

IADC NATIONAL JURY TRIAL INNOVATIONS PROJECT

Updated 08.08.2005

Arkansas 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

Compensation and reimbursement generally

(a) Jurors' compensation and mileage shall be taxed as cost and paid by the unsuccessful party.

(b) Jurors who leave home and attend any court in pursuance of a summons shall be allowed the sum necessarily paid out for crossing any ferry or toll bridge in going to and returning from such court.

(c) The clerk shall give to each petit juror a certificate of his attendance and services as such juror.

(d) Any person who attends any court in this state as a juror in obedience to a summons, except people who are summoned among the bystanders at the court, and is from any cause not accepted on the jury shall receive the same fees for each day's attendance until excused or discharged as are allowed jurors in the court.

A.C.A. § 16-34-102 (2005)

Per diem fees

Persons whose names appear on any legal and authorized grand jury or petit jury list of the respective counties of Arkansas shall receive in addition to any other fees allowable by law the following per diem fees:

(1) When the person fails for any reason to attend court, none;

(2) When the person attends court and is excused by the court for any reason from serving as a juror, a minimum of fifteen dollars (\$ 15.00); and

(3) When the person has been sworn touching his qualifications to serve

as a juror and has been accepted by the court as qualified, a minimum fee of thirty-five dollars (\$ 35.00).

A.C.A. § 16-34-103 (2005)

5. Alternate Jurors

Alternate jurors

(a) When in the discretion of the court it shall be deemed advisable in the interests of the furtherance of justice, the court may direct that not more than three (3) 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.

(b) Alternate jurors shall be drawn in the same manner, shall have the same qualifications, shall be subject to the same examinations and challenges, shall take the same oath, and shall have the same functions, powers, facilities, and privileges as the regular jurors. An alternate juror who does not replace a regular juror shall be discharged after the jury retires to consider its verdict.

A.C.A. § 16-30-102 (2005)

Jurors

(b) Alternate Jurors. The court may direct that not more than two jurors in addition to the regular jury be called and impanelled 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 or are found to be unable or disqualified to perform their duties. Alternate jurors shall be drawn in the same manner, shall have the qualifications, shall take the same oath, and shall have the same functions, powers, facilities, and privileges as the regular jurors. An alternate juror who does not replace a regular juror shall be discharged after the jury retires to consider its verdict. Each side is entitled to one peremptory challenge in addition to those otherwise allowed by law if one or two alternate jurors are to be impanelled. The additional peremptory challenge may be used against an alternate juror only and the other peremptory challenges allowed by law shall not be used against an alternate juror.

AR RCP Rule 47 (2005) (2005)

Review Court Orders which may amend this Rule

Additional jurors

(a) If at any time it appears that a sufficient number of qualified jurors are not available to try scheduled cases, additional names may be drawn and recorded in the jury book in open court. These jurors shall be summoned as provided in § 16-32-106(a) and (b).

(b) The circuit judge may, at any time, in the exercise of his discretion, direct the jury commissioners who selected the original names placed in the wheel or jury box, or new commissioners designated by him, to meet and submit the names and last known addresses of additional registered voters whom the commissioners shall select in the manner provided by § 16-32-103(a)-(d). These names and addresses shall be placed by the commissioners within the wheel or box when it is next unlocked in open court and prior to any additional drawing of jurors, and a master list shall be presented to the court as provided in § 16-32-103(a)-(d).

A.C.A. § 16-32-108 (2005)

Review Court Orders which may amend this Rule

6. Discussions pre-deliberation

N/A

7. Deliberation

Conduct of jury after submission of case

(a) When the case is finally submitted to the jury, they may decide in court or retire for deliberation.

(b) (1) If the jury retires, they must be kept together in some convenient place, under the charge of an officer, until they agree upon a verdict or are discharged by the court, subject to the discretion of the court to permit them to separate temporarily at night and at their meals.

(2) The officer having them under his charge shall not allow any communication to be made to them, or make any himself, except to ask them if they have agreed upon their verdict, unless by order of the court; and he shall not, before their verdict is rendered, communicate to any person the state of their deliberations or the verdict agreed upon.

A.C.A. § 16-64-116 (2005)

Jury instructions -- Further instruction during deliberations

After the jury has retired for deliberation, if there is a disagreement between them as to any part of the testimony, or if they desire to be informed as to any point of law arising in the case, they may request the officer to conduct them into court, where the information required shall be given in the presence of, or after notice to, the parties or their counsel.

A.C.A. § 16-64-115 (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

Number of jurors – Verdict

Where as many as nine out of twelve jurors in a civil case agree upon a verdict, the verdict shall be returned as the verdict of such jury. The parties may, however, stipulate that a jury shall consist of any number less than twelve and that a verdict or finding of a stated majority thereof shall be taken as the verdict or finding of the jury. In any case where a verdict is less than unanimous, all jurors consenting to such verdict shall sign the same. If the verdict is unanimous, then the foreman only shall sign.

AR RCP Rule 48 (2005) (2005)

12. Number of Jurors Needed to Return a Verdict

Number of jurors – Verdict

Where as many as nine out of twelve jurors in a civil case agree upon a verdict, the verdict shall be returned as the verdict of such jury. The parties may, however, stipulate that a jury shall consist of any number less than twelve and that a verdict or finding of a stated majority thereof shall be taken as the verdict or finding of the jury. In any case where a verdict is less than unanimous, all jurors consenting to such verdict shall sign the same. If the verdict is unanimous, then the foreman only shall sign.

AR RCP Rule 48 (2005) (2005)

13. Juror Admonition

Separation of jury -- Admonishment by court

If the jury is permitted to separate, either during the trial or after the case is submitted to them, they may be admonished by the court that it is their duty not to converse with or allow themselves to be addressed by any other person on any subject of the trial and, during the trial, that it is their duty not to form or express an opinion thereon until the cause is finally submitted to them.

A.C.A. § 16-64-117 (2005)

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 generally

In the trial of all cases in courts of record wherein juries are employed, it shall be the duty of the presiding trial judge to deliver to the jury immediately prior to its retirement for deliberation a typewritten copy of the instructions which it has given to the jury orally, when counsel for all parties so request. This copy of instructions shall, at the time of the dismissal of the jury, be returned to the court by the foreman of the jury.

A.C.A. § 16-64-114 (2005)

Jury instructions -- Further instruction during deliberations

After the jury has retired for deliberation, if there is a disagreement between them as to any part of the testimony, or if they desire to be informed as to any point of law arising in the case, they may request the officer to conduct them into court, where the information required shall be given in the presence of, or after notice to, the parties or their counsel.

A.C.A. § 16-64-115 (2005)

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

N/A

23. Various Rules

Interpreters for visually or hearing impaired jurors

(a) (1) (A) The state, through the Administrative Office of the Courts, shall provide and pay the cost of reasonable accommodations for the hearing and visually impaired when necessary to enable a person with those disabilities to act as a venire person or juror.

(B) Such accommodations may include a qualified sign language

interpreter, real-time captioning, or other reasonable auxiliary aid for the hearing impaired or a reader for the visually impaired.

(C) In the event the juror indicates that he or she can be accommodated by several means, the Administrative Office of the Courts may consider the cost and availability of each accommodation when deciding which to provide.

(2) The interpreter, the person writing real-time captioning, and the reader, when necessary, shall be present throughout jury service, the trial, and when the jury assembles for deliberation.

(b) (1) Whenever a sign language interpreter, real-time captioning, or a reader is utilized in judicial proceedings or in jury deliberations, the court will administer an oath to the interpreter, the person writing the real-time captioning, and the reader, to ensure objective and unbiased translation and complete confidentiality of the proceedings.

(2) The court shall also instruct the interpreter, the person writing the real-time captioning, and the reader to make a true and complete translation of all testimony and other relevant colloquy to the best of his ability.

(3) The court shall further instruct the interpreter, the person writing the real-time captioning, and the reader to refrain from participating in any manner in the deliberations of the jury, except for the complete translations of jurors' remarks made during deliberations.

(c) The verdict of the jury shall be valid notwithstanding the presence of the interpreter during deliberations.

A.C.A. § 16-31-108 (2005)

24. Various Recommendations

N/A