



Public Information Office
United States Courts for the Ninth Circuit

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NEWS RELEASE

August 22, 2008

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Bench, Bar Vote Favors Allowing Attorney Interviews of Jurors

SAN FRANCISCO – Judges and lawyers participating in the recent Ninth Circuit Judicial Conference largely favored a resolution that would allow legal counsel to interview jurors at the conclusion of both civil and criminal trials in federal courts.

The resolution was favored by judges, 93-29, and by attorneys, 100-9, in balloting that took place July 30 at the judicial conference in Sun Valley, Idaho. Conference approval will allow the resolution to be considered by the Judicial Council of the Ninth Circuit, the policy-making body for federal courts in nine western states and two Pacific island jurisdictions.

Among the 15 federal trials courts in the Ninth Circuit, nine currently allow counsel to interview jurors after trial with certain conditions. Six courts prohibit counsel from interviewing jurors after trial, citing Ninth Circuit legal precedent. The resolution seeks a circuit-wide policy permitting the practice.

Jurors are under no obligation to talk with attorneys. The policy would only allow attorneys to approach jurors for interviews.

Proponents say lawyers can improve their advocacy skills by learning how jurors experienced different aspects of a trial, such as the presentation of evidence or cross-examination of witnesses. Opponents worry that overzealous lawyers could abuse the interview by seeking information about juror conduct and jury deliberations that might lead to a new trial or setting aside a verdict.

At the conference, judges and attorneys thoroughly debated the resolution prior to the vote. Among those favoring the resolution was Ninth Circuit Chief Judge Alex Kozinski, who occasionally sits as a district judge and makes a practice of inviting jurors into chambers to talk about the trial just concluded. If jurors do not object, he said he will invite attorneys to join the discussion. "I always learn something new from the jurors," said Kozinski.

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Also favoring the resolution were Senior District Judge John C. Coughenour of Seattle, District Judge Dale Fischer of Los Angeles, and two Federal Public Defenders, Thomas Hillier of Seattle and Franny Forsman of Las Vegas. Senior District Judge H. Russel Holland of Anchorage and attorney Gary Grimmer of Honolulu spoke in opposition.

To review the resolution and related materials, [click here](#). To download an audio recording of the discussion, [click here](#).

The Ninth Circuit Judicial Conference is held annually pursuant to Section 333 of Title 28 of the United States Code “for the purpose of considering the business of the courts and advising means of improving the administration of justice.” In addition to attending various business meetings, attendees participate in a rich educational program focusing on important developments in law, economics, science and other fields.

The U.S. Courts for the Ninth Circuit consists of the U.S. Court of Appeals for the Ninth Circuit, and the federal trial and bankruptcy courts and related court units for the Districts of Alaska, Arizona, Northern California, Central California, Eastern California, Southern California, Hawaii, Idaho, Montana, Nevada, Oregon, Eastern Washington, Western Washington, the U.S. Territory of Guam and the Commonwealth of the Northern Mariana Islands. Nearly 400 judges preside in Ninth Circuit courts.

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