

# IADC NATIONAL JURY TRIAL INNOVATIONS PROJECT

Updated 08.08.2005

## Kentucky 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 of jurors**

(1) All jurors in Circuit and District Court shall be paid five dollars (\$ 5) per day for jury service. In addition thereto, they shall be paid seven dollars and fifty cents (\$ 7.50) per day as reimbursement of expenses incurred, which sum is hereby determined to be the equivalent of the minimum daily expenses reasonably to be incurred by such juror.

(2) Persons who appear in court in response to a summons for jury duty and who are not relieved from jury service shall receive full compensation for each day they are required to be and are in attendance, even though they are not sworn or accepted for jury service.

KRS § 29A.170 (2004)

### 5. Alternate Jurors

#### **Alternate jurors**

At any time before either side has exercised a preemptory challenge or challenges, but not thereafter, the court may direct the clerk to draw from the jury box, in addition to the number of jurors required by law to comprise the jury, one (1) or two (2) cards bearing the numbers identifying prospective jurors. All jurors so drawn shall be empaneled and shall hear the case. Should it become necessary for any reason to excuse a juror, the trial shall continue unless the number of jurors be reduced below the number required by law. If the membership of the jury exceeds the number required by law, immediately before the jury retires to consider its verdict the clerk, in open court, shall place in a box the cards bearing numbers identifying the jurors empaneled to hear the case and, after thoroughly mixing them, withdraw from the box at random a sufficient number of cards (one or two, as the case may be) to reduce the jury to the

number required by law, whereupon the jurors so selected for elimination shall be excused.

Ky CR 47.02

Note: Court Orders May Amend This Rule

### **Replacement of grand juror who is excused**

At any time for cause shown, the court may excuse a grand juror either temporarily or permanently and may swear another grand juror from a current jury panel in place of the one excused. The discharge of any such grand juror shall in no way or manner affect any indictment found by the grand jury as it was composed either before or after such discharge. If it is impossible to fill the vacancy on the grand jury from a current jury panel, the Chief Circuit Judge may summon, using the procedure in KRS 29A.060(5), such number of prospective jurors as deemed necessary for the purpose.

KRS § 29A.260 (2004)

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

N/A

### **7. Deliberation**

N/A

### **8. Length of Service**

#### **Limitation on jury service within a twenty-four-month period**

(1) Except as set out in this section, in any twenty-four (24) month period, a person shall not be required to:

(a) Serve or attend court for prospective service as a petit juror more than thirty (30) court days except when necessary to complete service in a particular case; or

(b) Serve on more than one (1) grand jury; or

(c) Serve as both a grand and petit juror.

(2) For the purpose of this section, court includes all federal courts, all other state courts, and any court of the Commonwealth.

At any time for cause shown, the court may excuse a grand juror either temporarily or permanently and may swear another grand juror from a current jury panel in place of the one excused. The discharge of any such grand juror shall in no way or manner affect any indictment found by the grand jury as it was composed either before or after such discharge. If it is impossible to fill the vacancy on the grand jury from a current jury panel,

the Chief Circuit Judge may summon, using the procedure in KRS 29A.060(5), such number of prospective jurors as deemed necessary for the purpose.

KRS § 29A.130 (2004)

### **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 twelve -- Majority verdict**

The parties may stipulate that the jury shall consist of any number less than provided by law 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.

Ky CR 48

Note: Court Orders May Amend This Rule

#### **Number of jurors in Circuit and District Courts -- Number required for verdict**

(1) Juries for all trials in Circuit Court shall be composed of twelve (12) persons. Juries for all trials in District Court shall be composed of six (6) persons.

(2) In Circuit Court, at any time before the jury is sworn, the parties with the approval of the court may stipulate that the jury shall consist of any number less than twelve (12), except that no jury shall consist of less than six (6) persons.

(3) A unanimous verdict is required in all criminal trials by jury. The agreement of at least three-fourths (3/4) of the jurors is required for a verdict in all civil trials by jury in Circuit Court. The agreement of at least five-sixths (5/6) of the jurors is required for a verdict in all civil trials by jury in District Court.

KRS § 29A.280 (2004)

### **12. Number of Jurors Needed to Return a Verdict**

#### **Juries of less than twelve -- Majority verdict**

The parties may stipulate that the jury shall consist of any number less than provided by law 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.

Ky CR 48

Note: Court Orders May Amend This Rule

**Number of grand jurors -- Number required to find indictment**

A grand jury shall consist of twelve (12) persons, nine (9) of whom concurring may find an indictment.

KRS § 29A.200 (2004)

**13. Juror Admonition**

**Admonition to jury upon separation -- View of property or place**

(1) If the jury is permitted to separate, either during the trial or after the case is submitted to them, they shall be admonished by the court that it is their duty not to converse with, nor allow themselves to be addressed by, any other person on any subject of the trial; and that, during the trial, it is their duty not to form or express an opinion thereon, until the case is finally submitted to them.

(2) No officer, party, or witness to an action pending, or his attorney or attorneys shall, without leave of the court, converse with the jury or any member thereof upon any subject after they have been sworn.

(3) When necessary the judge may authorize the jury to view the real property which is the subject of the litigation, or the place in which any material fact occurred, or the place in which the offense is charged to have been committed.

KRS § 29A.310 (2004)

**14. Jury Nullification**

N/A

**15. The Use of Plain English**

N/A

**16. Absence of the Jury**

**Adjournment of juries**

The court may adjourn the whole or part of the petit jury to any day of their required periods of service, but they shall not be paid for the time they stand adjourned. The grand jury may be adjourned in like manner without pay.

KRS § 29A.190 (2004)

**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