

## Suggested Opening Charge To Jury

A trial is a search for the truth using the rules of law. Therefore, the court will allow members of the jury to ask written questions of any witness called to testify in this case. You are not encouraged to ask questions, because that is the responsibility of the attorneys. Nevertheless, if you believe that an important question has not been asked, or that an answer needs clarification, you may submit a question. Keep in mind that a witness scheduled to testify later in the trial may be the best person to answer that question.

A question may be asked in the following manner: Please write it down and pass the paper to the bailiff or the law clerk. Copies will then immediately be made for counsel and the court. The court will privately confer with the attorneys at a convenient time and then decide if the question is appropriate under Nevada law. If the question seeks factual information from the witness and is designed to clarify information about issues in this trial, the court or the attorneys may question the witness regarding the points raised in the juror question. No emphasis should be placed on the answer to the question merely because the question came from a juror. If a question submitted by a juror is not asked, no adverse inference can be drawn. The question was simply not allowed under the Nevada rules of evidence, and must be disregarded.

## Additional Explanation To Counsel

The law clerk or bailiff will write on the paper, under the juror's question, "plaintiff objects" or "plaintiff does not object," "defendant objects" or "defendant does not object." The parties are to review the question and indicate, in writing, their position. If there is not an objection by any party or by the court, counsel may then ask the question during the normal course of interrogation of a witness, without calling attention to the fact that a juror initiated the question. If there is an objection by any party, the question may not be asked until the court has heard the objection on the record, outside the presence of the jury, and the court has made a ruling on the admissibility of the evidence or on the form of the question.

If the court overrules the objection and allows the question, the court will pose the question to the witness. See NRS 50.115 and 50.145. All juror questions shall be retained by the court clerk as court exhibits and will be part of the official trial record.