

INTERBRANCH COMMISSION FOR GENDER, RACIAL AND ETHNIC FAIRNESS

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MEMORANDUM

TO: Lynn Marks, Esq.
CC: Lisette M. McCormick, Esq.
FROM: Heather A. Brooks, Esq.
DATE: November 9, 2010
SUBJECT: General Instructions to the Jury

Following is a preliminary draft of General Instructions to the Jury. In writing the draft, I took language from several of the jury instructions that I cited in my Jury Instruction Memo. I intentionally omitted any instruction to the jury regarding reading outside source material or investigating the offense(s) charged or the case online. I focused strictly on bias and the proper treatment of fellow jury members.

DRAFT CHARGE

As jurors, you are officers of this court. You must come into these proceedings with an open mind and you must maintain an open mind until the entire case has been submitted to you for deliberation. You must not be influenced by public opinion on the offense(s) charged. You must be fair to both sides and not allow bias, prejudice or sympathy, or your personal likes or dislikes to influence you. Bias includes, but is not limited to, bias for or against the witnesses, attorneys, defendant[s] or alleged victim[s], based on disability, gender, nationality, national origin, race, ethnicity, religion, gender identity, sexual orientation, age or socioeconomic status.

While you are deliberating, you may argue and have a difference of opinion. If and when this occurs, you should express your opinion and the reasoning supporting it. You must be

patient and respectful, and allow everyone an equal opportunity to speak openly. You must listen to the arguments and opinions of others and not deny your fellow jurors the right to express their opinions. You should maintain your position unless conscientiously persuaded to change that opinion. Following a full and open discussion, you should vote only according to your true beliefs. Do not let yourself be intimidated into changing your opinion, and do not intimidate anyone else. If you feel threatened by another juror or are being treated in an abusive manner, you should notify the tipstaff or another court staff member.