELECTION PROCEDURES.

(a) Random selection procedures shall be used throughout the juror selection process. Any method may be used, manual or automated, that provides each eligible and available person with an equal probability of selection.

(b) Random selection procedures shall be employed in

- (1) selecting persons to be summoned for jury service;
- (2) assigning prospective jurors to panels; and
- (3) calling prospective jurors for voir dire.

(c) Departures from the principle of random selection are appropriate

- (1) to exclude persons ineligible for service in accordance with Rule 808;
- (2) to excuse or defer prospective jurors in accordance with Rule 810;

- (3) to remove prospective jurors for cause or if challenged peremptorily in accordance with applicable rules of procedure;
- (4) to equalize service among all prospective jurors in accordance with Rule 812.

RULE 806. JURY SOURCE LIST.

(a) The jury commissioner for each county shall be responsible for compiling and maintaining copies of all lists to be used in the random selection of prospective jurors. These lists shall be compiled when the court finds it necessary. No names shall be placed on the source list, master list, grand jury list, or petit jury venire except as provided by the applicable jury administration plan, or these rules.

(b) The voter registration list for the county must serve as the source list. The source list may be supplemented with names from other lists specified in the jury administration plan. Whoever has custody, possession, or control of the lists used in compiling the source list shall provide them to the jury commissioner, upon request and for a reasonable fee, at any reasonable time. All lists shall contain the name and address of each person on the list.

(c) The source list must be used for the random selection of names or identifying numbers of prospective jurors to whom qualification questionnaires and summonses for service must be sent.

(d) When the source list is so large that its use for selecting prospective jurors and mailing out summonses and questionnaires is unreasonably cumbersome,

burdensome, and noneconomical, a second list may be created. This master list shall be randomly drawn from the source list.

(e) The jury commissioner shall review the jury source list once every four years for its representativeness and inclusiveness of the adult population in the county and report the results to the chief judge of the judicial district.

(f) If the chief judge, or designee, determines that improvement is needed in the representativeness or inclusiveness of the jury source list, appropriate corrective action shall be ordered.

**RULE 807. JURY QUESTIONNAIRE AND SUMMONS. ONE-STEP
PROCESS.**

(a) The jury commissioner shall mail to every prospective juror whose name has been drawn a juror qualification questionnaire and summons for service, along with instructions to fill out and return the questionnaire by mail within ten days of receipt.

(b) The notice summoning a person to jury service and the questionnaire eliciting essential information regarding that person shall be:

- (1) combined in a single mailing;
- (2) phrased so as to be readily understood by an individual unfamiliar with the legal and jury systems; and
- (3) delivered by first class mail.

(c) A summons shall clearly explain how and when the recipient must respond and the consequences of a failure to respond.

(d) The questionnaire shall be phrased and organized so as to facilitate quick and accurate screening, and should request only that information essential for:

- (1) determining whether a person meets the criteria for eligibility;
- (2) determining whether there exists a mental or physical disability which would prevent the person from rendering satisfactory jury service;
- (3) providing basic background information including age, race, gender, occupation, educational level, address, marital status, prior jury service within the past four years, occupation of spouse, and the age(s) of any children; and
- (4) efficiently managing the jury system.

(e) The jury commissioner shall make a list of the persons to whom the summons and questionnaire have been sent, but neither the names nor the list shall be disclosed except as provided in these rules.

RULE 808. QUALIFICATIONS FOR JURY SERVICE.

(a) The jury commissioner shall determine on the basis of information provided on the juror qualification questionnaire, supplemented if necessary, whether the prospective juror is qualified for jury service. This determination shall be entered on the questionnaire or other record designated by the court.

(b) To be qualified to serve as a juror, the prospective juror must be:

- (1) A citizen of the United States.
- (2) At least 18 years old.

- (3) A resident of the county.
- (4) Able to communicate in the English language.
- (5) Be physically and mentally capable of rendering satisfactory jury service. A person claiming disability may be required to submit a physician's certificate as to the disability, and the Judge may inquire of the certifying physician.
- (6) A person who has had their civil rights restored if they have been convicted of a felony.
- (7) A person who has not served as a state or federal grand or petit juror in the past four years.

(c) A judge, serving in the judicial branch of government, is disqualified from jury service.

RULE 809. DISCRIMINATION PROHIBITED. A citizen shall not be excluded from jury service in this state on account of race, color, creed, religion, sex, national origin, marital status, status with regard to public assistance disability, age, occupation, or economic status.

RULE 810. EXCUSES AND DEFERRALS.

(a) All automatic excuses or disqualifications from jury service are eliminated except as provided in Rule 808.

(b) Eligible persons who are summoned may be excused from jury service only

if:

(1) their ability to receive and evaluate information is so impaired that they are unable to perform their duties as jurors and they are excused for this reason by a jury commissioner or a judge;

(2) they request to be excused because their service would be a continuing hardship to them or to members of the public and they are excused for this reason by the jury commissioner.

(c) Upon request from a qualified prospective juror, the jury commissioner shall determine whether the prospective juror meets the conditions for deferral set out in the jury administration plan. The deferral shall be for a reasonable time, after which the prospective juror shall be available for jury service, in accordance with the court's direction. Deferral of jury service is encouraged as an alternative to excuse from service.

(d) The reason for the excuse or deferral of any prospective juror must be entered in the jury commissioner's records.

(e) A member, officer or employee of the legislature is excused from jury service while the legislature is in session.

RULE 811. TERM OF JURY SERVICE. The time that persons are called upon to perform jury service and be available for jury service is the shortest period consistent with the needs of justice.

(a) In counties with a population of 100,000 or more, a term of service must not exceed two weeks or the completion of one trial, whichever is longer.

(b) In counties with a population of less than 100,000 but more than 50,000, a term of service must not exceed two months. However, no person is required to continue to serve after the person has reported to the courthouse for ten days or after the completion of the trial on which the juror is sitting, whichever is longer.

(c) In counties with a population of less than 50,001 but more than 15,000, a term of service must not exceed four months. However, no person is required to continue to serve after the person has reported to the courthouse for ten days or after the completion of the trial on which the juror is sitting, whichever is longer.

(d) In counties with a population of 15,000 or less, a term of service shall not exceed six months. However, no person is required to continue to serve after the person has reported to the courthouse for selection for three days, or after the completion of the trial on which the juror is sitting, whichever is longer.

(e) Chief judges and judicial district administrators shall review the frequency of juror use in each county in determining the shortest period of jury service that will enable the greatest number of citizens to have the opportunity to report to the courthouse and participate in the jury system. All courts shall adopt the shortest period of jury service that is practical.

RULE 812. JUROR USE.

(a) Courts shall employ the services of prospective jurors so as to achieve optimum use with minimum inconvenience to jurors.

(b) Courts shall determine the minimally sufficient number of jurors needed to accommodate trial activity; this information and appropriate management techniques shall be used to adjust both the number of individuals summoned for jury duty and the number assigned to jury panels.

(c) Courts may employ procedures to ensure that each prospective juror who has reported to the courthouse is assigned to a courtroom for voir dire each day before any prospective juror is assigned a second time that day.

RULE 813. CHALLENGING COMPLIANCE WITH SELECTION PROCEDURE.

(a) A party may move to stay the proceedings, quash the indictment, or for other appropriate relief, on the ground that these rules have not been complied with. Such motion should be made within seven days after the moving party discovers or should have discovered the grounds for the motion, and in any event before the petit jury is sworn to try the case.

(b) If a motion filed under (a) contains a sworn statement of facts which, if true, constitute a substantial failure to comply with these rules, the moving party is entitled to present the testimony of the jury commissioner, any relevant records and papers even if not public or otherwise available, and any other relevant evidence in

support of the motion. If the court determines that there has been a substantial failure to comply with these rules in the selection of either a grand jury or a petit jury, the court shall stay the proceedings while a jury is selected in conformity with these rules.

(c) The procedures prescribed by this Rule are the exclusive means by which a party may challenge a jury on the grounds that the jury was not selected in conformity to these rules.

RULE 814. RECORDS.

(a) The names of qualified prospective jurors drawn and the contents of juror qualification questionnaires completed by those prospective jurors must be made available to the public upon specific request to the court, supported by affidavit setting forth the reasons for the request, unless the court determines in any instance that in the interest of justice this information should be kept confidential or its use limited in whole or in part.

(b) The contents of juror qualification questionnaires must be made available to attorneys upon request in advance of voir dire. The court may restrict access to addresses of the prospective jurors.

(c) The jury commissioner shall make sure that all records and lists are preserved for the length of time ordered by the court. The contents of any records or lists not made public shall not be disclosed until one year has elapsed since preparation of the list and all persons selected to serve have been discharged, unless a motion is brought under Rule 813.