

**STATE OF MICHIGAN**  
**IN THE 14TH CIRCUIT COURT**

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**ORDER REGARDING CONDUCT OF TRIAL  
PURSUANT TO JURY REFORM PILOT PROJECT,  
SUPREME COURT ADMINISTRATIVE ORDER 2008-2**

Judge Hicks has been ordered to participate in this project, a scientific study to evaluate various proposed jury trial reforms. Each participating judge, though, has some discretion to choose among the various options available. The judge will give appropriate instructions to the jurors about this process and their role in it at the beginning of the case.

From the various options available, we have selected these for use:

1. Reference Books. The court orders the attorneys (the prosecutor in criminal cases) to provide the jurors with **one** reference document or notebook, which includes the following, MCR 2.513(E):
  - a. Witness lists. (The witness list shall be titled “Potential Witnesses,” and the judge will explain, if necessary, that there are/were valid reasons why certain witnesses were not called during the trial.)
  - b. Relevant Statutory Provisions
  - c. Copies of relevant documents, where the interpretation of the document is at issue.

The books must be organized, and there must be one copy for each juror. The two attorneys must collaborate and produce one book, not separate books for each party.

2. The court will, at any time during the trial, with or without request, instruct the jury on a point of law if the instruction will materially aid the jury in understanding the proceedings and arriving at a just verdict. 2.512 (B)(1).
3. The attorneys must prepare a list of elements of the crime (or, in civil cases the elements of plaintiff’s case) for the court to read to the jurors at the beginning of the case. 2.513(A)
4. The court will, depending upon the length of the trial, allow attorneys to present interim commentary at appropriate junctures. MCR 2.513(D)
5. Judge Hicks will allow the jurors to deliberate during the trial, so long as they follow the rules outlined in MCR 2.513(K).
6. The court will allow the jurors to submit written questions at the close of the initial cross-examination. He will then, when appropriate, ask the witness the question himself. Jurors will

be instructed, at the beginning of the case, about the possibility that not all of their questions will be asked.

7. The court orders the parties to provide a concise written summary of depositions for reading at trial, instead of reading the full deposition. The court may use the options at 2.513(G) for handling expert witness testimony, which includes scheduling the expert witnesses sequentially, allowing the opposing expert to be present during the other's testimony, and to accept this testimony through panel discussion by all experts on that subject.
8. For the last several years, this court has provided the jury one set of written instructions for its deliberations. The changes require the court to provide *each juror* a copy. MCR 2.513(N)(3).
9. The court may, in appropriate cases, instruct the jury *prior to* closing arguments

Nothing in this order, or the proposal, displaces any of the existing rules which, for example, allow the court to conduct the *voir dire* itself or set time reasonable limits on arguments.

At the conclusion of trial, each attorney, and each juror, will be asked to complete a questionnaire about the process. It is necessary to secure sufficient information to evaluate the project. Colleagues report that it takes about 5-10 minutes to complete.

This judge understands that this project will require additional effort from the attorneys. However, both the court and the attorneys have obligations to comply with AO 2008-02. We thank you in advance for your efforts.

**IT IS SO ORDERED.**

Date: October \_\_\_\_, 2008

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Timothy G. Hicks, P35198  
Circuit Judge