

Selected Jurors Subcommittee of the Jury Committee

AGENDA

Monday, March 30, 2009 – 5:00 p.m.

Day Pitney LLP

242 Trumbull Street, Hartford, CT 06103

6<sup>th</sup> Floor, Crandall conference room

1. Approve minutes of March 16, 2009 meeting
2. Discuss full committee March 26 meeting and any implications of the full committee's discussions for the subcommittee's remaining work.
3. Discuss post-selection practices/issues from the attached master list, focusing on items 8.l., 8.m., 8.o., 8.p and the items under #9 ("Procedural Aids to Assist Jurors in Their Deliberations"). For each practice/issue, the subcommittee will do the following:
  - a. Compare Connecticut practice with ABA-recommended practice.
  - b. Identify perceived advantages and disadvantages of changing or retaining current Connecticut practice.
  - c. Formulate preliminary recommendation, with suggestions for additional investigation, if appropriate.
4. Discuss agenda for next meeting

ATTACHMENT A

DRAFT: February 5, 2009

Selected Jurors -- Practices/Innovations

**Parenthetical references are to ABA Principles for Juries & Jury Trials (2005)**

1. Time Limits for Trials (12.A) & Information for Jurors About Length/Conduct of Trial (12.B)
2. Facilities (Comfortable, Aesthetically Appealing) – (Coordinate with Voir Dire Subcommittee)
3. Juror Privacy (7)
4. Juror Security
5. Juror Parking
6. Juror Compensation (2.F)
7. Unitary Trials Favored (13.H)
8. Procedural Aids to Enhance Jurors' Experience and Performance During Trial
  - a. Instructing Jurors About Mid-Trial Communications/Post-selection Orientation Video with Additional Information for Selected Jurors (Coordinate with Arrival Committee) (6.C) (13.E)
  - b. Juror Handbooks (6.B) – (Coordinate with Arrival Committee)
  - c. Juror Expectations of Evidence (“CSI Effect”) – (Perhaps Coordinate with Arrival Committee and Juror Handbook?)
  - d. Juror Note Taking (13.C)
  - e. Juror Notebooks (13.B)
  - f. Expanded Preliminary Instruction (6.C)
  - g. Copies of Instructions for Jurors (14.B)
  - h. Sequential Expert Witness Testimony (13.G)
  - i. Opening Statements; “Mini” or Interim Openings and Closings (13.G)
  - j. Juror Questions for Witnesses (13.C)
  - k. Discussing Evidence During Trial (13.F)
  - l. Sidebars & Excusing Jurors (12.B)
  - m. Treatment at Trial of Alternate Jurors (Coordinate with Voir Dire Committee) (11.G)
  - n. Jurors' Limited Communication with Judge During Trial (Different in Civil and Criminal) (Nikki?)
  - o. Videotaped Presentation of Expert Witness Testimony; Videotaped Depositions; and Reading of Depositions into the Record (13.I)
  - p. Media Coverage of Trials – Managing Juror Exposure
9. Procedural Aids to Assist Jurors in Their Deliberations
  - a. Jury Deliberation Guide (14.D) (Rejects)
  - b. Clear Jury Instructions (“Plain Language”) (Throughout Trial) (6 & 14.A)
  - c. Presiding Juror – Guidance (14.C)
  - d. Exhibit Index for Use During Deliberations (15.B)

- e. “Readbacks” of Testimony During Deliberations
  - f. Responding to Juror Questions During Deliberations (15.D)
  - g. Special Verdict Forms (15.A)
  - h. Practice on Impasse (16)
10. Post-Trial Procedures for Jurors
- a. Post-Verdict Discussions with Jurors (18.D)
  - b. Investigation of Alleged Juror Misconduct (19)
  - c. Exit Interviews
  - d. Counseling for Jurors in Stressful Cases
  - e. Jurors' "Report Cards" for Judge
  - f. Jurors' Commendation Certificates.