

Rule Change #1998(8)

**The Colorado Rules of Civil Procedure
Chapter 25. Rules Governing County Court
Rule 316. Pretrial Procedure - Disclosure and Conference
Rule 347. Jurors**

RULE 316. PRETRIAL PROCEDURE - DISCLOSURE AND CONFERENCE

(a) through (d) * * * * [NO CHANGE]

(e) **JUROR NOTEBOOKS.** THE COURT MAY ORDER THE USE OF JUROR NOTEBOOKS. IF NOTEBOOKS ARE TO BE USED, COUNSEL FOR EACH PARTY SHALL CONFER ABOUT ITEMS TO BE INCLUDED IN JUROR NOTEBOOKS AND AT THE PRETRIAL CONFERENCE OR OTHER DATE SET BY THE COURT MAKE A JOINT SUBMISSION TO THE COURT OF ITEMS TO BE INCLUDED IN THE JUROR NOTEBOOK.

Rule 347(a) is Repealed and Readopted with Amendments as follows:

RULE 347. JURORS

(a) Orientation and Examination of Jurors. An orientation and examination shall be conducted to inform prospective jurors about their duties and service and to obtain information about prospective jurors to facilitate an intelligent exercise of challenges for cause and peremptory challenges.

(1) The jury commissioner is authorized to examine and, when appropriate, excuse prospective jurors who do not satisfy the statutory qualifications for jury service, or who are entitled to a postponement, or as otherwise authorized by appropriate court order.

(2) When prospective jurors have reported to the courtroom, the judge shall explain to them in plain and clear language:

(I) The grounds for challenge for cause;

(II) Each juror's duty to volunteer information that would constitute a disqualification or give rise to a challenge for cause;

(III) The identities of the parties and their counsel;

(IV) The nature of the case, utilizing the parties' CJI(3d) Instruction 2:1 or, alternatively, a joint statement of factual information intended to provide a relevant context for the prospective jurors to respond to questions asked of them. Alternatively, at the request of counsel and in the discretion of the judge, counsel may present such information through brief, non-argumentative statements.

(V) General legal principles applicable to the case, including burdens of proof, definitions of preponderance and other pertinent evidentiary standards and other matters that jurors will be required to consider and apply in deciding the issues.

(3) The judge shall ask prospective jurors questions concerning their qualifications to serve as jurors. The parties or their counsel shall be permitted to ask the prospective jurors additional questions. In the discretion of the judge, juror questionnaires, posterboards and other methods may be used. In order to minimize delay, the judge may reasonably limit the time available to the parties or their counsel for juror examination. The court may limit or terminate repetitious, irrelevant, unreasonably lengthy, abusive, or otherwise improper examination.

(4) Jurors shall not be required to disclose personal locating information, such as address or place of business in open court and such information shall not be maintained in files open to the public. The trial judge shall assure that parties and counsel have access to

appropriate and necessary locating information.

(5) Once the jury is impaneled, the judge shall explain the general principles of law applicable to civil cases, the procedural guidelines regarding conduct by jurors during the trial, case specific legal principles and definitions of technical or special terms expected to be used during the presentation of the case.

(b) through (l) * * * * [NO CHANGE]

~~(m) **Papers Taken by Jury.** Upon retiring for deliberation, the jury may take all papers, except pleadings, depositions, accounts, or account books, which have been received in the case, or copies of such papers as ought not, in the opinion of the court, to be taken from the person having them in possession, and any juror may take with him any notes of testimony, or other proceedings, which he has made but none made by any other person.~~ **ITEMS TAKEN TO DELIBERATION.** UPON RETIRING, THE JURORS SHALL TAKE THE JURY INSTRUCTIONS, THEIR JUROR NOTEBOOKS AND NOTES THEY PERSONALLY MADE, IF ANY, AND TO THE EXTENT FEASIBLE, THOSE EXHIBITS THAT HAVE BEEN ADMITTED AS EVIDENCE.

(n) through (s) * * * * [NO CHANGE]

(T) JUROR NOTEBOOKS. JUROR NOTEBOOKS MAY BE AVAILABLE DURING TRIAL AND DELIBERATION TO AID JURORS IN THE PERFORMANCE OF THEIR DUTIES.

Amended and Adopted by the Court, En Banc, June 25, 1998, effective January 1, 1999.

BY THE COURT:

Rebecca Love Kourlis
Justice, Colorado Supreme Court