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Another "Google Mistrial"

[The New York Times reported on March 17, 2009](#) that two cases have been impacted by juror's use of the internet. After eight weeks of trial in a Florida drug case, a juror admitted to U.S. District Judge William J. Zloch that he had been doing internet research. Additionally, when the judge questioned the other jurors, he found that eight others had been doing the same thing. This led to the judge ordering a mistrial. In an unrelated case, a juror in the federal corruption trial of former Pennsylvania state senator Vincent J. Fumo was found to be posting information about the case on social networking sites. He told his readers he would have a "big announcement" for them. After hearing testimony from the juror, the judge in the case determined a mistrial was unnecessary. The NYT has used the phrase "Google Mistrials" for the use of online technology by jurors in violation of the courts instructions.

Are Hardship Juror Excusal Requests Rising?

[The Sentinel Sun reported on March 13, 2009](#) that half of the 70 potential jurors called for a recent Palm Beach County, Florida jury trial claimed a financial hardship excuse from jury service. The article states, "Judges and legal experts say the number of jurors asking to be excused because of economic pressures is increasing in South Florida and across the nation." In neighboring Broward County, County Judge Robert W. Lee reported that the number of jurors in the jury pool had to be increased "because of the difficulty getting individuals to serve." This raises costs for the courts and ultimately the taxpayers.

For readers of the Jur-E Bulletin that work directly with juries, have you seen an increase in the rates of requests for hardship excuses from jury service and what impacts have these requests had on your jury management systems? Please email responses to ghurley@ncsc.org . Responses will be included in the March 27th edition.

Juror Removed for Discussing Prosecutor's Hair Style

[The Spokesman Review reported on March 17, 2009](#) that juror Michael Cathcart was removed from the from the first degree murder trial of Shellye L. Stark in the Spokane County, Washington Superior Court. Mr. Cathcart had been instructed by the court to refrain from discussing the case. However, he was heard at a social gathering saying, "What's up with that guy that's got the comb-over?" He then said, "That's Larry Haskell [the prosecutor]. I think he had hair plugs in the past." The conversation was overheard by one of the deputy prosecutor's who reported it to the judge hearing the case.

Twittering Away a Verdict

[The Associated Press reported on March 13, 2009](#) that a verdict has been challenged because a juror in a civil contract case was "twittering" while he was deliberating. The trial was in Washington County, Arkansas in February, 2009 and the defendant, Stoam Holdings, was found to be liable to investors for \$12.6 million. The defendant claims that one of the jurors, Jonathan Powell, was using his cell phone to post messages about the case on the internet, otherwise known as "twittering." He allegedly wrote, "I just gave away TWELVE MILLION DOLLARS of somebody else's money" and "'oh and nobody buy Stoam. Its bad mojo and they'll probably cease to Exist, now that their wallet is 12m lighter." Last, he allegedly wrote, "Well, I'm off to see a judge. Hope they don't lock me under the jail, and forget about me for four days." There was also an allegation that Mr. Powell was conducting his own research about the case during the trial.

Providing Juror Amenities

An avid reader of the Jur-E Bulletin would like to get feedback from other readers on whether or not they provide juror amenities, such as food, coffee, donuts, fruits, I-pods, etc. If you are providing food, please list your associated costs, number of jurors that you plan for, etc. Please email responses to Rene Baker at bakerr002@superiorcourt.maricopa.gov .

Law Professor as Jury Foreman

[The ABA Journal reported on March 19, 2009](#) that Seton Hall Law professor Robert Martin had previously served as a jury foreman in a slip and fall case. The jury found the defendant, a grocery store, liable for \$876,000. In a December, 2006 article published by the New Jersey Law Journal Martin said, " I do think my familiarity with the law proved helpful to fellow jurors...I am convinced that in our case my opinions swayed other jurors and were extremely influential in the final outcome." The [Superior Court of New Jersey, Appellate Division](#) found that " It is not the role of the foreperson to explain legal concepts to the other jurors." Professor Martin had explained the concept of "proximate cause" to his fellow jurors. The case was reversed and returned to the trial court for a new trial.

Immigration Issues Impacting Jury Managers

A second avid reader of the Jur-E Bulletin asked the editor to pose the following survey. If you are a jury manager or work directly with juries, your answers to the following questions will be helpful.

1. How does your court system deal with individuals who contact the jury commission and tell them they are illegal aliens who are summoned to jury duty? Do they allow them to swear by affidavit that they are illegal aliens?
2. If your court systems does allow persons to swear by affidavit that they are in the country illegally, as a court system are you under any legal obligation to notify INS that they know of someone in the country illegally?
3. Does your court systems retain documentation of the illegal alien status to withstand any challenges to their jury array?

Please email your responses to ghurley@ncsc.org

ICM Jury Management Workshop on April 29 - May 1, 2009 in Williamsburg, Virginia

[Register now](#) for the ICM Jury Management Workshop on April 29 - May 1, 2009 in Williamsburg, Virginia. Paula Hannaford-Agor, Director of the NCSC Center for Jury Studies, will lead this 2.5 day workshop that provides an overview of contemporary jury management focusing on effective practices, procedures and technologies to support the jury system.

Upcoming Events

- **April 1-3, 2009:** [ABOTA National Jury Summit](#), San Francisco, CA
- **April 23-24, 2009:** 11th Annual Ohio Jury Management Association, Dublin Ohio ([send email to Vicky Unger for more information](#))
- [ICM course calendar](#)

Attending, hosting, or interested in an event?

[Please send an email](#) describing your event to the Editor so we can include it on our calendar.

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