

IADC NATIONAL JURY TRIAL INNOVATIONS PROJECT

Updated 08.08.2005

Nevada 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

N/A

5. Alternate Jurors

Jurors

(a) Examination of jurors. The court shall conduct the examination of prospective jurors and shall permit such supplemental examination by counsel as it deems proper.

(b) Alternate jurors. The court may direct that alternate jurors may, in addition to the regular jury be called and impaneled to sit. 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 same qualifications, shall be subject to the same examination 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. Each side is entitled to 1 peremptory challenge in addition to those otherwise allowed by law for every two alternate jurors that are to be impaneled. The additional peremptory challenges may be used against an alternate juror only, and the other peremptory challenges allowed by law shall not be used against an alternate juror.

Nev. R.C.P. 47 (2004)

6. Discussions pre-deliberation

N/A

7. Deliberation

N/A

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

Juries of less than twelve

The parties may stipulate that the jury shall consist of four jurors rather than eight.

Nev. R.C.P. 48 (2004)

12. Number of Jurors Needed to Return a Verdict

Size of juries: Majority verdict

(a) Size of jury. Except as may otherwise be provided by statute, each jury shall consist of six jurors unless the parties stipulate that the jury shall consist of any other even number not more than eight nor less than four.

(b) Majority verdict. Except as otherwise provided by statute, a verdict or a finding of three-fourths of the jurors shall be taken as a verdict or finding of the jury.

Nev. J.C.R.C.P. 48 (2004)

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

Jury Instructions

Standard jury instructions will be taken from the Nevada Pattern Civil Jury Instructions. Any proposed or agreed to additions to the jury

instructions shall be included in the pretrial memorandum. All stipulated and proposed instructions must be presented to the court prior to trial under Rule 13. The court shall encourage limited jury instructions.
Nev. Short Trial Rule 12 (2004)

Instructions to jury: Objections; preserving a claim of error

(a) Written requests; format.

(1) A party may, at the close of the evidence or at such earlier time as the court reasonably directs, file written requests that the court instruct the jury on the law as set forth in the requests. The written requests shall be in the format directed by the court. If a party relies on statute, rule or case law to support or object to a requested instruction, the party shall provide a citation to or a copy of the precedent. An original and one copy of each instruction requested by a party shall be filed with the court. The copies shall be appropriately numbered and indicate who filed them.

(2) After the close of the evidence, a party may:

(A) file requests for instructions on issues that could not reasonably have been anticipated at an earlier time for requests set under Rule 51(a)(1), and

(B) with the court's permission file untimely requests for instructions on any issue.

(b) Instructions.

(1) The court:

(A) shall inform counsel of its proposed instructions and proposed action on the requests before instructing the jury and before the arguments to the jury; and

(B) must give the parties an opportunity to object on the record and out of the jury's hearing to the proposed instructions and actions on requests before the instructions and arguments are delivered.

(2) Whenever the court refuses to give any requested instruction, the court shall write the word "refused" in the margin of the original and initial or sign the notation. Whenever the court modifies any requested instruction, the court shall mark the same in such manner that it shall distinctly appear how the instruction has been modified and shall initial or sign the notation. The instructions given to the jury shall be firmly bound together and the court shall write the word "given" at the conclusion thereof and sign the last of the instructions. After the jury has reached a verdict and been

discharged, the originals and copies of all instructions, whether given, modified or refused, shall be made part of the trial court record.

(3) The court shall instruct the jury before the parties' arguments to the jury, but this shall not prevent the giving of further instructions that may become necessary by reason of the argument. The jury shall be permitted to take to the jury room the written instructions given by the court, or a true copy thereof.

(c) Objections.

(1) A party who objects to an instruction or the failure to give an instruction must do so on the record, stating distinctly the matter objected to and the grounds of the objection.

(2) An objection is timely if:

(A) a party that has been informed of an instruction or action on a request before the jury is instructed and before final arguments to the jury, as provided by Rule 51(b)(1)(A), objects at the opportunity for objection required by Rule 51(b)(1)(B); or

(B) a party that has not been informed of an instruction or action on a request before the time for objection provided under Rule 51(b)(1)(B) objects promptly after learning that the instruction or request will be, or has been, given or refused.

(d) Assigning error; plain error.

(1) A party may not assign as error:

(A) an error in an instruction actually given if that party made a proper objection under Rule 51(c), or

(B) a failure to give an instruction if that party made a proper request under Rule 51(a), and, if the court did not make a definitive ruling on the record rejecting the request, also made a proper objection under Rule 51(c).

(2) A court may consider a plain error in the instructions affecting substantial rights that has not been preserved as required by Rule 51(d)(1)(A) or (B).

(e) Scope. This rule governs instructions to the trial jury on the law that governs the verdict. Other instructions, including preliminary instructions

to a venire and cautionary or limiting instructions delivered in immediate response to events at trial, are not within the scope of this rule.
Nev. R.C.P. 51 (2004)

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