

# NEWS RELEASE

Arizona Supreme Court  
Administrative Office of the Courts



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## **Arizona Supreme Court Eliminates Peremptory Strikes of Jurors**

PHOENIX – The Arizona Supreme Court adopted court rule changes eliminating the practice of exercising peremptory strikes—the removal of potential jurors without cause to believe the juror could not fairly and impartially sit on a jury. Each side in a criminal or civil case has commonly used an allowed number of peremptory strikes to remove jurors who may not favor that side’s position. Arizona will become the first state court in the nation to eliminate the practice. The rule changes go into effect on January 1, 2022 and apply to civil and criminal jury trials. The decision comes after more than a year of temporary restrictions on peremptory challenges to jurors put in place during the pandemic, and after significant public comment on the proposal.

Trial and appellate judges, prosecutors, defense counsel, litigation attorneys, supreme court committees, and the public submitted comments on different approaches for rules governing peremptory juror challenges in Arizona’s state courts. For decades, federal and state courts have attempted to eliminate unlawful discrimination in the jury selection process on the basis of race, gender, and other improper classifications. The Court’s Committee on Diversity, Equality, and Justice and The Task Force on Jury Data Collection, Practices, and Procedures continue to actively consider additional recommendations for improving the jury system in Arizona.

The Arizona Supreme Court’s Strategic Agenda calls for maintaining a jury system that promotes participation, fairness, and the oversight to ensure that only impartial jurors are seated on juries. The court considered competing rule proposals to address the problem but was ultimately persuaded that the most effective, fair, and efficient procedure was to completely eliminate peremptory strikes, while focusing on sharpening the process for removing potential jurors for cause, such as conflicts of interest or personal biases that prevent impartiality.

In announcing the change, Chief Justice Robert Brutinel stated, “The Court considered the vigorous debate over the best approach to jury service and trial management. All of the petitions and comments had the goal of improving our justice system, and the Court respects the importance of lawyers choosing the best possible jury to hear their client’s case. The Court’s rule changes are consistent with Arizona’s long history of pioneering jury system improvements, such as allowing jurors to take notes and to ask questions during trial. Eliminating peremptory strikes of jurors will reduce the opportunity for misuse of the jury selection process and will improve jury participation and fairness.”

By eliminating peremptory juror strikes, trial judges will need to ensure that litigators have time to develop and make appropriate arguments for removing jurors for cause. The Administrative Office of the Courts will develop training for judges on trial management to successfully implement the changes. Although a small percentage of cases proceed to a jury trial, the superior court in Arizona alone conducts approximately 600 criminal jury trials each year.

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