**1.14 Questions to Witnesses by Jurors During Trial**

*Option 1*

Only the lawyers and I are allowed to ask questions of witnesses. A juror is not permitted to ask questions of witnesses. [*Specific reasons for not allowing jurors to ask questions may be explained.*] If, however, you are unable to hear a witness or a lawyer, please raise your hand and I will correct the situation.

*Option 2*

When attorneys have finished their examination of a witness, you may ask questions of the witness. [*Describe procedure to be used*.] If the rules of evidence do not permit a particular question, I will advise you. After your questions, if any, the attorneys may ask additional questions.

**Comment**

There may be occasions when a juror desires to ask a question of a witness, and the court has discretion in permitting or refusing to permit jurors to do so. *See United States v. Huebner*, 48 F.3d 376, 382 (9th Cir. 1994) (“Huebner does not point out prejudice resulting from any of the few questions [jurors] asked. There was no error or abuse of discretion.”); *United States v. Gonzales*, 424 F.2d 1055, 1056 (9th Cir. 1970) (holding there was no error by trial judge in allowing juror to submit question to court); Jury Instructions Committee of the Ninth Circuit, A Manual on Jury Trial Procedures § 3.5 (2013) (providing practical suggestions).

Option 1 is for judges who want to disallow jury questions explicitly. Option 2 is for judges who want to tell jurors that they may submit questions to be asked of witnesses.

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