

Jury Management

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Jury Management

12-01 INTRODUCTION

A. Management of the Jury System

Management of the jury system includes every aspect of selecting jurors and using their services: from managing the jury board's work to devising accurate techniques for forecasting the number of jurors who will be needed; from automating the jury records to providing for the comfort and convenience of jurors during their term of service.

As with other aspects of court management, the chief judge of each trial court has the responsibility to manage the jury system. The chief judge must be committed to efficient use of court resources, including efficient use of jurors.

The court should promulgate administrative policies for effective management of the jury system. These policies should be formulated through the same consultative process involving court staff, the bar, and other interested agencies – as is used in all court policymaking.

Centralized and effective management of the jury system should be implemented. There should be full-time administration of the jury system at the top managerial level of the court, with delegation of day-to-day operating responsibilities to a clerical or administrative staff member. Operating responsibilities should include the following.

1. Supervising all aspects of juror selection.
2. Setting up liaison between the jury management system and other court personnel to ensure two-way information flow about:
 - a. anticipated trial activities, and
 - b. the number of jurors available.
3. Integrating management of juror selection and use so that the operation of each complements the other.
4. Maintaining statistical records on:
 - a. response and qualification rates for persons sent questionnaires or summoned,
 - b. numbers of jurors used (and not used) daily, and
 - c. other statistics necessary to determine how many questionnaires to send out, how many jurors to summon, etc., in the future.

5. Predicting both on a long-range and day-to-day basis the number of jurors needed at court.
6. Managing the activities of jurors while at court.
7. Maintaining attendance records.
8. Notifying jurors to come to court.
9. Preparing panels of jurors to be sent for voir dire.
10. Arranging for payment of jurors.
11. Planning for better management and recommending improvements when needed.

(Excerpted from "Management of the Jury System," ABA Commission on Standards of Judicial Administration, by Maureen Solomon, 1975.)

B. Goals

The jury system used by each trial court should implement the following goals.

1. Minimize inconvenience to citizens serving as jurors.
2. Broaden citizen participation in the jury system.
3. Distribute the responsibility for participation in the jury system among the people in as fair a manner as possible.
4. Minimize the term of service of a juror.
5. Minimize the number of trials on which an individual juror serves during the juror's term.
6. Courteous and helpful treatment of jurors by all trial court personnel.

(MCL 600.1301b)

C. Authority

Michigan laws governing the jury system include the following.

1. Chapter 13 of the Revised Judicature Act (RJA) (MCL 600.1300 *et seq.*).

2. Michigan Court Rules (MCR 2.508, 2.509, 2.510, 2.511, 2.512, 2.513, 2.514, 2.515, 2.516, 3.911, 5.151, 5.158, 5.740, 6.401, 6.402, 6.403, 6.410, 6.411, 6.412, 6.414, 6.416, 6.419, 6.420).

With respect to the selection and impaneling of jurors, any examination, challenge, replacement, oath, or other practice not otherwise governed by Chapter 13 of the RJA shall be governed by rules adopted by the Michigan Supreme Court. (MCL 600.1355)

3. Code of Criminal Procedure (MCL 768.8, 768.9, 768.10, 768.12, 768.13, 768.14, 768.15, 768.16, 768.17, 768.18).
4. Circuit Court Rules.

The judges of each circuit court may establish rules, consistent with and necessary to implement the provisions of Chapter 13 of the RJA. (MCL 600.1353)

12-02 JURY SYSTEMS IN MICHIGAN

Chapter 13 of the Revised Judicature Act (RJA) authorizes two types of jury systems in Michigan. All trial courts must operate one of the authorized jury systems. In many counties the circuit, district, and probate courts all use the same jurors. (MCL 600.1300 *et seq.*)

A. Traditional System

The traditional jury system in Michigan is a term of jury duty which may last as long as three months. Certain sections of Chapter 13 of the RJA apply only to the traditional system. (MCL 600.1301a[2])

The term of service of petit jurors shall be determined by local court rule but shall not exceed the term of court, unless at the end of this period a juror is serving in connection with an unfinished case, in which event the juror shall continue to serve until the case is finished. (MCL 600.1343) The judges of each circuit court may provide by rule that the terms of jury service need not commence at the same time for all members of a panel. (MCL 600.1353)

Many courts use the statutory language which authorizes the traditional system and have shortened the term of jury duty to one month, two weeks, or even one week.

B. One Day/One Trial System

The one day/one trial jury system is a term of jury duty which ends when the first trial to which the juror is sworn ends, or when a juror remains unseated and is not involved in voir dire at the end of the first day of service. Certain sections of Chapter 13 of the RJA apply only to the one day/one trial system. (MCL 600.1371, 600.1372)

C. Mass Jury Select or Multiple Voir Dire/Single Day Empanelment System

This selection process, in place in a number of Michigan trial courts, employs a system in which several successive juries are selected from a jury pool during a single day, to serve on trials scheduled sequentially for future days. Pursuant to this process, following check-in and orientation of the jury pool, a sufficient number of jurors are selected and the first jury is voir dired and selected. This selection and empanelment process continues until all juries are selected for all jury trials scheduled during the month or term.

12-03 JURY BOARD

A. Authority and Purpose

Appointment of the jury board is governed by MCL 600.1301. All Michigan trial courts are served by a jury board, the primary duty of which is to provide the court with a list of citizens qualified to serve as jurors.

B. Appointment, Term of Office, Oath

1. Counties Having Population Less Than 2,000,000

In counties having a population of less than 2,000,000 the jury board shall consist of three qualified electors of the county appointed by the county board of commissioners on recommendation of the circuit judges in the county. Not more than two jury board members may be members of the same political party. The board members serve six-year staggered terms. (MCL 600.1301[1])

2. Counties Having Population of 2,000,000 or More

In counties having a population of more than 2,000,000 the jury board shall consist of seven qualified electors of the county appointed for six-year terms by the county executive, with the concurrence of the county board of commissioners, on recommendation of the circuit judges in the county. Not more than four jury board members may be members of the same political party. The executive secretary and stenographer shall receive compensation in an amount fixed by the county board of commissioners. (MCL 600.1301[2])

3. Oath

Before members of a jury board enter upon their duties, they shall take the constitutional oath of office before the chief circuit judge and file it with the county clerk. (MCL 600.1303a)

C. Compensation and Officers

Jury board members are paid an annual salary or per diem fixed by the county board of commissioners. Annually the board shall elect a president and secretary from its members. (MCL 600.1302)

D. Jury Board Assistants

The county board of commissioners of each county may authorize assistants to the jury board and fix their salaries. (MCL 600.1303)

E. Rules Governing Work of Jury Board

The judges of each circuit may establish rules, not inconsistent with the jury statute, to ensure the proper conduct of the work of the jury board. (MCL 600.1353)

F. Meetings of the Jury Board**1. Annual Meeting**

The jury board shall meet annually in the month of May at the courthouse. The chief circuit judge shall fix the time and place of the annual meeting.

2. Other Meetings

The jury board may meet at other times and places necessary to carry out its duties. The chief circuit judge may direct the board to meet at other times and places.

3. Record of Meetings

The secretary of the board shall keep a record of the proceedings of the board in a book. Members of the board shall sign the record, attested by the secretary. The record shall then be evidence in all courts and places of the proceedings of the board.

(MCL 600.1305)

G. Duties and Responsibilities**1. Automation**

The jury board may use electronic and mechanical devices in carrying out its duties. (MCL 600.1304a)

2. Estimate of Jurors Needed

On or before each May 1, the chief judge of each trial court of record in the county shall estimate the number of jurors needed for the court for a one-year period beginning the following September. The estimate shall be entered on the record of the court and a copy shall be certified by the clerk of the court and delivered to the jury board. (MCL 600.1308)

3. List of Jurors from Preceding Year

The jury board shall secure from the clerk of each trial court of record in the county, and each clerk shall provide, a list of persons who have served as jurors in their courts during the preceding one year. (MCL 600.1309)

4. Juror Source List

The juror source list is a list which combines the driver's license list and personal identification cardholder list of persons residing in a county. (MCL 600.1310[1], MCL 600.1375[1])

a. Driver's License List

The driver's license list is a compilation of names of individuals who are 18 years of age or older, addresses, zip codes, dates of birth, and sexes of persons licensed to drive in Michigan. (MCL 600.1300[a])

b. Personal Identification Cardholder List

The personal identification cardholder list is a compilation of names of individuals who are 18 years of age or older, addresses, zip codes, dates of birth, and sexes of Michigan residents who have received an official state personal identification card. (MCL 600.1300[b])

5. Obtaining the Juror Source List

a. Request from Jury Board

The Secretary of State provides the juror source list. The jury board may, before March 1, request the Secretary of State to transmit only a first jury list consisting of the names and addresses of persons selected at random based upon the total number of jurors required. Otherwise, the Secretary of State will transmit a full juror source list.

b. Request from County Clerk

The county clerk may request the Secretary of State to provide the juror source list printed on paper or on computer tape or another electronically produced medium under specifications prescribed by the Secretary of State.

(MCL 600.1310[1], MCL 600.1375[1])

6. First Jury List

If the jury board has not requested a first jury list from the Secretary of State, the board must create a first jury list by creating a key number, selecting a random starting number and applying them to the complete juror source list. The persons selected constitute the first jury list. The jury board then removes from the first jury list the names of persons who have served as jurors in any court of the county during the preceding one year. (MCL 600.1311, MCL 600.1312)

7. Juror Qualification Questionnaires

a. Supplying Questionnaires

The jury board shall supply a juror qualifications questionnaire to each person on the first jury list. The questionnaire shall contain blanks for the information the board desires concerning qualifications for and exemptions from jury service. Persons on the first jury list are required to return the questionnaire, fully answered, to the jury board within 10 days after it is received. (MCL 600.1313)

b. State Court Administrator Approved Questionnaire

The state court administrator has approved a Juror Qualification Questionnaire, MC 321a, for use by all jury boards. The purpose of this questionnaire is to provide the jury board with qualification and exemption information. The form is located at <http://courts.michigan.gov/scao/courtforms/general/mc321a.pdf>.

c. Qualifications and Exemptions

Qualifications and exemptions for potential jurors are prescribed by MCL 600.1307a.

d. Excusing Unqualified and Exempt Persons from Jury Service

On the basis of answers to the juror qualifications questionnaire, the board may excuse from service persons on the first jury list who claim exemption and give satisfactory proof of such right, and all persons who are not qualified for jury service. The board may investigate the accuracy of the answers to the questionnaires and may call upon all law enforcement agencies for assistance in the investigation. (MCL 600.1314)

e. Records

The board shall keep a record of the board member's report on each person examined, and a record showing the qualifications to serve as a juror of each person on the first jury list. (MCL 600.1319)

f. Questionnaire Retention

Juror qualifications questionnaires shall be kept on file by the jury board for a period of three years, but the chief circuit judge may order them to be kept on file for a longer period. (MCL 600.1315)

g. Access to Juror Qualification Questionnaire

The answers to the qualifications questionnaires shall not be disclosed, except that the chief circuit judge may order that access be given to the questionnaires. See also Sections 12-04 and 8-03. (MCL 600.1315)

8. Appearance to Testify About Qualifications

In addition to completing the questionnaire, the chief circuit judge or the jury board may require any person on the first jury list to appear before a board member, at a specified time, for the purpose of testifying under oath or affirmation concerning the person's qualification to serve as a juror.

a. Notice to Appear

Notice shall be given, personally or by mail, to a person required to appear, not less than seven days before the scheduled appearance. The board shall hold evening sessions as necessary for the examination of prospective jurors who are unable to attend at other times. (MCL 600.1316)

b. Dispensing with Personal Appearance

A board member may dispense with the personal appearance under certain circumstances. (MCL 600.1317)

c. Administering Oath or Affirmation

A board member may administer an oath or affirmation in relation to the examination of a person on the first jury list. (MCL 600.1318)

d. Records

The board shall keep a record of the board member's report on each person examined, and a record showing the qualifications to serve as a juror of each person on the first jury list. (MCL 600.1319)

9. Second Jury List

a. Preliminary Screening

The jury board shall make a preliminary screening of the qualifications and exemptions of prospective jurors and shall not include in the second jury list the names of persons it finds not qualified or exempt. (MCL 600.1320[1])

b. Excusing Prospective Jurors for Hardship

With the written approval of the chief circuit judge, the jury board may exclude a prospective juror from the second jury list when it appears that the interests of the public or of the prospective juror will be materially injured by his or her attendance, or that the health of the prospective juror or the health of a member of the prospective juror's family requires his or her absence from court. (MCL 600.1320[2])

c. Creating Second Jury List

The names of the persons on the first jury list whom the jury board accepts as qualified and not exempt shall comprise the second jury list. (MCL 600.1321[1])

The board shall make an additional list consisting of the names on the second jury list grouped by the geographical area of the jurisdiction of each district court district within the county. If there are not sufficient names on any list, the board shall again apply the key number to that district only and obtain as many additional jurors as needed for that district. (MCL 600.1321[2])

d. Manual System

The statutes describe in detail the manual system for creating the second jury list and additional lists for each district court. (MCL 600.1321, MCL 600.1322, MCL 600.1323)

e. Automated System

Many jury boards have automated this process as authorized by MCL 600.1304a using the statutory concept for the manual system as part of the computer program.

10. Selecting Jurors for Service**a. Order to Select Jurors**

From time-to-time, the chief judge of each trial court in the county shall order the jury board to select jurors for jury service. The order to select jurors shall contain:

- 1) a time limit within which the selecting shall be completed,
- 2) the number of jurors to be selected for a panel,
- 3) the number of panels to be selected,

- 4) the court or courts in which each panel shall serve, and
- 5) the period of service of each panel, subject to MCL 600.1343.

(MCL 600.1324[1])

b. Procedure

1) Place, Time, and Witnessing

The selecting of jurors shall take place in public within the time limit fixed by the chief circuit judge and at a time and place designated by the board. The county clerk or deputy, and a judge or an elected official other than the county clerk, as designated by the chief circuit judge, shall attend the selecting to witness and assist in the selecting of jurors. (MCL 600.1327)

If the board fails to meet and return the second jury list at the time prescribed, the chief circuit judge may order the board to meet and make the second jury list. (MCL 600.1342)

2) Manual System

The statutes describe in detail the manual system for selecting jurors from the second jury list. (MCL 600.1328, MCL 600.1330)

3) Automated System

Many jury boards have automated this process as authorized by MCL 600.1304a using the statutory concept for the manual system as part of the computer program.

c. List of Names and Addresses of Jurors Selected

The jury board shall deliver to the county clerk lists containing the names and addresses of the jurors selected for jury duty. (MCL 600.1331)

d. Attempts to Tamper with Selecting

A board member shall report to the prosecuting attorney and chief circuit judge the name of any person who in any manner seeks by request, hint, or suggestion to influence the board members in the selection of any juror. (MCL 600.1345)

e. Need for Additional Jurors

1) Order For New List

If any list of jurors becomes exhausted or declared illegal, the chief circuit judge may order the board to meet and make a new list of jurors. (MCL 600.1342)

2) Order for Additional Jurors by Chief Judge

The chief judge of a court may order additional jurors selected by the board for service during the period of service of a jury panel or a part thereof. The order shall specify the number to be selected, and the time and place of selecting. (MCL 600.1341)

3) Order for Jurors for Immediate Service in Particular Case

A trial judge may order additional jurors selected by the board for immediate service in a particular case. The order shall specify the number to be selected and the time and place of selecting. (MCL 600.1341)

If additional jurors are needed for immediate service in a particular case, any member of the jury board may conduct the selecting if witnessed by the clerk or his or her deputy and by the judge ordering the selecting. (MCL 600.1341)

4) Notice to Attend

Jurors whose names are so selected shall be given notice to attend court in such manner as the court directs. Additional jurors so selected shall become members of the panel then serving unless otherwise directed by the chief judge. (MCL 600.1341)

11. Limitations on Challenges to Jury Selection

a. Persons Not Qualified to Serve

The legality or regularity of the selecting shall not be questioned if the minutes of the selecting are properly signed. If the name of any person not qualified to serve as a juror is included in the names selected, this fact shall not be a ground of challenge to the array, but only a ground of personal challenge to the person shown to be so disqualified.

b. Selecting Performed by Interested Party, Counsel, or Relative

If the jurors were selected in accordance with this act and the rules of the court, it is not a ground of challenge to a panel or array of jurors that the person who drew them was a party or interested in the cause, or was counsel or attorney for, or related to, either party therein.

(MCL 600.1329[1],[2])

See also Section 12-08.

12-04 JURY SERVICE

A. Summoning Jurors for Court Attendance

1. Who May Summon

The court clerk, the court administrator, the sheriff, or the jury board, as designated by the chief judge, shall summon jurors for court attendance at the time and in the manner directed by the chief judge, the presiding judge or the judge to whom the action in which jurors are being called for service is assigned.

2. Service of First Notice

For a juror's first required court appearance, service must be by written notice addressed to the juror at his or her residence as shown by the records of the court clerk or jury board. The notice may be by ordinary mail or by personal service.

3. Service of Subsequent Notices

For later service, notice may be in the manner directed by the court. The person giving notice to jurors shall keep a record of the notice and make a return if directed by the court. The return is presumptive evidence of the fact of service.

4. Summons Performed by Sheriff as Interested Party or Relative

If the jurors were selected in accordance with this act and the rules of the court, it is not a ground of challenge to a panel or array of jurors that they were summoned by the sheriff who was a party, or interested in the cause, or related to either party therein, unless it is alleged in the challenge and satisfactorily shown that some of the jurors selected were not summoned, and that this omission was intentional. See also Section 12-08. (MCL 600.1329[3])

(MCR 2.510[D]) **Note:** This court rule provision closely parallels MCL 600.1332.

B. Juror Personal History Questionnaire

1. Form

The state court administrator has approved a Juror Personal History Questionnaire, MC 321b, for use by all court clerks and jury boards. The purpose of this questionnaire is to provide the judge, lawyers and litigants with information to assist in conducting effective jury selection. MC 321b can be accessed on-line at <http://courts.michigan.gov/scao/courtforms/general/mc321b.pdf>. (MCR 2.510[A])

2. Completion of Questionnaire

- a) The court clerk or the jury board, as directed by the chief judge, shall supply each juror selected for jury service with a questionnaire in the form adopted by the state court administrator. The court clerk or the jury board shall direct the juror to complete the questionnaire in the juror's own handwriting before the juror is called for service. (MCR 2.510[B][1])
- b) Refusal to answer the questions on the questionnaire, or answering the questionnaire falsely, is contempt of court. See also Section 12-07. (MCR 2.510[B][2])

3. Filing the Questionnaire

- a) On completion, the questionnaire shall be filed with the court clerk or the jury board, as designated by the chief judge. The only persons allowed to examine the questionnaire are:
 - 1) the judges of the court,
 - 2) the court clerk and deputy clerks,
 - 3) parties to actions in which the juror is called to serve and their attorneys,
and
 - 4) persons authorized access by court rule or by court order.
- b) The attorneys must be given a reasonable opportunity to examine the questionnaires before being called on to challenge for cause. (MCR 2.510[C])

4. Access to Juror Personal History Questionnaire

- a. The SCAO has developed model procedures for providing attorneys and parties reasonable access to juror questionnaires. (MCR 2.510[C][2][a]) Go to <http://courts.michigan.gov/scao/resources/other/lao/lao2a-model.pdf> for model procedures.
- b. Each court shall select and implement one of these procedures by local administrative order adopted pursuant to MCR 8.112(B). If the state court administrator determines that, given the circumstances existing in an individual court, the procedure selected does not provide reasonable access, the state court administrator may direct the court to implement one of the other model procedures. (MCR 2.510[C][2][b])
- c. If the procedure selected allows attorneys or parties to receive copies of juror questionnaires, an attorney or party may not release them to any person who

would not be entitled to examine them under the rule. (MCR 2.510[C][2][c]) See also Sections 12-03 and 8-03.

5. Record Retention

The questionnaires must be kept on file for three years from the time they are completed. (MCR 2.510[C][3])

C. Excusing Jurors from Service

1. Unqualified and Exempt Jurors

The court may decide upon the qualifications and exemptions of jurors upon a written application and satisfactory legal proof at any time after the jurors attend court. (MCL 600.1320[1])

When the court finds that a person is not qualified to serve as a juror, or is exempt and claims an exemption, the court shall discharge the juror from further attendance and service as a juror. (MCL 600.1337)

When any person is excused from serving on the ground that the juror is exempt or not qualified to serve as a juror, the clerk of the court shall remove the name of that person from the second jury list. (MCL 600.1338[1])

2. Request to be Excused

A person who is notified to attend as a juror may apply to the chief judge of the court to be excused on any ground provided by statute. The prospective juror may apply in person or by a person capable of making the necessary proof of the claim. An entry of the action of the chief judge upon the application and entry of the reason shall be made on the records of the court. (MCL 600.1333)

3. Grounds for Excuse

The chief judge may excuse the juror from serving when it appears that the interests of the public or of the individual juror will be materially injured by the juror's attendance, or the health of the juror or the health of a member of the juror's family requires the juror's absence from court. (MCL 600.1335[1])

If the chief judge finds that the number of jurors in attendance is greater than that needed, the chief judge may order the entire panel or any part of the panel discharged for the balance of its term or excused until a day certain within the term. Any person discharged, but not excused, shall be deemed to have served the term of service but shall receive compensation only for the time of the juror's actual service on the panel. (MCL 600.1336)

4. Authority to Excuse

The chief judge may excuse any juror or jurors from attendance without pay for any portion of the term. (MCL 600.1334[1])

The judge presiding at the trial of an action may excuse jurors at such trial for cause. (MCL 600.1334[2])

D. Postponing a Juror's Service

1. Request for Postponement

A person who is notified to attend as a juror may apply to the chief judge to have the term of service postponed on any ground provided by statute. The prospective juror may apply in person or by a person capable of making the necessary proof of the claim. An entry of the action of the chief judge upon the application and of the reason shall be made on the records of the court. (MCL 600.1333)

2. Grounds for Postponement

The chief judge may postpone a juror's service when it appears that the interests of the public or of the individual juror will be materially injured by the juror's attendance, or the health of the juror or the health of a member of a juror's family requires the juror's absence from court. (MCL 600.1335[1])

The chief judge shall postpone the juror's term of service to the end of the school year if the person is a full-time student attending high school. (MCL 600.1335[2])

3. Authority to Postpone

The chief judge may postpone the service of a juror to a later term of court if the juror has not been called for voir dire examination in any action. (MCL 600.1334[1])

4. Report to Jury Board

The chief judge shall report to the jury board the names of all jurors whose service has been postponed to a subsequent time. The names shall be placed upon the list of jurors selected for that time. No more names shall be selected from the board box than are sufficient to make up the number ordered by adding the names of the jurors so postponed to the names then selected. (MCL 600.1339)

E. Jury Orientation

1. Orientation Program

On the first day of jury service, an orientation program should be conducted by the chief judge, court administrator, clerk of the court, and/or jury clerk. The orientation program should be designed to place the jurors at ease and to provide the jurors with adequate information to perform their duties and to be comfortable in the courthouse.

a. Facilities for Orientation Program

The orientation program should be conducted either in a courtroom, auditorium, or jury assembly area. The facility should be comfortable. Smoking should not be allowed in the orientation facility. The facility should be secure and used exclusively for juror orientation during the program to avoid contamination of the panel by outside influence. The persons conducting the orientation program should be courteous and should treat the jurors in a dignified manner.

b. Juror Badges

At the orientation, jurors should be provided juror badges that they are required to wear at all times while in the courthouse. Jurors are not allowed to converse with trial participants or court personnel except for social civilities and communications necessary for transacting court business. Jurors should be instructed to remain in the assembly room when not in a courtroom. Jurors should not wait in the halls, coffee shop, or other places that attorneys, witnesses, and parties may be present.

c. Use of Various Forms of Media in Orientation Program

Many orientation programs incorporate professional quality film or slide presentations explaining clearly the nature and responsibility of jury duty. The Michigan Judicial Institute has a film and other media available for use by trial courts. For more information, go to <http://courts.michigan.gov/mji/>.

2. Jury Instructions

Jury instructions should be continually monitored to ensure gender neutrality. Some jury instructions should be amended to include specific examples of the types of bias jurors must guard against and the ways in which such bias might influence their decisionmaking. (Recommendation VII-4, Gender Bias Task Force)

F. Juror Compensation

1. Juror Per Diem and Mileage

A juror shall be reimbursed for his or her traveling expenses at a rate, determined by the county board of commissioners, that is not less than 10 cents per mile for traveling from the juror's residence to the place of holding court and returning for each day or 1/2 day of actual attendance at sessions of the court. Jurors also shall be compensated at a rate, determined by the county board of commissioners. Beginning October 1, 2003, the rate is determined as follows.

- a. For the first day of 1/2 day of actual attendance at the court, not less than \$25 per day and \$12.50 per 1/2 day.
- b. For each subsequent day or 1/2 day of actual attendance at the court, not less than \$40 per day and \$20 per 1/2 day.

2. Cases Removed to District Court

If an action is removed from the circuit court to a lower court, the jury fee shall be paid to the circuit court whether paid before or after removal of the action to the lower court, and the circuit court shall be responsible for payment of the compensation to the juror involved.

3. Court Employee Liability

A clerk or deputy clerk of the court who fraudulently issues a certificate of attendance of a juror on which the juror receives pay, except as allowed by law, is guilty of a misdemeanor, punishable by imprisonment for not more than six months, a fine of not more than \$500, or both.

(MCL 600.1344[1],[2],[3])

G. Juror Liability

1. Penalties for Accepting Gift or Gratuity

A person selected or summoned as a juror who takes anything to give his verdict or receives any gift or gratuity from any party to an action for the trial of which he or she has been selected or summoned is liable to the party aggrieved for actual damages sustained plus ten times the amount or value of the item which he or she has taken, in addition to any criminal punishment to which he or she may be subject by law. (MCL 600.1347[1])

2. Penalties for Acting as Juror's Agent for Gain or Profit

An embraceor who procures a person selected or summoned as a juror to take gain or profit contrary to the provisions of MCL 600.1347(1) is liable to the aggrieved party for the actual damages sustained plus 10 times the amount or value of the item which was taken. (MCL 600.1347[2])

3. Juror Protection from Civil or Criminal Action as a Result of Verdict

No juror may be subject to an action, civil or criminal, on account of any verdict except for corrupt conduct in rendering such verdict in the cases prescribed by law. (MCL 600.1349)

H. Employer/Juror Relationship

1. Discharge or Discipline by Employer

An employer or an employer's agent who threatens to discharge or discipline, or who discharges, disciplines, or causes to be discharged from employment or to be disciplined, a person because that person is summoned for jury duty, serves on a jury, or has served on a jury, is guilty of a misdemeanor and may also be punished for contempt of court. See also Section 12-07. (MCL 600.1348[1])

2. Working Hours Required by Employer

An employer or the employer's agent who requires a person having jury duty to work any number of hours during a day which, if added to the number of hours which the person spends on jury duty during that day, exceeds the number of hours normally and customarily worked by the person during a day, or the number of hours normally and customarily worked by the person during a day which extends beyond the normal and customary quitting time of that person unless voluntarily agreed to by that person, or as provided in a collective bargaining agreement is guilty of a misdemeanor, and may also be punished for contempt of court. See also Section 12-07. (MCL 600.1348[2])

I. Court Clerk's Certificate

Within 10 days after the close of each term for which jurors have been selected, the clerk of the court shall deliver to the board his or her certificate specifying distinctly and in detail as follows:

- a. the name and residence of each juror who was excused or discharged by the court, with the reason,
- b. the name and residence of each person notified who did not attend or serve, and

- c. the name and residence of each person punished for contempt as provided in Chapter 13 of the Revised Judicature Act. See also Section 12-07.

(MCL 600.1340)

12-05 CONDEMNATION AND GRADE SEPARATION JURIES

Juries for condemnation cases and grade separation damage cases shall be selected and impaneled from the persons summoned to serve as petit jurors at that term of the court having jurisdiction over such proceedings in the same manner as petit juries are selected and impaneled in other civil cases in the same court. Juries for such cases shall not be selected and impaneled in the manner prescribed by the provisions of the statute under which the proceedings were instituted. A jury for such cases shall consist of six persons. (MCL 600.1350)

12-06 GRAND JURIES

If a grand jury is ordered by the court or required by statute, the jury board shall select the names of a sufficient number of persons, as determined by the chief circuit judge to serve as grand jurors in accordance with MCL 767.11. The names shall be selected in the same manner and from the same source as petit jurors. The term of grand jurors shall be as prescribed by MCL 767.7a. (MCL 600.1326)

12-07 CONTEMPT OF COURT

The following acts are punishable by the circuit court as contempt of court.

- A. Failing to answer the juror qualification questionnaire provided for by MCL 600.1313.
- B. Failing to appear before the board or a member of the board, without being excused at the time and place notified to appear.
- C. Refusing to take an oath or affirmation.
- D. Refusing to answer questions pertaining to his or her qualifications as a juror, when asked by a member of the board.
- E. Failing to attend court, without being excused, at the time specified in the notice or from day-to-day, when summoned as a juror.
- F. Giving a false certificate, making a false representation, or refusing to give information which he or she can give affecting the liability or qualification of a person other than himself or herself to serve as a juror.
- G. Offering, promising, paying, or giving money or anything of value to, or taking money or anything of value from, a person, firm, or corporation for the purpose of enabling himself or herself or another person to evade service or to be wrongfully discharged, exempted, or excused from service as a juror.
- H. Tampering unlawfully in any manner with a jury list, board box, jury box, or slips.
- I. Willfully doing or omitting to do an act with the design to subvert the purpose of this act.
- J. Willfully omitting to put on the jury list the name of a person qualified and liable for jury duty.
- K. Willfully omitting to prepare or file a list or slip.
- L. Doing, or omitting to do, an act with the design to prevent the name of a person qualified and liable to serve as a juror from being placed in the board or jury box, or from being selected for service as a juror.
- M. Willfully placing the name of a person upon a list, or preparing a slip with the name of a person, or placing a slip in the jury box with the name of a person who is not qualified as a juror.

See also Section 12-04.

12-08 CHALLENGES TO THE JURY SYSTEM

A. Failure to Comply with Jury Statute

Failure to comply with the provisions of Chapter 13 of the Revised Judicature Act shall not be grounds for a continuance nor shall it affect the validity of a jury verdict unless the party requesting the continuance or claiming invalidity has made timely objection, the party demonstrates actual prejudice to his or her cause, and the noncompliance is substantial. An objection made at the day of a scheduled trial shall not be considered timely unless the objection, with the exercise of reasonable diligence, could not have been made at an earlier time.

B. Data Processing Errors

If a data processing error occurs, that error shall not constitute grounds for questioning the entire list selected but only the specific person affected.

See also Sections 12-03 and 12-04.

(MCL 600.1354)