

Minutes
Public Service and Trust Commission
Jury Committee
Selected Jurors Subcommittee
February 2, 2009

The Selected Jurors Subcommittee of the Public Service and Trust Commission Jury Committee met at the offices of Day Pitney, LLP, 242 Trumbull Street, Hartford, CT 06103 in the Stowe conference room, 6th floor on February 2, 2009 at 4:00 p.m.

Present: Dean Brad Saxton (chair), Hon. Frank M. D'Addabbo, Jr. (liaison), Attorney Cesar Noble, Hon. Michael R. Sheldon, Attorney Michael Walsh.

Not Present: Hon. Nicola E. Rubinow (co-chair), Attorney Ernest Mattei.

The subcommittee was called to order at approximately 4:20 pm by Dean Brad Saxton, chair of the subcommittee.

Dean Brad Saxton informed the subcommittee members that the Hon. Robert Devlin has been reassigned to another subcommittee.

1. The minutes from the last meeting on January 13, 2009 were approved as revised.
2. Dean Saxton distributed Attachment A to all subcommittee members; Attachment A incorporates the suggestions that the subcommittee has received from Judge Lager for refining the list of issues and practices that the subcommittee will address in its report.
3. The subcommittee members discussed that the subcommittee's focus in its report and recommendations should be on ways to enhance jurors' ability to perform their responsibilities effectively as well as to improve – from the jurors' perspective – the experience of jury service.
4. Judge Sheldon suggested that preparing a handbook or brochure for selected jurors with important information (such as who to contact in case of emergency, where to report, etc) might be more helpful than making a video. He also suggested that there should be two separate brochures, one for civil and one for criminal cases.
5. The subcommittee discussed how to proceed for future meetings. The subcommittee will plan to meet every other Monday through the end of April, and meetings will commence at 5:00 p.m., with the goal of adjourning by 7:00 p.m. At the next meeting the committee will discuss the topics on attachment A under number eight.

The next Selected Jurors Subcommittee meeting will be Tuesday February 17, 2009 at 5:00 p.m. at Day Pitney LLP, 242 Trumbull Street, Hartford, CT.

The meeting was adjourned at 5:45 p.m.

ATTACHMENT A

Draft: February 2, 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
7. Unitary Trials Favored (13.H)
8. Procedural Aids to Enhance Jurors' Experience and Performance During Trial
 - a. Post-selection orientation video with additional information for selected jurors (Coordinate with Arrival Committee)
 - b. Juror Handbooks (6.B) – (Coordinate with Arrival Committee)
 - c. Juror Expectations of Evidence (“CSI Effect”) – (Beyond our mandate?)
 - 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. Opening Statements (?)
 - i. Sequential Expert Witness Testimony (13.G)
 - j. “Mini” or Interim Openings and Closings
 - k. Juror Questions for Witnesses (13.C)
 - l. Discussing Evidence During Trial (13.F)
 - m. Instructing Jurors About Mid-Trial Communications
 - n. Sidebars & Excusing Jurors (best practices)
 - o. Treatment at trial of Alternate Jurors (Coordinate with Voir Dire Committee)
 - p. Jurors' Limited Communication with Judge During Trial (Different in Civil and Criminal)
 - q. Videotaped Presentation of Expert Witness Testimony
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)
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.