



INTERBRANCH COMMISSION FOR GENDER, RACIAL AND ETHNIC FAIRNESS

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PROPOSED AMENDMENTS TO
PENNSYLVANIA STANDARD JURY INSTRUCTIONS

March 16, 2011

INSTRUCTION 1.39 (Civ)--CAUTIONARY INSTRUCTIONS - BIAS ON ACCOUNT OF RACE, RELIGION, ...

[We propose to add the language indicated in italics.]

Remember that under our justice system, the race, *gender*, religion, national origin, *ethnicity*, *disability*, *gender identity*, *sexual orientation*, *age or socioeconomic status* of a party or attorney must not be considered by you in the discharge of your sworn duty as a juror.

SUBCOMMITTEE NOTE

[We propose to delete the italicized phrase from this note.]

This instruction should be given with the other cautionary instructions after the jury is sworn *if any party belongs to a minority race or religious group and the instruction is requested by the party's attorney*. See Instruction 20.00 for instruction at the end of the case. This is merely an introductory and preliminary instruction for use prior to trial commencing.

INSTRUCTION 1.52 (Civ)--CONDUCT OF THE JURY

[We propose to substitute the language below in place of the text in Instruction 1.52 (f.)]

As jurors, you are officers of this court. You must come into these proceedings with an open mind and you must maintain an open mind at all times throughout the trial and during deliberations. You must not be influenced by public opinion on the case. You must be fair to both sides and not allow bias, prejudice or sympathy, or your personal likes or dislikes to influence you. Bias includes, but is not limited to, bias for or against the witnesses, attorneys or parties, based on disability, gender, nationality, national origin, race, ethnicity, religion, gender identity, sexual orientation, age or socioeconomic status.

INSTRUCTION 20.00 (Civ)--CONCLUDING INSTRUCTIONS GENERALLY

[We propose to add the language below to the end of Instruction 20.00(6.)]

While you are deliberating, you may argue and have a difference of opinion. If and when this occurs, you should express your opinion and the reasoning supporting it. You must be patient and respectful, and allow everyone an equal opportunity to speak openly. You must listen to the arguments and opinions of others and not deny your fellow jurors the right to express their opinions. You should maintain your position unless persuaded to change that opinion. Following a full and open discussion, you should vote only according to the evidence and the law. Do not let yourself be intimidated into changing your opinion, and do not intimidate anyone else. If you feel that you are being treated in an abusive manner, you should notify the tipstaff or another court staff member.

INSTRUCTION 7.01 (Crim)--PRESUMPTION OF INNOCENCE -- BURDEN OF PROOF -- REASONABLE DOUBT

[We propose to add the language below to the end of Instruction 7.01(8) Second Alternative]

Remember that under our justice system, the race, gender, national origin, ethnicity, disability, gender identity, sexual orientation, age or socio-economic status of a party or attorney must not be considered by you in the discharge of your sworn duty as a juror.

INSTRUCTION 2.01 (Crim)--ROLES OF JURY, COURT, DESCRIPTION OF TRIAL PROCEDURES

[We propose to add the language below to the end of Instruction 2.01(4) Second Alternative]

Remember that under our justice system, the race, gender, national origin, ethnicity, disability, gender identity, sexual orientation, age or socio economic status of a party or attorney must not be considered by you in the discharge of your sworn duty as a juror.

INSTRUCTION 7.05 (Crim)--ROLES OF JURY---DELIBERATION, VERDICT MUST BE UNANIMOUS

[We propose to add the language below to the end of Instruction 7.05(6)]

While you are deliberating, you may argue and have a difference of opinion. If and when this occurs, you should express your opinion and the reasoning supporting it. You must be patient and respectful, and allow everyone an equal opportunity to speak openly. You must listen to the arguments and opinions of others and not deny your fellow jurors the right to express their opinions. You should maintain your position unless persuaded to change that opinion. Following a full and open discussion, you should vote only according to the evidence and the law. Do not let yourself be intimidated into changing your opinion, and do not intimidate anyone else. If you feel that you are being treated in an abusive manner, you should notify the tipstaff or another court staff member.