



United States District Court

DISTRICT OF SOUTH DAKOTA

LR 83.3 JURY DELIBERATIONS

- A. Availability During Deliberations.** Until a verdict is reached, and the jury is discharged, the lawyers and the parties must be readily available to the court. When the jury begins to deliberate, the lawyers must advise the court of where they can be located in the courthouse, or if they intend to leave the courthouse, of a telephone number where they can be reached without delay. A pro se party will be treated as counsel for purposes of this rule.
- B. Notification.** If the jury has a question, or if some other issue arises during jury deliberations, and the court determines the issue merits a conference with the parties, the court will attempt to notify the lawyers. Counsel is responsible for communicating any such notification to the parties.
- C. Proceedings.** The nature of the proceedings concerning an issue arising during jury deliberations will be determined by the judge. Where the jury has a substantive question, the judge will do the following:
1. Advise the lawyers of the jury's question;
 2. Ask the lawyers for suggestions on how to respond to the question;
 3. Formulate a response, as warranted;
 4. Allow the parties to make a record on the proposed response; and
 5. Communicate the response to the jury in an appropriate manner.