

IADC NATIONAL JURY TRIAL INNOVATIONS PROJECT

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Alaska Jury Innovations

1. Note Taking

The judge will usually tell jurors at the beginning of the trial if they can take notes. If the judge does not, jurors can ask the judge for permission.

<http://www.state.ak.us/courts/j-180.htm#pt2>

2. Juror Handbooks/Notebooks

N/A

3. Juror Questions and Questioning of Witnesses

N/A

4. Juror Pay/Compensation

\$12.50 per half-day. Anchorage provides \$5.00 half-day rate for the first day, then \$12.50 per half-day thereafter.

http://www.ncsconline.org/WC/Publications/KIS_JurManPayStates.pdf

5. Alternate Jurors

Alternate Jurors

Juries usually consist of 6 or 12 jurors, depending on the kind of trial. Frequently, one or two additional jurors will be chosen during jury selection. This is to ensure that if one or more jurors are excused during the trial for an emergency, such as illness, there will be an adequate number of jurors (6 or 12) at the end of the trial to deliberate. Some judges will designate which jurors are the "alternates" at the start of the trial. Other judges will not designate which jurors are the alternates until the end of the trial. The alternate jurors will be released by the judge at the time the jury begins deliberations.

<http://www.state.ak.us/courts/j-180.htm#pt2>

Alaska Rules of Civil Procedure, Rule 47(b):

(1) *Generally.* A court may impanel alternate jurors using one of the procedures set out in subparagraph (b)(2) below. If alternate jurors are called,

(A) they shall be drawn in the same manner, shall have the same qualification, shall be subject to the same examination and challenges, shall take the same oath, and shall have the same

functions, powers, facilities and privileges as the principal jurors;
and

(B) each party is entitled to one peremptory challenge in addition to those otherwise allowed by paragraph (d) of this rule.

(2) *Procedures.*

(A) The court may direct that one or two jurors in addition to the regular jury be called and impaneled to sit as alternate jurors. Alternate jurors in the order in which they are called shall replace jurors who, prior to the time the jury retires to consider its verdict, become unable or disqualified to perform their duties. An alternate juror who does not replace a principal juror shall be discharged after the jury retires to consider its verdict.

The additional peremptory challenge allowed by section (b)(1)(B) may be used only against an alternate juror, and the other peremptory challenges allowed by paragraph (d) of this rule, shall not be used against the alternates.

(B) The court may direct that one or two jurors be called and impaneled in addition to the number of jurors required by law to comprise the jury. The court may excuse jurors who, prior to the time the jury retires to consider its verdict, become unable or disqualified to perform their duties. If more than the required number are left on the jury when the jury is ready to retire, the clerk in open court shall select at random the names of a sufficient number of jurors to reduce the jury to the number required by law. The jurors selected for elimination shall be discharged after the jury retires to consider its verdict.

<http://www.state.ak.us/courts/civ2.htm>

6. Discussions pre-deliberation

Jurors are not allowed to discuss the case with other jurors until deliberations begin.

<http://www.state.ak.us/courts/j-180.htm#pt2>

7. Deliberation

Alaska Rules of Civil Procedure, Rule 48(f): After hearing the charge the jury shall retire for deliberation. No persons other than the jurors and any interpreter necessary to assist a juror who is hearing or speech impaired shall be present while the jury is deliberating or voting. The jury shall be and remain under the charge of an officer until it agrees upon its verdict or

is discharged by the court. Unless otherwise ordered by the court, the officer having charge of the jury must keep the jury together, separate from other persons; and the officer must not suffer any communication to be made to it, nor make any except to ask it if it has agreed upon its verdict, and the officer must not, before the verdict is rendered, communicate to any person the state of its deliberations or the verdict agreed upon. Such officer shall be sworn to act according to the provisions of this section.

<http://www.state.ak.us/courts/civ2.htm>

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

Alaska Rules of Civil Procedure, Rule 47(f): The parties may stipulate that the jury shall consist of any number less than twelve 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.

<http://www.state.ak.us/courts/civ2.htm>

In civil cases, unless otherwise instructed by the judge, five-sixths of the jury must agree on the verdict (5 of 6 or 10 of 12).

<http://www.state.ak.us/courts/j-180.htm#pt2>

12. Number of Jurors Needed to Return a Verdict

N/A

13. Juror Admonition

Alaska Rules of Civil Procedure, Rule 48(d): If any juror is permitted to separate from the jury during the trial the juror must be admonished by the court that it is the juror's duty not to converse with any person, including another juror, on any subject connected with the trial, nor to form or express any opinion thereon until the case is finally submitted to the jury. If any juror is permitted to separate from the jury after the case is submitted the juror must be admonished by the court that it is the juror's duty not to converse with any person on any subject connected with the trial, and that the juror is to discuss the case only with other jurors in the jury room.

<http://www.state.ak.us/courts/civ2.htm>

14. Jury Nullification

N/A

15. The Use of Plain English

N/A

16. Absence of the Jury

N/A

17. Jury Instructions

Jury Instructions

Alaska Rules of Civil Procedure, Rule 51(a): At the close of the evidence or at such earlier time as the court reasonably directs, any party may file written requests that the court give the jury specific instructions. The court shall inform counsel of the final form of jury instructions prior to their arguments to the jury. Following the close of the evidence, before or after the arguments of counsel, the court shall instruct the jury. Additionally, the court may give the jury such instructions as it deems necessary at any stage of the trial. No party may assign as error the giving or the failure to give an instruction unless the party objects thereto before the jury retires to consider its verdict, stating distinctly the matter to which the party objects and the grounds of the objection. Opportunity must be given to make the objection out of the hearing of the jury, by excusing the jury or hearing objections in chambers.

<http://www.state.ak.us/courts/civ2.htm>

Alaska Rules of Civil Procedure, Rule 51(b): The court shall instruct the jury that they are the exclusive judges of all questions of fact and of the effect and value of evidence presented in the action. The court shall instruct the jury on all matters of law that it considers necessary for their information in giving their verdict.

<http://www.state.ak.us/courts/civ2.htm>

Written Jury Instructions

The judge will give the jury a written copy of the jury instructions. If a juror does not understand the instructions, he/she may ask the judge to explain them to him/her. The juror must put his/her questions in writing and ask the bailiff to give them to the judge. Before the judge can answer a question, all the parties and attorneys must return to court to discuss it.

Thus, it may take some time for a juror to receive an answer.

<http://www.state.ak.us/courts/j-180.htm#pt2>

18. Child-Care for Jurors

N/A

19. Jury Room

N/A

20. Accommodation

N/A

21. Juror's Bill of Rights

N/A

22. Materials Permitted in Possession of the Jury

Alaska Rules of Civil Procedure, Rule 48(g)

Upon retiring for deliberation the jury shall take with it any exhibits, except depositions, that have been introduced into evidence which the court deems proper.

<http://www.state.ak.us/courts/civ2.htm>

23. Various Rules

Jury Charges

Alaska Rules of Civil Procedure, Rule 48(b): When argument of counsel is concluded or waived, the court shall then charge the jury. Such charge shall be reduced to writing and read to the jury. The jury must take the written charge with it to the jury room.

<http://www.state.ak.us/courts/civ2.htm>

View of Premises by Jury

Alaska Rules of Civil Procedure, Rule 48(c)

When the court deems proper, it may order a proper officer to conduct the jury in a body to view the property which is the subject of the litigation or the place where a material fact occurred and to show such property or place to it. While the jury is making its inspection no one shall speak to it on any subject connected with the trial. The court may order the person applying for a jury view to pay the expenses connected therewith.

<http://www.state.ak.us/courts/civ2.htm>

Communication with Jurors

Alaska Rules of Professional Conduct, Rule 3.10

After discharge of the jury from further consideration of a case with which the lawyer was connected, the lawyer shall not ask questions of or make comments to a member of that jury that are calculated merely to harass or embarrass the juror or to influence the juror's actions in future jury service.

<http://www.state.ak.us/courts/prof.htm>

Listening to Recorded Testimony

Jurors can possibly listen to recorded testimony. The juror can do this by making a written request to the judge to listen to the recording of part or all of the testimony of any witness. The judge will discuss the juror's request with the attorneys before deciding whether to grant the juror's request.

<http://www.state.ak.us/courts/j-180.htm#pt2>

24. Various Recommendations

N/A