

FILED

JUN 30 2016

In the Supreme Court of Iowa

**In the Matter of Adoption of)
New Iowa Court Rule 2.18(15))
on Selection of Alternate Jurors)**

Order

CLERK SUPREME COURT

The Iowa Supreme Court rescinds and strikes in its entirety current Iowa Court Rule 2.18(15) and adopts in its place new rule 2.18(15) as provided with this order.

In the fall of 2015, the court's Advisory Committee on the Rules of Criminal Procedure unanimously recommended changing the separate jury examination process for selection of alternate jurors under criminal procedure rule 2.18(15). The amendment conforms the rule to the often-common practice whereby alternate jurors are contemporaneously examined and selected with principal jurors.

The court thoroughly reviewed the proposed new rule and circulated it for public comment. The court received valuable comments from a number of sources and carefully reviewed those comments prior to approving the new rule.

The new rule 2.18(15) as provided with this order is temporarily adopted, effective immediately. The new rule will permanently take effect August 30, 2016, subject to Legislative Council approval consistent with the provisions of Iowa Code section 602.4202.

Dated this 30th day of June, 2016.

The Supreme Court of Iowa

By Mark S. Cady
Mark S. Cady, Chief Justice

Chapter 2
Rules of Criminal Procedure

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Rule 2.18 Juries.

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2.18(15) *Selecting alternate jurors.* The court may require selection of one or more alternate jurors whose qualifications, powers, functions, facilities, and privileges will be the same as principal jurors.

a. Prior to commencing jury selection, the court must determine on the record, with input of counsel, how many alternate jurors will be selected, the method used to identify the alternate jurors, and whether the identity of the alternate jurors should be revealed prior to commencement of trial or delayed until commencement of jury deliberations. The clerk will call for examination the number of prospective jurors equal to the sum of the following:

(1) The number of prospective jurors to be selected pursuant to rule 2.18(1).

(2) The number of additional prospective jurors necessary to allow for the number of alternates to be selected and one additional strike for each party. For example, in the case of a single defendant, if one alternate is to be selected, three additional prospective jurors will be called to allow for one additional strike for each party; if two alternates are to be selected, four additional prospective jurors will be called; if three alternates are to be selected, five additional prospective jurors will be called; and so on.

b. Jury examination will proceed contemporaneously for both principal and alternate jurors. After the parties have passed the panel for cause and exercised all strikes, both principal and alternate jurors will be sworn to hear the case and sit at the trial. The identity of the alternate jurors will be revealed either when the jury is sworn to hear the case or before the jury retires to deliberate.

c. If a jury is being selected for trial of an action outside of the county pursuant to rule 2.11(10)(d), the court will require selection of two alternate jurors to be sworn with the principal jurors to try the case and sit at the trial. The alternate jurors will be used or discharged in accordance with rule 2.18(15). The court may require selection of more than two alternate jurors.