

In the
Indiana Supreme Court

CAUSE NUMBER: 94S00-1003-MS-128



ORDER AMENDING INDIANA JURY RULES

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, Indiana Jury Rules 20 and 26 are amended to read as follows (deletions shown by ~~striking~~ and new text shown by underlining):

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RULE 20. PRELIMINARY INSTRUCTIONS

(a) The court shall instruct the jury before opening statements by reading the appropriate instructions which shall include at least the following:

- (1) the issues for trial;
- (2) the applicable burdens of proof;
- (3) the credibility of witnesses and the manner of weighing the testimony to be received;
- (4) that each juror may take notes during the trial and paper shall be provided, but note taking shall not interfere with the attention to the testimony;
- (5) the personal knowledge procedure under Rule 24;
- (6) the order in which the case will proceed;
- (7) that jurors, including alternates, may seek to ask questions of the witnesses by submission of questions in writing.
- (8) that jurors, including alternates, are permitted to discuss the evidence among themselves in the jury room during recesses from trial when all are present, as long as they reserve judgment about the outcome of the case until deliberations commence. The court shall admonish jurors not to discuss the case with anyone other than fellow jurors during the trial.

(b) The court shall instruct the jurors before opening statements that until their jury service is complete, they shall not use computers, laptops, cellular telephones, or other electronic communication devices while in attendance at trial, during discussions, or during deliberations, unless specifically authorized by the court. In addition, jurors shall be instructed that when they are not in court they shall not use computers, laptops, cellular telephones, other electronic communication devices, or any other method to:

- (1) conduct research on their own or as a group regarding the case;
- (2) gather information about the issues in the case;
- (3) investigate the case, conduct experiments, or attempt to gain any specialized knowledge about the case;
- (4) receive assistance in deciding the case from any outside source;
- (5) read, watch, or listen to anything about the case from any source;
- (6) listen to discussions among, or received information from, other people about the case; or
- (7) talk to any of the parties, their lawyers, any of the witnesses, or members of the media, or anyone else about the case, including posting information, text messaging, email, Internet chat rooms, blogs, or social websites.

~~(b)~~(c) It is assumed that the court will cover other matters in the preliminary instructions.

~~(e)~~(d) The court shall provide each juror with the written instructions while the court reads them.

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RULE 26. FINAL INSTRUCTIONS

(a) The court shall read appropriate final instructions, providing each juror with written instructions before the court reads them. Jurors shall retain the written instructions during deliberations. The court may, in its discretion, give some or all final instructions before final arguments, and some or all final instructions after final arguments.

(b) The court shall instruct the bailiff to collect and store all computers, cell phones or other electronic communication devices from jurors upon commencing deliberations. The court may authorize appropriate communications (i.e. arranging for transportation, childcare, etc.) that are not related to the case and may require such communications to be monitored by the bailiff. Such devices shall be returned upon completion of deliberations or when the court permits separation during deliberations. Courts that prohibit such devices in the courthouse are not required to provide this instruction. All courts shall still admonish jurors regarding the limitations associated with the use of such devices if jurors are permitted to separate during deliberations.

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These amendments shall take effect July 1, 2010.

The Clerk of this Court is directed to forward a copy of this Order to the clerk of each circuit court in the state of Indiana; Attorney General of Indiana; Legislative Services Agency

and its Office of Code Revision; Administrator, Indiana Supreme Court; Administrator, Indiana Court of Appeals; Administrator, Indiana Tax Court; Public Defender of Indiana; Prosecuting Attorney's Council; Public Defender's Council; Indiana Supreme Court Disciplinary Commission; Indiana Supreme Court Commission for Continuing Legal Education; Indiana Board of Law Examiners; Indiana Judicial Center; Division of State Court Administration; Indiana Judges and Lawyers Assistance Program; the libraries of all law schools in this state; the Michie Company; and Thomson Reuters. The Clerk is also directed to post this Order to the Court's website.

Thomson Reuters is directed to publish this Order in the advance sheets of this Court.

The Clerks of the Circuit Courts are directed to bring this Order to the attention of all judges within their respective counties and to post this Order for examination by the Bar and general public.

DONE at Indianapolis, Indiana, this 1st day of March, 2010.

/s/ Randall T. Shepard
Randall T. Shepard
Chief Justice of Indiana

All Justices concur.