

Submitted: 1/14/00  
Reviewed by committee: 2/18/00  
Approved by committee: 2/18/00

CONDUCT OF THE JURY / (PRELIMINARY INSTRUCTION)

DRAFT

I wish to say a few words about your conduct as jurors.

First, you must keep an open mind throughout the trial, reaching your decision only during your deliberations, after all the evidence is in and after you heard the closing arguments of counsel and after you have been given my instructions on the law.

Second, do not talk to each other about this case or about anyone involved until the end of the case when you go to the jury room to decide on your verdict.

Third, do not talk with anyone else about this case or about anyone involved until the trial has ended and you have been discharged as jurors. "Anyone else" includes members of your family and your friends. You may tell them that you are a juror, but don't tell them anything about the case until after you have been discharged by me.

Fourth, do not let anyone talk to you about the case or about anyone involved with it. If someone should try to talk to you, please report it to me immediately.

Fifth, do not talk at all with any of the parties to this case, their lawyers, or the witnesses. By this I mean not only do not talk about the case, but do not talk about anything, even to pass the time of day. In no other way can all parties be assured of the absolute impartiality they are entitled to expect from you as jurors. Each of the lawyers already knows that no communication is permitted between counsel and jurors. They are not being unfriendly when they do not speak with you. The lawyers are simply following my orders.

Sixth, do not read about this case in the newspapers or on the internet or listen to any radio or television reports about the case or about anyone who has anything to do with it. If a newspaper headline or news broadcast about the case catches your eye or ear, do not examine the article or watch or listen to the broadcast any further. The reporter may not have listened to all of the testimony, may be getting information from people who you will not see here in court under oath and subject to cross-examination, may emphasize an unimportant point, or may simply be wrong.

In fact, until the trial is over, I suggest that you avoid reading any newspapers and avoid listening to any TV or radio newscasts at all. I do not know whether there might be any news reports of this case, but if there are, you might inadvertently find yourself reading or listening to something before you could do anything about it. If you want, you can have your spouse or a friend clip out any stories and set them aside to give you after the trial is over. I can assure you, however, that by the time you have heard the evidence in this case you will know more about the matter than anyone will learn through the news media.

If you inadvertently learn anything about this case, please let me know immediately.

You must base your verdict solely and exclusively on the evidence received in court during the trial.

Seventh, do not do any research, such as consulting dictionaries or other reference materials, and do not make any investigation about the case on your own.

Eighth, if you need to communicate with me, simply give a signed note to the [bailiff/clerk/law clerk] to give to me.