

# **Table of Contents**

## **PART I FEDERAL JURY PRACTICE**

### **CHAPTER 1 TRIAL BY JURY**

- § 1:1 Historical basis for the right to a jury trial
- § 1:2 Right to a jury trial
- § 1:3 Obtaining a jury trial
- § 1:4 Waiver of jury trial
- § 1:5 Discretionary relief from waiver

Appendix A Sample Waiver of Jury Trial Form

Appendix B Suggested Colloquy for Jury Waiver in Criminal Case

### **CHAPTER 2 FAIR TRIAL—FREE PRESS**

- § 2:1 General
- § 2:2 Fair trial by impartial jury
- § 2:3 News media and public trial
- § 2:4 Standards relating to fair trial and free press
- § 2:5 Cameras in the courtroom

Appendix A Sample Decorum Order

Appendix B Sample Media Advisory Regarding Announcement of Verdict

Appendix C ABA Standards for Criminal Justice

### **CHAPTER 3 SELECTION OF FEDERAL JURY PANELS**

- § 3:1 Federal law governs qualifications
- § 3:2 Jury Selection and Service Act of 1968—background
- § 3:3 Random methods of selection
- § 3:4 Juror questionnaire forms
- § 3:5 Juror qualifications
- § 3:6 Selection and summoning of jurors
- § 3:7 Period of service and compensation
- § 3:8 Discrimination in selection
- § 3:9 Jury selection challenge
- § 3:10 Implementation of Act by United States District Courts

Appendix Sample Jury Plan

## **CHAPTER 4 CHOOSING AND EMPANELING THE JURY**

- § 4:1 Usage of jurors
- § 4:2 Jury panel and orientation
- § 4:3 Information regarding panel
- § 4:4 Anonymous juries
- § 4:5 Analyzing the venire
- § 4:6 Administration of oath and preliminary matters
- § 4:7 Examination of jurors
- § 4:8 Challenges
- § 4:9 Peremptory challenges
- § 4:10 Alternate jurors
- § 4:11 Swearing of panel and preliminary instructions

Appendix A Sample Informational Mailings from the Clerk's Office to  
Prospective Jurors

Appendix B Sample Juror Questionnaires

Appendix C Statement to Venire and Questionnaire in Anonymous  
Jury Case

Appendix D Sample Preliminary Statement to Be Read by Court

Appendix E General Preliminary Jury Instructions in Civil and  
Criminal Cases

Appendix F Sample Preliminary Instruction for Anonymous Jury

## **CHAPTER 5 GENERAL CONCERNS IN TRIAL MANAGEMENT**

- § 5:1 Control of miscellaneous aspects of trial
- § 5:2 Joint trials and severance—criminal cases
- § 5:3 Bifurcation and consolidation—civil cases
- § 5:4 Presence of defendant
- § 5:5 If defendant is prisoner
- § 5:6 Defendant's self-representation
- § 5:7 Defendant's representation by counsel
- § 5:8 The disruptive defendant
- § 5:9 Enforcing attendance of reluctant witnesses
- § 5:10 Admonitions
- § 5:11 Note-taking by jurors
- § 5:12 "The rule" —exclusion of witnesses
- § 5:13 Sequestration of jurors
- § 5:14 Improper influences and its investigation

## TABLE OF CONTENTS

§ 5:15	Misconduct of jurors during trial
§ 5:16	Jury nullification
§ 5:17	View of scene
§ 5:18	Questions by jurors
§ 5:19	Court's questions to witnesses
§ 5:20	Control of counsel
§ 5:21	Mistrial
Appendix A	Cautionary Instruction in Case with Repeated Exchanges Between Court and Counsel
Appendix B	Questions for Defendants Who Desire to Represent Themselves
Appendix C	Detailed Instruction Regarding Publicity
Appendix D	Sample Sequestration Order
Appendix E	Procedure for Handling Recalcitrant Witness

## **CHAPTER 6 OPENING STATEMENTS TO CLOSING ARGUMENTS**

§ 6:1	Opening statements
§ 6:2	Direct examination
§ 6:3	Cross examination
§ 6:4	Objections and offers of proof
§ 6:5	Exhibits
§ 6:6	Closing arguments
Appendix A	Computer Technology and Trial Procedure
Appendix B	Excerpts from American Bar Association's Standards for Criminal Justice

## **CHAPTER 7 INSTRUCTIONS TO THE JURY**

§ 7:1	In general
§ 7:2	Preparation of instructions
§ 7:3	Requests for instructions
§ 7:4	Objections to instructions
§ 7:5	Commenting on the evidence
§ 7:6	Form and delivery of instructions
Appendix	Drafting Jury Instructions

## **CHAPTER 8 USE OF SPECIAL VERDICTS AND INTERROGATORIES**

- § 8:1 In general
- § 8:2 History of special verdicts
- § 8:3 Purpose of special verdicts
- § 8:4 Law governing
- § 8:5 Discretionary power of court
- § 8:6 Instructions by the court
- § 8:7 Form, sufficiency and construction of special verdict
- § 8:8 General verdict with written interrogatories
- § 8:9 When to use special verdicts and written interrogatories
- § 8:10 Special verdicts and interrogatories in criminal cases

## **CHAPTER 9 DELIBERATION TO DISCHARGE**

- § 9:1 Deliberations of jury
- § 9:2 Permitting jury to disband during deliberations
- § 9:3 Communications between court and jury
- § 9:4 Substitution or dismissal of juror during deliberations
- § 9:5 Reaching the verdict
- § 9:6 Reception of the verdict
- § 9:7 Poll of jury
- § 9:8 Discharge of jury
- § 9:9 Impeaching the verdict
- § 9:10 Post-verdict motions

Appendix A Sample Instruction Post-Trial Debriefing

Appendix B Jury Service Exit Questionnaire