

IADC NATIONAL JURY TRIAL INNOVATIONS PROJECT

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South Carolina 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 South Carolina are paid \$10 per day.

http://www.ncsconline.org/WC/Publications/KIS_JurManPayStates.pdf

5. Alternate Jurors

The court may direct that not more than six jurors in addition to the regular petit jury panel be called and impanelled 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 or are found 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 if 1 or 2 alternate jurors are to be impanelled, 2 peremptory challenges if 3 or 4 alternate jurors are to be impanelled, and 3 peremptory challenges if 5 or 6 alternate jurors are to be impanelled. The additional peremptory challenges may be used only against an alternate juror and the other peremptory challenges allowed by law shall not be used against an alternate juror.

Rule 47, SCRPC (WEST 2005)

6. Discussions pre-deliberation

N/A

7. Deliberation

If it appears that the jury deliberations may extend into the night, the court may order that the jury be taken to suitable sleeping quarters for the night; and on the following morning they shall resume their deliberations. The jury shall be kept together and separate from the public, and as far as practicable during all times shall be under the surveillance of the bailiffs. Any juror or jurors may be separated for the night from any other juror or jurors. There shall be no communication with any member of the jury by any third person, and the jury shall be fully protected from any outside influence.

Rule 47, SCRCP (WEST 2005)

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

The jury shall be composed of twelve persons and their verdict shall be unanimous, except that the parties may stipulate that the jury shall consist of any number less than twelve, or less than six in civil action in magistrate's courts, or that a verdict or a finding of a stated majority of the jury be taken as the verdict or finding of the jury.

Rule 48, SCRCP (WEST 2005)

12. Number of Jurors Needed to Return a Verdict

The jury shall be composed of twelve persons and their verdict shall be unanimous, except that the parties may stipulate that the jury shall consist of any number less than twelve, or less than six in civil action in magistrate's courts, or that a verdict or a finding of a stated majority of the jury be taken as the verdict or finding of the jury.

Rule 48, SCRCP (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. The court shall inform counsel of its proposed action upon the requests prior to their arguments to the jury, but the court shall instruct the jury after the arguments are completed. No party may assign as error the giving or the failure to give an instruction unless he objects thereto before the jury retires to consider its verdict, stating distinctly the matter to which he objects and the grounds for his objection. Opportunity shall be given to make the objection out of the hearing of the jury.

Rule 51, SCRPC (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 Questionnaires

Local Rules of the United States District Court for the District of South Carolina, Rule 47.02:

The Court may require potential jurors to respond to written questionnaires and may make the responses available to counsel or parties with cases on the relevant trial roster. Counsel or any other persons obtaining juror questionnaire responses must insure that the information contained therein is utilized solely for the purpose of evaluating potential jurors for a pending case and is not disseminated for any other purpose.

The Clerk of Court shall institute procedures to draw these requirements and responsibilities to the attention of persons obtaining the questionnaire responses. Any person desiring to obtain the information for any other purpose must petition the court so that an appropriate hearing can be conducted.

Local Civil Rule 47.02, DSC (WEST 2005)).

Juror Contact

(A) Under no condition shall an attorney or party litigant personally or through any person acting for such attorney or party litigant ask questions of or make comments to a member of that jury or the members of the family (for definition of family members, see Local Civil Rule 47.03, supra) of such a juror until after such juror has been permanently dismissed from jury service and has left the Courthouse premises.

(B) Attorneys or party litigants who choose to contact a juror after such juror has been permanently dismissed and has left the Courthouse premises, do so at their own peril. Under no circumstances shall an attorney, party litigant, or any person acting therefor, ask questions of or make comments to a member of that jury that are calculated to harass or embarrass a juror or to influence the juror's actions in future jury service.

SC R USDCT CIV Rule 47.05 (WEST 2005)

24. Various Recommendations

N/A