

THIS SECTION SETS FORTH THE EXCLUSIVE PROCEDURE BY WHICH A PARTY IN A CIVIL CASE MAY CHALLENGE A JURY ON THE GROUND THAT THE JURY WAS NOT SUMMONED OR OTHERWISE SELECTED IN COMPLIANCE WITH THIS TITLE.

(B) MOTION.

(1) BEFORE EXAMINATION BEGINS IN A CIVIL CASE OR, FOR GOOD CAUSE SHOWN, AFTER A JURY IS SWORN BUT BEFORE IT RECEIVES EVIDENCE, A PARTY MAY MOVE TO STAY THE CASE ON THE GROUND OF SUBSTANTIAL FAILURE TO COMPLY WITH A PROVISION OF THIS TITLE IN SELECTING THE TRIAL JURY.

(2) A MOTION UNDER THIS SECTION SHALL CONTAIN A SWORN STATEMENT OF FACTS THAT, IF TRUE, WOULD CONSTITUTE A SUBSTANTIAL FAILURE TO COMPLY WITH THIS TITLE.

(C) ACCESS TO RECORD.

ON A SHOWING THAT A PARTY NEEDS ACCESS TO A RECORD TO PREPARE FOR A HEARING ON A MOTION PENDING UNDER THIS SECTION, A TRIAL JUDGE MAY ALLOW THE PARTY TO INSPECT AND COPY THE RECORD AS NEEDED TO PREPARE.

(D) EVIDENCE.

A MOVANT WHO FILES A MOTION IN ACCORDANCE WITH THIS SECTION IS ENTITLED TO PRESENT RELEVANT EVIDENCE IN SUPPORT OF THE MOTION, INCLUDING:

(1) THE TESTIMONY OF THE JURY COMMISSIONER; AND

(2) RELEVANT RECORDS, WHETHER OR NOT PUBLIC, THAT THE JURY COMMISSIONER USED.

(E) DUTY OF TRIAL JUDGE.

(1) IF A TRIAL JUDGE FINDS A SUBSTANTIAL FAILURE TO COMPLY WITH § 8-102(B) OF THIS TITLE IN SELECTING A TRIAL JURY, THE TRIAL JUDGE SHALL STAY THE CASE PENDING SELECTION OF A TRIAL JURY IN COMPLIANCE WITH THIS TITLE.

(2) IF A TRIAL JUDGE FINDS A SUBSTANTIAL FAILURE TO COMPLY WITH A PROVISION OTHER THAN § 8-102(B) OF THIS TITLE IN SELECTING A TRIAL JURY AND THE FAILURE IS LIKELY TO BE PREJUDICIAL TO THE MOVANT, THE TRIAL JUDGE SHALL STAY THE PROCEEDING PENDING SELECTION OF A TRIAL JURY IN COMPLIANCE WITH THIS TITLE.

COMMITTEE NOTE: This section is new language derived without substantive change from former CJ §§ 8-212(c)(1) and 8-211(b) through (d)(2) and the first sentence of (e), as they related to civil cases.

In subsection (a) of this section, reference to noncompliance with requirements for summoning a jury are added to conform to Md. Rule 2-512(a) but the word "otherwise" is added to modify "selected", to clarify that summoning is part of the overall selection process.