



Blagojevich and the Complexity of Jury Instructions

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In the wake of the conviction in federal court in Chicago of former Illinois Gov. Rod Blagojevich on one criminal count of lying to the FBI and the mistrial on 23 others, mostly involving political corruption, the question of the complexity of many white-collar crime cases has been widely discussed.

[In one newspaper account](#), a juror compared the jury instructions to the manual for the space shuttle. The instructions ran more than 100 pages, and many of the 24 counts were described in ways that the jurors saw as highly technical.

We don't express any opinion on Blagojevich's guilt or innocence. However, as crime itself becomes more complex, as more statutes are passed to capture more types of fraud, and as perpetrators think of new ways to circumvent existing laws, no one should be surprised at how complex jury instructions and duties can be in fraud cases.

Jury instructions have clearly become so burdensome and so complex that juries like the Blagojevich jury can hardly be expected to weed through them and appreciate their detail. With lives literally at stake, what options do federal judges have to "dumb down" what in many districts are mandatory jury instructions? And how much can one really do to reduce "legalese" in jury instructions that must be precise and hew to the language of the statute and of previously used instructions if they are to stand up on appeal?

Perhaps part of the answer is to help encourage juries to take advantage of submitting written questions during their deliberations to clarify a point, for



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example. Perhaps special jury instructions for the jury foreperson would also assist.

Whether the ultimate result is a conviction or an acquittal, both prosecution and defense should be convinced that jurors did their absolute best to find the facts and to apply the law as the instructions provide. The post-verdict comments of the Blagojevich jury reveal that none of the players in the process had much to be proud of.

Crime in the Suites is authored by the [Ifrah Law Firm](#), a Washington DC-based law firm specializing in the defense of government investigations and litigation. Our client base spans many regulated industries, particularly e-business, e-commerce, government contracts, gaming and healthcare.

The commentary and cases included in this blog are contributed by Jeff Ifrah and firm associates Rachel Hirsch, Jeff Hamlin, Steven Eichorn and Sarah Coffey. These posts are edited by Jeff Ifrah and Jonathan Groner, the former managing editor of the Legal Times. We look forward to hearing your thoughts and comments!

