

To: Judge Tracy Christopher and the Texas Supreme Court Advisory Committee  
 From: Julie Kirkendall  
 Date: November 4, 2009  
 Re: Pattern Jury Instruction

The following is a table summarizing each state's pattern jury instruction regarding jury questions during deliberations.

State	Questions permitted?	Must the question be submitted in writing?	Must the question be signed by a juror? <sup>4</sup>	Must the question be submitted by the foreman? <sup>5</sup>
Alabama	Yes	Yes	No	No
Alaska	Yes	Yes	Yes	No
Arizona	Yes <sup>1</sup>	Yes	No	No
California	Yes	Yes	No	No
Colorado	Yes	Yes	Yes	Yes
Connecticut	Yes	Yes	Yes	Yes
Florida	Yes	Yes	No	No
Hawaii	Yes	Yes	No	No
Idaho	Yes	Yes	Yes	No
Indiana	Yes	Yes	No	No
Iowa	Yes	Yes	No	No
Kentucky	Yes	Yes	No	No
Louisiana	Yes	Yes	No	No
Maine	Yes	Yes	No	No
Massachusetts	Yes	Yes	No	Yes
Michigan	Yes	Yes	No	Yes
Minnesota	Yes	Yes	No	No
Nebraska	Yes	Yes	No	No
New Hampshire	Yes	Yes	Yes	Yes
New Jersey	Yes	Yes	No	Yes
New York	Yes	No <sup>2</sup>	No	No
North Dakota	Yes	Yes	No	Yes
Ohio	Yes	No	No	No
Pennsylvania	Yes	Yes	Yes	Yes
Tennessee	Yes	Yes	No	No
Vermont	Yes	Yes	Yes	No
Virginia	Yes	Unclear <sup>2</sup>	No	No
Washington	Yes	Yes	Yes	Yes
West Virginia	Yes	Unclear <sup>2</sup>	No	No

<sup>1</sup> The instruction states that it should be used only if the jury indicates it is at an impasse.

<sup>2</sup> The jury must return to open court to ask their question.

<sup>3</sup> The instruction merely states that it is proper for the court to respond to inquiries from the jury.

<sup>4</sup> 8 of 29 states require that the question be signed by the juror that is sending it.

<sup>5</sup> 9 of 29 states require that the question be sent by the foreman of the jury.