

How Is A Case Selected For Summary Jury Trial?

With the assistance of the Trial Court Administrator, appropriate cases for summary jury trial are selected, and counsel for both parties must consent to the summary jury trial procedure. At a pre-summary jury trial conference, a Summary Jury Trial Pretrial Order is entered. The terms of the Order confirm the completion of discovery, schedule all outstanding motions of hearing, set a date by which the parties exchange evidentiary information, proposed issues and instructions, schedule the summary jury trial, and address all other matters necessary to place the matter in a posture for summary jury trial.

What Happens During A Summary Jury Trial?

On the day of the summary jury trial, a brief pretrial conference is held to confirm issues and instructions, discuss the court's *voir dire* and address other matters necessary for trial. Thirty minutes is allotted to pick a jury. Eighteen potential jurors are impaneled. The court conducts *voir dire* for ten minutes, and each party is allowed five minutes to examine jurors. At the completion of *voir dire*, each side submits in order of preference six jurors to be removed. The judge strikes the first juror from the plaintiff's list. Then the first juror from the defendant's list not already stricken is removed. This process is repeated until twelve jurors remain.

After the jury is impaneled, the order of evidence follows that of a jury trial. No opening statements are allowed. Each party has a maximum of thirty minutes to present evidence and each side may reserve five minutes for rebuttal evidence. No live testimony is given. Counsel for each party then summarizes the evidence to the jury. At the conclusion of the evidence, after a brief recess, each party is allowed fifteen minutes for closing arguments.

Following the presentation of each party's case, the court gives a brief charge to the jury. Thereafter, the jury retires to deliberate.

How Long Does The Jury Deliberate?

The jury is initially allowed thirty minutes to deliberate. If a verdict is not returned within thirty minutes, the jury is called back in. Prior to deliberations, the jury will be advised that they will be called back in after thirty minutes to determine the status of their deliberations, and the jury will be encouraged to complete its deliberations within that time. If, after thirty minutes, no verdict is reached, the court may send the jury back for an additional fifteen minutes of deliberation, or

in any event if no unanimous verdict is reached after forty-five minutes, then each juror will be provided a copy of the issues and will be instructed to individually answer each issue.

Can The Parties Still Settle After The Case Has Gone To The Jury?

While the jury is deliberating, and before it has returned its verdict, the court will require the parties and/or their counsel to meet and confer about the prospects of settlement. The court may at this time offer its impressions of the case should the parties request it to assist them in settlement discussions. In the event the jury returns a quick verdict, the court may elect to delay announcement of the verdict to allow the parties a reasonable time to complete these settlement negotiations.

After the verdict has been rendered, counsel for each party may be permitted to ask general questions of the jury regarding liability, damages or similar issues which would aid in settlement. Counsel will not be permitted to ask specific questions as could convert the summary jury trial from a settlement procedure to a rehearsal for a later jury trial.

At the conclusion of trial, if necessary, the presiding Judge will require the parties to devote additional time to discuss settlement and will remain available to meet with counsel or the parties discuss the court's impressions of the case and assist if possible in settlement.