

Minutes
Public Service and Trust Commission
Jury Committee
Selected Jurors Subcommittee
February 17, 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 on February 17, 2009 at 5:00 p.m.

Present: Dean Brad Saxton (chair), Hon. Nicola E. Rubinow (co-chair), Attorney Cesar Noble, Hon. Michael R. Sheldon, Attorney Michael Walsh

Not Present: Hon. Frank M. D'Addabbo, Jr. (liaison), Attorney Ernest Mattei

The subcommittee was called to order at approximately 5:25 p.m. by Dean Brad Saxton, chair of the subcommittee.

1. Upon motion and second, the minutes from the last meeting on February 2, 2009 were approved unanimously.
2. The subcommittee members discussed the perceived advantages and disadvantages of a number of the practices listed under item #8 (Procedural Aids to Enhance Jurors' Experience and Performance During Trial) from the master list of issues the committee will examine. (The master list is included here as Attachment A). The practices discussed included:
 - a. Instructing Jurors About Mid-Trial Communications/Post-selection & Orientation Video with Additional Information for Selected Jurors;
 - b. Juror Handbooks;
 - c. Juror Expectations of Evidence ("CSI Effect");
 - d. Juror Note Taking;
 - e. Juror Notebooks;
 - f. Expanded Preliminary Instruction;
 - g. Copies of Instructions for Jurors;
 - k. Discussing Evidence During Trial; and
 - n. Jurors' Limited Communication with Judge During Trial.
3. The subcommittee members agreed that at the next meeting -- on March 2nd -- the committee members will discuss those items under #8 on the master list that were not discussed at the February 17 meeting. Those remaining items are 8.h, 8.i., 8.j., 8.l., 8.m., 8.o., and 8.p. The subcommittee also agreed that at the March 2 meeting the subcommittee members will revisit items 8.a., 8.b. and 8.n. in light of their review of the jury handbook to be disseminated by e-mail to the subcommittee on February 18. The subcommittee further agreed that -- if time permits -- the subcommittee members will use some of the meeting time on March 2 to discuss the issues under item #9 on the master list.

The next Selected Jurors Subcommittee meeting will be Monday March 2, 2009 at 5:00 p.m. at Day Pitney LLP, 242 Trumbull Street, Hartford, CT.

The meeting was adjourned at 7:17 p.m.

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.