

IADC NATIONAL JURY TRIAL INNOVATIONS PROJECT

Updated 08.08.2005

Vermont 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

Alternate Jurors

The court may direct that not more than two jurors in addition to the regular jury 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 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 one peremptory challenge in addition to those otherwise allowed, whether one or two alternate jurors are to be impanelled. The additional peremptory challenge may be used against an alternate juror only, and the other peremptory challenges allowed by law shall not be used against an alternate juror.

V.R.C.P. 47(d) (2005)

Review Court Orders that May Amend this Rule

Alternative Procedure for Replacement Jurors

The court may direct that no more than six replacement jurors also be drawn when the original twelve prospective jurors or any alternatives are drawn. The replacement jurors shall be examined along with the prospective jurors or alternates. Replacement jurors shall, in the order they were seated, replace prospective or alternate jurors when they have been excused.

V.R.C.P. 47(e) (2005)

Review Court Orders that May Amend this Rule

6. Discussions pre-deliberation

N/A

7. Deliberation

N/A

8. Length of Service

Term of Service of Petit and Grand Juror Panels

A person summoned to petit jury service shall be summoned to appear before the court for voir dire no more than three times in any two-year period of time. Persons summoned for voir dire shall serve on any trial for which they were selected. 4 V.S.A. § 963.

A person selected for a grand jury service shall be summoned to serve no more than three times in any two-year period of time.

Vt. Jury Select. 9 (2005)

Review Court Orders that May Amend this Rule

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--Majority Verdict

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

V.R.C.P. 48 (2005)

Review Court Orders that May Amend this Rule

12. Number of Jurors Needed to Return a Verdict

Juries of Less Than Twelve--Majority Verdict

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

V.R.C.P. 48 (2005)

Review Court Orders that 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

Argument of Counsel; Instructions to Jury

(a) **Time for Argument.** More than one hour on a side will not be allowed for argument to the jury, without leave granted before argument; and the court may limit argument to a less time.

(b) **Instructions to Jury; Objections.** 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. The court, at its election, may instruct the jury before or after argument, or both. No party may assign as error the giving or the failure to give an instruction unless that party objects thereto before the jury retires to consider its verdict, stating distinctly the matter objected to and the grounds of the objection. Opportunity shall be given to make the objection out of the hearing of the jury.

(c) **Written Instructions.** The instructions shall be given orally. The court may provide the jury with three or more written copies of the instructions to take to the jury room when the jury retires for deliberation.

V.R.C.P. 51 (2005)

Review Court Orders that May Amend this Rule

Preliminary Instructions

After the jury has been impaneled, the court may instruct the jury as to the respective claims of the parties and as to such other matters as will aid the jury in comprehending the trial procedure and in understanding the evidence. Such preliminary instructions shall be disclosed to the parties before they are given, and either party may object to any specific instruction or propose instructions to be given prior to trial. No party may assign as error the giving or failure to give a preliminary instruction unless that party objects thereto before or immediately after the instructions are

given stating distinctly the matter to which the party objects and the grounds of the objection.
V.R.C.P. 47(f) (2005)
Review Court Orders that May Amend this Rule

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

Confidentiality of Jurors' Personal Information.

Public access to a person's address, date of birth, social security number, telephone number and mileage to the courthouse on any court record created pursuant to these rules shall be prohibited unless the record is opened by the court for good cause shown.

Vt. Jury Select. 11 (2005)

Review Court Orders that May Amend this Rule

24. Various Recommendations

N/A