

Summary Report

The Arizona Experience with the Jury Patriotism Act and the Lengthy Trial Fund

Jury Patriotism Act (JPA)

Enactment

In 2003 the Arizona Legislature enacted provisions of the model JPA endorsed by the American Legislative Exchange Council. A copy of the model JPA is attached.

The provisions enacted by the Arizona Legislature were codified into Title 12 and Title 21 of the Arizona Revised Statutes (ARS) as amended in the 2003 regular session by H.B. 2520. A copy of the engrossed version of H.B. 2520 from the 2003 regular session is attached.

Excusals Creating Consternation

The provisions relating to excusals from jury service enacted in A.R.S. § 21-202 have created consternation among judges, attorneys, legislators, court officials, and the public in Arizona. These provisions are largely based on the model JPA.

Issues leading to this consternation are generally related to the new definition of hardship that excludes any hardship not specifically defined in the ARS. Issues include:

- Lack of provisions related to excusals for the elderly;
- The requirement of formal documentation, including tax returns, payroll records, and/or physician statements, before any excusal can be approved;
- Lack of provisions related to limits on transportation;
- Limits on the definition of financial hardship; and
- Lack of provisions related to military personnel and others working out-of-state.

Bills have been introduced and are currently under consideration in the Arizona Legislature to amend some of these provisions.

Differences between Model JPA and Provisions in Arizona Law

There are a number of provisions in the model JPA enacted in a substantially different manner by the Arizona Legislature.

For example, according to the language in the model JPA only a judge can approve excusals. However, in A.R.S. § 21-202 either a judge or a jury commissioner can approve excusals.

Also, for a person summoned for jury duty and failing to appear, the model JPA specifies that person has “committed a [Class A] misdemeanor and shall be subject to imprisonment or fines in accordance with the laws of this State.” Arizona did not make failure to appear for

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jury service a misdemeanor but rather increased the civil contempt penalty from \$100 to \$500.

There are also a number of differences between the JPA and Arizona law in regard to postponements. These differences include:

- The model JPA includes a provision repealing all other provisions allowing for postponing or excusing jury service. The ARS does not include this provision;
- The model JPA allows for only one postponement while A.R.S. § 21-336 allows for two postponements;
- In the model JPA, the prospective juror requesting a postponement must fix a date certain to report for service. The fixed date must be within six months of the original reporting date. A.R.S. § 21-336 did not include this requirement that a fixed date be set but only allowed the postponement for up to a three month period. In 2004, the Arizona Legislature eliminated the three month period from A.R.S. § 21-336 at the request of jury commissioners throughout Arizona; and
- In the model JPA additional postponements beyond the one allowed are limited to only extreme emergencies and specific examples are provided. While this provision is included in A.R.S. § 21-336, the specific examples are not.

Other Issues Regarding the Arizona Experience with the JPA

A number of provisions in the model JPA were already enacted into Arizona law prior to the 2003 regular session. These provisions include those related to limiting the time between being called for jury service and providing employment protection for prospective jurors called for service. However, amendments to A.R.S. § 21-236 in H.B. 2520 provide additional provisions related to employment protection for prospective jurors and protections for small businesses so multiple employees are not serving as jurors simultaneously.

Additionally, the enactment of the one-day, one-trial provisions of the model JPA codified more formally into law the one day, one trial policy that a number of jurisdictions within the state had previously adopted less formally.

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Lengthy Trial Fund (LTF)

Enactment

The provisions enacted by the Arizona Legislature related to the LTF are codified in A.R.S. § 12-115 and A.R.S. § 21-222 as amended by H.B. 2520 during the 2003 regular session. Also, Administrative Order No. 2003-100 dated November 12, 2003 and signed by Chief Justice Charles E. Jones provides further information for the implementation of the LTF. A copy of Administrative Order No. 2003-100 is attached.

“The Devil is in the Details” Regarding the LTF

Staff with the Arizona courts stressed the importance of getting the details right regarding the LTF. For example, the model JPA includes language creating a two tiered system in which only jurors on civil cases may be compensated up to \$100 per day from the LTF **beginning with the fourth day** of jury service. Beginning with the tenth day of service, jurors may be compensated up to \$300 per day given language in the model JPA.

A.R.S. § 21-222 however, creates a system initiated **only after the tenth day** of jury service in either a criminal or a civil trial. After serving more than ten days, a juror may be eligible to be compensated up to \$100 per day for the fourth day to the tenth day of service. Beginning on the eleventh day of service, a juror may be compensated up to \$300 per day.

According to Bob James, Director of Jury Services and Public Access for the Trial Courts of Arizona in Maricopa County, the system proposed in the model JPA would dramatically increase the level of expenditures since far more jurors would be eligible for compensation from the LTF. As Bob summed it up, “the devil is in the details.”

Administration of the LTF

In A.R.S. § 12-115, the Arizona Legislature authorized the Supreme Court to establish an additional filing fee as the revenue source for the LTF. In A.R.S. § 21-222, the Arizona Legislature further authorized the Supreme Court to:

- Select and appoint a fund administrator;
- Adopt procedures for the administration of the fund; and
- Adopt procedures for the accounting, auditing, and investing of monies in the fund.

In A.R.S. § 12-115, the Legislature directed the clerk of the court to collect the new filing fee and monthly remit the monies to the county treasurer. The county treasurer was directed to transmit the monies to the state treasurer on or before the fifteenth day of each month.

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A fee of \$15 was established in Administrative Order No. 2003-100 and began being collected on January 1, 2004 on the filing of:

- Civil complaints;
- Answers to civil complaints; and
- Motions to intervene in civil cases.

While the model JPA recommended the fee be limited to only attorney filed cases, this limit was not applied in Arizona. However, the fee was limited to only superior court filings. Therefore the fee does not applied on small claims or other cases filed in the courts of limited jurisdiction.

The distribution of juror payments from the fund commenced for trials beginning on or after July 1, 2004 based on the guidelines provided in A.R.S. § 21-222.

Staff with the administrative office of the courts and various jury offices throughout Arizona developed the Arizona Lengthy Trial Fund Implementation Procedures and Forms to provide guidelines for the administration of the fund and to help streamline juror applications for compensation. Copies of the guidelines and forms are attached. Tax returns and employer generated payroll records are the primary documents used to help verify information provided by jurors requesting compensation from the LTF.

While the guidelines and forms have helped streamline the application for compensation, the process does have a workload impact on local court staff. According to Bob James, the implementation of the LTF has increased staff workload approximately 20 percent in Maricopa County. Much of the increased workload is due to the necessity of personal meetings with jurors if there is confusion or ambiguity over the amount of compensation due the individual juror. Given the sums of money involved, these meetings must be at the manager/supervisor level not simply delegated to line staff. Further, these personal meetings can often degenerate into simply “haggling out” how much payment is due to the individual juror.

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SECTION**

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Jury Patriotism Act

Section 1. Short Title

This Act shall be known and may be cited as the *Jury Patriotism Act*.

Section 2. Full Participation on Petit Juries of All Citizens.

It is the policy of this State that all qualified citizens have an obligation to serve on petit juries when summoned by the courts of this State, unless excused.

Section 3. Postponements of Petit Jury Participation.

a. All provisions of the law of this State, or of any political sub?division thereof, that establish or recognize excuses or exemptions for postponing or excusing service as a petit juror are hereby repealed.

b. Individuals scheduled to appear for jury service have the right to postpone the date of their initial appearance for jury service one time only. When requested, postponements shall be granted, provided that:

1. The juror has not previously been granted a postponement;
2. The prospective juror appears in person or contacts the [*appropriate court official*] by telephone, electronic mail, or in writing to request a postponement; and
3. Prior to the grant of a postponement with the concurrence of the [*appropriate court official*], the prospective juror fixes a date certain on which he or she will appear for jury service that is not more than six months after the date on which the prospective juror originally was called to serve and on which date the court will be in session.

c. A subsequent request to postpone jury service may be approved by a judicial officer only in the event of an extreme emergency, such as a death in the family, sudden grave illness, a natural disaster or a national emergency in which the prospective juror is personally involved, that could not have been anticipated at the time the initial postponement was granted. Prior to the grant of a second postponement, the prospective juror must fix a date certain on which the individual will appear for jury service within six months of the postponement on a date when the court will be in session.

d. An individual who fails to appear in person on the date scheduled for jury service and who has failed to obtain a postponement in compliance with the provisions for requesting a postponement, or who fails to appear on the date set pursuant to subsection (b)(3) or (c) of this Section, shall have committed a [Class A] misdemeanor and shall be subject to imprisonment or fines in accordance with the laws of this State.

Section 4. Excuses From Petit Jury Service.

An individual may apply to be excused from jury service for a period of up to [24] months, instead of seeking a postponement when either:

- a. The prospective juror has a mental or physical condition that causes him or her to be incapable of performing jury service. The juror, or the juror's personal representative, must provide the court with documentation from a physician licensed to practice medicine verifying that a mental or physical condition renders the person unfit for jury service for a period of not less than the [24] month period for which the excuse is sought.

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b. Jury service would cause undue or extreme physical or financial hardship to the prospective juror or a person under his or her care or supervision.

1. A judge of the court for which the individual was called to jury service shall make undue or extreme physical or financial hardship determinations. The authority to make these determinations is delegable only to court officials or personnel who are authorized by the laws of this State to function as members of the judiciary.

2. A person asking to be excused based on a finding of undue or extreme physical or financial hardship must take all actions necessary to have obtained a ruling on that request by no later than the date on which the individual is scheduled to appear for jury duty.

3. For purposes of this Act, "undue or extreme physical or financial hardship" is limited to circumstances in which an individual would:

- (i). Be required to abandon a person under his or her personal care or supervision due to the impossibility of obtaining an appropriate substitute caregiver during the period of participation in the jury pool or on the jury; or
- (ii). Incur costs that would have a substantial adverse impact on the payment of the individual's necessary daily living expenses or on those for whom he or she provides the principal means of support; or
- (iii). Suffer physical hardship that would result in illness or disease.

4. "Undue or extreme physical or financial hardship" does not exist solely based on the fact that a prospective juror will be required to be absent from his or her place of employment.

5. A person asking a judge to grant an excuse based on "undue or extreme physical or financial hardship" shall be required to provide the judge with documentation, such as, but not limited to, federal and state income tax returns, medical statements from licensed physicians, proof of dependency or guardianship, and similar documents, which the judge finds to clearly support the request to be excused. Failure to provide satisfactory documentation shall result in a denial of the request to be excused.

6. After [24] months, a person excused from jury service shall become eligible once again for qualification as a juror unless the person was excused from service permanently. A person is excused from jury service permanently only when the deciding judge determines that the underlying grounds for being excused are of a permanent nature.

Section 5. Rights of Petit Jurors.

a. Jobs Preservation. Any person who is summoned to serve as a juror and who notifies his or her employer of such summons within a reasonable period of time after receipt of a summons and prior to his or her appearance for jury duty may not be removed or otherwise be subject to any adverse employment action as a result of such service.

b. Benefits Protection. An employee may not be required or requested to use annual, vacation, or sick leave for time spent responding to a summons for jury duty, time spent participating in the jury selection process or for time spent actually serving on a jury. Nothing in this provision shall be construed to require an employer to provide annual, vacation, or sick leave to employees under the provisions of this statute who otherwise are not entitled to such benefits under company policies.

c. Length of Service. Service of prospective jurors shall be for no more than one court day in actual attendance, unless a prospective juror is selected to serve in a trial or is under consideration to serve on a trial and such consideration covers a period of two or more days. Once selected, a juror shall serve on the jury for the duration of the trial unless excused by the presiding judge.

d. Frequency of Service. A juror who has served on a petit jury in this State shall not be summoned to serve again as a petit juror in any court of this State for [] years following the last day of such service.

e. Small Business Protection. A court shall automatically postpone and reschedule the service of a summoned juror of an employer with five or fewer full-time employees, or their equivalent, if another employee of that employer is summoned to appear during the same period. Such postponement will not effect an individual's right to one automatic postponement under Section 3(b).

Section 6. Lengthy Trial Fund.

The [judicial body with court rulemaking authority and responsibility for the State courts] shall promulgate rules to establish a Lengthy Trial Fund that shall be used to provide wage replacement or supplementation to jurors who serve on petit juries in civil litigation after the third day of jury service.

a. The court rules shall provide for the following:

1. The selection and appointment of an Administrator for the fund.
2. Procedures for the administration of the Fund, including payments of salaries of the Administrator and other necessary personnel.
3. Procedures for the accounting, auditing and investment of money in the Lengthy Trial Fund.
4. The highest court of the State shall report on the administration of the Lengthy Trial Fund in its annual report on the judicial branch, setting forth the money collected for and disbursed from the fund.

b. Each trial court in the State shall collect from each attorney who files a civil case, unless otherwise exempted under the provisions of this Section, a fee of [\$] per case to be paid into the Lengthy Trial Fund. A lawyer will be deemed to have "filed a case" at the time the first pleading or other filing on which an individual lawyer's name appears is submitted to the court for filing and opens a new case. All such fees shall be forwarded to the Administrator of the Lengthy Trial Fund for deposit.

c. Wage Replacement or Supplementation.

1. The court shall use the fees deposited in the Lengthy Trial Fund to pay wage replacement or supplementation to any petit juror in civil litigation otherwise eligible to be excused from service pursuant to Section 4(2)(c)(2) of this Act beginning on the fourth day of service. The amount paid from the Fund shall be no more than is needed to relieve such financial hardship and, in no event, may exceed [\$100] per day per juror.
2. The court shall use the fees deposited in the Lengthy Trial Fund to pay wage replacement or supplementation, not to exceed [\$300] per day, to any petit juror beginning on the tenth day of service.
3. The court may, in its discretion, limit the amount of disbursements from the Lengthy Trial Fund based on the availability of financial resources.

d. Any juror who is serving or has served on a jury that qualifies for payment from the Lengthy Trial Fund, provided the service commenced on or after the effective date of this Act, may submit a request for payment from the Lengthy Trial Fund on a form that the Administrator provides. Payment shall be limited to the difference between the state paid jury fee and the actual amount of wages a juror earns, up to the maximum level payable, minus any amount the juror actually receives from the employer during the same time period.

1. The form shall disclose the juror's regular wages, the amount the employer will pay during the term of jury service, the amount of replacement or

supplemental wages requested, and any other information the Administrator deems necessary for proper payment.

2. The juror also shall be required to submit verification from the employer as to the wage information provided to the Administrator, for example, the employee's most recent earnings statement or similar document, prior to initiation of payment from the Fund.

3. If an individual is self-employed or receives compensation other than wages, the individual may provide a sworn affidavit attesting to his or her approximate gross weekly income, together with such other information as the Administrator may require, in order to verify weekly income.

e. The following attorneys and causes of action are exempt from payment of the Lengthy Trial Fund fee:

1. Government attorneys appearing in the course of their official duties;
2. Pro se litigants;
3. Cases in small claims court or the state equivalent thereof; or
4. Claims seeking social security disability determinations; individual veterans' compensation or disability determinations; recoupment actions for government backed educational loans or mortgages; child custody and support cases; actions brought *in forma pauperis*; and any other filings designated by rule that involve minimal use of court resources and that customarily are not afforded the opportunity for a trial by jury.

Section 7. Severability.

The provisions of this Act are severable. If any portion of this Act is declared unconstitutional or the application of any part of this Act to any person or circumstance is held invalid, the remaining portions of the Act and their applicability to any person or circumstance shall remain valid and enforceable.

Section 8. Effective Date.

[To be determined in accordance with state law.]

Adopted by ALEC's Civil Justice Task Force at the States and Nation Policy Summit December 14, 2002. Approved by full ALEC Board of Directors January, 2003.

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House Engrossed

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

HOUSE BILL 2520

AN ACT

AMENDING TITLE 12, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 12-115; AMENDING SECTIONS 21-202, 21-236, 21-315 AND 21-334, ARIZONA REVISED STATUTES; AMENDING TITLE 21, CHAPTER 2, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 21-222; AMENDING TITLE 21, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 21-335; REPEALING SECTIONS 21-336 AND 21-336.01, ARIZONA REVISED STATUTES; AMENDING TITLE 21, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 21-336; AMENDING TITLE 21, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 21-336.01; PROVIDING FOR THE DELAYED REPEAL OF SECTIONS 12-115 AND 21-222, ARIZONA REVISED STATUTES; RELATING TO JURY SERVICE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 12, chapter 1, article 1, Arizona Revised Statutes,
3 is amended by adding section 12-115, to read:

4 12-115. Additional filing, appearance and answer or response
5 fees; deposit

6 A. IN ADDITION TO ANY OTHER ASSESSMENT AUTHORIZED BY LAW, THE SUPREME
7 COURT SHALL ESTABLISH AND COLLECT AN ADDITIONAL FEE ON EACH FILING,
8 APPEARANCE AND ANSWER OR RESPONSE FEE CHARGED BY A CLERK OF THE SUPERIOR
9 COURT.

10 B. THE CLERK SHALL COLLECT THE ADDITIONAL FEE AND MONTHLY REMIT THE
11 ADDITIONAL FEES TO THE COUNTY TREASURER. THE COUNTY TREASURER SHALL TRANSMIT
12 THE FEES TO THE STATE TREASURER ON OR BEFORE THE FIFTEENTH DAY OF EACH MONTH
13 FOR DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, IN THE ARIZONA LENGTHY
14 TRIAL FUND ESTABLISHED BY SECTION 21-222.

15 C. THE ADDITIONAL FEE MAY BE DEFERRED OR WAIVED PURSUANT TO SECTIONS
16 12-302 AND 12-304.

17 D. IN ESTABLISHING THE ADDITIONAL FEES UNDER SUBSECTION A OF THIS
18 SECTION, THE SUPREME COURT MAY DESIGNATE BY RULE THAT THE ADDITIONAL FEES NOT
19 BE IMPOSED ON FILINGS IN CASES THAT INVOLVE MINIMAL USE OF COURT RESOURCES
20 AND THAT CUSTOMARILY ARE NOT AFFORDED THE OPPORTUNITY FOR A TRIAL BY JURY.

21 Sec. 2. Section 21-202, Arizona Revised Statutes, is amended to read:

22 21-202. Persons entitled to be excused from jury service

23 A. IT IS THE POLICY OF THIS STATE THAT ALL QUALIFIED CITIZENS HAVE AN
24 OBLIGATION TO SERVE ON JURIES WHEN SUMMONED BY THE COURTS OF THIS STATE,
25 UNLESS EXCUSED.

26 B. The following persons ~~shall~~, upon their timely application to the
27 court, SHALL be excused TEMPORARILY from service as a juror IF ANY OF THE
28 FOLLOWING APPLY:

29 ~~1. Any person whose absence from his regular place of employment~~
30 ~~would, in the judgment of the court, tend materially and adversely to affect~~
31 ~~the public safety, health, welfare or interest.~~

32 ~~2. Any person upon whom service as a juror would, in the judgment of~~
33 ~~the court, impose an undue hardship.~~

34 1. THE PROSPECTIVE JUROR HAS A MENTAL OR PHYSICAL CONDITION THAT
35 CAUSES THE JUROR TO BE INCAPABLE OF PERFORMING JURY SERVICE. THE JUROR OR
36 THE JUROR'S PERSONAL REPRESENTATIVE SHALL PROVIDE THE COURT WITH A MEDICAL
37 STATEMENT FROM A PHYSICIAN WHO IS LICENSED PURSUANT TO TITLE 32 THAT VERIFIES
38 THAT A MENTAL OR PHYSICAL CONDITION RENDERS THE PERSON UNFIT FOR JURY
39 SERVICE.

40 2. JURY SERVICE WOULD CAUSE UNDUE OR EXTREME PHYSICAL OR FINANCIAL
41 HARDSHIP TO THE PROSPECTIVE JUROR OR A PERSON UNDER THE PROSPECTIVE JUROR'S
42 CARE OR SUPERVISION. FOR THE PURPOSES OF THIS PARAGRAPH:

43 (a) A JUDGE OR JURY COMMISSIONER OF THE COURT FOR WHICH THE PERSON WAS
44 CALLED TO JURY SERVICE SHALL DETERMINE WHETHER JURY SERVICE WOULD CAUSE THE
45 PROSPECTIVE JUROR UNDUE OR EXTREME PHYSICAL OR FINANCIAL HARDSHIP.

1 (b) A PERSON WHO REQUESTS TO BE EXCUSED UNDER THIS PARAGRAPH SHALL
2 TAKE ALL ACTIONS NECESSARY TO OBTAIN A RULING ON THE REQUEST BEFORE THE DATE
3 ON WHICH THE PERSON IS SCHEDULED TO APPEAR FOR JURY DUTY.

4 (c) UNDUE OR EXTREME PHYSICAL OR FINANCIAL HARDSHIP IS LIMITED TO THE
5 FOLLOWING CIRCUMSTANCES IN WHICH A PERSON:

6 (i) WOULD BE REQUIRED TO ABANDON A PERSON UNDER THE POTENTIAL JUROR'S
7 CARE OR SUPERVISION DUE TO THE IMPOSSIBILITY OF OBTAINING AN APPROPRIATE
8 SUBSTITUTE CAREGIVER DURING THE PERIOD OF PARTICIPATION IN THE JURY POOL OR
9 ON THE JURY.

10 (ii) WOULD INCUR COSTS THAT WOULD HAVE A SUBSTANTIAL ADVERSE IMPACT ON
11 THE PAYMENT OF THE PERSON'S NECESSARY DAILY LIVING EXPENSES OR ON THOSE FOR
12 WHOM THE POTENTIAL JUROR PROVIDES THE PRINCIPAL MEANS OF SUPPORT.

13 (iii) WOULD SUFFER PHYSICAL HARDSHIP THAT WOULD RESULT IN ILLNESS OR
14 DISEASE.

15 (iv) IS NOT CURRENTLY CAPABLE OF UNDERSTANDING THE ENGLISH LANGUAGE.

16 (d) UNDUE OR EXTREME PHYSICAL OR FINANCIAL HARDSHIP DOES NOT EXIST
17 SOLELY BASED ON THE FACT THAT A PROSPECTIVE JUROR WILL BE REQUIRED TO BE
18 ABSENT FROM THE PROSPECTIVE JUROR'S PLACE OF EMPLOYMENT.

19 (e) A PERSON WHO REQUESTS TO BE EXCUSED UNDER THIS PARAGRAPH SHALL
20 PROVIDE THE JUDGE OR JURY COMMISSIONER WITH DOCUMENTATION THAT SUPPORTS THE
21 REQUEST TO BE EXCUSED, SUCH AS FEDERAL AND STATE INCOME TAX RETURNS, PAYROLL
22 RECORDS, MEDICAL STATEMENTS FROM PHYSICIANS LICENSED PURSUANT TO TITLE 32,
23 PROOF OF DEPENDENCY OR GUARDIANSHIP AND OTHER SIMILAR DOCUMENTS. THE JUDGE
24 OR JURY COMMISSIONER MAY EXCUSE A PERSON IF THE DOCUMENTATION CLEARLY
25 SUPPORTS THE REQUEST TO BE EXCUSED.

26 C. A PERSON WHO IS EXCUSED TEMPORARILY PURSUANT TO THIS SECTION
27 BECOMES ELIGIBLE FOR QUALIFICATION AS A JUROR WHEN THE TEMPORARY EXCUSE
28 EXPIRES UNLESS THE PERSON IS PERMANENTLY EXCUSED FROM JURY SERVICE.

29 D. A PERSON MAY BE PERMANENTLY EXCUSED ONLY IF THE DECIDING JUDGE OR
30 JURY COMMISSIONER DETERMINES THAT THE UNDERLYING GROUNDS FOR BEING EXCUSED
31 ARE PERMANENT IN NATURE.

32 Sec. 3. Title 21, chapter 2, article 3, Arizona Revised Statutes, is
33 amended by adding section 21-222, to read:

34 21-222. Arizona lengthy trial fund

35 A. THE ARIZONA LENGTHY TRIAL FUND IS ESTABLISHED CONSISTING OF MONIES
36 RECEIVED FROM THE ADDITIONAL FEES PAID ON ALL FILINGS, APPEARANCES, RESPONSES
37 AND ANSWERS PURSUANT TO SECTION 12-115.

38 B. THE SUPREME COURT SHALL ADMINISTER THE FUND AND SHALL ADOPT RULES
39 FOR THE ADMINISTRATION OF THE FUND, INCLUDING:

40 1. THE SELECTION AND APPOINTMENT OF A FUND ADMINISTRATOR.

41 2. PROCEDURES FOR THE ADMINISTRATION OF THE FUND, INCLUDING PAYMENT OF
42 SALARIES OF THE ADMINISTRATOR AND OTHER NECESSARY PERSONNEL.

43 3. PROCEDURES FOR THE ACCOUNTING, AUDITING AND INVESTMENT OF MONIES IN
44 THE FUND.

1 C. BEGINNING ON JULY 1, 2004 AND SUBJECT TO THE AVAILABILITY OF
2 MONIES, FOR JURY TRIALS THAT COMMENCE ON OR AFTER JULY 1, 2004 THE SUPREME
3 COURT SHALL SPEND MONIES IN THE FUND TO PAY FULL OR PARTIAL EARNINGS
4 REPLACEMENT OR SUPPLEMENTATION TO JURORS WHO SERVE AS PETIT JURORS FOR MORE
5 THAN TEN DAYS AND WHO RECEIVE LESS THAN FULL COMPENSATION. THE MONIES IN THE
6 FUND SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN THE PURPOSE OF PAYING
7 JURORS AS PRESCRIBED IN THIS SECTION. THE SUPREME COURT MAY PAY REPLACEMENT
8 OR SUPPLEMENTAL EARNINGS OF UP TO THREE HUNDRED DOLLARS PER DAY PER JUROR
9 BEGINNING ON THE ELEVENTH DAY OF JURY SERVICE. IF A JUROR HAS SERVED MORE
10 THAN TEN DAYS AND THE COURT FINDS THAT JURY SERVICE POSED A SIGNIFICANT
11 FINANCIAL HARDSHIP ON THE JUROR, THE COURT MAY PAY ADDITIONAL REPLACEMENT OR
12 SUPPLEMENTAL WAGES OF AT LEAST FORTY DOLLARS BUT NOT MORE THAN ONE HUNDRED
13 DOLLARS PER DAY TO THAT JUROR FROM THE FOURTH DAY TO THE TENTH DAY OF JURY
14 SERVICE.

15 D. BEGINNING ON JULY 1, 2004, A JUROR WHOSE JURY SERVICE LASTS MORE
16 THAN TEN DAYS MAY SUBMIT A REQUEST ON A FORM PROVIDED BY THE SUPREME COURT
17 FOR PAYMENT FROM THE FUND. THE AMOUNT A JUROR RECEIVES FROM THE FUND IS
18 LIMITED TO THE DIFFERENCE BETWEEN THE STATE PAID JURY FEE AND THE ACTUAL
19 AMOUNT OF EARNINGS A JUROR EARNS, NOT LESS THAN FORTY DOLLARS, UP TO THE
20 MAXIMUM LEVEL PAYABLE UNDER SUBSECTION D OF THIS SECTION, MINUS ANY AMOUNT
21 THE JUROR ACTUALLY RECEIVED FROM THE JUROR'S EMPLOYER DURING THE SAME TIME
22 PERIOD. A JUROR WHO REQUESTS PAYMENT FROM THE FUND:

23 1. SHALL DISCLOSE ON THE FORM THE JUROR'S REGULAR EARNINGS, THE AMOUNT
24 THE JUROR'S EMPLOYER WILL PAY DURING THE TERM OF JURY SERVICE STARTING ON THE
25 ELEVENTH DAY AND THEREAFTER, THE AMOUNT OF REPLACEMENT OR SUPPLEMENTAL
26 EARNINGS BEING REQUESTED AND ANY OTHER INFORMATION THAT THE SUPREME COURT
27 DEEMS NECESSARY.

28 2. BEFORE RECEIVING PAYMENT FROM THE FUND, SHALL SUBMIT VERIFICATION
29 FROM THE JUROR'S EMPLOYER REGARDING THE EARNINGS INFORMATION THAT IS PROVIDED
30 UNDER PARAGRAPH 1 OF THIS SUBSECTION. THIS VERIFICATION MAY INCLUDE THE
31 EMPLOYEE'S MOST RECENT EARNINGS STATEMENT OR A SIMILAR DOCUMENT.

32 3. IN ORDER TO VERIFY THE WEEKLY INCOME IF THE JUROR IS SELF-EMPLOYED
33 OR RECEIVES COMPENSATION OTHER THAN WAGES, MAY PROVIDE A SWORN AFFIDAVIT
34 ATTESTING TO THE JUROR'S APPROXIMATE GROSS WEEKLY INCOME, TOGETHER WITH ANY
35 OTHER INFORMATION THAT THE SUPREME COURT REQUIRES.

36 E. THE SUPREME COURT SHALL ANNUALLY REPORT TO THE JOINT LEGISLATIVE
37 BUDGET COMMITTEE ON THE AMOUNT OF MONIES COLLECTED AND DISBURSED FROM THE
38 FUND AND THE NUMBER OF JURORS WHO RECEIVED MONIES FROM THE FUND.

39 Sec. 4. Section 21-236, Arizona Revised Statutes, is amended to read:

40 21-236. Absence from employment for jury duty; vacation and
41 seniority rights; automatic postponement; violation;
42 classification

43 A. AN EMPLOYER SHALL NOT REQUIRE OR REQUEST AN EMPLOYEE TO USE ANNUAL,
44 VACATION OR SICK LEAVE FOR TIME SPENT RESPONDING TO A SUMMONS FOR JURY DUTY,
45 PARTICIPATING IN THE JURY SELECTION PROCESS OR ACTUALLY SERVING ON A JURY.

1 THIS SUBSECTION DOES NOT REQUIRE AN EMPLOYER TO PROVIDE ANNUAL, VACATION OR
2 SICK LEAVE TO EMPLOYEES WHO ARE OTHERWISE NOT ENTITLED TO SUCH BENEFITS UNDER
3 COMPANY POLICIES.

4 ~~A.~~ B. An employer shall not refuse to permit an employee to ~~take a~~
5 ~~leave of absence from employment for the purpose of serving~~ SERVE as a
6 juror. No employer may dismiss or in any way penalize any employee because
7 ~~he~~ THE EMPLOYEE serves as a grand or trial juror, ~~provided, however, that~~. An
8 employer ~~shall~~ IS not ~~be~~ required to compensate an employee when the employee
9 is absent from ~~his~~ employment because of ~~his~~ jury service. ~~Any absences from~~
10 ~~employment shall not affect vacation rights which employees otherwise have.~~

11 ~~B.~~ C. An employee shall not lose seniority or precedence while absent
12 from ~~his~~ employment due to ~~his~~ serving as a member of a grand or trial
13 jury. Upon return to employment the employee shall be returned to ~~his~~ THE
14 EMPLOYEE'S previous position, or to a higher position commensurate with ~~his~~
15 THE EMPLOYEE'S ability and experience as seniority or precedence would
16 ordinarily entitle ~~him~~ THE EMPLOYEE.

17 D. A COURT SHALL POSTPONE AND RESCHEDULE THE SERVICE OF A SUMMONED
18 JUROR OF AN EMPLOYER WITH FIVE OR FEWER FULL-TIME EMPLOYEES, OR THEIR
19 EQUIVALENT, IF DURING THE SAME PERIOD ANOTHER EMPLOYEE OF THAT EMPLOYER IS
20 SERVING AS A JUROR. A POSTPONEMENT PURSUANT TO THIS SUBSECTION DOES NOT
21 AFFECT A PERSON'S RIGHT TO ONE AUTOMATIC POSTPONEMENT UNDER SECTION 21-336.

22 ~~C.~~ E. A person who violates any provision of this section is guilty
23 of a class 3 misdemeanor.

24 Sec. 5. Section 21-315, Arizona Revised Statutes, is amended to read:
25 21-315. Excuse from service; investigation

26 A. ~~Where~~ IF a person's answers to a questionnaire indicate that ~~he~~ THE
27 PERSON is unqualified for jury service or, in the opinion of the JUDGE OR
28 jury commissioner, state grounds sufficient to be excused from jury service,
29 ~~his~~, THE PERSON'S name shall not be included on the qualified juror list and
30 ~~he~~ THE PERSON shall be notified that he is excused from jury service.

31 B. The jury commissioner may investigate the accuracy of the answers
32 to the questionnaire and may call upon law enforcement agencies for
33 assistance in the investigation.

34 Sec. 6. Section 21-334, Arizona Revised Statutes, is amended to read:
35 21-334. Failure of juror to attend; violation; classification

36 A. IT IS UNLAWFUL FOR A juror who is summoned AND WHO FAILS TO OBTAIN
37 A POSTPONEMENT OR WHO IS NOT EXCUSED FROM JURY SERVICE ~~and who~~ TO wilfully
38 and without reasonable excuse ~~fails~~ FAIL to attend ON THE DATE SCHEDULED FOR
39 JURY SERVICE. THE JUROR may be attached as for a direct contempt of court
40 and may be compelled to attend, ~~and a fine not exceeding one hundred dollars~~
41 ~~may be imposed by the court for nonattendance upon the court~~ ON THE DATE
42 SCHEDULED FOR JURY SERVICE.

43 B. A VIOLATION OF THIS SECTION IS A CLASS 3 MISDEMEANOR.

44 Sec. 7. Title 21, chapter 3, article 3, Arizona Revised Statutes, is
45 amended by adding section 21-335, to read:

1 21-335. Frequency of service; exemption

2 A. A JUROR WHO HAS BEEN SUMMONED AND SELECTED TO SERVE ON A JURY IN
3 THIS STATE IS NOT REQUIRED TO SERVE AGAIN AS A JUROR IN ANY COURT IN THIS
4 STATE FOR TWO YEARS FOLLOWING THE LAST DAY OF THE JUROR'S SERVICE.

5 B. A PRESIDING JUDGE, IN COORDINATION WITH THE JURY COMMISSIONER, MAY
6 APPLY TO THE SUPREME COURT FOR AN EXEMPTION FROM THIS SECTION FOR A SPECIFIED
7 PERIOD OF TIME, NOT TO EXCEED ONE YEAR.

8 Sec. 8. Repeal

9 Section 21-336, Arizona Revised Statutes, is repealed from and after
10 December 31, 2003.

11 Sec. 9. Title 21, chapter 3, article 3, Arizona Revised Statutes, is
12 amended by adding a new section 21-336, to read:

13 21-336. Postponement of jury service

14 A. PERSONS WHO ARE SCHEDULED TO APPEAR FOR JURY SERVICE MAY POSTPONE
15 THE DATE OF THEIR INITIAL APPEARANCE FOR JURY SERVICE TWO TIMES ONLY. ON
16 REQUEST, POSTPONEMENT SHALL BE GRANTED IF ALL OF THE FOLLOWING APPLY:

17 1. THE PROSPECTIVE JUROR HAS NOT PREVIOUSLY BEEN GRANTED A
18 POSTPONEMENT.

19 2. THE PROSPECTIVE JUROR APPEARS IN PERSON OR CONTACTS THE CLERK OF
20 THE COURT BY TELEPHONE, ELECTRONIC MAIL OR IN WRITING TO REQUEST A
21 POSTPONEMENT.

22 3. A POSTPONEMENT SHALL NOT BE FOR MORE THAN THREE MONTHS AFTER THE
23 DATE ON WHICH THE PROSPECTIVE JUROR ORIGINALLY WAS CALLED TO SERVE AND SHALL
24 BE A DATE ON WHICH THE COURT WILL BE IN SESSION.

25 B. A JURY COMMISSIONER MAY APPROVE A SUBSEQUENT REQUEST FOR
26 POSTPONEMENT OF JURY SERVICE ONLY IN THE EVENT OF AN EXTREME EMERGENCY THAT
27 COULD NOT HAVE BEEN ANTICIPATED AT THE TIME THE INITIAL POSTPONEMENT WAS
28 GRANTED. THE PROSPECTIVE JUROR IS SUBJECT TO BEING RESUMMONED AT THE
29 DISCRETION OF THE JURY COMMISSIONER.

30 Sec. 10. Repeal

31 Section 21-336.01, Arizona Revised Statutes, is repealed effective from
32 after December 31, 2004.

33 Sec. 11. Title 21, chapter 3, article 3, Arizona Revised Statutes, is
34 amended by adding a new section 21-336.01, to read:

35 21-336.01. Jurors' term of service; exemption

36 A. A PERSON'S JURY SERVICE OBLIGATION IS FULFILLED WHEN THE PERSON
37 DOES ANY OF THE FOLLOWING:

38 1. SERVES ON ONE TRIAL UNTIL BEING EXCUSED OR DISCHARGED.

39 2. APPEARS AT COURT BUT IS NOT ASSIGNED TO A TRIAL DIVISION FOR
40 SELECTION OF A JURY BEFORE THE END OF THAT DAY.

41 3. IS ASSIGNED ON ONE DAY TO ONE OR MORE TRIAL DIVISIONS FOR JURY
42 SELECTION AND SERVES THROUGH THE COMPLETION OF JURY SELECTION OR IS EXCUSED.

43 4. COMPLIES WITH A REQUEST TO TELEPHONE A COURT OR CHECK A COURT'S WEB
44 SITE TO DETERMINE WHETHER TO REPORT ON A PARTICULAR DAY, FOR FOUR DAYS WITHIN
45 A THIRTY DAY PERIOD.

1 5. PROVIDES THE COURT WITH A VALID TELEPHONE NUMBER AND STANDS READY
2 TO SERVE ON THE SAME DAY, FOR A PERIOD OF TWO DAYS.

3 B. A PRESIDING JUDGE, IN COORDINATION WITH THE JURY COMMISSIONER, MAY
4 APPLY TO THE SUPREME COURT FOR AN EXEMPTION FROM THIS SECTION FOR A SPECIFIED
5 PERIOD OF TIME, NOT TO EXCEED ONE YEAR.

6 Sec. 12. Effective dates

7 A. Sections 12-115, 21-222, 21-335 and 21-336, Arizona Revised
8 Statutes, as added by this act, and sections 21-202, 21-236, 21-315 and
9 21-334, Arizona Revised Statutes, are effective from and after December 31,
10 2003.

11 B. Section 21-336.01, Arizona Revised Statutes, as added by this act,
12 is effective from and after December 31, 2004.

13 Sec. 13. Delayed repeal

14 A. Section 12-115, Arizona Revised Statutes, as added by this act, is
15 repealed on December 31, 2013.

16 B. Section 21-222, Arizona Revised Statutes, as added by this act, is
17 repealed on July 1, 2014.

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
Implementation of the Arizona Lengthy) Administrative Order
Trial Fund (A.R.S. §§12-115 & 21-222)) No. 2003 - 100
)
_____)

Pursuant to Laws 2003, Chapter 200, sections 1 and 3, the Arizona Supreme Court is authorized to establish a fee on superior court filings to fund the Arizona Lengthy Trial Fund and to designate that the additional fees not be imposed in cases that require minimal use of court resources or in which the opportunity for trial by jury is not afforded.

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the following is adopted to implement the Arizona Lengthy Trial Fund:

A. Fee Administration

Administration of the Lengthy Trial Fund shall be under the direction of the Supreme Court's Administrative Office of the Courts. The Administrative Director of the Courts, or the Administrative Director's designee, is authorized to:

1. Recommend to the Court modifications to the amount of the filing fee or the filings to which it applies to prevent shortages or excessive accumulations of monies in the fund,
2. Submit an annual report to the Joint Legislative Budget Committee on the amount of monies collected and disbursed from the fund and the number of jurors who received monies from the fund, as required by A.R.S. § 21-222(E), and
3. Expend not more than 3 percent of the monies in the fund for reasonable and necessary costs of administering the fund, as permitted by A.R.S. § 21-222(B).

B. Lengthy Trial Fund Filing Fee

The Lengthy Trial Fund filing fee authorized by A.R.S. § 12-115 shall be in the amount of \$15.00 and shall be collected on the following superior court filings:

1. Civil complaints
2. Answers to civil complaints
3. Motions to intervene in civil cases

This fee shall be imposed on all the above filings made on and after January 1, 2004. The additional fee may be deferred or waived pursuant to A.R.S. §§ 12-302 and -304.

Dated this 12th day of November, 2003.

FOR THE COURT

CHARLES E. JONES
Chief Justice

**ARIZONA LENGTHY TRIAL FUND
IMPLEMENTATION PROCEDURES AND FORMS
(June 17, 2004)**

NOTE TO USERS: These guidelines and attached forms are intended for use by jury commissioners during the initial implementation of the Lengthy Trial Fund payment program to jurors. Based on users' experiences in the first weeks and months of this program, these guidelines will be finalized and incorporated into a new section of the Arizona Code of Judicial Administration.

A. Purpose. A.R.S. ' 21-222 establishes the Lengthy Trial Fund to be used to pay full or partial earnings replacement or supplementation to jurors who serve as petit jurors for more than ten days and who receive less than full compensation from their employers. The supreme court is authorized to administer the fund and to establish rules for its administration. By administrative order, the supreme court has set the fee, identified the filings to which it applies, and authorized the administrative director to oversee administration of the fund on behalf of the court. The purpose of these guidelines is to establish procedures for paying eligible jurors and for seeking reimbursement from the fund.

B. General Administration.

1. The supreme court shall administer the Lengthy Trial Fund. The administrative director or the director's designee shall establish policies, procedures, forms and reports necessary to administer the program.
2. The administrative director shall prepare fiscal projections, create a budget, allocate and expend up to three percent of the funds for administrative costs associated with the lengthy trial fund program.
3. The administrative director shall submit an annual report to the joint legislative budget committee pursuant to A.R.S. ' 21-222(F) on the amount of monies collected and disbursed from the fund and the number of jurors who received monies from the fund. The report shall be submitted at the end of the fiscal year.

C. Program Operation.

1. Fund deposits. The county treasurer is required by A.R.S. ' 12-115 to submit Lengthy Trial Fund monies collected by the courts to the state treasurer no later than the fifteenth day of each month.
2. Notice to jurors. Jurors should be informed that they may qualify for additional jury pay in those cases in which a lengthy trial is anticipated.
3. Eligible trials. Pursuant to A.R.S. §21-222 (C), payment under this statute to eligible jurors begins for "jury trials" that commence on or after July 1, 2004. The jury trial commences after the jurors selected for the trial are sworn. Therefore, a trial in which voir dire begins before July 1 will be eligible as long as the selected jurors are not sworn as provided in Rule 39(b) of the Arizona Rules of Civil Procedure or Rule 18.6(b) of the Arizona Rules of Criminal Procedure before July 1.
4. Days of jury service. Pursuant to A.R.S. §21-222 (C) and (D), jurors whose "jury service" exceeds ten days are eligible for payment from the fund. Commissioners shall consider "jury service" to be all that the court requires of jurors following response to the jury summons including voir dire and the trial.
5. Juror Eligibility. Jurors who serve on a trial that lasts more than ten days and who do not receive their normal wages or salary during that time may apply to the jury commissioner for extra juror compensation from the Lengthy Trial Fund. Jurors who are employed and who do not experience a

loss of wages or salary due to jury service are not eligible for additional payment from the fund. Jurors who are unemployed or who earn less than \$40 per day are eligible for the \$40 per day minimum payment provided by A.R.S. ' 21-222.

6. Jury commissioners shall determine at what point in a lengthy trial jurors should submit their claims and notify jurors accordingly. Jury commissioners who intend to request reimbursement from the fund shall obtain from jurors who receive compensation for a lengthy trial a claim form, a statement from the jurors' employer, and all additional required information and documentation. Commissioners who wish to make interim payments to jurors periodically throughout the trial should ask for an initial claim form once the eleventh trial day has concluded and then ask jurors to update the information only in the event of changes in jurors' financial circumstances.

D. Payment Calculation. The jury commissioner shall use the following process to determine how much to pay a juror:

1. Commissioners shall pay each juror a \$12 juror fee and mileage for every day of jury service pursuant to A.R.S. ' 21-221. Commissioners shall pay each juror determined to be eligible at least \$40 per day, which includes the \$12 juror fee, for each day after the third day of jury service. For those who qualify for more than \$40 per day, payment for jury service days four through ten shall not exceed \$100 per day and payment for jury service days eleven and above shall not exceed \$300 per day.

2. A.R.S. '21-222 provides the following formula for determining the payment amount due to an eligible juror:

The amount a juror receives from the fund is limited to the difference between the state paid jury fee and the actual amount of earnings a juror earns, not less than forty dollars, up to the maximum level payable under subsection c of this section, minus any amount the juror actually received from the juror's employer during the same time period.

Commissioners shall use this formula to determine the amount due each juror:

$$(A - \$12) - B = C \times D = E + (\$12 \times D) = F$$

A = juror's normal gross daily earnings (if this amount is less than \$40, use \$40)

B = daily earnings the juror actually received during jury service

C = daily amount due to the juror from the lengthy trial fund (not to exceed either \$100 or \$300 depending on whether the juror is being paid for trial days four through ten or days eleven and beyond)

D = number of days of jury service for which payment is due

E = total lengthy trial fund payment due to the juror

F = total payment to juror (except for mileage costs)

3. Jury commissioners shall base the calculation on the juror's normal gross wages before any deductions for taxes, social security, and other benefits or insurance. Using the verified earnings information the juror provides, the commissioner shall deduct any gross earnings the juror received during the juror's term of service from the amount the juror claims would have been earned had the juror not been serving.

4. Jury commissioners shall require jurors who earn commissions only, are self-employed, or are temporarily employed or employed as contractors to provide sufficient reliable documentation to identify with reasonable certainty the amount they would have earned on the days of jury service for which they are eligible for compensation for a lengthy trial. It may be appropriate to ask these

jurors to obtain a verification of their earnings history from their most recent earnings source or sources.

5. Jury commissioners shall advise their counties of any payments of \$600 to any juror in the same year for filing an information return (Form 1099) with the Internal Revenue Service.

6. Jury commissioners shall adopt procedures to insure that information provided with a Lengthy Trial Fund claim is kept confidential and not disclosed to the public.

7. A juror who does not agree with the decision of the jury commissioner regarding payment shall be afforded the opportunity to have the commissioner's decision reviewed by the presiding judge or a designee.

E. Reimbursement Procedures. The jury commissioner in a county that incurs Lengthy Trial Fund costs or expenses may submit a reimbursement claim for eligible costs and expenses to:

Jennifer Greene
Court Services Division
Administrative Office of the Courts
1501 W. Washington, Suite 410
Phoenix, AZ 85007
(Fax No. (602) 542-9480)

A completed reimbursement request form shall accompany all requests for reimbursement. The commissioner shall complete a separate form for each jury panel to be paid. The jury commissioner shall provide all required information by the last day of the month to ensure reimbursement by the fifteenth day of the following month. Only one administrative fee of \$18 per juror may be charged. In the event of multiple payments to the same juror, no administrative charge shall be allowed after the initial juror claim is processed.

F. Forms. The administrative director shall adopt, distribute and maintain forms for use by jurors in applying for Lengthy Trial Fund jury pay and for use by jury commissioners in seeking reimbursement from the fund. The administrative director shall adopt additional forms as needed. The current approved forms are attached.

**ARIZONA LENGTHY TRIAL FUND
CLAIM FORM**

The following information is needed to calculate the amount of your claim. The information you provide will be used for administrative purposes only and will not be open to public inspection. **Complete either Section A, B or C of this form depending on your employment status, and then complete Section D. You must sign this form under oath or affirmation in the presence of a Notary Public or Clerk of Court.** If you complete Section B, Part 1, you must submit the form to your employer for completion of Section B, Part 2. Unless you are unemployed, or earn less than \$40 per day, you must attach documentation to support your claim such as copies of recent pay stubs or your IRS Form 1040 income tax return for the prior year. Submit your completed claim form to the Jury Commissioner for processing.

Section A (jurors who are unemployed or who earn less than \$40 per day should complete this section)

1. I, [print full name] _____, do hereby claim payment from the Arizona Lengthy Trial Fund for my recent service as a juror on a trial that lasted more than ten days.
2. (Check the box that applies to you)
- a. I am currently unemployed and therefore request the \$40/day minimum payment allowed by statute.
- b. My normal earnings amount to less than \$40 per day.

Go to Section D.

Section B, Part 1 (jurors who are paid a regular salary or hourly wage should complete this section) (supporting documentation must be attached)

1. I, [print full name] _____, do hereby claim payment from the Arizona Lengthy Trial Fund for my recent service as a juror on a trial that lasted more than ten days. My employer has not or will not pay me for some or all of the days of my jury service as explained below.

2. (Choose one): I have attached a copy of my employer's jury service policy. My employer does not have a written jury service policy.

To determine the amount of your claim, complete the calculations below. Attach additional pages if you need to explain overtime pay or if your work schedule varies.

3. The following best describes how I am paid (choose one):

a. I am paid by the hour and normally work _____ hours per day. I earn \$ _____ / per hour.
I normally work the following days of the week (circle all that apply):

Sunday Monday Tuesday Wednesday Thursday Friday Saturday

I normally work _____ hours of overtime per week, for which I am paid \$ _____ per hour.

b. I am paid a salary and normally earn \$ _____ per pay period in gross wages.

4. My normal work day begins at _____ (AM/PM) and ends at _____ (AM/PM).

5. My pay period is (circle the one that applies to you):

Daily Weekly Biweekly Semimonthly Monthly

(Continued on next page)

Section B, Part 1 (continued)

6. My employer paid me \$_____ for the period of my jury service. I normally would have been paid \$_____ during this time.

7. I have attached copies of my last two pay stubs or (identify records you have attached) _____

_____ to support my claim (additional documentation may be required).

Have your employer complete **Section B, Part 2**, then go to **Section D**.

Section B, Part 2 (to be completed by your employer)

1. Company name: _____

2. Company address: _____

3. Contact person to verify the employment information in Section B, Part 1: [print name, title, phone number, address]

I have read the information provided in Section B, Part 1 and swear or affirm under penalties of perjury that it is true and correct.

Signature of employer or authorized agent

Date

Section C (jurors who are contract or temporary employees, self-employed or who are paid commissions only should complete this section) (supporting documentation must be attached)

1. I, [print full name]_____, do hereby claim payment from the Arizona Lengthy Trial Fund for my recent service as a juror on a trial that lasted more than ten days. Due to my service as a juror, I was unable to work and lost the following earnings that I would otherwise have made: \$_____.

2. My claim is based on the following explanation:

3. I have attached a copy of my last year's 1040 income tax return (do not include income tax schedules), SE Form or (identify the records you have attached) _____

_____ to support my claim (additional documentation may be required).

Go to **Section D**.

ARIZONA LENGTHY TRIAL FUND REIMBURSEMENT REQUEST

1. Person preparing this report: _____
Name Title
2. County: _____
3. Send payment to: _____
Street/P.O. Box City Zip
4. Case No. _____
5. Dates covered by this request: Begin date: _____ End date: _____
6. Number of jury service days covered by this request _____
7. Number of trial days to date _____
8. Trial completed Trial on-going
9. Total number of jurors empanelled for this case _____
10. Number of jurors who sought payment from the Arizona Lengthy Trial Fund _____
11. Number of claims denied _____
12. Total Lengthy Trial Fund Payments to jurors for the time period covered by this request (from Worksheet) \$ _____
13. In addition to the payments made to jurors specified above, I hereby request reimbursement for the following administrative costs permitted by ARS § 21-222(B). I understand that interim payments made to jurors cannot be the subject of an administrative fee reimbursement request. Number of original claims filed by jurors (from item 10) _____ x \$18 = \$ _____.
14. TOTAL REIMBURSEMENT REQUESTED: (item 12 plus item 13): \$ _____

Signature of Jury Commissioner

Date

PLEASE COMPLETE THE WORKSHEET ON PAGE 2

