

## Juror FAQs

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## 1. Why did I receive a Juror Qualification Form?

You received the Juror Qualification Form because your name was randomly selected from one of the lists used by your county to identify prospective jurors.

## 2. What is the Juror Summons?

For a prospective juror, a “summons” is a written order issued by a court that requires the prospective juror to report for jury service at a specific date and time. The Summons is included with the Juror Qualification and Questionnaire Forms.

## 3. I lost my jury forms?

Blank copies of Juror Qualification and Questionnaire form can be found at [nmcourts.gov/jury](http://nmcourts.gov/jury) under “Juror Documents”

## 4. Do I have to complete the forms and return to the courthouse?

**Yes. Qualification form** must be completed by **ALL** those summonsed. If you are under the age of 18, 75 years or older, not a resident of the county, **OR** not a citizen of the United States you must submit proof, and completing the **Questionnaire form** is **not** required. Please read your summons or contact your local jury office on required “proof”. If you are 75 years of age or older, and would like to be excused, you must complete the Juror Qualification form which can be found at [nmcourts.gov/jury](http://nmcourts.gov/jury) under “Juror Documents”. You must complete form and have notarize, then return original forms to the court that summonsed you.

## 5. Why do I have to pay postage to return my forms?

Returning forms by mail is not the only options for many courts. Some courts allow you to drop-off, fax, or email completed forms. Please contact your local jury office for more information on returning form options. The judicial branch spends over \$250,000 annual on printing and mailing summons, forms, juror checks, and other communications for jurors. Prepaid return envelopes that are not used become a wasted expense.

## 6. Why are you asking all these questions on the juror Questionnaire?

The questions asked on the **Qualification** form are accessed only by jury division staff, and are not shared with any other party, including judges and attorneys. The questions on the **Questionnaire** are asked in order to provide the judges and attorneys with some basic information regarding your suitability to serve as a juror on the specific trial for which you are summoned. Answering these questions in written format will shorten the jury selection process, and also limit the need to ask your personal or potentially embarrassing questions in open court. **Please note that, pursuant to New Mexico Supreme Court Order 00-8500, all such Questionnaires in the possession of the**

**Court or any other party, must be destroyed 90 days after the juror's term of service ends.**

**7. I've received a summons for a family member who is deceased?**

Do not throw it away! Indicate on the forms DECEASED, attach a copy of the death certificate and mail the entire packet back to your local Jury Management Division. We are very sorry that your family member has past and received a summons; many times it has not been relayed to the agencies that report juror information to the courts. If you do not have a death certificate, please contact the court for other options. The courts are not trying to be insensitive of your loss, but they are required to have proof before the name can be removed from the juror database.

**8. I've received a summons for a family member who no longer lives in New Mexico?**

Do not throw it away! Indicate on the forms the name and the new address of the individual summoned. Return the entire packet to the Jury Management Division. The individual will be contacted to provide proof of the new address.

**9. I am a police officer, firefighter, public official, VIP, military, famous person or I think that I might be exempt from serving as a juror based on my job?**

**No** one is exempt from serving as a juror!

**10. Where did you get my name?**

Your name was randomly selected from a merged master database consisting of licensed drivers, registered voters, and New Mexico Personal Income Tax filers. Names are then randomly selected from this master database by a computer program specifically designed for the proper randomization of prospective jurors.

**11. Who can serve on a jury?**

Anyone who is "qualified" can serve on a jury. While no citizen can be kept from serving on a jury because of his or her color, disability, economic status, national origin, race, religion, or sex, a person can be "disqualified" or "exempt" from being on a jury for other reasons.

**Qualified.** You are "qualified", meaning you meet the statutory requirements to be a juror if you:

- Are at least 18 years of age
- Are a U.S. citizen, and
- Reside in the county in which you would serve as a juror.

NOTE: If you do not meet the above criteria please provide proof to the court that you do not meet requirements. This information is gathered from: personal income taxes, driver's license information, and voter registration. We occasionally get people under the age of 18, who might pay taxes and/or have a driver's license. Please provide documentation that the child is under the age of 18 to the courts for excusal.

**Exempt.** Even if you are qualified to be on a jury, you might be released from that responsibility (be "exempt" from jury service) if you are:

- At least 75 years old, and you complete and submit and Affidavit of Age Request for Permanent Jury Exemption. These forms can be found at [nmcourts.gov/jury](http://nmcourts.gov/jury)
- A separate form must be submitted to both the District and Magistrate court in your residing county. Please do not submit a form until you have been officially summonsed by the court.

## 12. Who do I contact if I need an accommodation to serve on a jury?

If you have a disability and need an accommodation, please contact your local **Jury Office** as soon as possible after receiving your Juror Summons. The Judiciary is committed to providing prospective jurors with an equal opportunity to participate in jury service. Jury Division Contact Information by Court can be found at [nmcourts.gov/jury](http://nmcourts.gov/jury) under "Jury Division Contact Information by Court".

If you believe that you have a disability that prevents satisfactory completion of jury service, you must submit a written signed statement from your health care provider explaining that you are not able to satisfactorily perform jury duty. You must also complete and return both Qualification and Questionnaire forms. There is no automatic excusal due to disabilities and if the court does not approve, you are **still** required to appear when instructed. Your **Juror Qualification Form** will provide more information.

## 13. Can I volunteer for jury service?

**No**, random selection helps ensure that the jury is selected from a cross section of citizens.

## 14. Can I be excused from jury service?

Under certain very limited circumstances, you can be excused from jury service.

- Please see the Juror Qualification Form for more information on excusals.
- Please provide all the necessary documents when requesting an excusal.
- If the court does not contact you or you do not receive written notice that your excuse was granted, **you are required to report.**
- Being excused is intended to be used only for the most serious of situations. It is not a way to avoid jury service because it is inconvenient or you do not want to serve.

- Being excused does not mean that you will never be called for jury service. An excusal is good only for the period for which it is necessary. When that period ends, you may be called for jury service.

**NOTE: You must complete BOTH Qualification and Questionnaire forms even if you are requesting excusal.**

**15. May I be excused from jury service over the phone?**

**No.** All excuse requests must be in writing and mailed (or faxed if your local court permits) along with required documentation to the Jury Management Division for review. Qualification and Questionnaire forms **must** be completed and included with request.

**16. I do not speak, read, or write English?**

In New Mexico, there is no exemption from service if you do not speak, read, or write English. We will provide an interpreter for you. If you speak another language, please fill out your forms and mail them back to us, indicating which language you speak. We will make every effort to provide you with an interpreter.

**17. Can I change the date of my jury service?**

Your date of jury service sometimes can be changed if there is a pressing reason, for example, a previously scheduled medical procedure or travel plans. Please contact your local **Jury Office** to discuss your situation. Waiting until the day or week before a scheduled medical procedure or travel plans is not acceptable and may be denied.

**18. My jury summons came at a very bad time. May I postpone my service?**

The Court realizes prospective jurors may have been summoned at an inconvenient time and is willing to defer your service to a more convenient time in most instances. Jurors may request a first-time postponement by completing the appropriate section of the Qualification form, along with the completed Questionnaire, and returning it back to the court by mail. All requests for postponement must be in writing and either mailed or faxed to the Jury Management Division for review. **Please note: New Mexico law does not allow a second postponement unless it is an extreme emergency that was not anticipated when the first postponement was granted.**

**19. Will I be paid for my jury service?**

**Yes.** The court is authorized by Supreme Court order to reimburse for jury service at the rate of \$6.75 per hour. In addition, round trip mileage from your home to the courthouse will be paid at \$0.45 per mile.

**20. How many days will I be on jury service?**

The length of jury service is established by each Court. Your summons or local **Jury Office** can tell you how long you will have to serve.

**21. Why am I being asked to serve on a jury again?**

In general, you are not required to serve on a New Mexico State jury, or attend court for jury service, more than once every 3 years. If you would like to be excused because you served within the past 3 years, please submit proof of service to the court. You **must** have served on an “actual” jury panel to be excused. Being called for service and not serving on a panel does **not** count toward excusal. It is **your** responsibility to provide proof and not the courts to try and find your past service records.

**22. I am unable to judge anyone because of my moral or religious beliefs. May I be excused?**

**No.** New Mexico law does not provide for an excuse from jury service for moral or religious beliefs. You are still required to appear for jury service. During the selection process, you may mention your moral and religious beliefs to the presiding judge.

**23. Does New Mexico Jury Divisions have anything to do with the Federal Courts?**

**No.** Federal courts are operated by the federal government and not the State of New Mexico. Please visit [www.nmcourt.fed.us](http://www.nmcourt.fed.us) for more information on federal courts in New Mexico.

**24. Is there a penalty if I do not appear for jury service or do not complete my service?**

**Yes.** Any person willfully failing to appear at the time ordered by the court may be punished under Section 38-5-10 NMSA 1978. Both contempt of court and failure to appear are criminal charges that may result in jail time, a fine, or both.

Any person willfully failing to complete and submit the qualification and questionnaire forms may be punished for contempt of court.

**25. Does the law protect my employment if I am on jury service?**

- An employer shall not deprive an employee of employment or threaten or otherwise coerce the employee because the employee receives a summons for jury service, responds to the summons, serves as a juror or attends court for prospective jury service.
- An employer shall not require or request an employee to use annual, vacation or sick leave for time spent responding to a summons for jury service, participating in the jury selection process or serving on a jury. Nothing in this subsection

requires an employer to provide annual, vacation or sick leave to employees who are not otherwise entitled to those benefits under company policies.  
[38-5-18 NMSA 1978]

- An employer, either individually or through his agent, who violates Section 1 [38-5-18 NMSA 1978] of this act is guilty of a petty misdemeanor.

**Pay.** Your employer does not have to pay you for the time that you are on jury service, although some employers do pay their employees for the time the employees are on jury service.

**Documentation:** The Jury Office can issue you a certificate that documents the number of days/times you were on a jury or required to be available for jury service. You can provide this certificate if your employer wants documentation of your jury service.

## 26. What is the difference between a grand jury and a trial jury?

- A grand jury decides whether there is probable cause to charge someone with a crime. A grand jury also can conduct investigations.
- A trial jury - traditionally called a "petit jury" - listens to evidence in a courtroom, and decides the guilt or innocence of the defendant in a criminal case, and the liability and damages of the parties in a civil case. Most jurors serve on a trial jury.

## 27. How do I report for jury service?

**Call in or check in.** Your local Jury Office tries to summons only as many people as will be needed for jury selection on a particular day. Sometimes fewer people are needed than was originally thought, as cases settle, trials are postponed, *etc.* Your Juror Summons will tell you whether, and how, to call in or check online prior to reporting for jury service to make sure you are needed for jury service.

- If, after checking, you are told not to report, do not go to the courthouse. You may be called to jury service sometime in the future.
- If your summons does not tell you to call in or check online, you must appear at the courthouse on the day and time set out in the summons.

**Reporting:** On the date set out in your Juror Summons:

- Arrive at the courthouse early enough that you can get through security and still be on time. Your summons tells you what time you have to be in the room identified on the summons.
- Bring your Juror Summons and photo identification with you. You must bring both with you each time you come to the courthouse.

- Go to the room identified on your summons.

## **28. Where do I park for Jury Service?**

**At Metropolitan or the 2<sup>nd</sup> Judicial District courthouses only:** Jurors reporting for jury duty may park free of charge at the MetroPark parking structure. It is located just north of Metropolitan Court, and may be accessed by going north on 5th street from Lomas Blvd. The entrance to the structure is on the right immediately north of Slate Street. Look for the yellow sign that says “Juror and Public Parking.” Bring your parking ticket with you to be validated. If you have an oversize vehicle, please contact their office for instructions. **Please note that these courts cannot validate your parking if you choose to park at any other facility, nor can they reimburse you for any fees that you have paid for parking.**

**For the 1<sup>st</sup> Judicial District Court** a parking map or instruction was enclosed with your summons. You can also visit the 1<sup>st</sup> Judicial District courthouse website at [firstdistrictcourt.nmcourts.gov](http://firstdistrictcourt.nmcourts.gov) for more information on parking

**For ALL other courthouses** please refer to summons or call the local jury division for more information. For the most part, all other courthouses have parking in close proximity to the courthouse.

## **29. Is everyone who appears for jury service selected to sit on a jury?**

**No.** More individuals are called to jury service than are selected to serve on a jury. This is in part because there have to be enough jurors to hear each case and allow for challenges.

In addition, some cases end up not needing any jury at all. Cases often settle at the last minute, sometimes even after a jury is selected. Your presence as a prospective juror may have been what was needed to encourage the parties to come to a resolution themselves.

## **30. I do not have transportation and/or a driver's license. Am I still expected to report for jury duty?**

**Yes.** A lack of transportation or not having a valid driver’s license does NOT excuse you from jury service. The summons was mailed to you with sufficient notice to arrange transportation.

## **31. What should I wear when reporting for Jury Service?**

We request that you dress in a manner befitting the dignity of the court. Jackets and ties are not required for men. Jeans are acceptable. Shorts, spaghetti straps, tank tops, bare midriffs and the like are not considered appropriate. Hats may be worn, but must be removed before entering the courtroom. **We ask that police officers, firefighters,**



**and other civil servants or law-enforcement officials refrain from reporting for jury duty in uniform.**

Due to variable temperatures in the courthouse, we recommend that you dress in layers.

**32. Can I bring my cell phone, laptop or audio player?**

You can generally bring an electronic device (for example, laptop, cell phone, MP3 player, iPod, etc), but use is limited or prohibited in certain areas. (Metropolitan court and the 2<sup>nd</sup> Judicial District Court in Albuquerque have additional policies on electronic device. Please contact these courts to learn more.)

- Electronic devices must be turned off, inoperable, and not used in a courtroom. In some courthouses, they are not permitted in the courtroom even if turned off.
- Electronic devices cannot be brought into the jury deliberation room.
- If you violate the restrictions, your electronic device may be confiscated by security or other court personnel, and you may be arrested.
- Be conscious of noise – if you use your electronic device to listen to music, videos, *etc.*, you must use headphones so you do not disturb courthouse staff or your fellow jurors.
- While you are on jury service, including while you are in the jury assembly area, you cannot use your electronic device to research, investigate or communicate regarding any case for which you might serve on the jury. You cannot, for example, research a case using online media outlets or other websites. You also cannot communicate about a case on a blog or using social networking, Facebook, Twitter, text, instant messaging, telephone or email, *etc.*

**33. Can I investigate a case on my own while I am on jury service?**

**No.** Grand juries and trial juries must reach their decisions based solely on the evidence and instructions presented in court. So, jurors – and prospective jurors - cannot act as investigators and cannot independently investigate a case they are hearing (or might hear).

**34. Can I use social media while I am on jury service?**

**Yes**, but you must follow guidelines that may change how you use social media. In short, while you are on jury service, you **cannot** use social media to investigate or talk about any matter that is, or might be, before the jury.

**35. How long will I be at the courthouse?**

Generally, you should plan to be at the courthouse all day for every day that you are instructed to report. Except for a brief lunch break, do not expect to be permitted to leave to run errands or pick your children up from school, *etc.*

### **36. How are my safety and privacy protected?**

The court takes juror safety very seriously. If you have any reason to believe that your safety is at risk, tell the judge, courtroom personnel, and jury office.

Protections include:

- Cameras are not permitted in the courtroom.
- The case will not be broadcast on television or radio.
- Jurors are referred to by juror number, and not by name, during court proceedings in the courtroom and in chambers.
- The information about you that is given to the judge, attorneys and parties during jury selection is limited. Under certain very narrow circumstances, the judge can impose further restrictions on the information that is released.

Please Visit [www.nmcourts.gov/jury](http://www.nmcourts.gov/jury) for more jury information and to see contact information for specific courts. Not all courts in New Mexico are the same, so it is important to be familiar with the courthouse in your county to learn of any other policies they may have.