

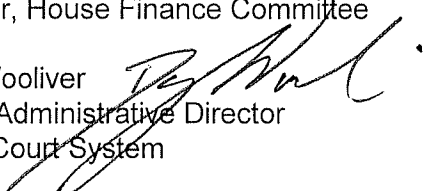
MEMORANDUM

ALASKA COURT SYSTEM

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TO: Representative Neil Foster
Co-Chair, House Finance Committee

FROM: Doug Wooliver 
Deputy Administrative Director
Alaska Court System

DATE: March 12, 2019

RE: Questions from March 11th Finance Committee Meeting

This memo addresses questions related to jury duty that were raised during the Judiciary's Budget Overview before the House Finance Committee on Monday, March 11, 2019. Administrative Rule 15 of the Alaska Rules of Court (attached), sets out the procedures that govern the selection and service of jurors. I hope this memo and the attached rule answer the questions raised. Please don't hesitate to contact me if you have further questions.

What is the term of jury service during which a person might be called for jury duty?

The fewer the people in the master jury list for a given court the longer a person's term of service. Administrative Rule 15(k) sets out the guidelines. This rule also states that no person may be required to serve more than 30 days on juries during the year unless they reach that 30-day limit while actively serving on a jury.

(k) Term of Service.

(1) Term of service is the period during which prospective jurors must be available to serve as jurors. During that period, the prospective jurors may be required to call in or appear for service.

(2) Except as otherwise provided by the administrative director, the term of service for a court is based on the size of that court's local master jury list as shown in the chart below. Any change in a court's term of service must be approved by both the presiding judge and the administrative director. All modified terms of service will be published in an administrative bulletin.

SIZE OF LOCAL MASTER JURY LIST TERM OF SERVICE

Under 2,000 people 1 calendar year

2,000 to 7,000 people	3 consecutive calendar months per jury year unless interrupted by a deferral
7,001 to 99,999 people	1 calendar month per jury year unless interrupted by a deferral
100,000 or more people	1 calendar week per jury year

(3) Maximum Length of Actual Service. No person will be required to appear for jury service more than 30 days per year, except that a person serving on a jury must continue to serve until discharged by the trial judge. Calling in without appearing does not count as a day of service.

If a person serves on a jury, will that person be exempt from jury duty for a period of time following that service?

Yes. Administrative Rule 15(f)(3) covers this issue.

(3) Length of Excusal After Jury Service. If a person has appeared for jury service in state or federal court in Alaska, the person is not required to serve again as a juror for one year after the end of the person's term of service. In a court with a local master jury list that includes over 50,000 people, the person will be excused for two years unless the administrative director determines that there are insufficient jurors on the local master jury list to accommodate the number of trials at the court location. If the jury service was in federal court, the term of service will be the term of service of the summoning state court rather than that of the federal court.

How large is the area surrounding a court from which jurors are called?

Administrative Rule 15(c) states the general rule that people living within a 50-mile radius of a court location are subject to be called for jury duty. That radius may be expanded or reduced by order of the presiding judge either for a specific case, or as a general policy.

(c) Local Master Lists.

(1) Creation of Local Lists. Using the statewide master list, the administrative director will create a local master jury list for each court. The local master jury list will contain the names of all prospective jurors who live in the communities and areas assigned to that court as provided below.

(2) Community Assignments. The community in which a court is located will be assigned to that court. Other areas within a 50-mile radius of that court will also be assigned to that court except as follows:

(A) communities and areas located within 50 miles of more than one court will be assigned to the court in the same venue district;

(B) communities and areas located more than 50 miles from any court will remain unassigned unless the presiding judge assigns the community or area to a court; and

(C) no community or area will be assigned to more than one court.

(3) Alternative Assignments. Prospective trial jurors will be selected from all locations assigned to a court under paragraph (c)(2) unless an alternative assignment is authorized by the presiding judge. The presiding judge will forward any alternative assignments to the administrative director by October 1 each year.

AK-CTRULES - ADMIN Rule 15, Jury Selection and Service

----- Excerpt from page 1185 follows -----
WEST'S ALASKA STATUTES ANNOTATED
ALASKA COURT RULES
RULES GOVERNING THE ADMINISTRATION OF ALL COURTS

Current with amendments received through September 1, 2018.

Rule 15. Jury Selection and Service

(a) Administration. The administrative director of the courts is responsible for the management of the jury system and shall prescribe policies and procedures for efficient and effective jury management.

(b) Statewide Master Jury List. By November 30 of each year, the administrative director will prepare a statewide master list of prospective jurors in Alaska.

(c) Local Master Lists.

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(C) no community or area will be assigned to more than one court.

(3) Alternative Assignments. Prospective trial jurors will be selected from all locations assigned to a court under paragraph (c)(2) unless an alternative assignment is authorized by the presiding judge. The presiding judge will forward any alternative assignments to the administrative director by October 1 each year.

(d) Term Lists, Summonses, and Questionnaires. For each court, there is a term of service specified in subsection (k), during which prospective jurors must be available to serve. Using the local master list, the clerk will prepare a term list that includes as many prospective jurors as are needed to be available for the term. A summons will be sent to each prospective juror on the term list along with instructions for completing a questionnaire to determine if the prospective juror is qualified to serve. The summons may be sent by regular mail or email. Qualification questionnaires may be completed online or returned to the court by mail.

----- Excerpt from page 1186 follows -----
(e) Juror Deferrals.

(1) 10-Month Limit. Pursuant to > AS 09.20.035, jury service may not be deferred for more than 10 months from the date the original term of service was scheduled to begin. If a juror requests a deferral beyond the 10-month limit, the request will be considered a request for excusal under paragraph (f)(1).

(2) Deferral as a Matter of Right. Before a person's term of service begins, the person may defer jury service once without providing a reason if the person agrees to another term of service beginning no later than 10 months from the date the original term of service was scheduled to begin. Courts may authorize additional deferrals as a matter of right within the 10-month limit.

(3) No Deferral Allowed. Persons summoned to serve a one-year term may not defer their service, but may request short-term excusals under paragraph (f)(1).

(4) Deferral after Term of Service Begins. After a person's term of service has begun, the person may request that the remaining term of service be deferred or that the person be temporarily excused under paragraph (f)(1). If the remaining term of service is deferred, the juror may be assigned to a new term within the 10-month limit, but only for the period of time unserved in the original term.

(5) Partial Deferral for Shift Workers. If a person's work schedule makes the person unavailable to serve a portion of every term, the jury clerk may defer that portion of service to a new term.

The person may not be required to serve longer than the original term of service except that a person serving on a jury must continue to serve until discharged by the trial judge.

(6) Failure to Appear for Deferred Service. If a person has deferred jury service until the last available term within the 10-month limit and then fails to appear, the judicial officer may excuse the person for good cause, excuse the person and reassign the person to the next available term of service outside the 10-month limit, or impose a sanction authorized by law. A person who is reassigned to a new term of service under this paragraph ordinarily will not be reassigned again but may be excused.

(f) Juror Excusals.

(1) Temporary Excusals.

(A) Temporary Excusals by Judicial Officers for Hardship. A judicial officer may temporarily excuse a person from jury service if it is shown that the person's health, the health or proper care of the person's family, a physical or mental disability, or other substantial hardship makes it necessary for the person to be excused. Depending on the length of the hardship, the excusal may be either:

----- Excerpt from page 1187 follows -----

(i) a short-term excusal during the term of service, or

(ii) a long-term excusal for one year from the first day of the term of service for which the person was summoned.

(B) Temporary Excusals by Clerk.

(i) Excusal for Failure to Meet Statutory Qualifications. If a person's response to the qualification questionnaire indicates that the person is not qualified for jury service under > AS 09.20.010 or > 09.20.020, the clerk will excuse the person from service after verifying the disqualification. If the reason for disqualification is that the person is not of sound mind or in possession of the person's natural faculties, the person will be excused only if the person has a court-appointed guardian or if a licensed physician, psychologist, nurse practitioner, or physician's assistant verifies in writing that the person is unable to serve as a juror for medical reasons. If a person is excused because the person recently served on a jury, the length of the excusal is specified in paragraph (3) below. All other excusals under this provision will be for one year from the first day of the term of service for which the person was summoned.

(ii) Excusal of Judicial Officers (> AS 09.20.030). Upon a judicial officer's request, the clerk will excuse the judicial officer from jury service for one year from the first day of the term of service for which the judicial officer was summoned.

(iii) Excusal for Hardship. A clerk may temporarily excuse a person from jury service for hardship to the extent authorized by administrative bulletin.

(2) Permanent Excusals. Upon request, the clerk will permanently excuse a person from all future jury service if the person:

(A) is over age 70, or

(B) is permanently unable to serve as a juror for medical reasons, including physical or mental disability, if verified in writing by a licensed physician, psychologist, nurse practitioner, or physician's assistant.

(3) Length of Excusal After Jury Service. If a person has appeared for jury service in state or federal court in Alaska, the person is not required to serve again as a juror for one year after the end of the person's term of service. In a court with a local master jury list that includes over 50,000 people, the person will be excused for two years unless the administrative director determines that there are insufficient jurors on the local master jury list to accommodate the number of trials at the court location. If the jury service was in federal court, the term of service will be the term of service of the summoning state court rather than that of the federal court.

----- Excerpt from page 1188 follows -----

(4) Exclusions List. The administrative director will maintain a list of deceased and permanently excused persons to ensure that these persons are excluded from the statewide master jury list.

(g) Notice of Juror Status. After determining whether the person is qualified to serve and whether the person is eligible to be deferred or excused, the court will send the person a service reminder, deferral notice, or excusal notice.

(h) Selection of Prospective Trial Jurors.

(1) The clerk will eliminate from the term list the names of persons who are not qualified or who have been deferred or excused. All remaining persons must call in during the term as directed.

(2) Each week, based on the number of expected trials, the clerk will direct an appropriate number of prospective jurors to appear for service. The clerk will assign these prospective jurors to trial panels. A trial panel consists of prospective jurors who will be sent to the courtroom for possible inclusion on a trial jury.

(3) If a trial judge determines that the selection area defined in subsection (c) will not provide a trial jury which is a truly representative cross-section of the appropriate community, the trial judge may designate alternate or additional areas from which the trial panel will be selected.

(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 approved by the trial judge, a trial jury shall consist of 12 persons for the superior court and six persons for the district court and for inquests and presumptive death hearings.

(3) The clerk shall select from the trial panel a number of names sufficient to comprise a trial jury and alternate jurors if the court decides alternate jurors are needed. The clerk shall select the names either by using a computer-generated random list or another method of random selection.

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

(j) Juror Privacy.

(1) Court Use Only. The following materials are for internal court use only: the statewide master jury list, local master jury lists, local term lists, and qualification questionnaires.

(2) Limited to Parties. Trial questionnaires and trial panel lists are confidential. These items, along with the dates of birth of individuals on the trial panel list, will be provided to the parties and counsel of record for use by the parties, their attorneys, and agents of their attorneys only in connection with jury selection in the case for which the questionnaires and lists were prepared.

----- Excerpt from page 1189 follows -----

(3) No Disclosure. The parties, their attorneys, and agents of their attorneys shall not disclose or use the trial questionnaires, trial panel lists, or any compiled list of persons selected to serve on a jury except as permitted by this rule.

(4) Selection Hearing Records. If jurors are questioned in private, the electronic record and log notes related to that questioning are confidential. Otherwise, the electronic record and log notes from jury selection are public. Juror names must never be recorded in the log notes. Instead, juror names should only be recorded on the confidential form used to document juror selection.

(5) Attendance Records. The court may issue a certificate of attendance to a juror or the juror's employer. Any other record of juror attendance is confidential.

(k) Term of Service.

(1) Term of service is the period during which prospective jurors must be available to serve as jurors. During that period, the prospective jurors may be required to call in or appear for service.

(2) Except as otherwise provided by the administrative director, the term of service for a court is based on the size of that court's local master jury list as shown in the chart below. Any change in a court's term of service must be approved by both the presiding judge and the administrative director. All modified terms of service will be published in an administrative bulletin.

SIZE OF LOCAL MASTER JURY LIST	TERM OF SERVICE
Under 2,000 people	1 calendar year
2,000 to 7,000 people	3 consecutive calendar months per jury year unless interrupted by a deferral
7,001 to 99,999 people	1 calendar month per jury year unless interrupted by a deferral

100,000 or more people 1 calendar week per jury year

(3) Maximum Length of Actual Service. No person will be required to appear for jury service more than 30 days per year, except that a person serving on a jury must continue to serve until discharged by the trial judge. Calling in without appearing does not count as a day of service.

----- Excerpt from page 1190 follows -----

(1) Definitions.

(1) Deferral of Jury Service--the postponement of jury service to a later date as described in subsection (e).

(2) Jury Summons--a court order directing a prospective juror to be available to serve for a specific term at a court location.

(3) Jury Year--the calendar year during which a master jury list is in effect.

(4) Natural Faculties--normal abilities to reason, a term used in > AS 09.20.010.

(5) Permanent Excusals--an excusal for life for reasons stated in paragraph (f)(2).

(6) Qualification Questionnaire--a set of questions used to determine whether a prospective juror meets the statutory qualifications for jury service.

(7) Temporary Excusal--an excusal for one year or less for reasons stated in paragraph (f)(1).

(8) Term List--a group of prospective jurors selected from the local master jury list who are summoned to serve for a specific term at a court location.

(9) Term of Service--the period during which a person must be available to serve as a juror. During that period, the person may be required to call in or appear for service.

(10) Trial Jury--those persons selected from the trial panel to serve as jurors.

(11) Trial Panel--that group of prospective jurors from the term list who are sent to the courtroom for possible inclusion on a trial jury (called 'jury panel' in > AS 09.20.080).

(12) Trial Questionnaire--a document filled out by members of a trial panel for purposes of jury selection.