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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

|  |  |
| --- | --- |
|  Plaintiff, vs. Defendants. | **ORDER REGARDING** **JUROR CONTACT**Case No. District Judge David Nuffer |

[From the time the prospective jury panel was notified of the nature of this case in connection with questioning starting in [insert date], the jury, which includes jurors and alternate jurors, has not been permitted access to any news information on the case. News media have reported many matters not admitted in evidence in the trial and many matters occurring outside the presence of the jury.]

[The empaneled jury has been serving since [insert date]. During selection they were told to expect a four to five week trial, but we are now concluding the seventh week of their full time service.]

[The extended term of their service and their isolation from external sources of information recommends that members of the jury not be subjected to immediate and direct inquiry about their service. That would place additional demands on them not related directly to their important service, and would be unfair at this time as they try to resume normal life.]

Federal Rule of Evidence 606 imposes strict limitations on the admissibility of testimony by jurors. These limitations are intended to protect jurors from harassment; shield jurors from prying questions; increase the certainty and finality of the jury's verdict; reduce the possibility of jury tampering and intimidation; and reduce the number of post-trial motions based on inadmissible evidence.

Juror contact is often sought by counsel to help improve trial skills and strategy, or by counsel and others to satisfy curiosity about the decision making process. These and other concerns are subordinate to the goals of the justice system – reaching a verdict based on admissible evidence – and to the policies expressed in the preceding paragraph.

This order imposes some limitations on jury contact as permitted by DUCivR 47-2, consistent with standing rules in many district courts.[[1]](#footnote-1)

IT IS HEREBY ORDERED that:

a. No juror has an obligation to speak to any person about this case and may refuse all interviews or comments.

b. No person may make repeated requests for interviews or questions after a juror has expressed the desire not to be interviewed, or failed to respond to a request for direct contact under paragraph e.

c. No juror who consents to be interviewed may disclose any information with respect to the following:

1. The specific vote of any juror other than the juror being interviewed;

2. The opinions expressed by other jurors in deliberations;

3. Evidence of alleged improprieties in the jury's deliberation, other than whether

(A) extraneous prejudicial information was improperly brought to the jury’s attention;

(B) an outside influence was improperly brought to bear on any juror; or

(C) a mistake was made in entering the verdict on the verdict form.[[2]](#footnote-2)

d. No person shall contact, interview, examine or question a juror, except as permitted in paragraph (e).

e. Any person wishing to direct a communication to a juror may do so by providing a copy in an unsealed envelope with a separate written statement that the person desires the communication be sent to a juror identified by juror number, and stating the reason such contact is desired. The communication may request an opportunity for direct contact, and provide contact information for the person initiating the communication. If the court determines that the content of the communication does not violate this order, the jury administrator shall mail the communication to the juror. The jury administrator shall enclose a copy of this order with the mailed communication.

f. Any person violating this order is subject to contempt of court and other possible sanctions.

g. Any person aware of a violation of this order may file a motion or notify the jury administrator at (801) 524-6285 or utah\_jury@utd.uscourts.gov.

h. This order may be reviewed and revised on motion. Motions are most likely to be successful after some time has elapsed.

 Dated [insert date].

BY THE COURT:

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David Nuffer

United States District Judge

1. Local Civil Rule 47, W.D. Wash.; Local Criminal Rule 31, W.D. Wash.; Local Rule 47.1 D. Kan.; LRCiv 39.2, D. Az,; D.C.Colo.LCivR 47.2. [↑](#footnote-ref-1)
2. [Fed. R. Evid. 606(b)(2)](https://www.westlaw.com/Document/N5DAD5230C0F511D8A8CA80DCF7582C6A/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=da3.0" \o "https://www.westlaw.com/Document/N5DAD5230C0F511D8A8CA80DCF7582C6A/View/FullText.html?transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=da3.0). [↑](#footnote-ref-2)