

REPORT: Racial and Ethnic Representation through the Jury Selection Process

May 2021

An Analysis of 2019 Jury Data from the Superior Court of Arizona in Maricopa County



Criminal Jury Selection 2019

Race and Ethnicity	Responded to Summons*		Reported for Service - Venire Cancelled		Jury Venire		Released for Cause or Hardship		Peremptory Challenge						Mathematically Ineligible		Empaneled Jurors	
									Defense		Prosecution		Total Peremptory Challenges					
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%		
White	64,249	78.6%	3,491	76.1%	23,861	76.6%	13,326	74.2%	1,980	86.5%	1,762	74.9%	3,742	80.6%	2,977	79.2%	3,816	80.0%
Other/No Response	9,641	11.8%	626	13.7%	4,282	13.7%	2,637	14.7%	176	7.7%	330	14.0%	531	11.4%	429	11.4%	492	10.3%
Black/African American	3,604	4.4%	210	4.6%	1,317	4.2%	746	4.2%	42	1.8%	137	5.8%	179	3.9%	154	4.1%	238	5.0%
Asian	2,995	3.7%	174	3.8%	1,332	4.3%	904	5.0%	67	2.9%	67	2.8%	134	2.9%	135	3.6%	159	3.3%
American Indian/Alaskan	929	1.1%	62	1.4%	422	1.4%	253	1.4%	22	1.0%	48	2.0%	70	1.5%	50	1.3%	49	1.0%
Native Hawaiian/Pacific	327	0.4%	23	0.5%	146	0.5%	103	0.6%	3	0.1%	9	0.4%	12	0.3%	16	0.4%	15	0.3%
Total	81,745	100.0%	4,586	100.0%	31,142	100.0%	17,969	100.0%	2,290	100.0%	2,353	100.0%	4,643	100.0%	3,761	100.0%	4,769	100.0%

Hispanic (any Race)**	14,712	18.0%	963	21.0%	6,601	21.2%	4,187	23.3%	325	14.2%	520	22.1%	845	18.2%	721	19.2%	848	17.8%
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* See [Appendix B](#) for details.

**Hispanic identification is separate from Race, and therefore a subset of the above population.

Civil Jury Selection 2019

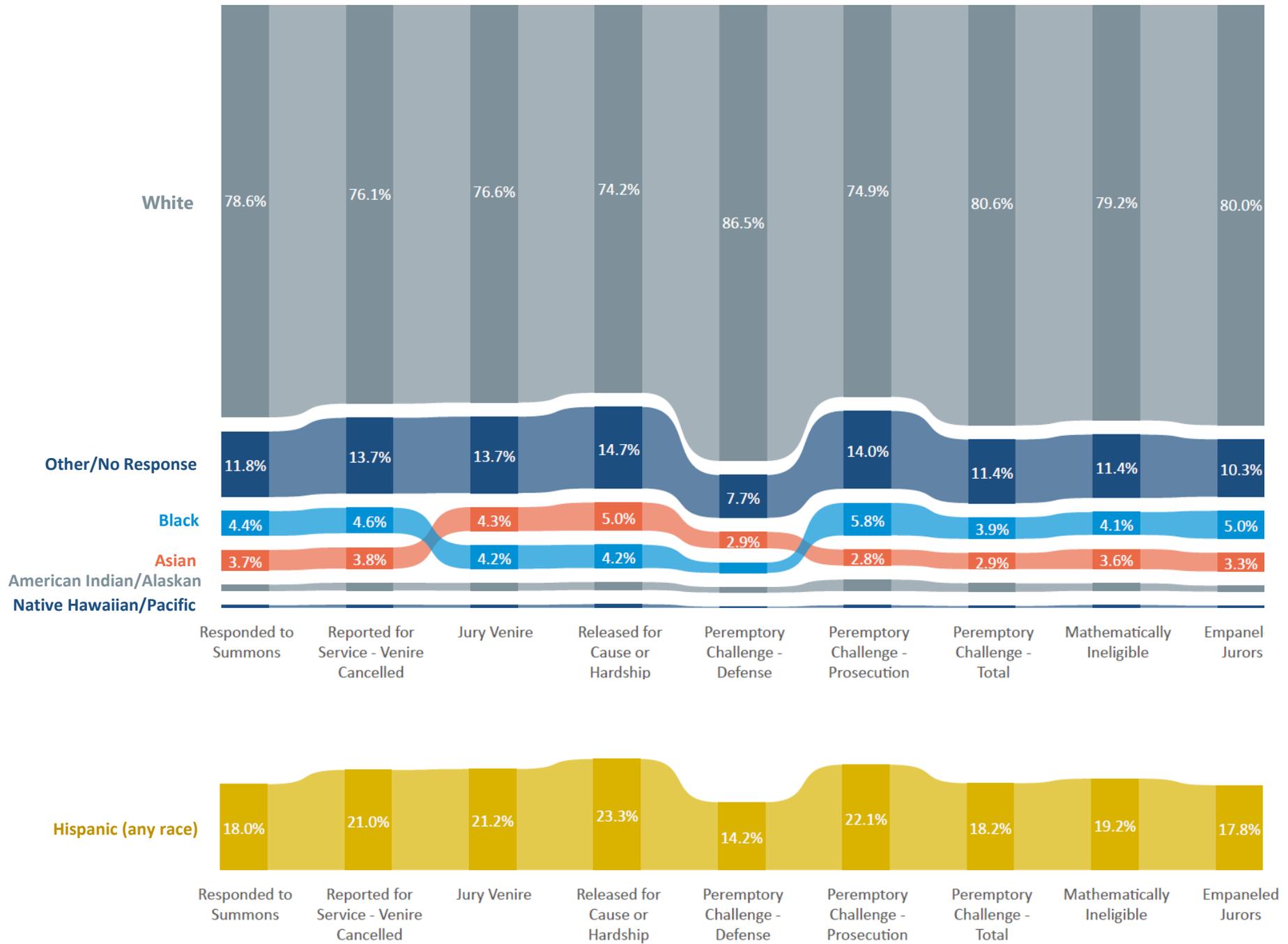
Race and Ethnicity	Responded to Summons*		Reported for Service - Venire Cancelled		Jury Venire		Released for Cause or Hardship		Peremptory Challenge						Mathematically Ineligible		Empaneled Jurors	
									Defense		Plaintiff		Total Peremptory Challenges					
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%		
White	64,249	78.6%	416	82.7%	4,501	79.1%	2,042	76.9%	372	75.8%	423	83.8%	795	79.8%	827	82.0%	837	81.6%
Other/No Response	9,641	11.8%	43	8.5%	674	11.9%	359	13.5%	70	14.3%	45	8.9%	115	11.5%	91	9.0%	109	10.6%
Black/African American	3,604	4.4%	19	3.8%	210	3.7%	97	3.7%	19	3.9%	11	2.2%	30	3.0%	42	4.2%	41	4.0%
Asian	2,995	3.7%	22	4.4%	222	3.9%	122	4.6%	19	3.9%	19	3.8%	38	3.8%	31	3.1%	31	3.0%
American Indian/Alaskan	929	1.1%	2	0.4%	55	1.0%	28	1.1%	6	1.2%	6	1.2%	12	1.2%	10	1.0%	5	0.5%
Native Hawaiian/Pacific	327	0.4%	1	0.2%	25	0.4%	9	0.3%	5	1.0%	1	0.2%	6	0.6%	7	0.7%	3	0.3%
Total	81,745	100.0%	503	100.0%	5,687	100.0%	2,657	100.0%	491	100.0%	505	100.0%	996	100.0%	1,008	100.0%	1,026	100.0%

Hispanic (any Race)**	14,712	18.0%	98	19.5%	1,151	20.2%	589	22.2%	125	25.5%	66	13.1%	191	19.2%	173	17.2%	198	19.3%
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* See [Appendix B](#) for details.

**Hispanic identification is separate from Race, and therefore a subset of the above population

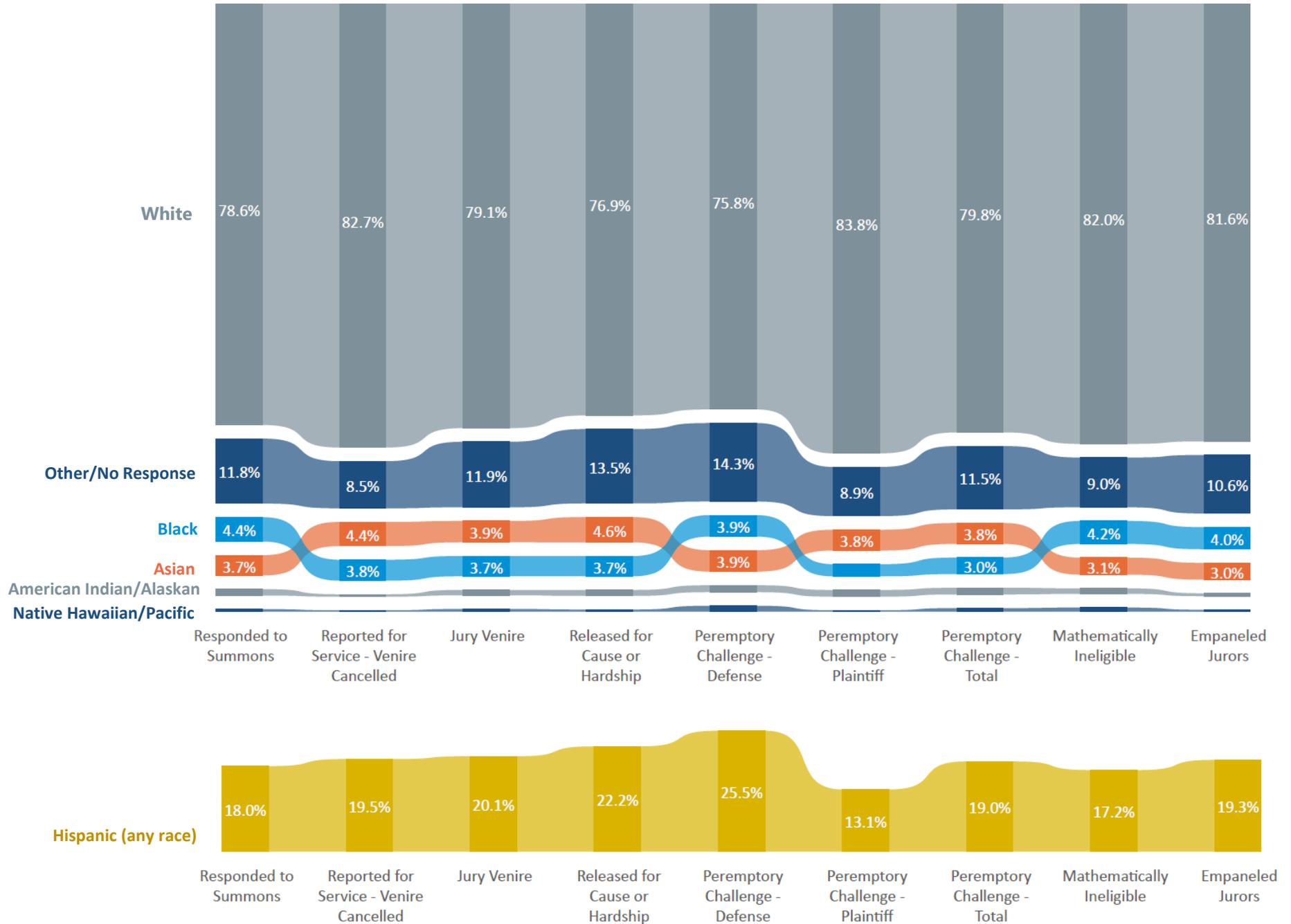
Criminal Jury Selection 2019



* See [Appendix B](#) for details.

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Civil Jury Selection 2019



*See [Appendix B](#) for details.

**Hispanic identification is separate from race, and therefore a subset of the above population.

APPENDIX A

THE SUMMONS PROCESS AND THE COLLECTION OF RACIAL AND ETHNIC DATA

The Jury Commissioner for the Superior Court in Maricopa County is responsible for the creation and maintenance of the master jury list, from which all jurors for all courts in the county are summonsed.

The master jury list is comprised of records from the Arizona MVD, both driver license and state ID card holders, and registered voters in the county. These source lists are dictated by statute (ARS 21-301). Pursuant to the Arizona Code of Judicial Administration 5-203, the master jury list is updated twice per year. During these updates, new records from the source lists are added to the master jury list and existing records may be updated if new information is received from the sources. In addition to the twice-yearly update, Superior Court receives a monthly report from Vital Statistics containing death notices. Individuals in this report are checked against the jury system and marked as deceased if an active record is found. Jurors also regularly self-report new and updated data for their own personal juror record. These actions combine to help ensure accuracy of the master jury list. The data that is imported from both sources¹ is limited to name (first, last, and middle name or initial), mailing address, and date of birth. Information on gender and race/ethnicity is not imported to the system. Each time an individual is issued a jury summons, any data previously existing in their record regarding gender and race/ethnicity is cleared from the record and the prospective juror is required to report the information again.

The Superior Court has a regular demand for jurors. To meet this demand, jury pools are created for Monday – Thursday of each week, six weeks in advance. As the court of general jurisdiction in the county, citizens from all over the county are eligible to be summonsed to any superior court location. The Jury Commissioner does not create separate pools for case type (civil versus criminal) and does not summon on a case-specific basis. Rather one general pool is created based on historical demand, and venire panels are created from jurors who report to the courthouse, if instructed, on the day of service. The only pool distinction is by court location; i.e. Superior Court’s downtown location will have a separate pool of jurors from Superior Court’s northeast location. Upon the creation of a jury pool, the jury software utilized by the Jury Office randomly selects the specified number of jurors from amongst all jurors on the master jury list, as long as the juror has not been previously marked as deceased or permanently disqualified, or is in a temporary exemption status due to having served within the previous 18 months. All jurors selected as members of the summons pool are then issued a postcard summons. Upon receipt of the summons, jurors are directed to go online to an electronic juror portal to respond to their summons. At this time, the juror is requested to indicate qualification for service² and provide contact and demographic information. Jurors choosing not to respond to their summons in advance of this service may still provide this information to the court, by completing the questionnaire at the courthouse on the day of service. Not all jurors, however, provide this information. Some jurors may be disqualified from service upon written request outside of the juror portal, without providing this information. Citizens 75 years of age and older are also able to request a temporary or permanent excusal over the phone, however, and might not provide this information. Jurors failing to respond to their summons altogether will not provide this information. Jurors who prefer to provide this information at the courthouse but are waived off from appearing will also not report this information. In addition, responses to demographic questions are not mandatory and a juror may choose not to answer one or all.

¹ Driver License number is also imported from records coming from the Motor Vehicle Division, and the County Recorder also provides City Code and Justice Court Precinct information with their records

² As defined by ARS 21-201

APPENDIX B
THE SUMMONS PROCESS OUTLINED

The following chart describes relevant groupings of prospective jurors and helps explain their movement through the jury selection process, as outlined in the data tables and visuals depicted on pages 2-4 of this report.

Jury Selection Process	Explanation
Responded to Summons	Reflects potential jurors who responded to their summons as directed. A response is considered any response to the summons, whether affirmative or negative, including requests to be excused, disqualified, or postponed. This includes potential jurors who responded remotely as well as those who checked-in on their required appearance date. Jurors are not allocated to a specific panel or case type at this time. Jurors self-report their race and ethnicity during the response process. Race and ethnicity of individual jurors is tracked through the process based upon the self-report. The jury office has no individual-specific race and ethnicity data prior to this self-report.
Reported for Service – Venire Cancelled	Reflects jurors who appeared on their date of service and were randomly assigned to a venire panel that was canceled prior to the commencement of jury selection as the result of either settlement, dismissal or continuance of the matter.
Jury Venire	Reflects jurors who appeared on their date of service and were randomly assigned to a venire panel that proceeded through the selection process to a seated jury panel.
Released for Cause or Hardship	Reflects jurors who were part of a Jury Venire and who were released from the panel based upon the trial court’s finding of juror hardship or a sustained challenge for cause from either party.
Peremptory Challenge	Reflects jurors who were part of a Jury Venire and who were released from the panel based upon the exercise of a peremptory challenge. Peremptory Challenge is further broken down to identify the side that exercised the challenge as well as the total of all peremptory challenges.
Mathematically Ineligible	Mathematically Ineligible reflects jurors who were part of a Jury Venire but were not seated on a panel because they were mathematically ineligible at the end of the selection process. Individual jurors within a Jury Venire panel are randomly numbered from one to a number reflecting the size of the panel. (A Jury Venire panel of 50 potential jurors would be numbered 1-50). Judicial officers in Maricopa County overwhelmingly use the Struck method to select a jury. Per this method, the jurors assigned the lowest numbers, who have not been released, become the seated jury. At the end of the <i>voir dire</i> , but prior to the exercise of peremptory challenges, the court calculates which jurors with the highest assigned numbers will be mathematically ineligible to be seated on the panel based upon the number of jurors with lower assigned numbers that remain, and the size of the jury panel required.
Empaneled Jurors	Reflects jurors who were part of a Jury Venire who are seated as trial jurors.