

Minutes
Public Service and Trust Commission
Jury Committee
Selected Jurors Subcommittee
January 13, 2009

The Selected Jurors Subcommittee of the Public Service and Trust Commission Jury Committee met at Middletown Superior, Court 1 Court Street, Middletown, CT in Courtroom 3B on January 13, 2009 at 2:00p.m.

Present: Dean Brad Saxton (chair), Hon. Nicola E. Rubinow (co-chair), Hon. Frank M. D'Addabbo, Jr. (liaison), Attorney Ernest Mattei, Attorney Cesar Noble, Attorney Michael Walsh

Not Present: Hon. Robert Devlin, Hon. Michael R. Sheldon
(Judge Devlin and Judge Sheldon previously informed the subcommittee that they could not attend and submitted written comments.)

The subcommittee was called to order at approximately 2:10 pm by Dean Brad Saxton, chair of the subcommittee.

Dean Brad Saxton asked the subcommittee members who were present to introduce themselves.

1. Subcommittee members reviewed the subcommittee charges. Judge D'Addabbo confirmed that the subcommittee is not limited to the suggestions from the Jury Committee, but the template provided to all the subcommittees should be followed for drafting of the subcommittee report and recommendations. The subcommittee's fundamental goal is to explore and make appropriate recommendations for potential improvements in the treatments of selected jurors.
2. Dean Saxton provided the subcommittee with articles concerning selected jurors and jury trials. He asked all committee members to please review the materials for discussion at future meetings.
3. The subcommittee members discussed the possibility of conducting surveys and gathering information from jurors who served on trials; but the issue was reserved for future decision. The subcommittee will evaluate whether or not time will permit efforts to obtain this type of information.
4. The subcommittee reviewed and revised a preliminary list of issues and practices relating to treatment of selected jurors, in an attempt define the scope of the subcommittee's future discussions and recommendations. The list was compiled from examination of the subcommittee's charge and the recommendations set forth in the

American Bar Association's 2005 report "Principles for Juries and Jury Trials" (hereafter "ABA Principles"). The revised list resulting from the discussions at the meeting is attached to these minutes as Attachment A. Attachment A includes with "strikethroughs" certain topics that the subcommittee discussed and resolved – for now – not to address in the subcommittee's final report and recommendations.

Dean Saxton requested that that all subcommittee members review Attachment A and the pertinent material in the ABA Principles and to come prepared to the next meeting – on February 2 – to begin subcommittee discussions on the advantages and disadvantages of the practices/innovations described on Attachment A.

The next Selected Jurors Subcommittee meeting will be Monday February 2, 2009 at 4:00 p.m. at Day Pitney LLP, 242 Trumbull Street, Hartford, CT.

The meeting was adjourned at 5:10 p.m.

ATTACHMENT A

Draft: January 15, 2009
Selected Jurors -- Practices/Innovations

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

1. Time Limits for Trials (12.A)
2. ~~Information for Jurors About Use of Juror Information (7.A.4)~~
3. Information for Jurors About Length/Conduct of Trial (12.B)
4. Accommodations for Disabled Jurors
5. Facilities (Comfortable, Aesthetically Appealing)
6. ~~Literacy~~
7. ~~Treatment of Jurors with Limited Proficiency in English~~
8. ~~Juror Orientation Video (6.B)~~ (But will consider possibility of additional video for orienting jurors post-selection)
9. Juror Handbooks (6.B)
10. Juror Expectations of Evidence (“CSI Effect”)
11. Unitary Trials Favored (13.H)
12. Juror Note Taking (13.C)
13. Juror Notebooks (13.B)
14. Expanded Preliminary Instruction (6.C)
15. Copies of Instructions for Jurors (14.B)
16. Opening Statements (?)
17. Sequential Expert Witness Testimony (13.G)
18. “Mini” or Interim Openings and Closings
19. ~~Deposition Summaries (13.G)~~
20. Juror Questions for Witnesses (13.C)
21. Discussing Evidence During Trial (13.F)
22. Jury Deliberation Guide (14.D) (Rejects)
23. Clear Jury Instructions (“Plain Language”) (Throughout Trial) (6 & 14.A)
24. Presiding Juror – Guidance (14.C)
25. Exhibit Index for Use During Deliberations (15.B)
26. “Readbacks” of Testimony During Deliberations
27. Responding to Juror Questions During Deliberations (15.D)
28. Special Verdict Forms (15.A)
29. ~~Unanimous Verdicts (4)~~
30. ~~Practice on Impasse (16)~~
31. Post-Verdict Discussions with Jurors (18.D)
32. ~~Polling Practices (13.F)~~
33. Investigation of Alleged Juror Misconduct (19)
34. Exit Interviews
35. Counseling for Jurors in Stressful Cases
36. Juror Privacy (7)
37. Sidebars & Excusing Jurors (best practices)

- 38. Selection and Treatment of Alternate Jurors
- 39. Instructing Jurors About Mid-Trial Communications
- 40. Videotaped Presentation of Expert Witness Testimony
- 41. Jurors' Limited Communication with Judge During Trial (Different in Civil and Criminal)
- 42. Juror Security
- 43. Juror Parking
- 44. Juror Compensation
- 45. Jurors' "Report Cards" for Judge
- 46. Jurors' Commendation Certificates.