

Jury Selection Working Group
Meeting Minutes: September 21, 2026

I. Call to Order

A quorum being present, the Jury Selection Working Group on September 21, 2026, was called to order by Co-Chair Hood at 12:02 p.m. via Webex.

The following voting members were present at the meeting: Justice William Hood (Co-Chair); Joyce Akhahenda; Chief Judge Michelle Amico; Chief Judge Paul Dunkelman; Judge Kellie Eastin; Kim Graham; Judge Elizabeth Harris; Chief Judge Amanda Hunter; Judge Jerry Jones; Rachel Maestas; Jerry Pratt; Darryl Shockley; and Tanja Wheeler.

The following non-voting participants were also present at the meeting: Tiana Burdick (Arizona), Judge Pamela Gates (Arizona), Dawn Hadeland, Catherine McDaugale, Melissa Page, Ana Rodriguez, Terry Scanlon, John Stark, and Trey Walker.

The following voting members were absent from the meeting: Kevin Cheney (Co-Chair), Amelia Blyth, Judge Dana Nichols, John Palmeri, and Jessica Salerno.

No materials were distributed before the meeting. Judge Gates shared a PowerPoint presentation with the group during the meeting.

II. New Business

Co-Chair Hood introduced Judge Gates, the presiding judge of Maricopa County, Arizona. He stated that the purpose of the meeting was to give members of the working group an opportunity to ask questions. Then he asked Judge Gates to give an overview of the process in Arizona. Judge Gates introduced Arizona deputy court administrator, Tiana Burdick.

Judge Gates gave a PowerPoint presentation with the following key points:

- Arizona started with a task force to look at all aspects of jury service. They included urban and rural courts, prosecutors, defense attorneys, judges, and citizens in their research. That research supported prospective jurors being questioned by lawyers, the use of open-ended questions, the use of case-specific juror questionnaires, and the fact that rehabilitation efforts by judges were ineffective. They started with the premise that judges wanted to maintain control over jury selection. They also wanted to respect the differences in the summoning practices of each court and maintain a comprehensive record and juror privacy.
- They started with small adjustments, including
 - modifying the jury selection scripts to ask about personal opinions, attitudes, experiences, and beliefs;

- reducing the number of leading questions that result in socially appropriate answers, eliminating the use of the words “bias” and “prejudice”;
- discouraging judges from attempting to rehabilitate jurors; and
- encouraging juror candor, explaining that there were no right or wrong answers.
- Then they changed their rules, encouraging the use of case-specific questionnaires without making it mandatory for jurors to complete them. The questionnaires included instructions about the purpose of voir dire, how the information would be used, and who would have access to the information. The questionnaires required jurors to swear that their answers were truthful and their own (i.e., that they hadn’t done any research or discussed them with anyone else). The questionnaires are filed under seal and maintained as a part of the case file. Before voir dire, they are provided to the parties.
- They have been using questionnaires since 2022. Information requested on a questionnaire includes information a juror would be reluctant to provide publicly (e.g., whether they were a victim of a crime), information that is more efficient and effective to obtain that way (e.g., what do you know about the case), attitudinal questions about major issues relevant to the case, and hardship.
- She provided a QR code to a sample questionnaire: https://forms.cloud.microsoft/pages/responsepage.aspx?id=MAiJWZuqF0iu8WtE2kwRnqV3mPX_EeRGsAJSjmZ9Ub5UODQ2WkRNMFRNEFTS0o0TkUzSUFQOE3My4u&route=shorturl
- Timeline of Arizona changes:
 - August 2021 (effective January 1, 2022): eliminated peremptory challenges.
 - January 1, 2022: adopted emergency rule changes based on the elimination of peremptory challenges and courts began by using Microsoft forms, Google Survey, Survey Monkey, etc. for juror questionnaires.
 - Late 2022: launched the juror portal.
 - November 2023: pilot launch of remotely administered jury questionnaires five days before trial (which required a change to their system).
 - November 2024: continued expansion of remote questionnaires.
 - Now: all courts use remote questionnaires.
- Judges make the questionnaire, but attorneys submit potential questions.
- She showed a picture of what their juror portal looks like. In it, the parties can sort by answers to a particular question. Each party can highlight the portal in a way that is

helpful to them, and no one else can see how they highlight it. But when a judge strikes a juror, that juror disappears from everyone's screens.

- They administer the questionnaire by email/text three days before trial. The jurors' answers give them the ability to strike jurors as needed. Stricken jurors are notified one day before trial by email/text that they are released from jury service. Jurors who aren't stricken beforehand are notified by email/text of the date and time to appear, a time that is later than for those who didn't respond to the questionnaire.
- In FY 2018, 98.7% of judges didn't use questionnaires (and didn't like them). By FY 2025, 99.7% used them. Judges are using them because they get more information. The parties like using them, and so do the jurors.
- In FY 2024, 15.5% of questionnaires were remote. By FY 2026, 96% used remote questionnaires.
- Time savings:
 - When they switched to an electronic in-person questionnaire, there was no meaningful change from not using questionnaires.
 - But there was a 55% reduction in time spent on voir dire when they began using remote questionnaires.
- About 85–91% of jurors fill out the remote questionnaires ahead of time.
- Using remote questionnaires has saved money on paying jurors mileage. In FY 2025, Arizona saved \$523,986.
- In response to a juror survey, 94% said jury selection is now better or the same. They like the privacy and efficiency.

Co-Chair Hood thanked Judge Gates for the overview and opened it up for questioning from the working group members. The following questions were asked:

- How does Arizona manage sending case-specific electronic questionnaires three days beforehand if several cases have announced ready for trial before the same judge?

Judge Gates stated they don't have the queuing under one judge. A separate jury panel is assigned to each trial, and each panel is given its own case-specific jury questionnaire. If a county has a smaller venire, they don't include a summary about a specific case. All questionnaires have some of the same questions (e.g., Is there a reason you won't sit in judgment of another person?). Even without the questionnaire being case specific, they still release half of the jurors in advance based on questions that are more generic.

- How does Arizona handle case-specific questionnaires in high profile cases? Do they have concerns about jurors looking up the details provided on questionnaires before reporting for jury duty?

Judge Gates said judges can sanitize questionnaires by keeping out names. When the jurors report, some admit to doing research. In high profile cases, a judge could use the questionnaire to find out who had watched TV shows like *60 Minutes* so they could strike those jurors ahead of time without tainting the rest of the venire.

- Would there have been the same efficiencies if Arizona hadn't gotten rid of peremptory challenges?

Judge Gates stated the efficiencies came from using the remote questionnaires; other efficiencies are more anecdotal than measurable. Judges say they get more candid information from jurors than they did before. The elimination of peremptory challenges was the impetus for starting the process. Now that they have the system, she unequivocally thinks it's better because the jurors give more candid information. Jurors say they're more willing to give information in their living room than in front of other people.

- Is the process more or less staff intensive?

Tiana stated the process has increased their staff load. But they used to have a higher volume of staff in courtrooms to take care of a greater number of people appearing in the jury assembly room. Now, there is more work behind the scenes, but they were able to manage with existing staff.

- How do they handle the logistical challenge of assigning a case to a specific juror in advance?

Tiana stated they can reassign jurors if needed. Even if they send jurors a case-specific questionnaire, those jurors can be reassigned to a different case and be sent another questionnaire if the first case goes away.

- How did they handle the financial cost of changes to programs and technology?

Judge Gates stated there was no cost because they all had access to Microsoft forms. When they built the juror portal, they used internal programmers and absorbed the cost. When they moved to remote questionnaires, they had to reprogram their system, which cost about \$50–\$75,000. But now they save money.

- What is the hardship release rate?

Judge Gates stated it was 71% of stricken jurors (not venire) in advance.

- Do they give the jurors' names to the attorneys three days in advance?

Judge Gates stated the judges have discretion as to whether attorneys see names or only the numbers. They are working on bench cards and admonitions to handle the abuse of researching jurors.

- Do they include a statement that the arrival time will be later if they fill out the questionnaire ahead of time?

Judge Gates stated they need to better explain the benefits. Eighty-six to ninety-one percent are currently filling it out ahead of time but they could increase the percentage of people responding to the summons.

- What does Arizona's staff look like?

Tiana said there are sixteen of them who handle the summoning for all of Maricopa county. They summon about 400,000 jurors annually, including 200,000 for the superior court.

- How do they get the questionnaires to prospective jurors? Are the summons mailed with information to register on the juror portal?

Judge Gates stated when they send out the summons, the jurors register for juror service with a cell number and email on the juror portal. Later, they send the case-specific questionnaires. Those who don't register show up in person at the court on the date on the summons.

- Should judges try to rehabilitate jurors?

Judge Gates said they don't ask if a juror can be fair and impartial but whether they can sit in judgment of another person. If a juror says no and the attorneys don't stipulate to remove the juror, then they bring in the juror for questioning, asking whether there is a reason they can't do that.

- Do the attorneys have to agree to dismiss a juror for cause?

Judge Gates said it would be highly unlikely for a juror to be removed for cause if there is no stipulation.

- Do the attorneys have to agree to dismiss a juror for hardship?

Judge Gates said it depends on the nature of the hardship. But typically, if the parties don't agree on the strike, then they will bring the juror in for questioning.

- How did they transition to needing to know whether a trial would be going three days in advance?

Judge Gates said before these changes, they had shifted to a master calendar judge so all people who are scheduled for trial go before that judge to determine if the trial is moving forward. Those who are ready are then farmed out to a judge, and the case may go to a judge who hasn't been on the case before that.

- When they changed systems, did they start by looking at what the market had to offer, or did they go in house right away because they knew what they wanted?

Tiana stated when they started electronic questionnaires, they used Microsoft forms. The portal was something they built internally because it was easier. Surveys showed that jurors hated having to come in to do something they could do on their own at home. That's when they looked at a remote process. They asked for the programming to panel jurors in advance by case even though they hadn't physically appeared. They made a two-year request for proposal and considered specific vendors, but none could offer everything they needed. They also spoke with the National Conference of State Courts ("NCSC"), but NCSC didn't have any recommended vendors. Vendors didn't have the ability to help with the whole process.

Judge Gates said they used Microsoft forms for privacy purposes. Their approach was that if they built it, they're willing to share anything with another court.

- What lessons would Arizona want to make us aware of? What would they have liked to have known going in?

Judge Gates stated the following: (1) jurors researching in advance; (2) the creation of a more secure, less spam-like method of communicating with jurors (they thought older jurors would be the ones who wouldn't respond but it was the opposite); (3) use the summons to tell the jurors when and how they will receive the questionnaire; (4) start by looking at what they wanted in the end (a remote system) and build a system to accomplish that goal; (5) determine how to maintain the record; (6) do better research on juror fatigue (limit the number of questions on the questionnaire); (7) be better at monitoring the demographics (i.e., they have a lot of data based on the changes they made but it's difficult to figure out causation because so many things were changed at the same time); (8) prepare judges and lawyers for the challenge (e.g., some lawyers were

reluctant at first to use the answers to the questionnaire because of the elimination of peremptory challenges).

- Does each judge have the ability to make their own questionnaire or is it standardized?

Judge Gates said they collaborate to share standard forms. Each judge creates their own unique questionnaire but now it's formulaic. They can change the questions, but many ask the same ones (e.g., DUI cases).

- What is the threshold number of questions before there is juror fatigue?

Judge Gates speculated that it's less than sixty-five but closer to fifty. A questionnaire that takes longer than twenty minutes to fill out is asking too much. Some questions are nested (e.g., follow-up questions based on a particular answer).

- Did they see any pushback from the judges?

Judge Gates said it was a better system (the benefits outweighed the challenges). They had some reluctant adopters but used some handholding to help them through it.

- Do they follow up on sensitive questions in open court or in chambers (e.g., whether a juror had a bad or good experience with law enforcement or whether a juror had been a victim of a crime)?

Judge Gates said it depends on the judge and the question. If it's a victim of a crime question, she will ask the juror if they are comfortable answering or if they would like it to be in private. Or she will start by saying if you're uncomfortable let me know. Some judges do one-on-ones but that's the exception.

- Have they had any issues from doing much of it remotely because it's a critical part of the process that the public is supposed to be able to view?

Judge Gates said they ensure everything is part of the record; the questionnaires are filed under seal, but questioning is in open court.

Co-Chair Hood thanked Judge Gates and Tiana for their time.

III. Future Meetings

The next meeting is scheduled for October 23, 2026, from 1:00 to 4:00 p.m. in the Ralph L. Carr Judicial Center, Supreme Court Conference Room and via Webex.

An additional meeting is scheduled for November 13, 2026.

IV. Adjourn

The Jury Selection Working Group meeting adjourned at 1:42 p.m.