



IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of the Temporary Suspension )  
of Rule 39(f), Arizona Rules of Civil Procedure, )  
to Facilitate a Study by the National Center for )  
State Courts )  
\_\_\_\_\_ )

Administrative Order  
No. 97- 1

The National Center for State Courts is conducting a study and evaluation of Arizona's recent jury reforms. Among other things, those reforms permit civil jurors to discuss the evidence during trial, subject to certain safeguards. To facilitate the study of this reform, it is necessary to temporarily suspend the mandatory language of current Rule 39(f), Arizona Rules of Civil Procedure, so that trial judges and study administrators can create a control group of jurors drawn from trials in which the former, traditional admonition prohibiting juror discussion of evidence during trial can be given and enforced. Accordingly,

IT IS ORDERED as follows:

1. Notwithstanding the December 1, 1995 amendment to Rule 39(f), Arizona Rules of Civil Procedure, trial judges and study administrators may select certain trials of civil cases in which the jurors will be instructed to refrain from discussing the case and the evidence among themselves during the trial.
2. In other cases to be selected, and with the informed consent of all parties and jurors, the jurors' discussions in the jury room during trial and deliberations may audio- or videotaped. The recordings shall be used solely for purposes of the study and shall not be released to any other person or organization for any purpose whatsoever. The jurors' names will also not be published or otherwise released.

3. None of the materials or information collected for the study, including audio and video tapes, will be subject to discovery or inspection by the parties or attorneys in any case except on order of the court and after an *in camera* inspection to determine whether extraordinary reasons exist.

IT IS FURTHER ORDERED that this order shall apply to and affect only those cases and trials selected for participation in the study. The order shall terminate and have no further force or effect once the last trial identified for study has been tried to conclusion and the information sought for the study collected.

Dated this 7th day of January, 1997.

~~STANLEY G. FELDMAN~~  
Chief Justice