

Supreme Court of Florida

No. AOSC03-41
(Correction)

**IN RE: FINAL REPORT OF THE JURY
INNOVATIONS COMMITTEE**

ADMINISTRATIVE ORDER

WHEREAS in November 1999 the Jury Innovations Committee (Committee) of the Court's Judicial Management Council embarked on the most comprehensive review and thorough evaluation of Florida's jury system in the history of the state; and

WHEREAS the Committee, which was appointed by then-Chief Justice Major Harding, was chaired by Judge Robert Shevin of the Third District Court of Appeal; and

WHEREAS the Committee consisted of twenty-two members broadly representative of the many groups interested in and affected by Florida's civil and criminal jury system, including judges from the district, circuit, and county courts, a state attorney, a public defender, a clerk of court, a trial court administrator, a jury coordinator, a professor of criminal justice, members of The Florida Bar, a former state senator, and four former jurors, one from a high-profile case; and

WHEREAS the Committee's charge was to identify and review, among other things, the current use of juries, issues facing jury managers, accessibility issues, and proposals for jury improvement and innovations in other states; and

WHEREAS, according to Judge Shevin, the Committee began its task with "the challenge not to adhere to the status quo, but instead to advocate reform and innovations"; and

WHEREAS in meeting this challenge the Committee reviewed every aspect of our jury system; and

WHEREAS over a period of almost two years, the Committee and designated subcommittees, chaired by Judge Thomas Bateman, Professor Larry Morehouse, and Judge Fredricka Smith, met to discuss, debate, and finalize the Committee's recommendations; and

WHEREAS the Committee has submitted its Final Report containing forty-eight comprehensive recommendations for improving Florida's jury system which can be categorized into three broad areas: (1) jury management and administration; (2) in-court procedures; and (3) juror treatment and compensation; and

WHEREAS in order to assist the Court in determining what action to take on the various recommendations, comments were sought and oral argument was heard in 2002; and

WHEREAS after extensive review and consideration of the Committee's recommendations and the comments filed, as well as the numerous issues addressed at oral argument, the Court has determined to approve or refer for further consideration the vast majority of the recommendations; the referrals will be made by separate letter;

NOW THEREFORE, I, Harry Lee Anstead, Chief Justice of Florida, pursuant to the administrative authority conferred upon me by Article V, section 2 of the Florida Constitution, after consultation with the Court,

DO HEREBY ORDER that:

1. The Court approves eighteen of the forty-eight recommendations and refers twenty-two to various committees or other entities for consideration or for further study and recommendation, as indicated in the attached action chart.

2. Among the more significant proposals that the Court approves and refers for implementation are innovative recommendations relating to summons enforcement and postponement, juror orientation, standardized juror questionnaires, and jury time management.

3. The more significant recommendations that the Court refers to rules or jury instruction committees for further consideration and development include the proposals dealing with standard panel sizes, questions by jurors, juror note-taking,

and juror privacy.

4. The Court refers to the Legislature or Governor recommendations concerning juror source lists, juror pay, and juror parking.

5. In addition, as reflected in the attached action chart, the Court defers action on the Committee's proposed Juror Bill of Rights pending the outcome of further deliberations on several of the outstanding proposals.

6. Of the Committee's forty-eight recommendations, the Court declines to take action on only seven of the proposals, as indicated in the action chart.

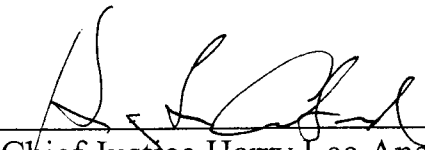
7. On behalf of the citizens of Florida, the Court extends its gratitude to the Committee for diligence, hard work, and creative insight in presenting a comprehensive Report, and for the Committee's dedication to developing recommendations that will improve the jury experience for Florida jurors.

8. The Court extends particular thanks to Committee Chair Judge Robert Shevin, who brought his extensive experience as an appellate judge, former state senator, and Attorney General to lead the Committee in its groundbreaking efforts.

9. The Court further extends its thanks to those persons who commented on the Committee's recommendations, whose invaluable input gave the Court a better understanding of the potential impact of each proposal and greatly assisted the Court in its task of deciding on a course of action for each recommendation.

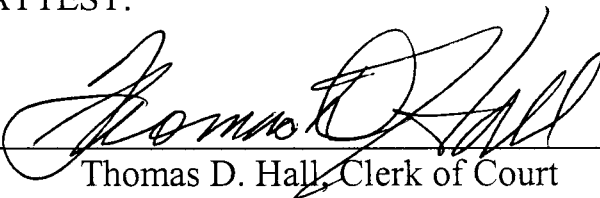
10. The Court concludes that the Committee's vision for Florida's jury system moves this state into the vanguard of jury innovation, and the Court is confident that future proceedings arising from these recommendations will only serve to further that vision.

DONE AND ORDERED at Tallahassee, Florida, on October 17, 2003.



Chief Justice Harry Lee Anstead

ATTEST:



Thomas D. Hall, Clerk of Court

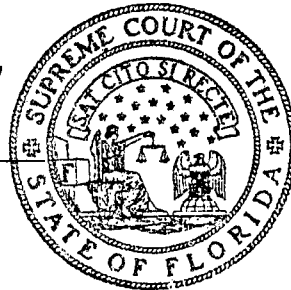


Chart of Supreme Court Action on Final Report of Jury Innovations Committee

| Recommendation | Court Action |
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| 1 Standard Panel Sizes | Refers to Rules of Judicial Administration Committee for consideration and recommendation and to chief judges. |
| 2 Summons Enforcement | Approves and refers to chief judges for: (1) administrative order establishing procedures to address juror failure to appear; and (2) utilization of postponement procedure. |
| 3 Juror Source List | Refers to Legislature recommendation concerning statutory amendments and refers to Governor recommendation concerning deficiencies in list. |
| 4 Statutory Exemptions | Declines to approve. |
| 5 Juror Orientation | Approves and refers to: (1) chief judges indicating local discretion; (2) Court Education Council for development of training curriculum; and (3) Florida Bar for development of orientation guide. |
| 6 Citizen Education Campaigns | Approves and sent letter to chief judges supporting educational campaigns. Refers to OSCA to develop model video. |
| 7 Standardized Juror Questionnaires | Approves and refers to Criminal and Civil Procedure Rules Committees for update of standardized questionnaires. |
| 8 Jury Size | Approves no change in size of criminal or civil juries. |

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| <p style="text-align: center;">9 Expedited Trials</p> | <p>Refers to Civil Procedure Rules Committee for study and recommendation concerning expedited trials. Declines to adopt at this time rule requiring notification of applicability of the expedited trial procedure.</p> |
| <p style="text-align: center;">10 Professional Jurors</p> | <p>Approves recommendation not to use professional jurors. Declines to adopt rule curtailing exemptions and excusals for professionals or requiring special instructions.</p> |
| <p style="text-align: center;">11 Anonymous Juries</p> | <p>Refers to Rules of Judicial Administration Committee for study.</p> |
| <p style="text-align: center;">12 Alternate Jurors</p> | <p>Declines to approve.</p> |
| <p style="text-align: center;">13 Pre-Voir Dire Judicial Statements</p> | <p>Refers to Rules of Judicial Administration and Civil Procedure Rules Committees for study.</p> |
| <p style="text-align: center;">14 Pre-Voir Dire Opening Statements by Attorney</p> | <p>Refers to Rules of Judicial Administration and Civil Procedure Rules Committees for study.</p> |
| <p style="text-align: center;">15 Peremptory Challenges</p> | <p>Declines to approve study at this time due to fiscal constraints.</p> |
| <p style="text-align: center;">16 Questions by Jurors</p> | <p>Refers to Rules of Judicial Administration and Civil and Criminal Procedure Rules Committees and jury instruction committees for consideration and recommendation.</p> |
| <p style="text-align: center;">17 Discussion of Evidence Prior to Deliberations</p> | <p>Majority does not favor but refers to Civil Procedure Rules Committee and Civil Jury Instruction Committee for consideration.</p> |
| <p style="text-align: center;">18 Note-Taking by Jurors</p> | <p>Refers to Rules of Judicial Administration Committee and jury instruction committees for consideration and recommendation.</p> |

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| 19 Videotapes for Absent Jurors | Approves opposition to use. |
| 20 Interim Commentary | Declines to approve. |
| 21 Deposition Summaries | Refers to Civil Procedure Rules Committee for consideration and recommendation. |
| 22 Expanding Use of Depositions in Civil Cases (100-mile rule) | Refers to Civil Procedure Rules and Code and Rules of Evidence Committees for consideration and recommendation. |
| 23 Juror Notebooks | Refers to Rules of Judicial Administration, Civil Rules, and Criminal Rules Committees for consideration and recommendation. |
| 24 Computer-Aided Presentations | Approves and sends to chief judges to distribute recommendation to administrative judges. |
| 25 Simple and Clear Instructions | Approves as aspirational goal and refers to jury instruction committees. |
| 26 Written Jury Instructions | Approves and refers to Civil and Criminal Procedure Rules Committees for review and preparation of proposed rule or reason no rule is necessary. |
| 27 Preliminary Jury Instructions | Refers to Judicial Administration and Civil Procedure Rules Committees and Criminal Jury Instructions Committee for review and recommendation. |
| 28 Interim Instructions | Declines to approve. |
| 29 Procedures for Jury Deliberations | Declines to approve. |
| 30 Juror Comfort During Deliberations | Approves as aspirational goal and refers to chief judges. |

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| 31 Final Instruction Before Closing Arguments | Approves in concept and refers to Civil and Criminal Procedure Rules Committees and jury instructions committees for consideration and recommendation. |
| 32 Judicial Answers to Deliberating Jurors' Questions | Approves in concept and refers to Rules of Judicial Administration Committee and jury instructions committees for consideration and recommendation. |
| 33 Read-Back of Testimony | Refers to Rules of Judicial Administration and Civil and Criminal Procedure Rules Committees and jury instructions committees for consideration and recommendation. |
| 34 Juror Impasse | Refers to Rules of Judicial Administration Committee and jury instructions committees for consideration and recommendation. |
| 35 Less than Unanimous Verdicts | Approves , in criminal cases, no consideration to less than unanimous verdicts, unless stipulated to. Refers other recommendations to Civil Procedure Rules Committee for consideration and recommendation. |
| 36 Juror Bill of Rights | Defers consideration pending reports on several listed "rights." |
| 37 Juror Parking | Refers to Legislature for consideration. |
| 38 Juror Time Management | Approves and refers to Rules of Judicial Administration Committee for proposed rule. |
| 39 Americans with Disabilities Act | Refers to chief judges for consideration of important recommendations. |
| 40 Place Cards and/or Seating Charts | Approves in concept and refers to chief judges. |

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| <p>41 Post-Verdict Discussions</p> | <p>Approves and refers to Court Education Council for incorporation of post-verdict discussion training into curriculum. Refers to Rules of Judicial Administration Committee and jury instructions committees for implementation of recommendation regarding advising jurors of protection from harassment.</p> |
| <p>42 Informal Communications Between Judge and Jury</p> | <p>Approves leaving in judge's discretion guided by Code of Judicial Conduct and case law.</p> |
| <p>43 Post-Verdict Interviews by Attorneys and Researchers</p> | <p>Declines to approve.</p> |
| <p>44 Juror Pay</p> | <p>Refers to Legislature and Governor for consideration.</p> |
| <p>45 Employer Ordinance/Law</p> | <p>Refers to Rules of Judicial Administration Committee for consideration and recommendation.</p> |
| <p>46 Private Remuneration for Jury Duty</p> | <p>Refers to Rules of Judicial Administration Committee for consideration and recommendation.</p> |
| <p>47 Juror Stress/Debriefing Sessions</p> | <p>Approves leaving in discretion of judges.</p> |
| <p>48 Juror Privacy</p> | <p>Refers to Rules of Judicial Administration Committee for consideration and recommendation.</p> |