

# IADC NATIONAL JURY TRIAL INNOVATIONS PROJECT

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## Rhode Island 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

Jurors in Rhode Island are paid \$15.00 per day.

[http://www.ncsconline.org/WC/Publications/KIS\\_JurManPayStates.pdf](http://www.ncsconline.org/WC/Publications/KIS_JurManPayStates.pdf)

The state controller, based upon a statement exhibited to him or her by the jury commissioner, may draw an order on the general treasurer in favor of the jury commissioner, for a sum certain to pay the jurors for their travel and attendance at any session thereof in any of the state courts that may require juries, which sum shall be accounted for by the jury commissioner at the time of transmitting to the department of administration the accounts named in § 35-6-13.

Gen.Laws 1956, § 35-6-14 (WEST 2005)

No employer doing business within the state of Rhode Island or otherwise subject to the jurisdiction of the state of Rhode Island shall cause any of its employees to suffer the loss of the employee's position, wage increases, promotions, longevity benefit, or any other emolument due to the employer-employee relationship because the employee has been called to serve jury duty; provided, however, that no employer, in the absence of a contract or collective bargaining agreement to the contrary, shall be responsible to pay to the employee any compensation for the period of the jury duty. In addition to all civil rights available to the employee because of this section, a violation of this section upon conviction shall be punishable as a misdemeanor.

Gen.Laws 1956, § 9-9-28 (WEST 2005)

The jury commissioner shall establish a procedure whereby, upon request, any serving juror shall be allowed the use of the regularly scheduled services of the Rhode Island public transit authority and the Pawtucket-Providence commuter ferry shuttle service and passage upon the Claiborne Pell Bridge free of charge on each day of the juror's service. A juror

requesting these services shall be given a travel voucher valid for use of the services of the Rhode Island public transit authority or the Pawtucket-Providence commuter ferry shuttle service or tokens valid for passage upon the Clairborne Pell Bridge while he or she is serving as a juror.  
Gen.Laws 1956, § 9-9-29 (WEST 2005)

### **5. Alternate Jurors**

Whenever in the opinion of the court the trial of a civil case before a jury is likely to be a protracted one, the court may, immediately after the jury is impaneled and sworn, direct the calling of one or two (2) additional jurors, to be known as alternate jurors. Alternate jurors shall be drawn from the same source, and in the same manner, and have the same qualifications, as regular jurors, and be subject to examination and challenge as such jurors, except that each party shall be allowed one peremptory challenge for each alternate juror. The alternate jurors shall take the proper oath or affirmation and shall be seated near the regular jurors with equal facilities for seeing and hearing the proceedings in the cause and shall attend at all times upon the trial of the cause in company with the regular jurors. They shall obey all orders and admonitions of the court, and if the regular jurors are ordered to be kept in the custody of an officer during the trial of the cause, the alternate jurors shall also be kept with the other jurors and, except as hereinafter provided, shall be discharged upon the final submission of the cause to the jury. If, before the final submission of the cause, a regular juror dies or is discharged, the court shall order the alternate juror, if there is but one, to take his or her place in the jury box. If there are two (2) alternate jurors, the court shall select one by lot, who shall then take his or her place in the jury box. After an alternate juror is in the jury box he or she shall be subject to the same rules as a regular juror.  
Gen.Laws 1956, § 9-10-13 (WEST 2005)

The court may direct that one or two jurors in addition to the regular panel be called and impanelled to sit as alternate jurors as provided by law.  
R.C.P. Rule 47 (WEST 2005)

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

N/A

### **7. Deliberation**

N/A

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

The Superior Court has implemented a one-day one trial system in Washington and Newport counties to make more efficient use of juror's time. This system of requiring petit jurors to serve for either one day or

the duration of one trial permits those not selected to serve on a case to be dismissed at the end of the first day. Similarly, a two-day-one trial system has recently been established for Providence/Bristol and Kent Counties.

[http://www.courts.state.ri.us/superior/pdf/Know\\_Your\\_Courts.pdf](http://www.courts.state.ri.us/superior/pdf/Know_Your_Courts.pdf)

No person summoned as a petit juror shall be required to serve more than two (2) weeks in any year in which he or she may be summoned; unless at the expiration of the period of two (2) weeks he or she shall be actually serving on a jury theretofore impaneled to try an issue then pending and undetermined, in which case he or she shall continue to serve until the trial is concluded. Notwithstanding the above provisions, if a juror has been tentatively selected to serve on a jury by the parties litigant and the juror has not been formally sworn and impaneled by the end of the two (2) week period, the trial judge, in his or her discretion, may extend the two (2) week term until the trial is concluded or until the juror is excused. Provided every person summoned as a grand juror shall serve as such in the term for which he or she is summoned for such time or times as the court may require and until a succeeding grand jury shall be called and impaneled as provided by law.

Gen.Laws 1956, § 9-10-8 (WEST 2005)

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

N/A

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

N/A

### **11. Jury Size**

Juries in civil cases shall be composed of six (6) persons and such alternate jurors as may be called pursuant to § 9-10-13.

Gen.Laws 1956, § 9-10-11 (WEST 2005)

Unless the parties otherwise stipulate and the court approves, the court shall seat a jury of six and the verdict shall be unanimous.

R.C.P. Rule 48 (WEST 2005)

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

Juries in civil cases shall be composed of six (6) persons and such alternate jurors as may be called pursuant to § 9-10-13.

Gen.Laws 1956, § 9-10-11 (WEST 2005)

Unless the parties otherwise stipulate and the court approves, the court shall seat a jury of six and the verdict shall be unanimous.

R.C.P. Rule 48 (WEST 2005)

**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**

At the close of the evidence or at such earlier time during the trial as the court reasonably directs, any party may file written requests that the court instruct the jury on the law as set forth in the requests. No party may assign as error the giving or the failure to give an instruction unless the party objects thereto before the jury retires to consider its verdict, stating distinctly the matter to which the party objects and the grounds of the party's objection. Opportunity shall be given to make the objection out of the hearing of the jury.

R.C.P. Rule 51 (WEST 2005)

**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**

**Juror Privacy**

During the voir dire examination of prospective jurors, no photographing, broadcasting, or televising of such examinations of individual jurors or prospective jurors shall take place. After the jurors are empaneled and

sworn, individual jurors shall not be photographed except in instances in which a juror or jurors consent. In courtrooms where photography and televising is impossible without including the jury as part of the unavoidable background, such photography is permitted, but closeups that clearly identify individual jurors are prohibited. Trial justices shall enforce this rule for the purpose of providing maximum protection of juror anonymity.

Sp.Ct.Rules, Art. VII, Canon 10 (WEST 2005)

**Time Limits on Arguments**

Time for Argument. Counsel for each party shall be allowed one hour for argument; in cases commenced in district courts the time shall be limited to 40 minutes. Before the commencement of argument the court may allow further time. When more than one attorney is to be heard on behalf of the same party, the time may be divided as they may elect.

R.C.P. Rule 51 (WEST 2005)

**24. Various Recommendations**

N/A