

## **Appendix G: Jury Instructions for Judge Dale Fischer (C.D. Cal.)**

Before we do anything else, there are some very important rules I need to tell you about that apply to your conduct outside of the courtroom and the courthouse. They described some of these in the jury assembly room, but they are so important I need to repeat them. I don't want to sound mean or threatening, but what I am going to tell you is not what I am asking you to do, it is what I am ordering you to do. My orders have the same effect as laws. If you violate those orders, it is the same as violating the law.

For some reason, jurors seem to have difficulty with these, so please listen closely. First, keep an open mind throughout the trial, and do not decide what the verdict should be until you and your fellow jurors have completed your deliberations at the end of the case.

Second, do not talk to anyone about this case, or about anyone who has anything to do with it until you go to the jury room to deliberate and decide your verdict. "This case" includes anything you see or hear in the courtroom, such as the testimony of witnesses, the physical evidence, and anything said by the lawyers, the court, court staff, and anyone else in the courtroom, such as spectators. This means you are ordered not to have any conversation at all with the attorneys, the parties, or any witness called in this proceeding. When you see any of these people in the hall or anywhere else, you are not to greet them, don't ask for directions to anywhere. Don't ask how much longer the trial will last. There should be no conversation of any kind. Of course, you probably won't know who the witnesses are, so it is best not to talk to anyone who isn't wearing a juror's badge. If you are in the hall or the restroom and you hear someone talking about the case, please ask them not to talk about it in your presence—or simply leave. The parties and attorneys will not be offended if you ignore them. Please don't be offended if they ignore you. They are also under orders not to speak to you.

If any of these people try to speak to you, tell them you will not speak to them. Then immediately inform the bailiff or Ms. Plato of this conduct.

Don't be concerned, however, if you see witnesses talking to each other, or to the attorneys. That is permissible. Stay far enough away from them that you won't overhear any of their conversation.

Do not talk with anyone outside the jury about this case or about anyone who has anything to do with it until the trial has ended, and you have been discharged as a

juror. “Anyone else” includes your spouse, your partner, your family, anyone at home, anyone at work, and your friends and neighbors—anyone at all. You may tell them that you are a juror on a case, but say nothing else about it until you are discharged by the court.

Third, do not let anyone talk to you about the case or about anyone who has anything to do with it. If someone does try to talk with you about it, please report that to the court, or the courtroom deputy clerk, immediately.

Fourth, you must not independently investigate the facts or the law or consider or discuss facts as to which there is no evidence. This means, for example, that you may not visit or view any place that you hear described in this case. Do not search for information on any of the parties, witnesses, attorneys, or law firms, or me, at least until the case is over; if you look for these people, you may accidentally find information about the case.

Do not conduct experiments. Do not read any news stories or articles or listen to or watch any radio or television reports about the case, or about anyone who has anything to do with it. Do not Google or otherwise research on the Internet or look up any information about the case or anyone who has anything to do with it, or do any research with any electronic device, including droids, iPhones, iPads, Blackberrys, Palm Pilots, or other mobile web devices. Do not communicate by e-mail, text message, or blog, or by MySpace, Facebook, electronic bulletin board, chat room, message board, or twitter or tweet with anyone, in any way, about this case.

You can't ask anyone for information relating to the case, even if you don't say that it has anything to do with the case, or that you are on a jury. You can't even look up a word in the dictionary if you don't know, or don't all agree, on the meaning of the word. If you have any questions at all, send them in writing to me and I will try to help you answer them.

These and my other orders are not just my preferences or requests. They are serious and important—and they are the law. The law requires these restrictions to insure that the parties have a fair trial with a fair and unbiased jury—a jury that will base its decision only on the evidence presented in this courtroom.

It is common for the media, whether television, radio, newspaper, or online source, to report about lawsuits, parties to lawsuits, witnesses in lawsuits, and their lawyers. This media coverage may be accurate or it may be inaccurate. For example, the media often refer to me as a man. The coverage may be complete and

thorough, or it may be incomplete, and not thorough. The coverage may portray both sides of the story fairly, or it may be one-sided.

If you do your own research, look on the internet, or view media coverage relating to this case, you will have no way of knowing whether what you are reading is accurate, complete, or fair.

In addition, the parties and the court will have no way of knowing what you have seen or read, and they will be deprived of the opportunity to confront and explain whatever is said in those accounts. And you will have more information—possibly inaccurate information - than your fellow jurors. That is why your information about this case must be limited to what is presented in this courtroom. That way, all the jurors will see and hear the same evidence, and the parties will have an opportunity to address that evidence, engage in cross-examination, and talk to you about the evidence in their opening statements and closing arguments. And you can't fix the problem by sharing with your fellow jurors information that you shouldn't have in the first place. A juror who violates these restrictions jeopardizes the fairness of these proceedings, and a mistrial could result. A mistrial means that no matter how far we are into the case, we have to start over. It means that the jurors, the court staff, the attorneys and the parties will have wasted their time. You will also have wasted the tax dollars—your tax dollars—that it takes to provide this trial. If you hear any other juror talking about having done research, seen news coverage, or learned information about the case outside of the courtroom—or if you do so yourself, you must inform my courtroom deputy clerk immediately, so that we can address this situation.

I can't emphasize these rules enough. Every judge in every court across the country advises juries of these same rules and yet more and more often jurors are ignoring them. Sometimes it's just curiosity. Sometimes it's because jurors believe they need to know more about the case than the lawyers have told them in order to do their jobs as jurors. Maybe it's just because the Internet is fun and easy to use—at least for some people. But there is absolutely no excuse or justification for violating these rules, so don't even try to think of one. If you have any question at all about whether something you are about to do is OK—just don't do it.