

To: SCAC
From: Alex Albright
Date: October 11, 2007
Re: PJC Admonitory Instructions Plain Language Rewrite

As promised, here is a list of issues for consideration when we address Rule 226a admonitory instructions. The report on the testing of plain language vs. existing PJC charge on mock jurors has been posted on the SCAC website.

A Word document with the proposed plain language rewrite has been posted. The proposed revisions to Rule 226a and other rules are first, followed by revisions to PJC sections that are not part of the Rules. A side by side version was posted in August (to the extent it is possible to create a version that compares the old and new language side by side). If you want to submit changes for consideration, please be sure that you send a redline version to me showing where you are making the changes. Also send proposed additional language for other issues you would like included.

Email your comments to me before the meeting at aalbright@law.utexas.edu. Or you can fax to me at 512-471-6988.

Particular issues for discussion at the October 19 meeting:

1. Describing "bias and prejudice." Rule 226a(I)
2. Contempt instruction. Rule 226a(I), (III)
3. Cell phones and electronic devices. Rule 226a(II)
4. "Preponderance of the evidence" no change recommended. Rule 226a(III)
5. Presiding juror instructions. Rule 226a(III) (including that presiding juror reads the charge vs. each getting a copy of written charge)
6. "Unanimous" explanation. Rule 226a(III)(exemplary damages)
7. Certificates when mixed unanimous/non-unanimous questions.
8. Proposed instruction on juror notetaking. Rule 226a(III)
9. Proposed instruction on language interpreters. Rule 226a(III)
10. Proposed Rule 226 & 236 on juror oaths