

COLORADO JURY SYSTEM STANDING COMMITTEE

Supreme Court Conference Room

Friday, June 9, 2006; 3-5 p.m.

Meeting Minutes

Attendees: Judge Leland Anderson (Committee Chair), Karen Abbott, Janet Bacon (via phone), Ericka Englert, Molly Ferrer, Lori Johnson, Bill Keating, Mike Keating, Beth Krulewitch, Judge Alan Loeb, Dru Nielsen, Libbi Palmer, Jackie Senese

Staff: Carol Rigato

Judge Anderson opened the meeting at 3:05 p.m.

Justice Bender will be the Supreme Court liaison to the Committee, but was unable to attend this meeting.

Members introduced themselves and new members were welcomed.

Summary of Projects: In-Process/Potential

Judge Anderson provided a brief review of Committee Projects: In-Process and Potential (handout).

Discussion followed regarding main project areas. Committee members then voted regarding the priority of each main project area, and decided which projects would be pursued at this time. A revised summary of main project areas follows, and includes all ideas generated by the committee since the March 3rd standing committee meeting:

• Ongoing Education and Training

- Conduct a retrospective court study regarding juror questions to identify existing problems, how judges are managing the process, etc.
- Produce a report on CO jury questions for possible national publication, i.e. our process, rules, success
- Work in conjunction with Colorado Lawyer to develop an issue on Jury Reform
- Update jury related websites/brochures; assess all for “readability” and content; (see AZ as website example)
- Judicial education; investigate the need for written guidelines regarding jury related topics, i.e., mini-opening statements, mid-trial summations
- Develop curriculum for court staff to raise awareness of juror issues (distress, debriefing, utilization, etc.)
- Create Web page: “Frequently Asked Questions” regarding jury reform for use by judicial officers/staff
- Build database of resources; create library of available information related to jury issues
- Develop attorney education regarding use of notebooks and exhibits
 - Publish an article on “Exhibits and Juror Notebooks” in Colorado Lawyer

• Pre-Deliberation Discussions

- Investigate the need for a rule regarding CV pre-deliberation discussions
- Investigate introduction of pre-deliberation discussions in CR cases
- Investigate connection to juror stress in difficult cases (see below)
- Investigate legal impact of introducing pre-deliberation discussions; investigate efforts made in other states regarding this issue

- **Juror Issues**
 - Develop/Implement a “Jury Service Exit Questionnaire” to assess juror experiences/expectations/concerns/suggestions for use in all courts
 - **Juror Comfort/Convenience Issues**
 - Explore trial management issues as they relate to jury service/time management, i.e. local practices regarding pre-trial motions; recommend judicial training as appropriate to reduce juror waiting time
 - Day care
 - Provide coffee/donuts/beverages in all court locations
 - Provide Wireless access in jury waiting areas; advertise as a juror appreciation issue
 - Provide current magazines, reading material in jury waiting areas
 - **Juror Distress**
 - Develop/complete pamphlet for post-trial use in high stress cases
 - Develop policy and/or guidelines for use by Judges regarding post-trial debriefing in high stress cases
 - Identify mental health sources for debriefing in high stress cases
 - Investigate juror impact of not allowing pre-deliberation discussions; develop recommendations/actions
 - Incorporate jury comfort and distress issues into current judicial trial management curriculum; focus on high-stress cases
 - **Juror Privacy Issues**
 - Investigate connection between juror stress and releasing personal information during jury selection in certain cases; investigate methods currently used to protect juror information pre and post trial
 - Develop rule regarding discretionary use of juror numbers rather than names to protect juror identity
 - **Increase Participation in Jury Service**
 - Investigate/implement methods to increase juror service within the state
 - Conduct study of “who” participates in jury service
 - Develop community education program targeted to increase participation
 - Develop corporate education program regarding statutes for juror pay
 - Investigate juror pay; i.e., where does CO rank in relation to other states, can we increase juror pay to minimum wage

- **Standardized Juror Notebooks**
 - Continuing project; standardize notebook format for use in all courts; submit for legal review; pending trial in 1st and 20th Judicial Districts
 - Investigate exhibit recommendations, i.e., one set of large exhibits for use in trial
 - Develop and implement court survey regarding realistic use of notebooks, identify problems, identify best practices

- **Establish National Collaboration Regarding Jury Reform**
 - Establish CO as a partner with NCSC; investigate CO as a pilot state in future NCSC studies/projects
 - Build working relationships with other organizations; i.e., American Bar Foundation, American Judicature Society, Association of Trial Lawyers of America, American College of Trial Lawyers, American Justice Partnership
 - Be creative regarding ways to be on the “leading edge” of discussions regarding jury reform; establish contact with other national organizations

- **Plain Language Jury Instructions - Criminal**
 - Determine if statutory language should be addressed first; investigate possibility of rewriting order of instructions rather than content; investigate funding for staff
- **Update Jury Orientation Video**
 - Assess usefulness of current video and implement needed changes
- **Juror Ombudsman/Advocate**
 - Will not be continued as a project at this time

Subcommittee Assignments

Alan Loeb and Bill Meyer agreed to continue the work of the **Juror Notebooks** subcommittee. Donna Wheeler is continuing to work on developing a “standard” juror notebook. She anticipates having an example to share with the committee by the end of July. Judge Loeb will pursue publishing an article in Colorado Lawyer once standardized notebooks are in place.

The **Jury Orientation Video** will be updated through SCAO.

Per Judge Anderson, Rebecca Kourlis has offered to meet with the committee in October to share information regarding **Jury Reform on a National Level**, and collaboration with national organizations. Jackie Senese shared that grant funding may be available if Colorado becomes involved in a pilot study regarding jury reform.

Janet Bacon and Bob Grant will put together examples of what could be done regarding **Plain Language Jury Instructions**. Janet Bacon will investigate whether statutory language can be retained, and still make the instructions more comprehensible. Judge Anderson suggested pursuing criminal instructions first, by revising a few statutes quickly for review. Janet Bacon requested that this project update be added as an agenda item at the September standing committee meeting.

Discussion was held regarding the need to review **Juror Questions**, now that the rules have been in place for 2-3 years in criminal and civil trials. Information regarding whether the process is being used (why or why not), if problems exist, if cases on appeal are related to juror questions, etc., would be beneficial to review the “success” of this process, and determine if revisions/changes are needed. Per Bill Keating, instructions are allowed to be read prior to witness testimony in Federal Court. The committee agreed to add the suggestion for a retrospective court study regarding juror questions to the project area of **Ongoing Education and Training**.

New subcommittee assignments were discussed and made/agreed as follows:

- **Ongoing Education and Training**
 Subcommittee chair: Bill Keating (Interim)
 Members: Janet Bacon, Beth Krulewitch, Dru Nielsen, Ericka Englert, Karen Abbott, Kevin Kuhn, Joe Meyer
- **Pre-Deliberation Discussions**
 Subcommittee chair: Mike Keating (Interim)
 Members: Molly Ferrer, Roxanne Bailin, Leland Anderson, Beth Krulewitch

- **Juror Issues**

Subcommittee chair: Libbi Palmer (Interim)

Members: Jackie Senese, Alan Loeb, Marjorie Seawell, Lori Johnson, Carol Rigato

Judge Anderson requested that subcommittees send an e-mail to him regarding their meeting dates, goals, action plans with target dates, and items that are targeted for completion within one year. Subcommittees should also come prepared to discuss these items at the next general committee meeting in September.

The next **standing committee meeting will be held on September 8th**, from 3:00 – 5:00 p.m., in the Supreme Court conference room (5th floor) located in the Colorado State Judicial Building, 2 East 14th Ave., Denver.

The meeting was adjourned at 4:45 p.m.

Respectfully submitted,
Carol Rigato