

IN THE SUPREME COURT OF FLORIDA

In re Standard Jury Instructions
(Civil),

Committee Report Number 17-01

Proposed amendments to 201.2
Introduction of Participants and
Their Roles and 202.4 Juror
Questions

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REPORT NO. 17-01

**OF THE COMMITTEE ON STANDARD JURY INSTRUCTIONS (CIVIL):
PROPOSED AMENDMENTS TO 201.2 INTRODUCTION OF
PARTICIPANTS AND THEIR ROLES AND 202.4 JUROR QUESTIONS**

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**To the Chief Justice and Justices of
the Supreme Court of Florida:**

The Committee on Standard Jury Instructions in Civil Cases files this Report and recommends that this Court approve the proposed amendments to instructions 201.2 and 202.4, as set forth in Appendix A to this Report. This Report is filed pursuant to article V, section 2(a), of the Florida Constitution.

I. INTRODUCTION AND PROCEDURAL NOTE

In March 2010, the Court adopted the Committee’s proposal to reorganize the Standard Jury Instructions in Civil Cases and simplify the language used throughout the instructions. *See In re Standard Jury Instructions in Civil Cases – Reports 09-01 – 09-09*, 35 So. 3d 666 (Fla. 2010). Since that major project was completed, however, the Committee has continued its work on drafting and revising individual jury instructions that it believes need attention in the light of developments in the case law or issues experienced in and reported from courtrooms around the state. Two such updates are proposed for approval in this Report.

II. DESCRIPTION OF APPENDICES

The following appendices are attached to this Report:

<u>Appendix A:</u>	Proposed instructions
<u>Appendix B:</u>	Notice published on September 15, 2016 in The Florida Bar <i>News</i>

<u>Appendix C:</u>	Relevant excerpts from the Committee’s minutes.
<u>Appendix D:</u>	Relevant Committee meeting materials.
<u>Appendix E:</u>	Requests for Amendment to Instructions 201.2 and 202.4.

III. THE PROPOSED INSTRUCTIONS

As part of its continuing review of the Standard Jury Instructions for Civil Cases, the Committee proposes amendments to instructions 201.2 – Introduction of Participants and Their Roles and 202.4 – Juror Questions. The proposed revisions to these instructions are set forth in Appendix A to this Report.

The Committee received a recommendation from retired circuit court judge and former Committee member, Ralph Artigliere, that instruction 201.2 be amended to clarify *how* jurors are to communicate with the court. Specifically, he suggested the language of 201.2 be amended to clarify that the jurors should communicate with the court in an unsigned written note that is not shared with anyone. (Appendix E–2-E–3). The Committee agrees that this amendment will be helpful and is necessary for clarification, and proposes instruction 201.2 be amended as set forth in Appendix A. (Appendix A–5).

The Committee also received a recommendation for amendment to instruction 202.4 from Judge John T. Brown of the First Judicial Circuit. Judge Brown suggested amending instruction 202.4 to clarify that jurors must ask

questions of a witness *before* the witness leaves the witness stand. (Appendix E–4). Like Judge Brown, some of the Judges on the Committee agreed that this amendment is necessary to make sure jurors understand that they will have to ask their questions before the witness leaves the witness stand. The Committee therefore recommends amending instruction 202.4 as set forth in Appendix A. (Appendix A–8).

IV. DISSENTING VIEWS FROM THE COMMITTEE

The Committee voted unanimously to submit these proposed amendments to instructions 201.2 and 202.4 to the Court. There are no dissenting views from the Committee.

V. COMMENTS RECEIVED

The proposed amendments were published in *The Florida Bar News* on September 15, 2016. The Committee received no comments.

VI. CONCLUSION

WHEREFORE, for the above reasons, the Committee respectfully requests that the Court approve the proposed amendments to instructions 201.2 and 202.4.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE

The undersigned hereby certifies that this report complies with the font requirements set forth in Florida Rule of Appellate Procedure 9.210 by using Times New Roman 14-point font.

By: /s/ Laura Whitmore
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