

REDUCING THE JURY

NOTE: There is no need to reduce the jury if all counsel assent to all jurors deliberating. A verdict requires at least 5/6 vote or 6 of 7 deliberating jurors. Mass. R. Civ. P. 47(b).

Members of the jury, when we impanel a jury at the beginning of a trial, we never know whether some personal emergency will arise during the course of the trial or deliberations which will require one of the jurors to be excused from the jury. To avoid having to start the trial over again if that should occur, we impanel seven jurors, even though the case will eventually be decided by only six of you.

The time has now come to reduce your number to that six. The clerk will draw one of your names at random. That juror will be designated as an alternate juror, and will not take part in your deliberations unless it is necessary to provide a substitute for one of the other jurors.

If you are chosen to be an alternate juror, please do not take it personally. Your presence up to this point, and your continuing availability if you should be needed, is itself an important contribution to the administration of justice. After your name is called, I will ask you to step from the jury box and have a seat by the court officer.

The court officer will make you as comfortable as possible while the

jury deliberates.

The clerk will now reduce the jury to six jurors.

***Choosing an alternate juror:** The clerk should shuffle the cards of all of the jurors, then select one or two of the cards to determine who will be the alternates.*

***Clerk:* Juror No. ____ , you are hereby designated as an alternate juror. You will be kept separate and apart in the attendance of the court officer unless you are later drawn to replace a sitting juror. Please remain seated for a few moments and the court officer will take you and the other jurors where you need to go.**