



COLORADO JURY SYSTEM STANDING COMMITTEE

Meeting Minutes of:

Thursday February 18, 2010

3:00 – 5:00 p.m.

Held at the State Court Administrator's Office – 5th floor conference room

Attendees:	Justice Bender, Bob Grant, Karen Salaz, Joe Meyer, Kent Wagner, Molly Ferrer, Kevin Kuhn, James Breese, Penny Wagner, Lori Johnson (via phone), Dina Jones (via phone)
Chair:	Justice Michael Bender
Staff:	Penny Wagner
Next Meetings:	April 29, 2010 3pm – 5pm, State Court Administrator's Office, 5 th Floor

Subcommittee: Ongoing Education and Training – Kent Wagner

- Kent is collecting voir dire information and working on building curriculum.
- He will be soliciting volunteers for training purposes at the Chief Judges meeting on Friday, February 19th.
- A joint program between lawyers and judges is not recommended. Roles are too diverse for same training.

Action Item:	Person(s) Responsible:	Deadline:
1. Kent will further pursue training for voir dire	Kent Wagner	Next Meeting
2.		

Juror Notebooks (Civil) – Judge Meyer, Christina Valerio;

- Received notebooks back from Weld and Larimer.
- Comments were taken under advisement.
- Discussion on giving written information to entire jury pool prior to selection. It was determined jurors reading the information would be a distraction from listening to court proceedings before a juror was called into the jury box.
- Just having the judge give information verbally isn't enough – jurors need to have it in writing to absorb it.
- Criminal notebooks were appreciated for being put together by judicial – saved court time.
- Probably only about 1/3 the amount of civil notebooks would be need for courts compared to criminal.

Action Item:	Person(s) Responsible:	Deadline:
1. Penny – will investigate how many civil notebooks we will need and then contact Justice Bender with costs.	Penny	ASAP
2. Cautionary instruction in plain language	Bob Grant	Next Meeting

County Court Notebooks – Karen Salaz

- Instructions are not back yet from State Publications.
- Karen will disburse the laminated instructions at the CCMA meeting in March.

Action Item:

1. Penny will get the County Court Notebook information to Karen for disbursement.
2. Karen will distribute it at the March CCMA meeting

Person(s) Responsible:

Penny

Karen

Deadline:

ASAP

March 24th

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

- In December, the Civil Rules Committee submitted their proposed rule change (with their modifications) to the Supreme Court. The committee joined in the submission. Now, the Court will decide whether to hold a public hearing or seek written comments.
- The Court of Appeals decided a case in December involving pre-deliberation discussions in a criminal case. The majority of the panel vacated the conviction on grounds that allowing pre-deliberation discussions in a criminal case is constitutional error. The case was remanded to the trial court to give the prosecution a chance to show that the error was harmless beyond a reasonable doubt. A vigorous dissent cited some of the social science research and Arizona studies we relied on in proposing the rule change for civil cases. Interestingly, both the majority and the dissent observed that pre-deliberation discussions had already been approved in Colorado civil cases based on the existence of the pattern jury instruction.
- The cite is People v. Flockhart, ___ P. 3d ___ (Colo. App. No. 07CA0312, Dec. 24, 2007)(2009 WL 4981910)

Action Item:

- 1.

Person(s) Responsible:**Deadline:****New Business: Use of Electronic Devices – Karen Salaz**

- Karen Salaz - provided the link information for the Juror/Electronic Devices Project for committee members to access and see what the committee is doing.
- She also provided a spread sheet containing the New Media State by State Analysis for electronic devices.

Action Item:

- 1.

Person(s) Responsible:**Deadline:****Dates of Next Meeting(s):**

April 29, 2010 from 3:00-5:00 at the State Court Administrator's Office

Minutes Respectfully Submitted by Penny Wagner