

CLERK OF THE DISTRICT COURT MANUAL

17.0 JURY COMMISSION RESPONSIBILITIES

Revised October 2006

17.1 PURPOSE

To define duties of Jury Commission pursuant to I. C. §§ 2-201 through 217.

17.2 PROCEDURES

The Jury Commission in each county consists of the duly elected and acting Clerk of the District Court and jury commissioners appointed as needed by the administrative judge. Jury Commissioners serve until a successor is appointed and qualifies.

The Clerk or designated Jury Commissioners shall:

1. Compile, and maintain a master jury list.
2. Update information on the master jury list from time to time, but at a minimum of not less frequently than December of each odd-numbered year or as otherwise ordered by the administrative judge.
3. In the alternative, in December of each odd-numbered year, or as otherwise ordered by the administrative judge, empty and refill the master jury list as prescribed in I. C. § 2-206.
4. Draw and assign to the requesting court or official the number of qualified jurors deemed necessary for one or more jury panels or as required for a grand jury.
5. Mail a qualification questionnaire form, accompanied by instructions, to the prospective jurors at their usual residence, business or post office address.
6. Serve each prospective jury panel member with a summons, issued by the clerk of the court or the jury commissioner. The summons can be served either personally, or by regular or certified mail, addressed to the prospective juror at his usual residence, business or post office address.
7. The qualification questionnaire may be sent together with the summons in a single mailing.
8. Provide follow-up to be sure that questionnaires are completed and returned from prospective jurors within 10 days from the date of mailing.

9. If there is an omission, ambiguity, or error in a returned form, again send the form with instructions to the prospective juror to make the necessary addition, clarification, or correction and to return the form within 10 days from the second mailing.
10. If a prospective juror fails to return a completed qualification questionnaire form, the clerk or jury commissioner may direct the prospective juror to appear before the clerk or the jury commissioner to complete the qualification questionnaire form.
11. If a prospective juror fails to appear before the Clerk or Jury Commissioner as directed, then the Clerk or Jury Commissioner shall prepare an order for the Court's signature for the prospective juror to appear before the Court and show cause why he/she failed to appear as directed.
12. A prospective juror may return his/her qualification questionnaire by e-mail, fax or other reliable means of communication.
13. Disqualify prospective jurors based on information provided in their qualification questionnaire, or through interview, or other competent evidence.
14. Keep a record of all disqualification determinations.
15. Determine the validity of written requests for postponement of jury service.
 - A. Request for postponement must be in writing stating the reason for the request and the date on which the reason will no longer exist.
 - B. Postponements for medical reasons may require a statement from the medical provider supporting the request. Requirement determined by Court or the jury commissioner.
 - C. After the period of postponement, the prospective juror shall reappear for jury service as directed by the court or jury commissioner.
16. Provide report of prospective jurors to parties if requested.
17. Retain all records connected with selection and service of jurors for a minimum of 4 years.

17.3 JURY TRIAL PROCEDURAL CHECKLIST

The following outline will guide the clerk through the process a judge will follow during a jury trial. By understanding what the judge will be doing, the clerk should have a basic understanding of what will be happening and, consequently, what the clerk's duties will be during the proceedings. With respect to some procedures, they may vary from county

to county and judge to judge and it is suggested you inquire of your local jury commissioner and the presiding judge as to any differences. Each step has a box so you can check off where you are during the trial.

1. BEFORE JURY TRIAL BEGINS:

- Obtain copies of juror information forms and questionnaires for judge and counsel.
- Place jury wheel on bench.
- Place peremptory challenge sheet on bench.
- Make sure there are sufficient court minutes on the bench (see court minutes section of Clerk's Manual) and recording equipment is working and has sufficient storage capacity.
- Prepare copies of juror seating chart for court and counsel.
- Make sure copies of all proper oaths for prospective jurors, jurors, witnesses, court interpreters and bailiffs are on the bench.
- Show prospective jurors the Jury Orientation Video and provide jury pamphlet or other materials available from the Idaho Supreme Court.

2. BEFORE PROSPECTIVE JURORS ENTER COURTROOM, THE JUDGE AND THE PARTIES MAY DISCUSS IN COURT ON THE RECORD:

- Amended complaint?
- Motions in limine?
- Voir dire instructions by judge.
- Any objections of parties to initial or preliminary instructions proposed by court or parties.

3. ONCE JURY SELECTION BEGINS:

- Have bailiff bring in prospective jurors.
- Clerk calls roll of prospective jurors by juror name or number.
- Clerk lists all absent jurors in order to determine what jurors are not present.

- [] Judge Inquires if any objections to jury panel as called (objections in writing, stating reasons, handled before panel sworn).
- [] Clerk administers voir dire oath to all prospective jurors.
- [] Prospective jurors' names are placed in jury wheel.
- [] As instructed by judge, depending on whether it is a magistrate or district court jury trial, a certain number of names are pulled from the wheel and they are instructed on where to sit, then clerk designates placement on the juror seating chart.
- [] Judge reads pre-voir dire instructions to all prospective jurors, introduces court staff, bailiff, parties and their attorneys, and briefly explains the case.
- [] Judge's voir dire.
- [] Plaintiff's voir dire.
- [] Defense's voir dire.
- [] Judge asks plaintiff and defense counsel if there are challenges for cause. If a juror is excused for cause, the judge will instruct the clerk to pull another name from the jury wheel.
- [] Judge instructs parties to begin executing peremptory challenges, alternating between plaintiff and defense, in writing on a sheet prepared by the court.
- [] Judge asks parties if any objection to jury as finally impaneled.
- [] Judge instructs clerk to swear in jury as impaneled.
- [] Balance of jurors is excused by court.
- [] Clerk prepares final juror seating chart for court, counsel and bailiff.
- [] Recess generally given, and court admonishes jury not to discuss case.
- [] The court may ask clerk to take roll call upon reconvening the court.

4. ONCE TRIAL BEGINS:

- [] Judge gives preliminary instructions to the jury.

- [] Plaintiff's opening statement.
- [] Defense's opening statement or reserves until close of plaintiff's case.
- [] Plaintiff's case-in-chief.
- [] Defense's opening statement, if reserved, and case-in-chief.
- [] Plaintiff's rebuttal case, if any.
- [] Defense's surrebuttal, if any.
- [] Final jury instructions conference with parties, and any objections put on record.
- [] Final instructions to jury.
- [] Plaintiff's closing argument.
- [] Defense's closing argument.
- [] Plaintiff's rebuttal argument.
- [] Judge instructs clerk to swear in bailiff to faithfully discharge the duty of guarding the jury while they deliberate.
- [] Clerk hands all admitted exhibits, jury instructions and verdict form to bailiff who will deliver them to jury in jury room.
- [] Jury retires to deliberate.
- [] Clerk obtains phone numbers of counsel to contact them for any juror questions or when jury has returned a verdict.
- [] Bailiff notifies clerk when jury has verdict or any questions.
- [] Clerk notifies parties to return to court for juror questions or verdict.
- [] Judge instructs clerk to call roll of the jury.
- [] Judge instructs presiding juror to hand verdict to bailiff, who in turn delivers it to the judge.
- [] Judge gives verdict form to clerk, who stands and reads the verdict form in its entirety.

- [] Court asks parties if either side wishes the jury polled on the verdict.
- [] Judge excuses jury after any final instructions.
- [] Court is adjourned.
- [] Clerk makes sure all exhibits and jury instructions are retrieved.
- [] Clerk file stamps the verdict and gives copies to counsel.