

Order

Michigan Supreme Court
Lansing, Michigan

June 30, 2009

Marilyn Kelly,
Chief Justice

ADM File No. 2008-33

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

Amendment of Rule 2.511
of the Michigan Court Rules

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 2.511 of the Michigan Court Rules is adopted, effective September 1, 2009.

[Additions are indicated by underline, and deletions by strikethrough.]

MCR 2.511 Impaneling the Jury

(A)-(G) [Unchanged.]

(H) Oath of Jurors; Instruction regarding prohibited actions.

(1) The jury must be sworn by the clerk substantially as follows:

“Each of you do solemnly swear (or affirm) that, in this action now before the court, you will justly decide the questions submitted to you, that, unless you are discharged by the court from further deliberation, you will render a true verdict, and that you will render your verdict only on the evidence introduced and in accordance with the instructions of the court, so help you God.”

(2) The court shall instruct the jurors that until their jury service is concluded, they shall not

(a) discuss the case with others, including other jurors, except as otherwise authorized by the court;

(b) read or listen to any news reports about the case;

- (c) use a computer, cellular phone, or other electronic device with communication capabilities while in attendance at trial or during deliberation. These devices may be used during breaks or recesses but may not be used to obtain or disclose information prohibited in subsection (d) below;
- (d) use a computer, cellular phone, or other electronic device with communication capabilities, or any other method, to obtain or disclose information about the case when they are not in court. As used in this subsection, information about the case includes, but is not limited to, the following:
- (i) information about a party, witness, attorney, or court officer;
 - (ii) news accounts of the case;
 - (iii) information collected through juror research on any topics raised or testimony offered by any witness;
 - (iv) information collected through juror research on any other topic the juror might think would be helpful in deciding the case.

Staff Comment: This amendment requires judges to instruct jurors that they are prohibited from using computers or cell phones at trial or during deliberation, and are prohibited from using a computer or other electronic device or any other method to obtain or disclose information about the case when they are not in the courtroom. The instruction shall be given when the jury is empaneled.

The amendment prohibits jurors from reading about or listening to news reports about the case and prohibits discussion among jurors until deliberation. The prohibition on juror discussion does not apply to courts participating in the jury reform pilot project, which specifically allows jurors to discuss a case before the close of evidence.

The staff comment is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 30, 2009

Corbin R. Davis
Clerk