

**FOR IMMEDIATE RELEASE**

April 27, 2011

**ILLINOIS SUPREME COURT RULES COMMITTEE SEEKING COMMENT  
ON PROPOSAL TO ALLOW JUROR QUESTIONING OF WITNESSES IN  
CIVIL TRIALS**

The Illinois Supreme Court Rules Committee is seeking comment on a proposal to explicitly allow jurors to question witnesses in civil trials.

That proposal, and others, will be aired at a public hearing of the Rules Committee on Friday, May 20 in Chicago.

Anyone wishing to testify at the public hearing should advise the Committee in writing no later than Friday, May 13. Those wishing to offer written comments should submit them by Friday, May 6.

The proposal which would allow jurors to question witnesses would represent a significant change in current Illinois civil trial practice.

Currently, there is no Illinois Supreme Court rule that explicitly authorizes jurors to ask questions in civil trials. Neither is there a rule that explicitly prohibits Illinois judges from permitting the practice. In fact, it rarely occurs in Illinois trials. Proponents of the proposal say that Illinois judges are reluctant to allow juror questioning without guidance from the Illinois Supreme Court. Hence, the discussion whether a new Supreme Court rule is needed.

Those who favor the proposal have stated that more than half of all states and all of the federal circuits permit jurors to submit written questions for witnesses at the discretion of the trial judge.

The proposal before the Rules Committee would also provide Illinois judges with discretion.

This is how the proposed procedure would work:

--Out of the presence of the jury, the judge would read or provide a copy of the juror questions to all the lawyers in the case and give them an opportunity to object to any question. The judge will rule on the objection; and the question submitted by the juror will either be allowed to be read as written, allowed to be read as modified, or excluded.

**MORE**

## Rules Committee Public Hearing

### Add One

–If the question or modified question is allowed, either the judge or a lawyer will read it to the witness in the jury’s presence, and the witness will answer the question. The judge will provide all attorneys with an opportunity to ask follow-up questions that are limited to the scope of the new testimony.

–At an appropriate time before or during the trial, the judge will advise the jurors that they are not to concern themselves with the reason for the exclusion or modification of any question submitted.

Those who favor the allowance of jurors’ questions cite advantages, generally including: eliciting important testimony or clarification of prior testimony, putting the jurors in a better position to provide a just finding at the close of trial; providing lawyers with signals of the jurors’ focus, allowing lawyers to change course or provide additional testimony on issues causing concern or confusion to the jury; and motivating jurors to be more engaged and more observant during testimony.

Arguments against the proposal include worries that it will lengthen trials; lessen a lawyer’s control over his case; and that jurors would focus on the perceived prestige of having their questions asked in court or, conversely, become angry or biased at the denial by a judge of a submitted question.

The Rules Committee, under the chairmanship of attorney John B. Simon, is hopeful of a beneficial exchange of public comment on the issue at the hearing.

Another key proposal up for discussion at the hearing would prohibit parties and attorneys from including Social Security numbers in all documents filed in or with the court.

Those wishing to testify in person at the hearing and those wishing to submit written comments on any of the proposals should direct written correspondence to:

Supreme Court Rules Committee  
c/o Administrative Office of the Illinois Courts  
222 N. LaSalle Street, 13<sup>th</sup> Floor  
Chicago, Illinois 60601

The hearing will be held May 20, beginning at 10 a.m. in Room C-500 of the Michael A. Bilandic Building at 160 N. LaSalle Street in Chicago.

The proposed amendments are available on the Supreme Court website at :  
[www.state.il.us/court/SupremeCourt/Public\\_Hearings/Rules/](http://www.state.il.us/court/SupremeCourt/Public_Hearings/Rules/)

None of the proposed rules will take effect unless specifically approved by the Supreme Court.

Chief Justice Thomas L. Kilbride is the Supreme Court liaison to the Rules Committee.