

**Appendix C:
Jury Instructions from Judge Joseph Bataillon (D. Neb.)**

These instructions are given at the beginning of the trial. The attached set is for criminal cases. The same instructions concerning outside contact and research are given in civil cases.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|-------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | 8: ___ CR ___ |
| v. |) | |
| |) | |
| _____ |) | INITIAL |
| |) | JURY INSTRUCTIONS |
| Defendant. |) | |
| _____ |) | |

INSTRUCTION NO. 8
CONDUCT OF THE JURY

To insure fairness, you, as jurors, must obey the following rules:

1. Do not talk among yourselves about this case or about anyone involved with this case until the end of the case when you go to the jury room to decide on your verdict.
2. Do not talk with anyone else about this case or about anyone involved with it until the trial has ended and you have been discharged as jurors.
3. During the course of this trial and when you are outside the courtroom, do not listen to or allow anyone to tell you anything about this case. Do not allow anyone to talk to you about anyone involved with this case until the trial has ended and I have accepted your verdict. If anyone tries to talk to you about this case during the trial, please promptly report the matter to me.
4. During the trial do not talk with or speak to any of the parties, lawyers, or witnesses involved in this case. Do not even pass the time of day with any of them. You must not only do justice in this case, but you must also give the appearance of doing justice. For instance, if a person from one side of the lawsuit sees you talking to a person from the other side, even if it is on a matter unconnected with this trial or simply to pass the time of day, such contact might arouse unwarranted suspicion about your fairness. If a lawyer, party, or witness does not speak to you when you pass in the hall, ride the elevator, or encounter each other elsewhere while this trial is taking place, remember that court rules prohibit those persons from talking or visiting with you as well.
5. You must decide this case on the basis of evidence presented in the courtroom. Therefore, do not read any news stories or articles about the case or about anyone involved with this case. Do not listen to any radio or television reports about the case or about anyone involved with it. Until the trial is over, avoid reading any newspapers and avoid listening to any TV or radio newscasts. There may be news reports of this case, and if there are, you might find yourself inadvertently reading or listening to something before you realize what you are doing.
6. Do not do any research or make any investigation on your own concerning this case. Do not use or refer to any dictionary, reference, or law book, or the Internet, concerning any aspect of this case, including any evidence introduced. Do not visit the scene of any incident mentioned in this case.

7. Do not form any opinion regarding any fact or issue in the case until you have received the entire evidence, have heard arguments of counsel, have been instructed as to the law of the case, and have retired to the jury room. Do not make up your mind during the trial about what the verdict should be. Keep an open mind until after you have gone to the jury room to decide the case and have discussed the evidence with the other jurors.

8. Do not be influenced by sympathy or prejudice. Do not indulge in any speculation, guess, or conjecture. Do not make any inferences unless they are supported by the evidence.

INSTRUCTION NO. 9

OUTSIDE COMMUNICATIONS AND RESEARCH

You, as jurors, must decide this case based solely on the evidence presented here within the four walls of this courtroom because the parties must have an opportunity to respond to any information you consider in deciding this case. This means that during the trial you must not conduct any independent research about this case, the matters in the case, and the individuals or corporations involved in the case. In other words, you should not consult dictionaries or reference materials, search the internet, websites, blogs, chat rooms, social networking websites including Facebook, My Space, LinkedIn or YouTube, or use your cell phones, iPhones, text messaging, Twitter or any other electronic tools or devices to obtain information about this case or to help you decide the case.

Until you retire to deliberate, you may not discuss this case with anyone, even your fellow jurors. After you retire to deliberate, you may begin discussing the case with your fellow jurors, but you cannot discuss the case with anyone else until you have returned a verdict and the case is at an end. I hope that for all of you this case is interesting and noteworthy. However, until you have returned a verdict and the case is at an end, you must not talk to anyone or communicate with anyone about the case by any means, electronic or otherwise. This includes communications with your family and friends. Such communication would compromise your fairness as jurors and may require your removal from the case and a retrial of this matter at considerable expense to the parties.