

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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US AIRWAYS, INC.,	:	
	:	
Plaintiff,	:	
	:	11 Civ. 2725 (LGS)
-against-	:	
	:	<u>ORDER</u>
SABRE HOLDINGS CORP., et al.,	:	
	:	
Defendants.	:	
	:	
-----X	:	

LORNA G. SCHOFIELD, District Judge:

WHEREAS, the New York Rules of Professional Conduct address communication with a juror after discharge, stating, “[a] lawyer shall not communicate with a juror . . . after discharge of the jury if: (i) the communication is prohibited by law or court order; (ii) the juror has made known to the lawyer a desire not to communicate; (iii) the communication involves misrepresentation, coercion, duress or harassment; or (iv) the communication is an attempt to influence the juror’s actions in future jury service.” N.Y. R. of Prof’l Conduct 3.5(a)(2).

WHEREAS, the Federal Rules of Evidence protect the secrecy of jury deliberations by providing that “[d]uring an inquiry into the validity of a verdict or indictment, a juror may not testify about any statement made or incident that occurred during the jury’s deliberations; the effect of anything on that juror’s or another juror’s vote; or any juror’s mental processes concerning the verdict or indictment. The court may not receive a juror’s affidavit or evidence of a juror’s statement on these matters.” FED. R. EVID. 606(b).

WHEREAS, the Second Circuit has noted that, “it is common -- and entirely appropriate -- for a conscientious trial judge to advise jurors against disclosing the substance of their deliberations at the end of trial.” *United States v. Thomas*, 116 F.3d 606, 619 (2d Cir. 1997). “At times, courts quite properly go further than this to protect the secrecy of deliberations, imposing strict limitations on what jurors are permitted to disclose.” *Id.*; *see also United States v.*

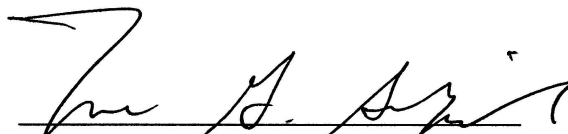
Harrelson, 713 F.2d 1114, 1118 (5th Cir. 1983) (upholding a written district court order forbidding repeated requests for juror interviews and forbidding inquiry into specific votes by other jurors). It is hereby

ORDERED that no interviewer shall inquire into the jury's deliberations, any juror's vote at any point in the deliberations, the effect of anything on a juror's vote in the deliberations, and any juror's mental processes concerning the verdict. An interviewer may inquire about what a juror interviewee found to be effective or ineffective advocacy. It is further

ORDERED that no juror has any obligation to speak to any person about this case, and may refuse all interviews or comment.

SO ORDERED.

Dated: December 20, 2016
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE