

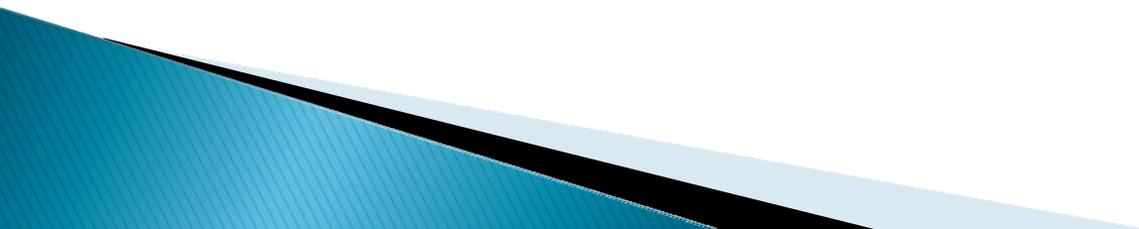
Indiana Jury Trial Rules

Trial Court Employee Conference

July 19, 2011

Calling the Jury
Rules 1 – 10

Rule 1. Scope

- ▶ These rules shall govern *petit* jury assembly, selection, and management.
 - ▶ Rules 2 through 10 shall govern *grand* jury assembly and selection.
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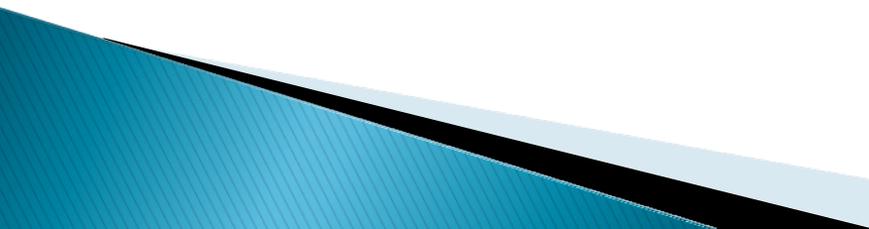
Rule 2. Jury Pool

- ▶ “Jury pool” -- *See* IC 33-28-5-3.5
- ▶ Judges shall administer the jury assembly process.
- ▶ Any person appointed by a judge to administer the jury assembly process is a “jury administrator” -- *See* IC 33-28-5-3
- ▶ The jury administrator shall compile the jury pool annually by selecting names from lists approved by the Supreme Court -- *See* IC 33-28-5-13

Rule 2. (Continued)

- ▶ “Master list” of prospective jurors -- *See* IC 33-28-5-5
- ▶ As an alternative, counties may compile their jury pool from the county’s voter registration lists, supplemented with at least one of the following sources:
 - Property tax records
 - Telephone directories
 - Utility customer lists

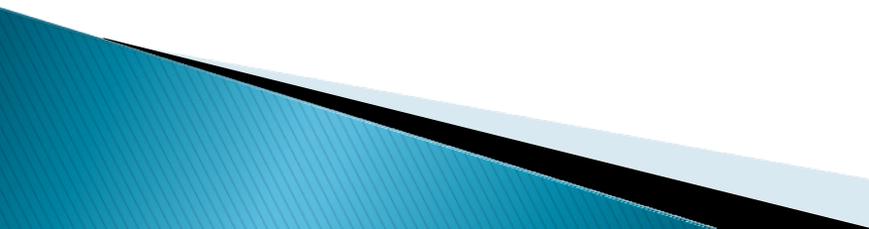
Rule 3. Random Draw

- ▶ *See* IC 33-28-5-20
 - ▶ Plan for selection of jurors shall be memorialized in a written **jury plan** or a **local rule**.
 - ▶ The plan is a public document on file in the office of the jury administrator and must be available for inspection at all reasonable times.
 - ▶ Requirements of the jury plan are enumerated in IC 33-28-5-12(a)
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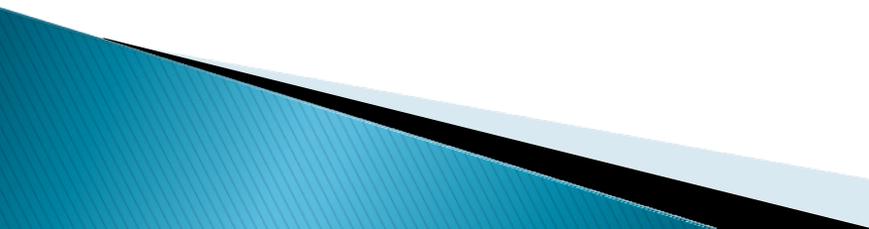
Rule 4. Notice of Selection for Jury Pool and Summons for Jury Service

- ▶ NLT seven days after drawing of names (IC 33-28-5-14), mail to each person whose name is drawn a juror qualification form (IC 33-28-5-16) and notice of the period during which any service may be performed.
- ▶ Judges shall select, by local rule, one of the following procedures for summoning jurors:
 - (a) Single tier notice and summons -- at least six weeks before jury service.
 - (b) Two tier notice and summons -- shall summons jurors at least one week before service.

Rule 4. (Continued)

- ▶ The summons shall include the following information:
 1. Directions to court
 2. Parking
 3. Public transportation
 4. Compensation
 5. Court policies regarding the use of electronic devices
 6. Attire
 7. Meals
 8. How to obtain aids and services required by ADA
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Rule 4. (Continued)

- ▶ Judge may order jurors to appear upon less notice when apparent that additional prospective jurors are required.
 - ▶ Judge may authorize technological programs, automated telephone services, and/or web-based programs (must include appropriate verification, such as juror identification numbers, PIN numbers, and passwords) -- must ensure that jurors who are unable or unwilling to use technological programs can complete the forms and receive required information by contacting the jury administrator.
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Rule 5. Disqualification

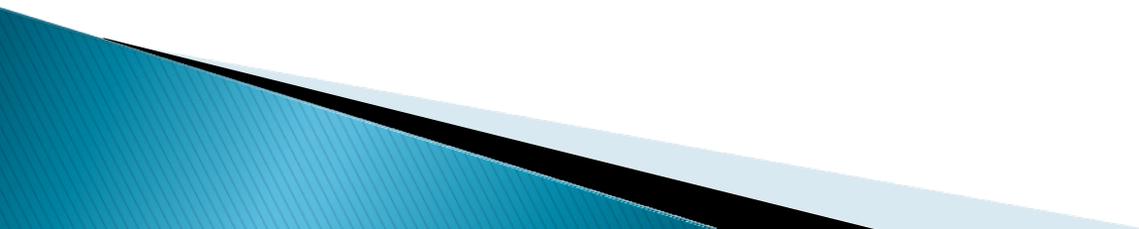
- ▶ *See* IC 33-28-5-18

- ▶ Person shall state under oath or affirmation that he or she is:
 - (a) U.S. citizen
 - (b) At least 18 years old
 - (c) Resident of the country
 - (d) Able to read, speak, and understand English
 - (e) No physical or mental disability that prevents satisfactory jury service
 - (f) Not under guardianship because of mental incapacity
 - (g) Not able to vote by reason of a felony conviction -- pursuant to IC 3-7-13-5, a person convicted of a crime is eligible to vote when no longer imprisoned or subject to lawful detention
 - (h) Not a law enforcement officer -- if a criminal case

Rule 5. (Continued)

- ▶ Upon timely advance request, may excuse any person whose bona fide religious conviction and affiliation prevents them from performing jury service.

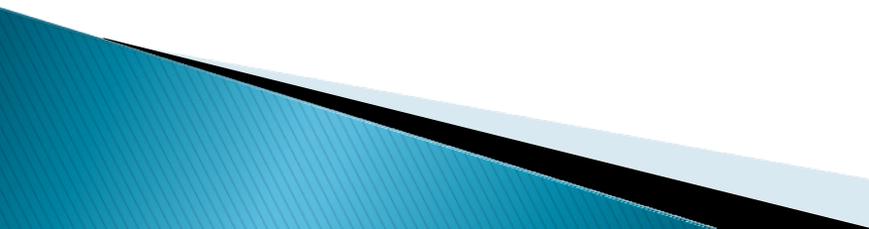
Rule 6. Exemption

- ▶ Completed a term of jury service in the 24 months preceding the date of summons
 - ▶ By statute (IC 33-28-5-18(d)), a person 75 years of age or older; and, (IC 10-16-16-1) individuals on active military duty
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Rule 7. Deferral

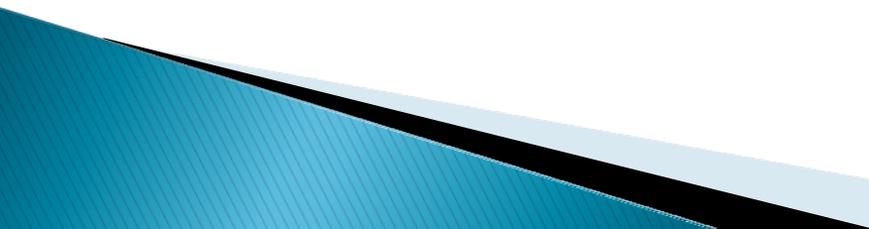
- ▶ *See* IC 33-28-5-18(c)
- ▶ Right to defer -- for up to one year -- jury service one time upon a showing of:
 - hardship
 - extreme inconvenience, or
 - necessity

Rule 8. Documentation

- ▶ *See* IC 33-28-5-22
 - ▶ Facts supporting disqualification, exemptions, and deferrals shall be rendered under oath or affirmation and shall be kept for a minimum of two years.
 - ▶ *See also* Administrative Rule 7 for record retention schedules relating to jury service and forms.
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Rule 9. Term of Jury Service

- ▶ *See* IC 33-28-5-23

- (a) A person who appears for service completes their service either when the trial is concluded (if selected as a juror) or when jury selection is completed (if not selected as a juror)
 - (b) A person who completes their service may not be selected for another jury panel until all nonexempt persons for that year have been called
 - (c) A person who completes their service (not selected as a juror) may be placed back in the jury pool upon making a written request to the court
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Rule 9. (Continued)

- ▶ Grand jury is governed by:
 - IC 35-34-2-2 (not more than six months)
 - IC 35-34-2-13 (additional three month increments)
 - No more than two years
 - IC 35-34-2-14 (same terms for special grand juries)

Rule 10. Juror Safety and Privacy

- ▶ Personal information relating to a juror that is not disclosed in open court is confidential.

IMPORTANT NOTE:

Pursuant to IC 33-28-5-21, substantial failure to comply with this chapter in selecting the prospective grand or petit jurors may result in:

- a stay in the proceedings (civil or criminal)
 - dismissal of the indictment (criminal)
 - other appropriate relief (criminal)
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Jury Rules, Statutes, and Frequently Asked Questions

- ▶ Indiana Jury Rules can be found at:
<http://www.in.gov/judiciary/rules/jury/>
- ▶ Indiana Jury Statutes can be found at:
<http://www.in.gov/legislative/ic/code/title33/ar28/ch5.html>
- ▶ Jury Rules FAQ can be found at:
<http://www.in.gov/judiciary/center/jury/faq.html>