

Introduction to Jury Selection

Betty Lugo, Esq.

Pacheco & Lugo, PLLC, Brooklyn

William Pagan, Esq.

The Pagan Law Firm, PC, NYC

Jesus Zeno, Esq.

Jesus M Zeno, PC, Brooklyn

A JUROR'S ASSURANCES OF IMPARTIALITY ARE INADEQUATE TO CURE AN IMPLIED BIAS

As a matter of well-established law, a juror's assurances of impartiality are inadequate to cure an implied bias. Further, rather than testing the bounds of their discretion by allowing a potentially impartial juror to remain on the jury, it is well established that trial courts should lean toward disqualifying jurors of dubious impartiality because, at worst, the court merely replaces one impartial juror with another. *People v Powell*, 2017 NY Slip Op 06104 (3d Dep't. 2017)

PARTY MUST EXHAUST PEREMPTORY CHALLENGES TO APPEAL TRIAL RULING DENYING CHALLENGE

Generally, a ruling that erroneously denies a defendant's challenge for cause merits reversal of a subsequent conviction only when the defendant has exhausted his or her peremptory challenges (*see* CPL 270.20 [2]). *People v Powell*, 2017 NY Slip Op 06104 (3d Dep't. 2017)

Inasmuch as defendant exercised a peremptory challenge with respect to the prospective juror and exhausted all of her peremptory challenges before the completion of jury selection, the denial of her challenge for cause constitutes reversible error (*see*, CPL 270.20 [2]). *People v Hargis*, 151 A.D.3d 1946, 57 N.Y.S.3d 850 (4th Dep't. 2017)

Significantly, the prospective juror never unequivocally asserted that she could be fair and impartial following these remarks. The appellant's subsequent challenge to the prospective juror for cause was denied, and the appellant utilized a peremptory challenge to remove her from the panel. The appellant contends that the denial of his for-cause challenge constituted error. We agree. Contrary to the State's contention, this issue is preserved for appellate review, since the appellant exhausted his peremptory challenges before jury selection was completed. *Matter of State of New York v Keith G.*, 152 A.D.3d 527, 58 N.Y.S.3d 504, (2d Dep't. 2017)

IMPROPER REMARKS BY JUDGE AT JURY SELECTION

Defendant contends that he was deprived of a fair trial based on three improper remarks by County Court during jury selection. Defendant failed to preserve for our review his contention with respect to any of the alleged improper remarks. In any event, the remarks do not warrant reversal. Although some of the court's remarks, when isolated and taken out of context, were arguably improper, we conclude that, when they are viewed in their proper context, they did not prevent the jury "from arriving at an impartial judgment on the merits" or deprive defendant of a fair trial. *People v Oquendo*, 152 A.D.3d 1220, 57 N.Y.S.3d 872 (4th Dep't. 2017)

ATTORNEY MISCONDUCT DURING JURY SELECTION

Allegedly improper comment made by the prosecutor during **jury selection**. That contention is not preserved for our review inasmuch as defense counsel "fail[ed] to request any further relief after the court sustained his objection." *People v Meacham*, 151 A.D.3d 1666, 57 N.Y.S.3d 279, (4th Dep't. 2017)

We agree with defendant, however, that she was denied a fair trial based upon the cumulative effect of the prosecutor's misconduct during jury selection...." *People v Hayward-Crawford*, 151 A.D.3d 1584, 55 N.Y.S.3d 562, (4th Dep't. 2017)

FAILURE TO TIMELY EXERCISE CHALLENGE: COURT HAS DISCRETION TO ALLOW

Where a defendant seeks to exercise a peremptory challenge after the time in which to do so has passed, the court has discretion whether to allow the challenge.

Here, defense counsel momentarily lost count of the number of jurors who had been selected. As a result, defense counsel declined to exercise a peremptory challenge to prospective juror 21. When informed that prospective juror 21 was the 12th juror seated, defense counsel immediately asked the court to allow defendant to exercise his last peremptory challenge to that juror. The jury had not yet been sworn, the panel from which the alternates would be selected had not yet been called, and prospective juror 21 had not yet been informed that he had been selected. Furthermore, the People expressly declined to object to the request. Under the circumstances of this case, we conclude that the court abused its discretion in denying defendant's request. *People v Scerbo*, 147 A.D.3d 1497, 47 N.Y.S.3d 607 (4th Dep't. 2017)

FAILURE TO OBJECT WAIVES APPEAL

Although we agree with defendant that the procedure in CPL 270.15 (2) with respect to the sequence for exercising challenges for cause to prospective jurors was violated during jury selection, we conclude that defendant waived any challenge thereto by failing to object. *People v Newton*, 147 A.D.3d 1463, 47 N.Y.S.3d 582 (4th Dep't. 2017)

The defendant argues that certain jurors should have been dismissed for cause based upon comments they made during jury selection. However, the defendant waived this contention by failing to challenge the jurors for cause before they were sworn. *People v Wiggins*, 146 A.D.3d 995, 48 N.Y.S.3d 676 (2d Dep't. 2017)

TIME LIMITS OF JURY SELECTION PROCESS

60 Minutes “Reasonable”

Jury selection process whereby plaintiff’s counsel was permitted 30 minutes (subsequently enlarged to 60 minutes) to question first round of 12 prospective jurors and was required to exercise peremptory challenges prior to similar questioning and peremptory challenges by defendants’ counsel, not prejudicial. *Horton v Associates in Obstetrics & Gynecology, P.C.*, 229 A.D.2d 734, 645 N.Y.S.2d 354 (3d Dep’t. 1996).

15 Minutes “Unreasonable”

New trial in automobile accident action required where the 15 minutes allowed for each round under the circumstances of the case was unreasonably short; the case involved close factual and medical issues, and evidence from several experts, and the issues implicated involved, among others, proof regarding four distinct injuries and four surgeries, challenges to causation regarding each injury, the relevance and impact of preexisting conditions, the weight to be given evidence from several experts with markedly varying opinions, and consideration of appropriate compensation for a variety of asserted injuries. The record did not indicate that the husband and the wife were not prejudiced by the extremely short time permitted for voir dire. *Zgrodek v McInerney*, 61 A.D.3d 1106, 876 N.Y.S.2d 227 (3d Dep’t. 2009).

BATSON

Under the circumstances, we conclude that the nonracial bases advanced by the prosecutor for challenging prospective jurors Nos. 2 and 8 were pretextual. Accordingly, the defendant is entitled to a new trial. *People v Brown*, 2017 NY Slip Op 06289 (2d Dep’t. 2017)

We have adopted *Batson* under the State Constitution and prohibit discrimination against prospective jurors by either the People or the defense "on the basis of race, gender or any other status that implicates equal protection concerns." *People v Bridgeforth*, 28 N.Y.3d 567, 46 N.Y.S.3d 824 (2016).

Our State Constitution and Civil Rights Law plainly acknowledge that color is a "status that implicates equal protection concerns."... "Today, we acknowledge color as a classification separate from race for *Batson* purposes, as it has already been acknowledged by our State Constitution and Civil Rights Law. *People v Bridgeforth*, 28 N.Y.3d 567, 46 N.Y.S.3d 824 (2016).

But see,

We reject appellant's argument that, regardless of race, "minorities" in general constitute a cognizable racial group. *People v. Smith*, 81 N.Y.2d 875, 597 N.Y.S.2d 633 (1993)

VARIOUS STATUTES

New York State Constitution

Art. 1 Bill of Rights

§ 2. [Trial by jury; how waived]

Trial by jury in all cases in which it has heretofore been guaranteed by constitutional provision shall remain inviolate forever; but a jury trial may be waived by the parties in all civil cases in the manner to be prescribed by law. The legislature may provide, however, by law, that a verdict may be rendered by not less than five-sixths of the jury in any civil case. A jury trial may be waived by the defendant in all criminal cases, except those in which the crime charged may be punishable by death, by a written instrument signed by the defendant in person in open court before and with the approval of a judge or justice of a court having jurisdiction to try the offense. The legislature may enact laws, not inconsistent herewith, governing the form, content, manner and time of presentation of the instrument effectuating such waiver.

“The *heretofore been guaranteed* phrase now means that the right to jury applies to all causes of action to which the right attached at the time of the adoption of the 1894 Constitution. The effect of this provision is to continue under the constitution all common law rights to a jury trial prior to 1777 and all statutory rights to such trial by jury enacted prior to 1894. These first two classes exist as constitutionally guaranteed rights.”

Judiciary Law

Article 16

§ 506. Source of names

The commissioner of jurors shall cause the names of prospective jurors to be selected at random from the voter registration lists, and from such other available lists of the residents of the county as the chief administrator of the courts shall specify, such as lists of utility subscribers, licensed operators of motor vehicles, registered owners of motor vehicles, state and local taxpayers, persons applying for or receiving family assistance, medical assistance or safety net assistance, persons receiving state unemployment benefits and persons who have volunteered to serve as jurors by filing with the commissioner their names and places of residence.

§ 507. Random selection

The commissioner of jurors shall select the names of prospective jurors, or cause them to be selected, at random from the sources provided in section five hundred six. The selection may be accomplished by mechanical means or by any other method designed to implement the purposes of this article.

CPLR

§ 4104. Number of jurors

- A jury shall be composed of six persons.

§ 4105. Persons who constitute the jury

- The first six persons who appear as their names are drawn and called, and are approved as indifferent between the parties, and not discharged or excused, must be sworn and constitute the jury to try the issue.

§ 4106. Alternate jurors

- One or more additional jurors, to be known as “alternate jurors”, may be drawn upon the request of a party and consent of the court. Such alternate juror or jurors shall be drawn at the same time, from the same source, in the same manner, and have the same qualifications as regular jurors, and be subject to the same examinations and challenges. They shall be seated with, take the oath with, and be treated in the same manner as the regular jurors. After final submission of the case, the court may, in its discretion, retain such alternate juror or jurors to ensure availability if needed. At any time, before or after the final submission of the case, if a regular juror dies, or becomes ill, or is unable to perform the duties of a juror, the court may order that juror discharged and draw the name of an alternate, or retained alternate, if any, who shall replace the discharged juror, and be treated as if that juror had been selected as one of the regular jurors. Once deliberations have begun, the court may allow an alternate juror to participate in such deliberations only if a regular juror becomes unable to perform the duties of a juror.

R 4107. Judge present at examination of jurors

- On application of any party, a judge shall be present at the examination of the jurors.

§ 4108. Challenges generally

- An objection to the qualifications of a juror must be made by a challenge unless the parties stipulate to excuse him. A challenge of a juror, or a challenge to the panel or array of jurors, shall be tried and determined by the court.

§ 4109. Peremptory challenges

- The plaintiff or plaintiffs shall have a combined total of three peremptory challenges plus one peremptory challenge for every two alternate jurors. The defendant or defendants (other than any third-party defendant or defendants) shall have a combined total of three peremptory challenges, plus one peremptory challenge for every two alternate jurors. The court, in its discretion before the examination of jurors begins, may grant an equal number of additional challenges to both sides as may be appropriate. In any case where a side has two or more parties, the court, in its discretion, may allocate that side’s combined total of peremptory challenges among those parties in such manner as may be appropriate.

§ 4110. Challenges for cause

- **(a) Challenge to the Favor.** The fact that a juror is in the employ of a party to the action; or if a party to the action is a corporation, that he is a shareholder or a stockholder therein; or, in an action for damages for injuries to person or property, that he is a shareholder, stockholder, director, officer or employee, or in any manner interested, in any insurance company issuing policies for protection against liability for damages for injury to persons or property; shall constitute a ground for a challenge to the favor as to such juror. The fact that a juror is a resident of, or liable to pay taxes in, a city, village, town or county which is a party to the action shall not constitute a ground for challenge to the favor as to such juror.

- **(b) Disqualification of Juror for Relationship.** Persons shall be disqualified from sitting as jurors if related within the sixth degree by consanguinity or affinity to a party. The party related to the juror must raise the objection before the case is opened; any other party must raise the objection no later than six months after the verdict.

Uniform Rules For Trial Courts

§ 202.33. Conduct of the Voir Dire

a. Trial judge. All references to the trial judge in this section shall include any judge designated by the administrative judge in those instances where the case processing system or other logistical considerations do not permit the trial judge to perform the acts set forth in this section.

b. Pre-voir dire settlement conference. Where the court has directed that jury selection begin, the trial judge shall meet prior to the actual commencement of jury selection with counsel who will be conducting the voir dire and shall attempt to bring about a disposition of the action.

c. Method of jury selection. The trial judge shall direct the method of jury selection that shall be used for the voir dire from among the methods specified in subdivision (f) below.

d. Time limitations. The trial judge shall establish time limitations for the questioning of prospective jurors during the voir dire. At the discretion of the judge, the limits established may consist of a general period for the completion of the questioning, a period after which attorneys shall report back to the judge on the progress of the voir dire, and/or specific time periods for the questioning of panels of jurors or individual jurors.

e. Presence of judge at the voir dire. In order to ensure an efficient and dignified selection process, the trial judge shall preside at the commencement of the voir dire and open the voir dire proceeding. The trial judge shall determine whether supervision of the voir dire should continue after the voir dire has commenced and, in his or her discretion, preside over part of or all of the remainder of the voir dire.

f. and using the method designated by the judge pursuant to subdivision (c). The methods that may be selected are:

- (1)** "White's method," as set forth in Appendix "E"* of this Part;
- (2)** "Struck method," as set forth in Appendix "E"* of this Part;
- (3)** "Strike and replace method," in districts where the specifics of that method have been submitted to the Chief Administrator by the Administrative Judge and approved by the Chief Administrator for that district. The strike and replace method shall be approved only in those districts where the Chief Administrator, in his or her discretion, has determined that experience with the method in the district has resulted in an efficient and orderly selection process; or
- (4)** Other methods that may be submitted to the Chief Administrator for use on an experimental basis by the appropriate Administrative Judge and approved by the Chief Administrator.

Pt 202 APPENDIX E

Appendix E. Procedures for Questioning, Challenging and Selecting Jurors Authorized by Section 202.33 of the Rules of the Chief Administrator of the Courts.

- **A. General principles applicable to jury selection.** Selection of jurors pursuant to any of the methods authorized by section 202.33(e) of the Rules of the Chief Administrator shall be governed by the following:
 - **(1)** If for any reason jury selection cannot proceed immediately, counsel shall return promptly to the courtroom of the assigned trial judge or the Trial Assignment Part or any other designated location for further instructions.
 - **(2)** Generally, a total of eight jurors, including two alternates, shall be selected. The court may permit a greater number of alternates if a lengthy trial is expected or for any appropriate reason. Counsel may consent to the use of “nondesignated” alternate jurors, in which even no distinction shall be made during jury selection between jurors and alternates, but the number of peremptory challenges, in such cases shall consist of the sum of the peremptory challenges that would have been available to challenge both jurors and designated alternates.
 - **(3)** All prospective jurors shall complete a background questionnaire supplied by the court in a form approved by the Chief Administrator. Prior to the commencement of jury selection, completed questionnaires shall be made available to counsel. Upon completion of jury selection, or upon removal of a prospective juror, the questionnaires shall be either returned to the respective jurors or collected and discarded by court staff in a manner that ensures juror privacy. With Court approval, which shall take into consideration concern for juror privacy, the parties may supplement the questionnaire to address concerns unique to a specific case.
 - **(4)** During the voir dire each attorney may state generally the contentions of his or her client, and identify the parties, attorneys and the witnesses likely to be called. However, counsel may not read from any of the pleadings in the action or inform potential jurors of the amount of money at issue.
 - **(5)** Counsel shall exercise peremptory challenges outside of the presence of the panel of prospective jurors.
 - **(6)** Counsel shall avoid discussing legal concepts such as burden of proof, which are the province of the court.
 - **(7)** If an unusual delay or a lengthy trial is anticipated, counsel may so advise prospective jurors.
 - **(8)** If counsel objects to anything said or done by any other counsel during the selection process, the objecting counsel shall unobtrusively request that all counsel step outside the juror’s presence, and counsel shall make a determined effort to resolve the problem. Should that effort fail, counsel shall immediately bring the problem to the attention of the assigned trial judge, the Trial Assignment Part judge or any other designated judge.
 - **(9)** After jury selection is completed, counsel shall advise the clerk of the assigned Trial Part or of the Trial Assignment Part or other designated part. If counsel anticipates the need during trial of special equipment (if available) or special assistance, such as an interpreter, counsel shall so inform the clerk at that time.
- **B. “White’s Method”**
 - **(1)** Prior to the identification of the prospective jurors to be seated in the jury box, counsel shall ask questions generally to all of the jurors in the room to determine whether any prospective juror in the room has knowledge of the subject matter, the parties, their attorneys or the prospective witnesses. A response from a juror that requires elaboration may be the subject of further questioning of that juror by counsel on an individual basis. Counsel may exercise challenges for cause at this time.
 - **(2)** After general questions have been asked to the group of prospective jurors, jury selection shall continue in rounds, with each round to consist of the following: (1) seating prospective jurors in the jury box; (2) questioning of seated prospective jurors; and (3) removal of seated prospective jurors upon exercise of challenges. Jurors removed for cause shall immediately be replaced during each round. The first round shall begin initially with the seating of six prospective jurors (where undesignated alternates are used, additional prospective jurors equal to the number of alternate jurors shall be seated as well).
 - **(3)** In each round, the questioning of the seated prospective jurors shall be conducted first by counsel for the plaintiff, followed by counsel for the remaining parties in the order in which their names appear in the caption. Counsel may be permitted to ask follow-up questions. Within each round, challenges for cause shall be exercised by any party prior to the exercise of peremptory challenges and as soon as the reason therefor becomes apparent. Upon replacement of a prospective juror removed for cause, questioning shall revert to the plaintiff.

- **(4)** Following questioning and the exercise of challenges for cause, peremptory challenges shall be exercised one at a time and alternately as follows: In the first round, in caption order, each attorney shall exercise one peremptory challenge by removing a prospective juror's name from a "board" passed back and forth between or among counsel. An attorney alternatively may waive the making of a peremptory challenge. An attorney may exercise a second, single peremptory challenge within the round only after all other attorneys have either exercised or waived their first peremptory challenges. The board shall continue to circulate among the attorneys until no other peremptory challenges are exercised. An attorney who waives a challenge may not thereafter exercise a peremptory challenge within the round, but may exercise remaining peremptory challenges in subsequent rounds. The counsel last able to exercise a peremptory challenge in the round is not confined to the exercise of a single challenge but may then exercise one or more peremptory challenges.
- **(5)** In subsequent rounds, the first exercise of peremptory challenges shall alternate from side to side. Where a side consists of multiple parties, commencement of the exercise of peremptory challenges in subsequent rounds shall rotate among the parties within the side. In each such round, before the board is to be passed to the other side, the board must be passed to all remaining parties within the side, in caption order, starting from the first party in the rotation for that round.
- **(6)** At the end of each round, those seated jurors who remain unchallenged shall be sworn and removed from the room. The challenged jurors shall be replaced, and a new round shall commence.
- **(7)** The selection of designated alternate jurors shall take place after the selection of the six jurors. Designated alternate jurors shall be selected in the same manner as described above, with the order of exercise of peremptory challenges continuing as the next round following the last completed round of challenges to regular jurors. The total number of peremptory challenges to alternates may be exercised against any alternate, regardless of seat.
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- **C. "Struck Method"**
 - **(1)** Unless otherwise ordered by the Court, selection of jurors shall be made from an initial panel of 25 prospective jurors, who shall be seated randomly and who shall maintain the order of seating throughout the voir dire. If fewer prospective jurors are needed due to the use of designated alternate jurors or for any other reason, the size of the panel may be decreased.
 - **(2)** Counsel first shall ask questions generally to the prospective jurors as a group to determine whether any prospective juror has knowledge of the subject matter, the parties, their attorneys or the prospective witnesses. A response from a juror that requires further elaboration may be the subject of further questioning of that juror by counsel on an individual basis. Counsel may exercise challenges for cause at this time.
 - **(3)** After the general questioning has been completed, in an action with one plaintiff and one defendant, counsel for the plaintiff initially shall question the prospective jurors, followed by questioning by defendant's counsel. Counsel may be permitted to ask follow-up questions. In cases with multiple parties, questioning shall be undertaken by counsel in the order in which the parties' names appear in the caption. A challenge for cause may be made by counsel to any party as soon as the reason therefor becomes apparent. At the end of the period, all challenges for cause to any prospective juror on the panel must have been exercised by respective counsel.
 - **(4)** After challenges for cause are exercised, the number of prospective jurors remaining shall be counted. If that number is less than the total number of jurors to be selected (including alternates where non-designated alternates are being used) plus the maximum number of peremptory challenges allowed by the court or by statute that may be exercised by the parties (such sum shall be referred to as the "jury panel number"), additional prospective jurors shall be added until the number of prospective jurors not subject to challenge for cause equals or exceeds the jury panel number. Counsel for each party then shall question each replacement juror pursuant to the procedure set forth in paragraph 3.
 - **(5)** After all prospective jurors in the panel have been questioned, and all challenges for cause have been made, counsel for each party, one at a time beginning with counsel for the plaintiff, shall then exercise allowable peremptory challenges by alternately striking a single juror's name from a list or ballot passed back and forth between or among counsel until all challenges are exhausted or waived. In cases with multiple plaintiffs and/or defendants, peremptory challenges shall be exercised by counsel in the order in which the parties' names appear in the caption, unless following that order would, in the opinion of the court, unduly favor a side. In that event, the court, after consulting with the parties, shall specify the order in which the peremptory challenges shall be exercised in a manner that shall balance the interests of the parties.
 - An attorney who waives a challenge may not thereafter exercise a peremptory challenge. Any Batson or other objections shall be resolved by the court before any of the struck jurors are dismissed.

- **(6)** After all peremptory challenges have been made, the trial jurors (including alternates when non-designated alternates are used) then shall be selected in the order in which they have been seated from those prospective jurors remaining on the panel.
- **(7)** The selection of designated alternate jurors shall take place after the selection of the six jurors. Counsel shall select designated alternates in the same manner as set forth in these rules, but with an initial panel of not more than 10 prospective alternates unless otherwise directed by the court. The jury panel number for designated alternate jurors shall be equal to the number of alternates plus the maximum number of peremptory challenges allowed by the court or by statute that may be executed by the parties. The total number of peremptory challenges to alternates may be exercised against any alternate, regardless of seat.

Part 220. Uniform Rules for Jury Selection and Deliberation

Subpart A. Uniform Rules for Jury Selection

- Subpart A. Uniform Rules for Jury Selection
[Subpart A. Uniform Rules for Jury Selection](#)
- § 220.1. Nondesignated Alternate Jurors
[§ 220.1. Nondesignated Alternate Jurors](#)

Subpart B. Uniform Rules for Juror Deliberation

- Subpart B. Uniform Rules for Juror Deliberation
[Subpart B. Uniform Rules for Juror Deliberation](#)
- § 220.10. Note-Taking by Jurors
[§ 220.10. Note-Taking by Jurors](#)
- § 220.11. Copy of Judge's Charge to Jury
[§ 220.11. Copy of Judge's Charge to Jury](#)
- § 220.12. Juror Notebooks
[§ 220.12. Juror Notebooks](#)

Juror Questions and Answers (FAQ's)

- [Where do you get the names of potential jurors?](#)
 - [Who must report?](#)
 - [What happens if a juror does not report for jury service?](#)
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 - [How can jurors make comments regarding jury service?](#)
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Where do you get the names of potential jurors?

Potential jurors are randomly selected from

- lists of registered voters,
- holders of drivers' licenses or ID's issued by the Division of Motor Vehicles,
- New York State income tax filers,
- recipients of unemployment insurance or
- recipients of family assistance, and from
- volunteers.



Who must report?

There are no automatic exemptions or excuses from jury service in New York State. Everyone who is eligible must serve. You are eligible to serve as a juror in New York State if you are:

- 1) a United States citizen,
- 2) at least 18 years old, and
- 3) a resident of the county to which you are summoned to serve.

In addition, jurors must

- 4) be able to understand and communicate in the English language, and
- 5) not have been convicted of a felony



What happens if a juror does not report for jury service?

Jury duty, like paying taxes, is mandatory. Skipping jury duty can result in civil or criminal penalties. In addition, anyone who skips jury service will be assigned a new date for future jury service.



What accommodations are available for jurors with disabilities?

The court provides services or aids to reasonably accommodate jurors with disabilities. Aids that are generally available for hearing impaired people include assistive listening devices, sign language interpreters, and “real-time” captioning of court proceedings. Courts may also be able to provide a reader for visually impaired jurors. A juror who has a mobility impairment and is sent to a courtroom with access problems may be reassigned to a different location that has better access. TDD users can call the relay service at 1-800-662-1220 to place the call. Some courts may have a TDD or TTY in the Clerk’s office. Access questions or requests for assistance should be addressed to a jury commissioner, court clerk or judge.



Can jurors postpone jury service for a later date?

You can postpone your service once [online](#) or by calling 800-449-2819 at least one week before your date of service. Have your juror index number (from your summons) with you when you call. Pick a date between 2 and 6 months from the date on your summons and you will be assigned the available date closest to your choice. Any future request for [postponement](#) or excusal must be made by contacting your local commissioner of jurors office.

If you cannot serve even if granted a postponement, you may contact your local commissioner of jurors office and ask to be excused from service. The commissioner may ask you to provide documentary proof of the reasons why you need to be excused.



How long is jury service?

Jurors who do not sit on a jury trial may serve for as little as 1–2 days. However, even if not needed for a trial, a juror may be asked to be available or on call for up to five days. Those who are selected to serve on a jury are required to serve on only one trial. The judge informs the jurors how long the trial is expected to last. Length of service on a grand jury may vary from two weeks to a month or more. For more information about service as a grand juror see the Unified Court System’s [“Grand Juror’s Handbook.”](#)



Are jurors paid?

The jury fee is \$40 per day. If service extends beyond 30 days the court may authorize an additional \$6 per day per juror. The fee is paid by the State or the employer depending on (1) the day of service and (2) the size of employer. Employers’ jury fee obligations are explained below. For help figuring out how the rules apply to your individual circumstances, you can use the chart [“Who Pays Your Jury Fee?”](#) The Commissioner of Jurors will collect the Social Security number from any juror who is likely to be paid \$600 or more in jury fees.



How long does it take for jurors to get paid?

Four to six weeks.



What if my summons or questionnaire is lost?

Contact your local Commissioner of Jurors. Find contact information by scrolling down at “Select County” in the box on the left menu.

Email Your County:

Can I request an excuse from service due to a financial or medical hardship?

Yes. Jurors are normally required to provide supporting documentation. Contact your local Commissioner of Jurors.

Email Your County:



Is there an age restriction for jurors?

Jurors must be at least 18 years old. There is no upper age limit.



What happens if a juror does not report for jury service?

Jury duty, like paying taxes, is mandatory. Skipping jury duty can result in civil or criminal penalties. In addition, anyone who skips jury service will be assigned a new date for future jury service.



If I serve as a juror in federal court do I still have to serve in state court?

A person who serves in a State or Federal court in New York—either by reporting in person or by being available to serve via a telephone call-in system—normally is not eligible to serve again in the New York State courts for at least six years. A juror who serves for more than ten days normally is not eligible to serve again in the New York State courts for at least eight years. Jurors who physically report to serve in Town and Village courts are eligible to serve again in two years. Just because a person is eligible to serve does not mean they will be called.



If I served as a juror in New York State Court, do I still have to serve in federal court?

Each of the four federal district courts in New York State treats the length of time for ineligibility from service differently. The Eastern, Western, and Northern Districts excuse from service anyone who has served within two years. The Southern District excuses anyone who has served within four years. If your service in the Eastern District (Queens, Kings, Richmond, Nassau or Suffolk) was limited to telephone standby you are not excused from federal court service. In the Northern District (32 northern counties) a summoned juror who attended a jury selection in state court but was not selected to serve on a jury is not excused. For specific information about each court's practices go to [NYS Federal Court Jury Rules](#).



How can jurors make comments regarding jury service?

- Contact the Commissioner of Jurors for your county:
-