

CIVIL PROCEDURE

SUBCHAPTER A

IMPANELING JURY

Section 721. Summoning Jury

The general mode of summoning and impaneling the jury, in cases in which a jury trial may be had, is such as is or may be provided by Chapter 6 of this Title.

[History: PUBLIC LAW #SF-85-58, June 21, 1985.]

Section 722. Causes for Challenging Jurors

If there shall be impaneled, for the trial of any action, any juror, who shall have been convicted of any crime which by law rendered him disqualified to serve on a jury; or who has been arbitrator on either side, relating to the same controversy; or who has an interest in the action; or who has an action pending between him and either party; or who has formerly been a juror on the same claim; or who is the employer, employee, counselor, agent, steward or attorney of either party; or who is subpoenaed as a witness; or who is of kin to either party within the second degree of blood or marriage, he may challenged for such causes; in either of which cases the same shall be considered as a principal challenge, and the validity thereof be tried by the Court; and any juror who shall be returned upon the trial of any of the causes hereinbefore specified, against whom no principal cause of challenge can be alleged, may, nevertheless, be challenged on suspicion of prejudice against, or partiality for either party, or any other cause that may render him, at the time, an unsuitable juror; but a resident or taxpayer of the tribal jurisdiction, or a member of the Tribe or any municipality therein shall not be thereby disqualified in actions in which the tribe or such municipality is a party. The validity of all principal challenges and challenges for cause shall be determined by the Court.

[History: PUBLIC LAW #SF-85-58, June 21, 1985.]

Section 723. Examination of Jurors

The Court may permit the parties or their attorneys to conduct the examination of prospective jurors or may itself conduct the examination. In the latter event, the Court shall permit the parties or their attorneys to supplement the examination by such further inquiry as it deems proper or shall itself submit to the prospective jurors such additional questions of the parties or their attorneys as it deems proper.

[History: PUBLIC LAW #SF-85-58, June 21, 1985.]

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Section 724. Alternate Jurors

The Court may direct that not more than three jurors in addition to the regular jury be called and impaneled to sit as alternate jurors. Alternate jurors in the order in which they are called shall replace jurors who, prior to the time the jury retires to consider its verdict, become or are found to be unable or disqualified to perform their duties. Alternate jurors shall be drawn in the same manner, shall have the same qualifications, shall be subject to the same examination and challenges, shall take the same oath, and shall have the same functions, powers, facilities, and privileges as the regular jurors. An alternate juror who does not replace a regular juror shall be discharged after the jury retires to consider its verdict. Each side is entitled to 1 peremptory challenge in addition to those otherwise allowed by law if alternate jurors are to be impaneled. The additional peremptory challenges may be used against an alternate juror only, and the other peremptory challenges allowed by law shall not be used against an alternate juror.

[History: PUBLIC LAW #SF-85-58, June 21, 1985.]

Section 725. Order of Challenges

The plaintiff first, and afterward the defendant, shall complete his challenges for cause. They may, in turn, in the same order, have the right to challenge one juror each, until each shall have peremptorily challenged three jurors, but no more.

[History: PUBLIC LAW #SF-85-58, June 21, 1985.]

Section 726. Challenges to Jurors - Filling Vacancies

After each challenge, the vacancy shall be filled before further challenges are made; and any new juror thus introduced may be challenged for cause as well as peremptorily.

[History: PUBLIC LAW #SF-85-58, June 21, 1985.]

Section 727. Alternate Method of Selecting Jury

Notwithstanding other methods authorized by law, the trial judge may direct in his discretion that a jury in an action be selected by calling and seating twelve prospective jurors in the jury box and then examining them on voir dire; when twelve such prospective jurors have been passed for cause, each side of the lawsuit shall exercise its peremptory challenges out of the hearing of the jury by alternately striking three names each from the list of those so passed for cause, and the remaining six persons shall be sworn to try the case.

If there be more than one defendant in the case, and the trial judge determines on motion that there is a serious conflict of interest between them, he may, in his discretion, allow each defendant to strike three names from the list of jurors seated and passed for cause. In such case he

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shall appropriately increase the number of jurors initially called and seated in the jury box for voir dire examination.

[History: PUBLIC LAW #SF-85-58, June 21, 1985.]

Section 728. Oath of Jury

The jury shall be sworn to well and truly try the matters submitted to them in the case before them, and to give a true verdict, according to the law and the evidence.

[History: PUBLIC LAW #SF-85-58, June 21, 1985.]

Section 729. Juries of Less Than Six - Majority Verdict

All juries shall be composed of six persons, and a unanimous verdict shall be required, except that the parties may stipulate that the jury shall consist of any number less than six and greater than two, or that verdict or a finding of a stated majority of the jurors shall be taken as the verdict or finding of the jury.

[History: PUBLIC LAW #SF-85-58, June 21, 1985.]