

IADC NATIONAL JURY TRIAL INNOVATIONS PROJECT

Updated 10.21.2005

Alabama Jury Innovations

1. Note Taking

N/A

2. Juror Handbooks/Notebooks

N/A

3. Juror Questions and Questioning of Witnesses

N/A

4. Juror Pay/Compensation

Juror and witness fees

The Administrative Director of Courts shall, with the advice of the Department of Examiners of Public Accounts, establish special procedures for the prompt payment of juror fees, witness fees and any other expenses necessary to the operation of the unified court system as may be provided by law or rule, which special procedures shall be filed with the State Comptroller.

Code of Ala. § 12-19-7 (2005)

5. Alternate Jurors

N/A

6. Discussions pre-deliberation

N/A

7. Deliberation

Evidence taken with jury to deliberation

All instruments of evidence and depositions read to the jury may be taken out by them on their retirement.

Code of Ala. § 12-16-14 (2005)

8. Length of Service

N/A

9. Length of Time Restrictions on Trials

N/A

10. Judge's Responses to Jury Questions

N/A

11. Jury Size

Juries of less than 12 -- Majority verdict

The parties may stipulate that the jury shall consist of any number less than twelve (12) or that a verdict or a finding of a stated majority of the jurors shall be taken as the verdict or finding of the jury.

(dc) District court rule. Rule 48 does not apply in the district courts.

ARCP, R 48 (2005)

Note: Court Orders May Amend This Rule

12. Number of Jurors Needed to Return a Verdict

Juries of less than 12 -- Majority verdict

The parties may stipulate that the jury shall consist of any number less than twelve (12) or that a verdict or a finding of a stated majority of the jurors shall be taken as the verdict or finding of the jury.

(dc) District court rule. Rule 48 does not apply in the district courts.

ARCP, R 48 (2005)

Note: Court Orders May Amend This Rule

13. Juror Admonition

N/A

14. Jury Nullification

N/A

15. The Use of Plain English

N/A

16. Absence of the Jury

N/A

17. Jury Instructions

Statements by court to jury

The court may state to the jury the law of the case and may also state the evidence when the same is disputed, but shall not charge upon the effect of the testimony, unless required to do so by one of the parties.

Code of Ala. § 12-16-11 (2005)

Instructions to jury: Objection.

At the close of the evidence or at such earlier time during the trial as the court reasonably directs, any party may file and, in such event, shall serve on all opposing parties written requests that the court instruct the jury on the law as set forth in the requests. The court shall inform counsel of its proposed action upon the requests prior to their arguments to the jury, but the court shall instruct the jury after the arguments are completed. The judge shall write "given" or "refused" as the case may be, on the request which thereby becomes a part of the record. Those requests marked "given" shall be read to the jury without reference as to which party filed the request. Neither the pleadings nor "given" written instructions shall go into the jury room. Every oral charge shall be taken down by the court reporter as it is delivered to the jury. The refusal of a requested, written instruction, although a correct statement of the law, shall not be cause for reversal on appeal if it appears that the same rule of law was substantially and fairly given to the jury in the court's oral charge or in charges given at the request of the parties. No party may assign as error the giving or failing to give a written instruction, or the giving of an erroneous, misleading, incomplete, or otherwise improper oral charge unless that party objects thereto before the jury retires to consider its verdict, stating the matter objected to and the grounds of the objection. Submission of additional explanatory instructions shall not be required unless requested by the court. Additional instructions shall be submitted in writing, except that with respect to any additional instruction taken from Alabama Pattern Jury Instructions, it shall be sufficient to identify said instruction on the record by reference to the number and title of said pattern jury instruction. Opportunity shall be given to make the objection out of the hearing of the jury. In charging the jury, the court shall not express its opinion of the evidence.

(dc) District court rule. Rule 51 does not apply in the district courts.

ARCP, R 51 (2005)

Note: Court Orders May Amend This Rule

18. Child-Care for Jurors

N/A

19. Jury Room

N/A

20. Accommodation**Sequestration**

Whenever a jury is, by order of the court, kept together without separation during any night or for any unusual length of time, it is the duty of the sheriff, with the approval of the court, at the expense of the state, to

provide for the jurors and the bailiffs or deputy sheriffs in charge of or attending said jury suitable lodging and meals. If a jury composed of both men and women is kept together overnight, separate lodging shall be provided for jurors of each sex.

A separation solely by reason of sex, while in the custody of bailiffs or deputy sheriffs, shall not create a presumption of prejudice to an accused, but on the contrary it shall be prima facie presumed that the accused was not prejudiced by reason of the separation of the jury by sexes.

Code of Ala. § 12-16-10 (2005)

21. Juror's Bill of Rights

N/A

22. Materials Permitted in Possession of the Jury

Evidence taken with jury to deliberation

All instruments of evidence and depositions read to the jury may be taken out by them on their retirement.

Code of Ala. § 12-16-14 (2005)

23. Various Rules

N/A

24. Various Recommendations

N/A