

IN THE SUPREME COURT OF THE STATE OF ALASKA

ORDER NO. 531

Rescinding and re-enacting  
Administrative Rule 15 relating  
to management of petit jurors.

IT IS ORDERED:

Administrative Rule 15 is rescinded and re-enacted to read:

(a) Administration

(1) The administrative director of the courts shall be responsible for the management of the jury system.

(2) The administrative director may prescribe policies and procedures for efficient and effective jury management.

(3) Computerization may be utilized for the random selection of jurors and for management of the jury system. The administrative director may authorize random selections other than by computer when circumstances warrant.

(b) Master Jury List

(1) By March 15 of each year the administrative director will prepare a statewide master list of prospective jurors in Alaska.

(2) The administrative director will divide the statewide master list into local master jury lists for each court location. A court location's local master jury list will include the names of all prospective jurors who live in the community and other areas assigned to that court for jury selection purposes. Communities and other areas will be assigned to court locations for the purposes of jury selection according to the following criteria:

(i) Each court location will be assigned its own community and all non-court locations within a 50 mile radius of that court except as provided in (ii) and (iii) below.

(ii) If a non-court location is within the 50 mile radius of two or more court locations, that non-court location will be assigned to that court in the same senate district. If both court locations are in the same senate district, then the presiding judge will assign that non-court location to the court location deemed most appropriate.

(iii) If the non-court location is not within a 50 mile radius of any court, that non-court location will remain unassigned unless the presiding judge orders the non-court location assigned to a court.

(iv) No community will be assigned to more than one court location for the purposes of petit jury selection.

(3) Clerks and magistrates shall send a periodic listing of duplicate names, names of deceased persons or persons who are permanently excused from jury service to the administrative director. This list shall be used to update the annual master jury list to ensure that these names are not again selected for jury service.

(c) Selection of Prospective Petit Jurors

(1) Prospective petit jurors shall be selected from the area defined in (b)(2) unless the court finds that the selection area defined in section (b)(2):

(i) will not provide a petit jury which is a truly representative cross-section of the appropriate community or,

(ii) would cause unreasonable transportation expenses,

in which case the trial court, on its own motion or on the motion of the parties, may designate an area other than that specified in section (b)(2) from which the petit jurors shall be selected.

(2) Selection of prospective petit jurors will be from all locations assigned in (b)(2) unless an alternative assignment is specifically authorized by the presiding judge. The presiding judge will forward this authorization to the administrative director by February 1 of each year so that the area of selection can be changed.

(d) Qualification of Jurors

(1) The administrative director shall be responsible for overseeing the mailing of a questionnaire to prospective jurors to determine if they are qualified to serve. Questionnaires may be served by regular mail.

(2) If a prospective juror's response to the questionnaire indicates that he or she is not qualified for service or, in the opinion of the judge or magistrate, the prospective juror has stated grounds sufficient to be excused or deferred, no summons shall be issued or, if already issued, the prospective juror shall be excused or deferred to a later date.

(3) A prospective juror shall not be paid jury fees or be reimbursed for travel expenses incurred and subsistence if the prospective juror appears at the court house:

(i) in response to a questionnaire rather than a summons;

(ii) because he or she failed to call-in as instructed; or

(iii) after having been sent an excusal notice or after having been otherwise notified that he or she was excused.

(e) Summoning Jurors

(1) Summons may be served by regular mail.

(2) The summons shall state the court location, reporting date and reporting time or call-in date and call-in time for jury service.

(f) Venire List. The venire list is comprised of all prospective jurors whose responses on a jury questionnaire indicate they meet the minimum statutory qualifications for jury service.

(g) Jury Panel

(1) Under the direction of the court, the clerk shall select a jury panel from the venire list.

(2) The jury panel is that group of prospective jurors who are summoned to report or call-in for a term of jury service.

(3) Persons on the jury panel will be required to be available for actual jury service as specified in section (j) of this rule.

(h) Trial Panel. The trial panel is that group of prospective jurors from the jury panel who are sent to a courtroom for possible inclusion on a trial jury.

(i) Trial Jury

(1) A trial jury consists of those prospective jurors selected from the trial panel to hear a trial.

(2) Unless otherwise stipulated by the parties and ordered by the trial judge, a trial jury in superior court shall consist of 12 persons. A trial jury in district court shall consist of 6 persons. An inquest jury and a presumptive death jury shall consist of 6 persons.

(3) When a case is to be tried by jury, the clerk shall randomly select from the names of those on the trial panel a number of names sufficient to name a trial jury and alternate jurors, if the court decides alternate jurors are needed.

(4) The prospective trial jurors shall be examined, challenged, and sworn as provided in Civil Rule 47 and Criminal Rule 24.

(j) Term of Service

(1) Except as otherwise provided by the administrative director, a juror's term of service is based upon the size of the court's local master jury list as defined in section (b) of this rule. The maximum term of service and maximum length of actual service are shown below:

<u>SIZE OF LOCAL MASTER JURY LIST</u>	<u>MAXIMUM LENGTH OF AVAILABILITY FOR JURY SERVICE (TERM OF SERVICE)</u>	<u>MAXIMUM LENGTH OF ACTUAL ANNUAL COURT ATTENDANCE (SERVICE)</u>
Under 5000	1 year	30 days per year
5000 and over	30 consecutive days per jury year unless interrupted by a deferral	30 days per year

(2) "Term of service" begins the date the juror first appears in court or calls the court as ordered on a summons, unless the term of service is deferred at the request of the prospective juror.

(3) "Service" starts the first day the juror is paid for jury service.

(4) If the commencement of a prospective juror's term of service is deferred to a later date at the juror's request, his or her term of service shall commence on the date to which he or she is deferred. If after beginning a term of service a prospective juror requests a deferral, the court may defer the remaining portion of the term of service.

(5) After a person completes his or her term of service, that person shall not be required to serve as a juror within one year after the last day of actual court attendance for which he or she was paid.

(6) A juror who commences sitting in a trial within the term of service shall continue to serve in that matter until discharged by the trial judge.

(k) Definitions

(1) Deferral of Jury Service - the postponement of jury service to a later date. This postponement can be no longer than 10 months from the date the initial term of service was to have started. A person may have jury service deferred if he or she shows that jury service at the time when he or she is summoned will cause hardship to that person or others, or that transportation problems make it impossible to serve. Jury service may be deferred only if the person seeking the deferment agrees to a deferred date.

(2) Excused - a person may be excused from service as a juror if it is shown that his or her health, the health or proper care of his or her family, a physical or mental disability, or other conditions exist which would cause a hardship to the individual. Unless the court specifically authorizes a permanent excusal, all excusals from jury service shall be for the current jury year only.

(3) Jury panel - that group of prospective jurors who are summoned to report or call in for a term of jury service.

(4) Jury Summons - a court order directing a prospective juror to report or call-in for jury duty.

(5) Jury Year - the term during which a master jury list is in effect; normally, from March 15 of one year (when the list is compiled) until March 14 of the next year (when a new master list must be prepared).

(6) Local Master Jury List - a randomly ordered listing of names of prospective jurors for a court location who may be sent qualification questionnaires for jury service.

(7) Natural Faculties - normal abilities to reason, hear, see, and move about.

(8) Permanent Excusals - a prospective juror may be permanently excused from all jury service if he or she:

(i) is advanced in age. Those people who are over age 70 and request in writing to be permanently excused shall be

(ii) has a permanent physical disability. The disability must be verified in writing by a physician.

(iii) has a permanent mental disability. The disability must be verified in writing by a physician.

(9) Qualification List - a list of names from the local master jury list to which qualification questionnaires will be mailed in order to create a venire list.

(10) Questionnaire - document used to determine whether a prospective juror meets the statutory minimum qualifications for jury service.

(11) Resident - for jury qualification purposes, a person is a resident of the State of Alaska if he or she:

(i) has registered to vote in Alaska,

(ii) has obtained a resident fish and game permit for Alaska, or

(iii) is eligible for the Alaska permanent fund dividend.

(12) Term of service - begins the date the juror first appears in the court or calls the court as ordered on a summons unless the term of service is deferred at the request of a prospective juror.

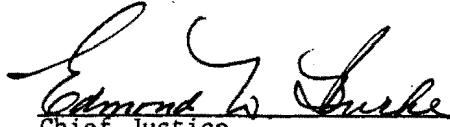
(13) Trial Jury - those prospective jurors selected from the trial panel to hear a trial.

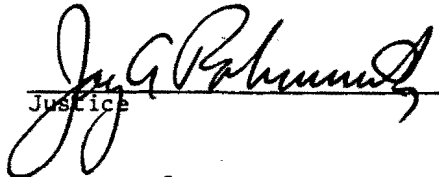
(14) Trial panel - that group of prospective jurors from the jury panel who are sent to the courtroom for possible inclusion on a trial jury.

(15) Venire list - a list of all prospective jurors whose responses on a jury questionnaire indicate they meet the minimum statutory qualifications for jury service.


DATED: August 18, 1982

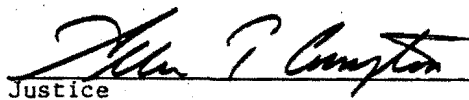
EFFECTIVE DATE: October 1, 1982

  
\_\_\_\_\_  
Chief Justice

  
\_\_\_\_\_  
Justice

  
\_\_\_\_\_  
Justice

  
\_\_\_\_\_  
Justice

  
\_\_\_\_\_  
Justice

Usual Distribution