



# PERFECTING JURY TRIALS

**DESPITE DEEP SOCIETAL DIVISIONS, JURY TRIALS REMAIN OASES FOR RESOLVING DISPUTES** in a civil, orderly, and deliberative way. In courtroom theaters, jurors daily sort through conflicting and sometimes horrifying evidence. They fulfill their oaths and render verdicts that are largely accepted by the public. Why so? Because our Founders rightly determined the public must significantly participate in the administration of justice, and courts must establish procedures to properly guide citizen jurors in their solemn task.

The following articles ask those tasked with overseeing the jury — the judges themselves — to opine on jury innovations in their respective states. Judges from across the country highlight various reforms geared toward ensuring jury trials are conducted in ways consistent with ethnic diversity, the lessons of educational science, and the effects of a public health emergency.

**JENNIFER BAILEY**, a Florida circuit court judge, regales the virtues of allowing jurors to ask written questions of witnesses under supervision

of the judge. That practice has proven a valuable tool for both jurors' understanding of the evidence and for parties' understanding of the informational needs of the jurors.

**RACHEL KRAUSE**, a Georgia Superior Court judge, describes how the bench and bar collaborated on virtual voir dire to keep jury selections ongoing during the COVID-19 pandemic. Practices developed for finding jurors have been so well designed and executed that citizens now favor the new hybrid approach. Moreover, it has enabled the court system to



The pandemic forced courts to radically reinvent the way jury trials were conducted. But state courts have experimented with jury trials for decades. *Judicature* asked several state judges to share some of their best practices for making jury trials more effective, efficient, and fair.

limit or avoid case backlogs. Arizona Chief Justice **ROBERT BRUTINEL** and Court of Appeals Judge **SAMUEL A. THUMMA** recount how Arizona judges regularly give legal instructions to juries not only at the close of evidence but also at the *beginning* of every trial, thereby providing a mission statement for jurors as they assess evidence and the parties' arguments.

Colorado District Judge **JUAN G. VILLASEÑOR** and attorney **LAUREL QUINTO** highlight the virtues of the Colorado Supreme Court's permitting civil juries to discuss evidence

(within defined parameters) during mid-trial recesses. These experienced courtroom actors assert that pre-deliberation discussions, combined with juror ability to ask written questions of witnesses, promote better grasp of the evidence as well as inter-juror rapport.

Finally, Judge **COLLEEN MCMAHON** describes a series of reforms in New York State aimed at effectively summoning all demographic segments of the adult population so that jury pools in each courthouse look like the face of the entire jurisdiction.

Please enjoy this review of the evolution of trial by jury. May these lessons serve as a blueprint for states considering implementing — or continuing — their own procedures to improve the efficiency, fairness, and quality of the jury system.



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