

Talking Points

Helping Juries Do Their Job

- Traditional jury service can be like an anxiety dream. Imagine being forced to take a college course you knew nothing about. It could last days or months; no one knows for sure. The speakers use technical language you don't understand. You can't take notes, ask questions, or consult your classmates. On the final exam, you and your classmates have to answer the test exactly the same way, or you can't go home. In the past, this is what jury service felt like to many people.
- But help is on the way. Jury service is being improved all over the country.

Instructions Early and Often

- In some courts, judges now instruct jurors about key legal issues at the start of the trial. In some jurisdictions, lawyers provide interim summaries of evidence and clarify issues.

More Courts Permitting Note Taking

- Note taking helps jurors stay focused while listening to testimony and helps them recall testimony more clearly while deliberating.
- College courses have textbooks. In some places, jurors are supplied with juror notebooks for keeping documents or information, e.g., juror notes; preliminary and, eventually, final instructions; lists of witnesses (names and photos), and copies of key exhibits.

Jurors Submitting Questions for Witnesses

- Some jurisdictions permit jurors to submit questions for the witnesses, under the supervision of the judge, who applies strict rules that ensure that the questions are fair to all parties. This not only assures that the rules of evidence are followed, it also engages jurors in the process and makes them more attentive.

Plain English, Please

- Wherever possible, lawyers and the judge are striving to use language the jurors understand and not use legal jargon.

Better Instructions

- Many courts are issuing final instructions before the lawyers' closing arguments, so that jurors can better understand the law and its relation to the case and can weigh the arguments in light of the instructions. Some courts are giving juries copies of the final instructions in writing, and allowing jurors to ask questions about them before deliberation begins.

Help in the Deliberation Process

- With the help of research into how juries decide, judges are providing guidance on how jurors can carefully review the evidence before voting, listen to all sides, respect each other's opinions, not rush to judgment, etc.

Conclusion

- These innovations spring from the same premise: "that if jurors are useful and powerful figures in our democracy, they must be treated that way. They must be given ... training, tools, and information." (Stephen J. Adler, *The Jury*)