

Rule 47. Jurors**47.01 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. Supplemental juror questionnaires completed by jurors shall not be accessible to the public unless formally admitted into evidence in a publicly accessible hearing or trial.

(Amended effective July 1, 2005.)

Advisory Committee Comment - 2005 Amendment

The addition of the last sentence in Rule 47.01 precluding public access to completed supplemental juror questionnaires recognizes both the legitimate privacy interests of jurors and the interests of the public in otherwise publicly accessible court proceedings. This rule does not apply to juror qualification questionnaires submitted by jurors in accordance with Minn. Gen. R. Prac. 807; public access to completed qualification questionnaires is governed by Minn. Gen. R. Prac. 814.

47.02 [ABROGATED]

(Effective January 1, 1999.)

47.03 Separation of Jury

After the jury has retired for its deliberations, the court, in its discretion, may permit the jury to separate overnight and return to its deliberations the following morning.

Rule 47.04 Excuse

The court may for good cause excuse a juror from service during trial or deliberation.

(Added effective January 1, 1999.)

Advisory Committee Comment - 1998 Amendment

Rule 47.02 is abrogated. Under this amendment, alternate jurors are no longer part of the jury trial process. Rather than seat "alternate" jurors who will, or may, then participate in the deliberations, the rule simply does not provide for two classes of jurors. Jurors who begin the case by being sworn in as jurors continue to the discharge of the jury, unless they are excused for cause as provided for by Rule 47.04. This amendment parallels the abandonment of using alternates in federal court in 1991, and is intended to resolve an ongoing source of dissatisfaction with jury service by jurors. See Fed. R. Civ. P. 47(b), Notes of Advisory Comm. - 1991 Amends., reprinted in Federal Civil Judicial Procedure and Rules 205 (West 1998).

Rule 47.04 is new and is identical to Fed. R. Civ. P. 47(c). Although courts presently have the inherent power to excuse jurors even in the absence of a rule, there is no reason to have the federal rule be different from the state rule on this issue. Other than obviating confusion over whether there might be some substantive difference in intent, this amendment is not intended to change the existing practice. See Minnesota Statutes 1996, section 546.13 (codifying authority to excuse juror).