

**525 INSTRUCTION AFTER VERDICT RECEIVED**

Your service in this case is completed.

You do not have to answer questions about the case from anyone other than the court.

There is no requirement that you maintain secrecy concerning what happened in the jury room, but you do not have to discuss the case with anyone or answer any questions about it.

**COMMENT**

Wis JI-Criminal 525 was originally published in 1984 and revised in 1994. This revision was approved by the Committee in December 2000 and involved adoption of a new format.

This instruction, adapted from Wis JI-Civil 197, is considered optional. It may be appropriate in those cases where the jurors might find it helpful to be advised by the court that it is solely their decision whether or not to talk to others about their jury service.

The present Rules of Professional Conduct do not explicitly address posttrial contact between lawyer and jurors. The only applicable rule is SCR 20:3.5, which provides as follows:

**SCR 20:3.5 Impartiality and decorum of the tribunal**

A lawyer shall not:

- (a) seek to influence a judge, juror, prospective juror or other official by means prohibited by law;
- (b) communicate ex parte with such a person except as permitted by law or for scheduling purposes if permitted by the court. If communication between a lawyer and judge has occurred in order to schedule a matter, the lawyer involved shall promptly notify the lawyer for the other party or the other party, if unrepresented, of such communication; or
- (c) engage in conduct intended to disrupt a tribunal.

Former Supreme Court Rule 20.42 imposed the following restrictions on lawyers' communications with jurors:

(4) After discharge of the jury from further consideration of a case with which the lawyer was connected, the lawyer may not ask questions of or make comments to a member of that jury that are calculated merely to harass or embarrass the juror or to influence the juror's actions in future jury service.

(5) A lawyer may not conduct or cause, by financial support or otherwise, another to conduct a vexatious or harassing investigation of either a venireman or a juror.

(6) All restrictions imposed by this section upon a lawyer also apply to communications with or investigations of members of a family of a venireman or a juror.

The ABA Standards for Criminal Justice (3rd ed.) also address the issue of posttrial contact with jurors.

Standard 3-5.4, The Prosecution Function, treats the prosecutor's responsibilities as follows:

(c) After discharge of the jury from further consideration of a case, a prosecutor should not intentionally make comments to or ask questions of a juror for the purpose of harassing or embarrassing the juror in any way which will tend to influence judgment in future jury service. If the prosecutor believes that the verdict may be subject to legal challenge, he or she may properly, if no statute or rule prohibits such course, communicate with jurors to determine whether such challenge may be available.

Standard 4-7.3, The Defense Function, provides the same standard for defense counsel.