

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_____

Name Court Date

Please scan and email your response to the CJP's Executive Director, Prof. Steve Susman at ssusman@susmangodfrey.com

Jury Innovations Questionnaire for Judges

4/20/2017 3:03 PM

		Never Used	Have Used	Regularly Use	Response Tally:
1	Pretrial allocation of fixed number of hours to each side.	21	14	7	42
2	Preliminary jury instructions at start of the case.	16	11	16	43
3	Allowing counsel to make opening statement to entire venire before voir dire.	39	4		43
4	Written jury questions to witnesses.	18	9	15	42
5	Juror note-taking.	0	2	41	43
6	Juror discussion of evidence when together, prior to final deliberations.	40	1	2	43
7	Interim statements by counsel as to what a witness will prove or has proved or failed to prove.	35	6	2	43
8	Providing jury with one written copy of the instructions.	8	4	12	24
9	Providing each juror with a copy of the instructions and verdict form.	10	4	29	43
10	Instructing the jury before counsel argues.	8	3	29	40
11	Back-to-back testimony by opposing experts.	32	10	1	43
12	Talking to jurors after they are discharged to get their feedback on their experience.	6	6	31	43

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."