

IADC NATIONAL JURY TRIAL INNOVATIONS PROJECT

Updated 08.08.2005

California Jury Innovations

1. Note Taking

Jurors are given notebooks during the trial. They cannot be removed from the jury box at any time during the trial. Jurors may take the notes into the jury room during deliberations. Notebooks are to be used only to let jurors remind themselves of what happened during the trial.

Judicial Council of California Civil Jury Instructions (April 2005) section 102, p. 58

2. Juror Handbooks/Notebooks

Jurors are given notebooks during the trial. They cannot be removed from the jury box at any time during the trial. Jurors may take the notes into the jury room during deliberations. Notebooks are to be used only to let jurors remind themselves of what happened during the trial.

Judicial Council of California Civil Jury Instructions (April 2005) section 102, p. 58

3. Juror Questions and Questioning of Witnesses

The decision on whether to allow jurors to ask questions is left to the discretion of the judge. The instruction may need to be modified to account for an individual judge's practice. If a juror has a question they believe should be asked of a witness, he may write out the question and send it to the judge through his courtroom staff. The question will be shared with the attorneys.

Judicial Council of California Civil Jury Instructions section (April 2005) 112, p. 76

The judge has discretion to ask questions submitted by jurors or to pass those questions on and leave to the discretion of counsel whether to ask the questions.

People v. Cummings (1993) 4 Cal.4th 1233, 1305

4. Juror Pay/Compensation

California pays jurors \$15 every day starting on the second day of service, except employees of governmental entities who receive full pay and benefits from their employers while on jury service.

<http://www.courtinfo.ca.gov/jury/basics.htm>

All jurors receive at least 34 cents for each mile they travel to court. The mileage payment, only for on-way travel, also starts on the second day.

<http://www.courtinfo.ca.gov/jury/basics.htm>

Many courts pay you what it costs to take mass transit instead.
<http://www.courtinfo.ca.gov/jury/basics.htm>

5. Alternate Jurors

Bound by the same rules of conduct as the jurors sitting on the panel. They are to observe the same trial and to obey the judge's instructions as if they were sitting on the panel.

Judicial Council of California Civil Jury Instructions (April 2005) section 111, p. 74

Alternate jurors hear the same evidence and are subject to the same admonitions as the regular jurors and, unless excused by the court, are available to participate as regular jurors.

Rivera v. Sassoon (1995) 39 Cal.App.4th 1046, 1048

6. Discussions pre-deliberation

Jurors may not discuss the case before they begin deliberating. Code of Civil Procedure section 611 requires the judge to admonish the jury that "it is their duty not to converse with, or suffer themselves to be addressed by any other person, on any subject of the trial, and that it is their duty not to form or express an opinion thereon until the case is finally submitted to them.

Judicial Council of California Civil Jury Instructions April 2005) section 100, p. 52

7. Deliberation

Jurors may not discuss the case before they begin deliberating. Code of Civil Procedure section 611 requires the judge to admonish the jury that "it is their duty not to converse with, or suffer themselves to be addressed by any other person, on any subject of the trial, and that it is their duty not to form or express an opinion thereon until the case is finally submitted to them.

Judicial Council of California Civil Jury Instructions April 2005) section 100, p. 52

Jurors are required to avoid discussions with parties, counsel, or witnesses.
Wright v. Eastlick (1899) 125 Cal. 517, 520-521

8. Length of Service

One-day or one-trial jury service means that people are not required to come to court for more than one day or serve on a trial more than once every 12 months.

<http://www.courtinfo.ca.gov/jury/basics.htm>

9. Length of Time Restrictions on Trials

N/A

10. Judge's Responses to Jury Questions

N/A

11. Jury Size

N/A

12. Number of Jurors Needed to Return a Verdict

N/A

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

N/A

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

N/A

24. Various Recommendations

N/A