

# IADC NATIONAL JURY TRIAL INNOVATIONS PROJECT

Updated 08.08.2005

## Iowa Jury Innovations

### 1. Note Taking

#### **Materials available to jurors**

1.926(1) Notes. Jurors shall be permitted to take notes during the trial using materials to be provided by the court on the request of any juror. The court shall instruct the jury that the notes are not evidence and must be destroyed at the completion of the jury's deliberations.

Iowa R. Civ. P. 1.926 (2004)

Note: Court Orders May Amend this Rule

### 2. Juror Handbooks/Notebooks

N/A

### 3. Juror Questions and Questioning of Witnesses

N/A

### 4. Juror Pay/Compensation

#### **Fees and expenses for jurors**

Grand jurors and petit jurors in all courts shall receive ten dollars as compensation for each day's service or attendance, including attendance required for the purpose of being considered for service, reimbursement for mileage expenses at the rate specified in section 602.1509 for each mile traveled each day to and from their residences to the place of service or attendance, and reimbursement for actual expenses of parking, as determined by the clerk. A juror who is a person with a disability may receive reimbursement for the costs of alternate transportation from the juror's residence to the place of service or attendance. A juror shall not receive reimbursement for mileage expenses or actual expenses of parking when the juror travels in a vehicle for which another juror is receiving reimbursement for mileage and parking expenses.

Iowa Code § 607A.8 (2004)

Note: Court Orders May Amend this Rule

### 5. Alternate Jurors

#### **Additional jurors**

The court may order as many additional jurors drawn for a pool or panel as the court deems necessary.

Iowa Code § 607A.39 (2004)

Note: Court Orders May Amend this Rule

## **6. Discussions pre-deliberation**

A jury once sworn shall not separate unless so ordered by the court, who must then advise them that it is the duty of each juror not to converse with any other juror or person, nor be addressed on the subject of the trial; and that, during the trial it is the duty of each juror to avoid, as far as possible, forming any opinion thereon until the cause is finally submitted.

Iowa R. Civ. P. 1.927(1) (2004)

Note: Court Orders May Amend this Rule

## **7. Deliberation**

### **Separation and deliberation of jury**

1.927(1) A jury once sworn shall not separate unless so ordered by the court, who must then advise them that it is the duty of each juror not to converse with any other juror or person, nor be addressed on the subject of the trial; and that, during the trial it is the duty of each juror to avoid, as far as possible, forming any opinion thereon until the cause is finally submitted.

1.927(2) On final submission, the jury shall retire for deliberation, and be kept together in charge of an officer until the jurors agree on a verdict or are discharged by the court, unless the court permits the jurors to separate temporarily overnight, on weekends or holidays, or in emergencies. During their deliberations, the officer in charge must not allow any communication to be made to the jurors, nor may the officer make any, except to ask them if they have agreed on a verdict, unless by order of court; nor communicate to any person the state of their deliberations, or the verdict agreed upon before it is rendered.

Iowa R. Civ. P. 1.927 (2004)

Note: Court Orders May Amend this Rule

## **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**

### **Juror incapacity; minimum number of jurors**

1.917(1) Juror incapacity. In the event any juror becomes unable to act, or is disqualified, before the jury retires the remaining jurors shall continue to try the case.

1.917(2) Minimum of six jurors required. In the event more than two jurors become unable to act, or are disqualified, before the jury retires and renders a verdict, the court shall declare a mistrial.

Iowa R. Civ. P. 1.917 (2004)

Note: Court Orders May Amend this Rule

## **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**

### **Instructions**

The court shall instruct the jury as to the law applicable to all material issues in the case and such instructions shall be in writing, in consecutively numbered paragraphs, and shall be read to the jury without comment or explanation; provided, however, that in any action where the parties so agree, the instructions may be oral. At the close of the evidence, or such prior time as the court may reasonably fix, any party may file written requests that the jury be instructed as set forth in such requests. Before argument to the jury begins, the court shall furnish counsel with a preliminary draft of instructions which it expects to give on all controversial issues, which shall not be part of the record. Before jury arguments, the court shall give to each counsel a copy of its instructions in their final form, noting this fact of record and granting reasonable time for counsel to make objections, which shall be made and ruled on before arguments to the jury. Within such time, all objections to giving or failing to give any instruction must be made in writing or dictated into the record, out of the jury's presence, specifying the matter objected to and on what

grounds. No other grounds or objections shall be asserted thereafter, or considered on appeal. But if the court thereafter revises or adds to the instructions, similar specific objection to the revision or addition may be made in the motion for new trial, and if not so made shall be deemed waived. All instructions and objections, except as above provided, shall be part of the record. Nothing in the rules in this chapter shall prohibit the court from reading to the jury one or more of the final instructions at any stage of the trial, provided that counsel for all parties has been given an opportunity to review the instructions being read and to make objections as provided in this rule. Any instructions read prior to conclusion of the evidence shall also be included in the instructions read to the jury following conclusion of the evidence.

Iowa R. Civ. P. 1.924 (2004)

Note: Court Orders May Amend this Rule

### **18. Child-Care for Jurors**

N/A

### **19. Jury Room**

N/A

### **20. Accommodation**

#### **Food and lodging**

The court may order that food and lodging be provided at state expense for a jury being kept together to try or deliberate on a cause.

Iowa R. Civ. P. 1.930 (2004)

Note: Court Orders May Amend this Rule

### **21. Juror's Bill of Rights**

N/A

### **22. Materials Permitted in Possession of the Jury**

#### **Materials available to jurors**

1.926(1) Notes. Jurors shall be permitted to take notes during the trial using materials to be provided by the court on the request of any juror. The court shall instruct the jury that the notes are not evidence and must be destroyed at the completion of the jury's deliberations.

1.926(2) What jury may take to jury room. When retiring to deliberate, jurors may take their notes with them and shall take with them all exhibits in evidence except as otherwise ordered. Depositions shall not be taken unless all of the evidence is in writing and none of it has been stricken.

Iowa R. Civ. P. 1.926 (2004)

Note: Court Orders May Amend this Rule

### **23. Various Rules**

N/A

### **24. Various Recommendations**

N/A