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7 IN THE SUPREME COURT OF THE STATE OF ARIZONA

8 IN THE MATTER OF

R-14-0008

9 PETITION TO ADOPT RULE  
10 23.5, ARIZONA RULES OF  
11 CRIMINAL PROCEDURE

12 ARIZONA PROSECUTING ATTORNEYS'  
13 ADVISORY COUNCIL'S  
14 COMMENTS IN SUPPORT OF PETITION TO  
15 ADOPT RULE 23.5, ARIZONA RULES OF  
16 CRIMINAL PROCEDURE

17 Pursuant to Arizona Rules of the Supreme Court, Rule 28(C), the Arizona  
18 Prosecution Attorneys' Advisory Council ("APAAC") hereby submits its comments  
19 in support of R-14-0008, Petition to Adopt Rule 23.5, Arizona Rules of Criminal  
20 Procedure. Arizona citizens should be able to serve as jurors and return to their  
21 "normal" lives without having to fear being interrogated about details of their jury  
22 service months or years afterwards. Criminal Rule 18.3 seeks to protect juror privacy  
23 by keeping personal information confidential from the parties in the case. Keeping  
24 specific juror contact information confidential, such as home and business addresses  
25 and home and business phone numbers, may have been sufficient to protect juror  
26 privacy when Rule 18.3 was adopted, but that is simply no longer the case. With  
27 nothing but a name, even an unskilled internet searcher can readily identify and locate  
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1 nearly anyone in America. This reality means that the privacy protections of Rule  
2 18.3 are no longer adequate safeguards for Arizona jurors. Rule 18.3's requirement  
3 that juror contact information only be provided to the parties upon the showing of  
4 good cause to a court was intended to protect our jurors from contact by the parties  
5 after a case concluded. In the modern internet age, however, Rule 18.3 no longer  
6 protects our jurors from invasive questions about their service and their thought  
7 process in reaching their verdicts years after a trial is over.  
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10 The adoption of Rule 23.5 will protect our jurors and their privacy by  
11 specifically limiting contact with jurors immediately following a trial and prohibiting  
12 contact with them months or years after their service without judicial approval. The  
13 proposed rule is an overdue and necessary protection for our criminal justice system.  
14 Jury duty is inconvenient enough for most people and few people relish the idea of  
15 spending days, weeks, or months on a jury. Learning from their friends and family  
16 that they might be interrogated about their service months or years after a trial is over  
17 will further reduce the number of our citizens who are willing to serve as jurors. The  
18 proposed Rule 23.5 will help protect not only individual jurors but also our system of  
19 trial by jury. As noted in the petition, many other courts and jurisdictions have  
20 imposed similar limitations on post-trial juror contact and Arizona should do the  
21 same. For these reasons, APAAC asks that this Court adopt Rule 23.5 as proposed in  
22 the petition.  
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1 Respectfully submitted this day of May, 2014.

2 ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL

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4 SHEILA SULLIVAN POLK  
5 YAVAPAI COUNTY ATTORNEY  
6 APAAC Chair

7 ELIZABETH ORTIZ  
8 APAAC Executive Director

9 By: \_\_\_\_\_  
10 SHEILA SULLIVAN POLK  
11 APAAC Chair

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