



COLORADO JURY SYSTEM STANDING COMMITTEE

Meeting Minutes of:

Friday, February 22, 2008

1:30 – 3:30 p.m.

Held at the State Court Administrator's Office – 3rd floor conference room

Attendees:	Justice Michael Bender, Amy Mailander, Lori Johnson, Donna Wheeler, Karen Salaz, Dina Jones, Judge Joseph Meyer, Kate Dulitzky, Bob Grant, Kent Wagner, Kim Wood, Libbi Palmer
Chair:	Justice Michael Bender
Staff:	Amy Mailander
Next Meetings:	Thursday June 19th, 2008 and Thursday October 2 nd , 2008, from 3:00-5:00 at the State Court Administrator's Office, 3rd floor conference room. 1301 Pennsylvania Denver, 80203

* 2-26-08, A few additions were made to the minutes and are indicated in blue.

Subcommittee: Ongoing Education and Training – Kent Wagner

- Kent stated there were roughly 50 Judges who attended the New Judge Orientation in August and roughly 35 who attended the New Judge Orientation in February. Judges whom attend the New Judge Orientation have typically been on the bench anywhere from 3 months to 18 months.
- Chief Judge Bailin from Boulder covers Jury Issues as a whole, on the 1st day of orientation. Judge Joe Meyer covers Jury Innovations and Use of Jurors. There is also a Jury Issues presentation during Advanced New Judge Orientation. Roughly 3 to 4 hours of training is devoted to jury issues during these judicial orientation programs.
- Judge Meyer recently informed Kent that the bench book needs to be updated.
- Judge Kane will be invited to the New Judge Orientation in August.
- Justice recommended to Kent that he spend 5 to 10 minutes at the orientations, surveying the Judges to find out what they do in terms of jury innovations, what challenges they have etc.
- Kent mentioned the need to reach the mid-career Judges with continuing education/training regarding new innovations in jury.

Action Item: 1. Spend 5 to 10 minutes surveying Judges re: jury innovations.	Person(s) Responsible: Kent	Deadline: Next orientation
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Juror Notebooks – Amy Mailander

- Amy updated the committee on the status of the notebooks; Jefferson, Arapahoe, Douglas, Pueblo, Denver and El Paso have received their notebooks. Others are assembled and waiting for delivery. She indicated she will need until March 31st to have the remainder of the notebooks assembled and distributed.
- The funding for the notebooks covered 1500 notebooks. Additional criminal notebooks are needed to ensure all Judges covering criminal have a set. Amy will get a count and let Justice Bender know how much additional funding is needed.
- Amy proposed we wait and get feedback on the criminal notebooks before we assemble civil or county court notebooks.
- The committee had discussion about working on civil notebooks vs. county court notebooks next? Although, county court trials are much shorter, we can capture more jurors (public). We discussed having a much simplified version of a notebook for them, such as a laminated one or two page document.
- Donna provided Civil glossary terms that she and Kevin Kuhn compiled.

Action Item: 1. Get a count on how many more notebooks are needed and let Justice Bender know how much additional funding is needed to obtain and complete the remainder of notebooks.	Person(s) Responsible: Amy	Deadline: ASAP
Action Item: 2. Continue work on the civil glossary terms.	Person(s) Responsible: Donna Wheeler, Kevin Kuhn and Beth Krulewitch	Deadline: 6/19/08

Subcommittee: Plain Language Criminal Jury Instructions – Bob Grant on behalf of Judge Breese (Chair)

- This subcommittee has gathered information from around the Country to see what other states have done with regard to plain language instructions.
- They have compiled a list of instructions to tackle.
- Justice Bender asked Amy to make copies of the “Reasonable Doubt Jury Instruction” Bob worked on; those copies were given to the committee members.
- To assist in writing, they have recruited Louisa Heiny, Professor of Legal Writing at CU Law School.
- Two instructions this subcommittee has circulated are: Reasonable Doubt and Lesser Included.
- They hope to have 4 or 5 instructions for this committee by the next meeting.
- Whatever this committee recommends has to go through Justice Coats and they hope to work with his committee once it gets re-established.
- Bob anticipates the writing of these plain language instructions to take some time with adjusting along the way. He’d like to see them done right and not necessarily rush them.
- This subcommittee meets monthly and also works via e-mail circulation as well. If anyone from this committee would like to be in the loop of e-mails amongst this subcommittee, please let Bob Grant know and he’ll include you.

Action Item: 1. Continue tackling various plain language instructions and have some ready to propose to the committee, next time we meet.

Person(s) Responsible:
Judge Breese, Bob Grant, Judge Russell, Beth Krulewich, Bridget Klauber and Ericka Englert.

Deadline:
June 19, 2008 and ongoing.

Subcommittee: Pre-Deliberation Discussions – Judge Joseph Meyer (Chair)

- Judge Meyer stated this committee was reconstituted at the last committee meeting in October.
- This subcommittee is trying to determine whether judges are now using the instruction while all jurors are together in the jury room.
- The Supreme Court approved the recommendation of the pilot study (not signed by anybody), after a hearing, but no written order.
- The focus of this subcommittee is to move the instruction forward. They will look at proposing a rule to say, “jurors shall be instructed as follows.....”

Action Item: 1. Work on a recommendation for a rule.

Action Item: 2. Eventually get this rule in an updated bench book, which will go to the judges.

Person(s) Responsible:
Judge Meyer, Molly, Mike, Donna and Kevin

Deadline:
June 19th and ongoing

Subcommittee: Juror Questionnaires – Dina Jones (Chair)

- This subcommittee e-mailed a survey to all of the districts inquiring whether they used juror questionnaires and if they did if they could they share their examples. Dina provided a hand-out with the results of this survey.
- Attached to the results of the survey is a list of examples/samples they compiled for specific juror questionnaires for different case types.
- Justice Bender wants this subcommittee to show these sample questionnaires to their Chief Judges (in the three districts they are from), to get their input. He would like a brief write-up from each location of their feedback.
- Justice Bender can use this information at a Chief Judges meeting to ask them to implement these questionnaires.
- These questionnaires are a helpful option to make the process better for jurors. Some jurors feel better about writing their answers than they do standing up and verbally answering.

Action Item: 1. Seek input from your local Chief Judge (at your three locations) and prepare a brief write-up of their information to bring to the next meeting.

Person(s) Responsible:
Dina Jones, Kate Dulitzky and Karen Salaz

Deadline:
June 19th, 2008

Subcommittee: Juror Issues – Libbi Palmer

- The committee reviewed the juror survey results of jurors who actually served.
- Valuable information was obtained in particular: (1) that the jury service really improved the jurors' attitudes about the fairness of the system from how they viewed it before service, and (2) that a large majority of the jurors are concerned that their employers will not compensate them for their jury service as is required by Colorado statutes.
- In the future if we do a survey, we need to have the statistics for how many surveys were distributed to compare to how many we received back. We also need to capture whether these surveys were from a civil or criminal jury.
- The committee discussed that based on the survey results, overall it showed jurors are happy with the jury system. We need to find a way to publicly get that message out there, as a public education piece.
- Get a hold of the Mountain States Employers Counsel. How can we get more employers to allow their employees to be gone to serve jury duty without hassle or trying to find a way to not pay their employee? Who wants to figure out who can find business groups to connect with – Bender will get someone to compose a list of organizations.

Action Item: 1. Libbi will write a letter on her letterhead, on behalf of this committee to the Mountain States Employers Counsel.

Person(s) Responsible:
Libbi

Deadline:
ASAP

Action Item: 2. Libbi will write a very brief letter to the judges, to be distributed via Kent re: the outcome of these surveys.

Person(s) Responsible:
Libbi

Deadline:
ASAP

Action Item: 3. Kent to distribute Libbi's letter to the Judges, see action item #2, above.

Person(s) Responsible:
Kent

Deadline:
Once received from Libbi

Action Item: 4. Justice Bender will talk to Jon Sarche and Rob McCallum regarding a way to inform the public that jury duty isn't all that bad.

Person(s) Responsible:
Justice Bender

Deadline:
ASAP

Action Item: 5. Justice Bender will get someone to compose a list of organizations to solicit this information to.

Person(s) Responsible:
Justice Bender

Deadline:
ASAP

Other:

Plain Language Jury Instruction Conference in Topeka, Kansas

Bob Grant will attend the Plain Language Jury Instruction Conference at Washburn Law School in Topeka, Kansas on April 6, 7, & 8 on behalf of this committee.

Denver Center for Crime Victims

Kim Wood provided information about the Denver Center for Crime Victims. If you call the Center regarding a trial and say you may need assistance they will come and speak to jurors. Some defense attorneys have some concerns with Cova and the like. Does this Center provide service to other areas outside of the Denver area?

"Order in the Classroom" video

This three minute video was shown at our meeting.

Dates of Next Meeting(s):

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