Current Issues Impacting State and Federal Juries

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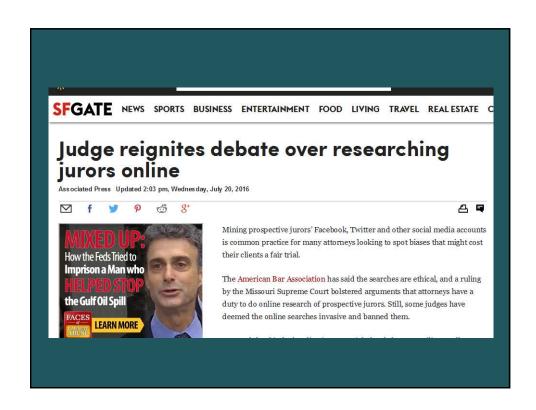
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Internet Research of Jurors by Attorneys







The Rules

- ABA Model Rule of Professional Conduct 3.5(b)
 - Prohibits ex parte communication with jurors
- ABA Formal Opinion 466 (April 24, 2014)
 - Permits internet research that does not involve communication
 - The fact that a juror may become aware of the research does not constitute communication in violation of Rule 3.5(b)
 - Judge may ban searches
- State Rules Vary on the Issue
 - New York: permits internet research, but prohibits notifications to juror
 - Oregon: allows lawyers to ask jurors for permission to access social media profiles as long as lawyer honestly represents his role

Tex. Disciplinary Rule of Professional Conduct 3.06

- (a) A lawyer shall not:
 - (1) conduct or cause another, by financial support or otherwise, to conduct a vexatious or harassing investigation of a venireman or juror; or
 - (2) seek to influence a venireman or juror concerning the merits of a pending matter by means prohibited by law or applicable rules of practice or procedure.





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