



**ILLINOIS SUPREME COURT RULE 243 -
WRITTEN JUROR QUESTIONS DIRECTED TO WITNESSES
ADOPTED APRIL 3, 2012, EFF. JULY 1, 2012**

On July 1, 2012, a new Illinois Supreme Court Rule will take effect placing within the trial court's discretion the ability to permit jurors in civil cases to submit to the court written questions directed to trial witnesses. This rule represents a new procedure which has been available in other jurisdictions and which purports, according to the comments accompanying the new rule, to improve juror comprehension, attention to the proceedings, and overall satisfaction with jury service.

Procedurally, the rule provides that, following the conclusion of questioning by counsel, the trial court *shall* determine whether the jury will be afforded the opportunity to question the witness. Presumably, this determination will occur with input from counsel. Once a determination is made that it would be appropriate for a particular witness to be asked questions from the jury, the jury will be asked to submit in writing any questions they have for the witness. The rule proscribes any discussion between the jurors regarding the proposed questions. Jurors will not be limited to a single question and are not required to ask a question even if the court determines questions of a particular witness are appropriate.

Once the jury has written one or more questions, the bailiff is to present them to the trial judge, and all questions will be marked as exhibits and made a part of the record. The rule calls for objections to the questions to be made out of the presence of the jury. The trial judge is to rule upon all objections on the record and the question will be admitted, modified, or excluded accordingly.

The questions themselves will be asked of the witness by the trial judge, with all counsel then having an opportunity to ask follow-up questions limited to the scope of whatever new testimony may result from the jury's questions.

All other details of when and under what circumstances such questions will be allowed are left to the trial court's discretion, although it seems likely counsel will have input into the trial judge's decisions in this regard.

SUBMITTED BY

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