

# General Information

## ***How was I chosen for jury service?***

Potential jurors are selected randomly by the jury commissioners using lists designated by the court, such as the voter registration list and the driver's license list. In some courts, this is done by hand, and in others, it is done by computer. Either way, the selection method is designed to produce across section of the community. Men and women over 18 years of age and from all walks of life have an equal opportunity to be called for jury service.

## ***Do I have to respond to the summons to jury service?***

Yes. The summons to jury service is an official court summons. If you do not respond, you could be held in contempt of court.

## ***What if I can't perform jury services right now?***

Your term of jury service might disturb your regular pattern of work and other activities. If this disruption causes you genuine hardship, not just inconvenience, it may be possible for you to defer your service to another time. However, this is done only in cause of genuine hardship or need. The judge decides whether your jury service can be deferred. If you feel that you can't perform your jury service at this time, call the number listed on your summons to discuss your situation.

You won't be excused because jury service is inconvenient or because you have a busy schedule, but you may be for reasons such as a physical ailment. If you have special conflicts on particular days during the term, the court may excuse you on those days.

## ***What about my job?***

Your employer can't fine, demote or otherwise penalize you for missing work while performing jury service. Many employees will continue to pay your salary while you are in jury service. Contact your employer to find out what the policy is at your job.

## ***Will I be reimbursed for serving on a jury?***

You will be reimbursed \$30 per day for attendance for each day you must report to the courthouse. This amount is set by the state legislature.

## ***How long will I be in jury service?***

Jurors serve for one term of court. Depending on where you live, your term may be up to four months. Your summons will indicate the length and exact dates of the term you will serve.

## ***What if an unexpected emergency keeps me from coming to the courthouse while I'm on a jury?***

It is very important that all jurors report each day they are told to report and that they be on time. Your absence may delay a trial. If you have an emergency (such as a sudden illness or death in the family), call the court immediately.

## ***How will I know what to expect and what to do during my jury service?***

Most courts provide an orientation program for jurors to inform and educate them about jury service and the trial process. The orientation will inform you of the procedures for checking in on the days you must report to the courthouse, how you find out when to report, what the court's hours are, and what to do if you have an emergency during jury service. Additionally, you will learn about your role as a juror and what you should and should not do while in the courthouse or serving on a jury.

## ***What hours will I serve?***

You should report to the court at the date and time shown on your jury summons. At that time, you will be told the procedure for reporting to the court for the rest of the term and the court's normal business hours. On days that you report for jury service, you can expect to be at the court during the normal hours. If not selected for a jury, you may be able to leave early. Jurors will be given a lunch break and may be given other breaks during a trial. On occasion, a trial will continue beyond the court's normal working hours. If this happens, you may need to arrange your schedule to allow you to stay longer.

***What are my responsibilities now that I'm part of a jury?***

In any trial, two kinds of questions will have to be decided at various times. These are questions of law and questions of fact. The judge decides the questions of law. You decide the questions of fact. After you have decided the questions of fact, you will apply the law to the facts as directed by the judge at the end of the trial.

***Who else will be in the courtroom? what will they be doing?***

A number of people will be in the courtroom besides the judge, the jury and the attorneys. The list below explains who they are and what they'll be doing.

***What happens during a civil trial?***

After the clerk or bailiff has sworn in the jury, the case is ready to begin. Both attorneys may make opening statements explaining their client's position and outlining the evidence they expect to present that will support their claims. These statements are not evidence and should not be considered as such. The witnesses for the plaintiff are then called and questioned by the attorney for the plaintiff and cross-examined by the attorney for the defendant. After cross-examination, the plaintiff's attorney may re-examine some of the witnesses. After all the plaintiff's witnesses have been called and all the plaintiff's evidence has been presented, the attorney will tell the judge that the plaintiff rests.

Witnesses for the defendant may then be called. This time, the defendant's attorney questions the witnesses and the plaintiff's attorney cross-examines them. When all the defendant's witnesses and evidence have been presented, the defense will rest. After the defendant has finished, the plaintiff has the right to offer testimony in reply.

The judge and the attorneys will then go to the judge's chambers to consider the instructions the judge will give the jurors about the law of the case (this is discussed below). After the judge has decided on the instructions, the judge and the attorneys return to the courtroom. The judge reads the jury instructions to the jury, then the attorneys make their closing arguments. The closing arguments let each attorney tell the jury what they think the evidence proves and why their client should win. These closing arguments may help jurors recall many details of the case, but they are not evidence. The plaintiff's attorney speaks first, followed by the defendant's attorney. Finally, the plaintiff's attorney speaks again and closes the case.

***What are jury instructions?***

Jury instructions tell the jury what the laws are that govern a particular case. Each attorney gives the judge a set of proposed jury instructions. The judge considers each instruction and gives the ones that properly states the law that applies to the case. The jurors must accept and follow the law as instructed by the judge even though they may have a different idea about what the law is or ought to be.

***Who awards damages in a civil case?***

In a civil case, the jury not only decides on a verdict for one side or the other, but also awards damages. That is, if the jury determines that an award of money should be made, the jury decides how much money should be paid.

***How are criminal cases tried?***

Criminal cases are very similar to civil cases, except instead of a plaintiff, there is a prosecuting attorney. The prosecuting attorney may represent either the Commonwealth (the state) or a city, county or town.

***What are the two types of criminal cases?***

There are two kinds of criminal offenses: felonies and misdemeanors. A felony offense is one that can be punished by death or by a prison sentence of a year or more. If the felony offense is one that can be punished by death, it is called a capital offense. If the maximum punishment allowed by law is less than one year in confinement or only a fine, the offense is called a misdemeanor.

***Who sets the punishment in criminal cases?***

If the jury finds the defendant guilty in a criminal case, they set the punishment at the same time they decide their verdict. After a guilty verdict in capital cases, however, the jury hears evidence in a separate proceeding before deciding on the penalty.

***Why is the jury sometimes asked to leave the courtroom in the middle of a trial?***

The judge may decide to send the jury from the courtroom in the middle of a trial. While the jury is gone, the attorneys and the judge will discuss points of law or whether certain evidence can be admitted. The purpose of these discussions is to make sure that the jury hears only the evidence that is legally valid before making its decision. You will be called back to the courtroom when the judge's decision is made.

***Can I talk to anyone about the trial while it's going on?***

No. As long as the trial is still going on, do not discuss the trial with anyone. Do not even discuss the case with your fellow jurors until you begin your deliberations. When the trial is over, you can discuss it with anyone if you want to, or you may keep silent if you prefer.

***What if I accidentally hear something about the trial outside the courtroom, or if someone contacts me about the trial while it is still going on, or if I realize during the trial that I have some special information that relates to the case?***

Ask the bailiff to tell the judge immediately what has happened. Tell no one about the incident, except the bailiff or the judge.

***What happens after the closing arguments?***

After the judge gives you your instructions and you hear the attorneys' closing arguments, you leave the courtroom and go to the jury room to begin your deliberations. "Deliberation" is the process the jury uses to reach its verdict. During deliberations, the jury will discuss evidence and review law and facts.

***Will anyone be in the jury room besides the jury?***

No. But if you have any questions or need any help, the bailiff will be nearby.

***What's the first thing we do?***

The first thing you should do is elect one member of the jury to preside over the deliberations, seeing that everyone has an opportunity to participate and that the discussions remain orderly. The person chosen to preside takes part in deliberations and votes on the verdict along with everyone else.

***What if we don't understand the jury instructions?***

You may take written copies of the jury instructions to the jury room with you. If you don't understand the instructions, you may ask the judge to explain them to you. It is usually best to put your questions in writing and ask the bailiff to give them to the judge, since the judge will discuss the questions with the attorneys before answering them.

***How should we conduct our deliberations?***

Each juror may have a different opinion at the start of deliberations. To reach a decision, some jurors may have to change their opinion. You should keep an open mind; listen carefully to other people's opinions, and the reasons for their opinions. You should be prepared to tell the other jurors what you think and why you think it. Be fair and carefully consider what your fellow jurors are saying. Do not let yourself be intimidated into changing your opinion, and do not intimidate anyone else. Change your opinion only if you genuinely agree with what another juror is saying. After a full discussion of the issues, the jury should be able to reach a decision that each juror can agree to with a clear conscience.

***Do we all have to agree?***

Yes. Every juror must agree on the verdict. This is known as a unanimous verdict.

***What should we do after we've reached our verdict?***

The person chosen to preside will write down the jury's verdict on a form prepared by the judge, sign it, and notify the bailiff that a verdict has been reached. The bailiff will notify the judge, who will call everyone, including the jury, back to the courtroom. The clerk will ask for the jury's verdict and read it out loud.