

# IADC NATIONAL JURY TRIAL INNOVATIONS PROJECT

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## Mississippi 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

#### **Fees of officers, jurors, and witnesses**

The clerk, sheriff, jurors, and witnesses shall have the same allowance for attendance, to be taxed in the costs, as if their attendance was upon a circuit court, and shall be compellable to attend in like manner.

Miss. Code Ann. § 11-39-59 (2005)

### 5. Alternate Jurors

#### **Impaneling of alternate jurors**

Except in cases in which jury selection and selection of alternate jurors is governed by rules promulgated by the Mississippi Supreme Court, whenever, in the opinion of a circuit judge or chancellor presiding in a case in which a jury is to be used, the trial is likely to be a protracted one, such circuit judge or chancellor, in his discretion, may direct that one (1) or two (2) jurors in addition to the regular panel 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. Alternate jurors shall be drawn in the same manner, shall have the same qualifications, shall be subject to the same examination and challenges for cause, 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 at the time the jury retires to consider its verdict. In capital cases the defendant and the state shall each be allowed two (2) peremptory challenges to alternate jurors in addition to those otherwise provided by law. In all other cases each party shall be allowed one (1) peremptory challenge to alternate jurors in addition to those otherwise provided by law. In any criminal case all peremptory challenges by the state shall be made before the alternate juror is presented to the defendant. The additional peremptory challenges provided for

herein may be used against an alternate juror only, and other peremptory challenges allowed by law may not be used against an alternate juror.  
Miss. Code Ann. § 13-5-67 (2005)

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

N/A

## **7. Deliberation**

### **Grand jury not to disclose secrets of jury-room**

A grand juror, except when called as a witness in court, shall not disclose any proceeding or action had by the grand jury in relation to offenses brought before it, within six (6) months after final adjournment of the grand jury upon which he served, nor shall any grand juror disclose the name or testimony of any witness who has been before the grand jury on pain of fine or imprisonment for contempt of court.

Miss. Code Ann. § 13-5-61 (2005)

## **8. Length of Service**

### **Exemptions; length of service of tales and grand jurors**

All qualified persons shall be liable to serve as jurors, unless excused by the court for one (1) of the following causes:

(a) When the juror is ill, or when on account of serious illness in the juror's family, the presence of the juror is required at home,

(b) When the juror's attendance would cause a serious financial loss to the juror or to the juror's business, or

(c) When the juror is under an emergency, fairly equivalent to those mentioned in the foregoing clauses (a) and (b).

An excuse of illness under clause (a) may be made to the clerk of court outside of open court by providing the clerk with either a certificate of a licensed physician or an affidavit of the juror, stating that the juror is ill or that there is a serious illness in the juror's family. The test of an excuse under clause (b) shall be whether, if the juror were incapacitated by illness or otherwise for a week, some other persons would be available or could reasonably be procured to carry on the business for the week, and the test of an excuse under clause (c) shall be such as to be the fair equivalent, under the circumstances of that prescribed under clause (b). In cases under clauses (b) and (c) the excuse must be made by the juror, in open court, under oath.

It shall be unlawful for any employer or other person to persuade or attempt to persuade any juror to avoid jury service, or to intimidate or to

threaten any juror in that respect. So to do shall be deemed an interference with the administration of justice and a contempt of court and punishable as such.

But a tales juror, save when drawn and retained for the week, shall not be compelled to serve two (2) days successively unless the case in which the juror is impaneled continues longer than one (1) day. Grand jurors shall serve until discharged by the court.

Miss. Code Ann. § 13-5-23 (2005)

### **9. Length of Time Restrictions on Trials**

N/A

### **10. Judge's Responses to Jury Questions**

N/A

### **11. Jury Size**

#### **Number of grand jurors**

The number of grand jurors shall not be less than fifteen (15) nor more than twenty (20), in the discretion of the court.

Miss. Code Ann. § 13-5-41 (2005)

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

#### **Nine jurors may return a verdict in civil cases**

In the trial of all civil suits in the circuit or chancery courts of this state, nine or more jurors may agree on the verdict and return it into court as the verdict of the jury. Either party may request an instruction in writing to this effect and it shall thereupon be the duty of the trial judge to instruct the jury in writing that if nine or more jurors agree on the verdict that they may return the same into open court as the verdict of the jury.

Miss. Code Ann. § 13-5-93 (2005)

### **13. Juror Admonition**

#### **Court officers not to converse with jurors**

The sheriff, bailiff, or other officer, shall not be in the room or converse with a juror after the jury has retired from the bar, save by order of the court. A violation of this section shall subject the offender to a fine of fifty dollars and one week's imprisonment for a contempt.

Miss. Code Ann. § 11-7-149 (2005)

#### **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**

##### **Separate accommodations and bailiffs for male and female jurors**

In selecting overnight accommodations for jurors, the court shall provide separate housing for men and women jurors. Male bailiffs shall accompany the male jurors, and female bailiffs the female jurors. At least one bailiff shall accompany each group, and the court in its sound discretion shall require as many bailiffs as are necessary. Either group may be housed in private premises if necessary.

Miss. Code Ann. § 13-5-95 (2005)

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

N/A

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

N/A

#### **23. Various Rules**

##### **Jury may view the place**

When, in the opinion of the court, on the trial of any cause, civil or criminal, it is proper, in order to reach the ends of justice, for the court and jury to have a view or inspection of the property which is the subject of litigation, or the place at which the offense is charged to have been committed, or the place or places at which any material fact occurred, or of any material object or thing in any way connected with the evidence in the case, the court may, at its discretion, enter an order providing for such view or inspection as is herein below directed. After such order is entered, the whole organized court, consisting of the judge, jury, clerk, sheriff, and

the necessary number of deputy sheriffs, shall proceed, in a body, to such place or places, property, object or thing to be so viewed or inspected, which shall be pointed out and explained to the court and jury by the witnesses in the case, who may, at the discretion of the court, be questioned by the court and by the representative of each side at the time and place of such view or inspection, in reference to any material fact brought out by such view or inspection. The court on such occasion shall remain in session from the time it leaves the courtroom till it returns thereto, and while so in session outside the courtroom it shall have full power to compel the attendance of witnesses, to preserve order, to prevent disturbance and to punish for contempt such as it has when sitting in the courtroom. In criminal trials all such views or inspections must be had before the whole court and in the presence of the accused, and the production of all evidence from all witnesses or objects, animate or inanimate, must be in his presence.

Miss. Code Ann. § 13-5-91 (2005)

#### **24. Various Recommendations**

N/A