

IADC NATIONAL JURY TRIAL INNOVATIONS PROJECT

Updated 08.08.2005

Utah 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

Employer not to discharge or threaten employee for jury service -- Criminal penalty -- Civil action by employee

An employer may not deprive an employee of employment, threaten or take any adverse employment action, or otherwise coerce the employee regarding his employment because the employee receives a summons, responds to it, serves as a juror, or a grand juror, or attends court for prospective jury or grand jury service.

Utah Code Ann. § 78-46-21(1) (2005)

An employee may not be required or requested to use annual, vacation, or sick leave for time spent responding to a summons for jury duty, time spent participating in the jury selection process, or for time spent actually serving on a jury. Nothing in this provision shall be construed to require an employer to provide annual, vacation, or sick leave to employees under the provisions of this statute who otherwise are not entitled to those benefits under company policies.

Utah Code Ann. § 78-46-21(2) (2005)

Any employer who violates this section is guilty of criminal contempt and upon conviction may be fined not more than \$ 500 or imprisoned not more than six months, or both.

Utah Code Ann. § 78-46-21(3) (2005)

If any employer discharges an employee in violation of this section, the employee within 30 days may bring a civil action for recovery of wages lost as a result of the violation and for an order requiring the reinstatement of the employee. Damages recoverable may not exceed lost wages for six weeks. If the employee prevails, the employee shall be allowed a reasonable attorney's fee fixed by the court.

Utah Code Ann. § 78-46-21(4) (2005)

State payment for jurors and subpoenaed persons -- Appropriations and costs -- Expenses in justice court

The state is responsible for payment of all fees and expenses authorized by law for prosecution witnesses, witnesses subpoenaed by indigent defendants, and interpreter costs in criminal actions in the courts of record and actions in the juvenile court. The state is responsible for payment of all fees and expenses authorized by law for jurors in the courts of record. For such payments, the Judicial Council shall receive an annual appropriation contained in a separate line item appropriation.

Utah Code Ann. § 78-46-25(1) (2005)

If expenses exceed the line item appropriation, the administrator of the courts shall submit a claim against the state to the Board of Examiners and request the board to recommend and submit a supplemental appropriation request to the Legislature for the deficit incurred.

Utah Code Ann. § 78-46-25(2) (2005)

In the justice courts, the fees, mileage, and other expenses authorized by law for jurors, prosecution witnesses, witnesses subpoenaed by indigent defendants, and interpreter costs shall be paid by the municipality if the action is prosecuted by the city attorney, and by the county if the action is prosecuted by the county attorney or district attorney.

Utah Code Ann. § 78-46-25(3) (2005)

Fees and mileage

(1) Every juror and witness legally required or in good faith requested to attend a trial court of record or not of record or a grand jury is entitled to:

- (a) \$ 18.50 for the first day of attendance and \$ 49 per day for each subsequent day of attendance; and
- (b) if traveling more than 50 miles, \$ 1 for each four miles in excess of 50 miles actually and necessarily traveled in going only, regardless of county lines.

(2) Persons in the custody of a penal institution upon conviction of a criminal offense are not entitled to a witness fee.

(3) A witness attending from outside the state in a civil case is allowed mileage at the rate of 25 cents per mile and is taxed for the distance actually and necessarily traveled inside the state in going only.

(4) If the witness is attending from outside the state in a criminal case, the state shall reimburse the witness under Section 77-21-3.

(5) A prosecution witness or a witness subpoenaed by an indigent defendant attending from outside the county but within the state may receive reimbursement for necessary lodging and meal expenses under rule of the Judicial Council.

(6) There is created within the General Fund, a restricted account known as the CASA Volunteer Account. A juror may donate the juror's fee to the CASA Volunteer Account in \$ 18.50 or \$ 49 increments. The Legislature shall annually appropriate money from the CASA Volunteer Account to the Administrative Office of the Courts for the purpose of recruiting, training, and supervising volunteers for the Court Appointed Special Advocate program established pursuant to Section 78-3a-912.

Utah Code Ann. § 78-46-28 (2005)

5. Alternate Jurors

N/A

6. Discussions pre-deliberation

It is important that you not discuss the trial with anyone (even fellow jurors) until the jury retires to deliberate. In a multi-day trial, you must not discuss the case with family, friends, or anyone else. If someone approaches you in the courthouse or elsewhere and tries to discuss the trial with you, leave immediately and report the incident to the judge. The bailiff can deliver any written messages you wish to convey to the judge.

Jurors must make their decision on the basis of the evidence presented at the trial, and not on the basis of any outside information about the case. For this reason, jurors are prohibited from reading, watching, or listening to any media accounts of the trial, from visiting the scene of the events, and from trying to discover any information about the case on their own.

<http://www.utcourts.gov/juryroom/index.asp?content=faq#At%20what%20point%20can%20I%20discuss%20the%20trial%20with%20others?>

7. Deliberation

N/A

8. Length of Service

Limitations on jury service

In any two-year period, a person shall not be required:

- (1) to serve on more than one grand jury;
- (2) to serve as both a grand and trial juror; or
- (3) to attend court for prospective jury service as a trial juror more than one court day, except if necessary to complete service in a particular case.

Utah Code Ann. § 78-46-19 (2005)

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 eight -- Majority verdict.

The parties may stipulate that the jury shall consist of any number less than eight 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.

URCP Rule 48 (2005)

NOTE: Recent Court Orders may amend this Rule

12. Number of Jurors Needed to Return a Verdict

Juries of less than eight -- Majority verdict.

The parties may stipulate that the jury shall consist of any number less than eight 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.

URCP Rule 48 (2005)

NOTE: Recent Court Orders may amend this Rule

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

Instructions to jury; objections

After the jury is sworn and before opening statements, the court may instruct the jury concerning the jurors' duties and conduct, the order of proceedings, the elements and burden of proof for the cause of action, and the definition of terms. The court may instruct the jury concerning any matter stipulated to by the parties and agreed to by the court and any

matter the court in its discretion believes will assist the jurors in comprehending the case.

URCP Rule 51(a) (2005)

NOTE: Recent Court Orders may amend this Rule

Interim instructions

During the course of the trial, the court may instruct the jury on the law if the instruction will assist the jurors in comprehending the case. A party may request an interim instruction.

URCP Rule 51(b) (2005)

NOTE: Recent Court Orders may amend this Rule

Final instructions

The court shall instruct the jury at the conclusion of the evidence as may be needed.

URCP Rule 51(d) (2005)

NOTE: Recent Court Orders may amend this Rule

Request for instructions

Parties shall file requested jury instructions at the final pretrial conference or at any other time directed by the court. If a party relies on a statute, rule or case to support or object to a requested instruction, the party shall provide a citation to or a copy of the statute, rule or case. The court shall provide the parties with a copy of the approved instructions, unless the parties waive this requirement.

URCP Rule 51(d) (2005)

NOTE: Recent Court Orders may amend this Rule

Written instructions

Whenever practical, jury instructions should be in writing. At least one written copy shall provided to the jury. The court shall provide a written copy to any juror who requests one.

URCP Rule 51(e) (2005)

NOTE: Recent Court Orders may amend this Rule

Objections to instructions

Objections to written instructions shall be made before the instructions are given to the jury. Objections to oral instructions may be made after they are given to the jury, but before the jury retires to consider its verdict. The court shall provide an opportunity to make objections outside the hearing of the jury. Unless a party objects to an instruction or the failure to give an instruction, the instruction may not be assigned as error except to avoid a manifest injustice. In objecting to the giving of an instruction, a party shall identify the matter to which the objection is made and the grounds for the objection.

URCP Rule 51(f) (2005)

NOTE: Recent Court Orders may amend this Rule

Arguments. Arguments for the respective parties shall be made after the court has given the jury its final instructions. The court shall not comment on the evidence in the case, and if the court states any of the evidence, it must instruct the jurors that they are the exclusive judges of all questions of fact.

URCP Rule 51(g) (2005)

NOTE: Recent Court Orders may amend this Rule

18. Child-Care for Jurors

N/A

19. Jury Room

N/A

20. Accommodation

Food allowance for jurors -- Sequestration costs

Jurors may be provided with a reasonable food allowance under the rules of the Judicial Council.

Utah Code Ann. § 78-46-29(1) (2005)

When a jury has been placed in sequestration by order of the court, the necessary expenses for food and lodging shall be provided under the rules of the Judicial Council.

Utah Code Ann. § 78-46-29(2) (2005)

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