

## Exhibit 1

### CONFIDENTIAL QUESTIONNAIRE ON USE OF JURY INNOVATIONS

In civil jury trials, as to each of the following proposed innovations, please check which applies:

1. Pretrial allocation of fixed number of hours to each side.

Never Used  Have Used  Regularly Use

2. Preliminary substantive jury instructions on elements of claims and defenses at start of the case.

Never Used  Have Used  Regularly Use

3. Allowing counsel to make opening statement to entire venire before voir dire.

Never Used  Have Used  Regularly Use

4. Allowing jurors to submit written questions to witnesses.

Never Used  Have Used  Regularly Use

5. Juror note taking.

Never Used  Have Used  Regularly Use

6. Juror discussion of evidence when together, prior to final deliberations.

Never Used \_\_\_\_ Have Used \_\_\_\_ Regularly Use \_\_\_\_

7. Interim statements by counsel as to what a witness will prove or has proved or failed to prove.  
Never Used \_\_\_\_ Have Used \_\_\_\_ Regularly Use \_\_\_\_

8. Providing each juror with a copy of the instructions and verdict form.  
Never Used \_\_\_\_ Have Used \_\_\_\_ Regularly Use \_\_\_\_

9. Instructing the jury before counsel argues.  
Never Used \_\_\_\_ Have Used \_\_\_\_ Regularly Use \_\_\_\_

10. Back-to-back testimony by opposing experts.  
Never Used \_\_\_\_ Have Used \_\_\_\_ Regularly Use \_\_\_\_

11. Judicial interviewing of jurors after they are discharged.  
Never Used \_\_\_\_ Have Used \_\_\_\_ Regularly Use \_\_\_\_

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Name

Court

Date

Please scan and email your response to the CJP's Executive Director, Prof. Steve Susman at [ssusman@susmangodfrey.com](mailto:ssusman@susmangodfrey.com)

## Responses: Judicial Jury Innovations Questionnaire

as of 5/17/2016 12:44pm

		Never Used	Have Used	Regularly Use	Response Tally:
1	Pretrial allocation of fixed number of hours to each side.	14	10	6	29
2	Preliminary jury instructions at start of the case.	6	11	14	31
3	Allowing counsel to make opening statement to entire venire before voir dire.	27	4		31
4	Written jury questions to witnesses.	11	6	13	30
5	Juror note-taking.			31	31
6	Juror discussion of evidence when together, prior to final deliberations.	28	1	2	31
7	Interim statements by counsel as to what a witness will prove or has proved or failed to prove.	24	6	1	31
8*	Providing jury with one written copy of the instructions [and verdict forms].	8	4	12	24
9	Providing each jury with a copy of the instructions and verdict form.	10	3	18	31
10	Instructing the jury before counsel argues.	7	3	18	28
11*	Back-to-back testimony by opposing experts.	22	8	1	31
12	Talking to jurors after they are discharged to get their feedback on their experience.	3	4	24	31

Confidential Note: Judge K.V. Desmond, Jr. did not answer for innovation 1, 9 or 12.  
 Note: Non-advisor Judge Judith Fabricant submitted a questionnaire.  
 Note: Judge Douglas Gerlach has offered innovation 3 before, but no lawyer has accepted.  
 Note: Judge Janet C. Hall did not answer for innovation 4 or 8. She found the last one redundant or confusing with the proceeding innovation.  
 Note: Judge Shira Scheindlin has used innovation 4, 6 and 11 "once or twice." She edited innovation 2 to become "Substantive" preliminary jury instructions. She edited innovation 8 to read "Providing each juror with a written copy of the instructions."

Note: \*8. Question deleted from some Questionnaires  
 Timestamped 4/11/2016; another form combined  
 questions 8 and 9, having "and verdict form" added  
 after "instructions."

\*11. Question deleted from returned 4/26/16 Questionnaire

Last question: On returned 4/26/2016 Questionnaire: "Judicial interviewing of jurors after they are discharged."