

Handbook for Jurors

Purpose of this Handbook

The purpose of this handbook is to acquaint jurors with a few of the methods of procedure in district court, to tell them something about the nature of their work and its importance, their duties, responsibilities, and the meaning of the terms used in court. Nothing in this handbook is to be regarded by them in any case in which they serve. The judge will instruct the jury in each separate case as to the law of that case. Jurors must follow only the instructions of law given to them by the trial judge in each particular case.

Selection of the Jury Panel

The jury panel is selected by lot from all the names of registered voters or from persons having a valid driver's license.

Excused from Jury Service

Most jurors must serve at financial sacrifice, but few who read this handbook and thoroughly consider the privilege available to them will ask to be excused from service. In fairness to any who feel they must be excused, however, the system is as follows:

If you believe you must be excused, please put the excuse in writing on the Juror Questionnaire, and it will be reviewed by the Clerk or the Judge and you will be advised whether you are excused or not.

Importance of Jury Service

Jurors perform a vital role in the American system of justice. The protection of our rights and liberties is achieved largely through the teamwork of judge and jury who, working together in a common effort, put into practice the principles of our great heritage of freedom. The judge determines the law to be applied in the case while the jury decides the facts. Thus, in a very important way, jurors become a part of the court itself.

Efficient jurors are men and women of sound judgment, absolute honesty, and a complete sense of fairness. Jury service is a high duty of citizenship. The juror aids in the maintenance of law and order and upholds justice among fellow citizens. The juror's greatest reward is the knowledge that this duty has been discharged faithfully, honorably, and well. In addition to determining and adjusting property rights, jurors may also be asked to decide questions involving a crime for which a person may be confined in prison. In a very real sense, therefore, the people must rely upon jurors for the protection of life, liberty, and the pursuit of happiness.

A Civil Case

Let us suppose you are called to help decide the case of John White vs. Tom Green. John White would be the person who begins the case and he is called the plaintiff. Tom Green would be called the defendant.

The Voir Dire Examination

The case is called for trial after the pleadings are prepared. The plaintiff, the defendant, and their lawyers are in the courtroom. A panel of jurors is called. This panel may include a number of jurors from whom 12 will be selected to try the case. However, in some cases, the parties may agree to have less than 12 jurors. In others, alternate jurors in addition to the 12 may be chosen to take the place of jurors who may become ill during the trial.

The panel members are sworn to answer questions about their qualifications to sit as jurors in the case. This questioning process is called voir dire. This is an examination conducted by the judge or by counsel and sometimes both. A deliberately untruthful answer to any fair question could result in serious punishment to the person making it.

The voir dire examination opens with a short statement about the case. The purpose is to inform the jurors of what the case is about and to identify the parties and their lawyers.

Questions are then asked to find out whether anyone on the panel has any personal interest in the case or knows of any reason why he cannot return an impartial verdict. The court also wants to know whether any member of the panel is related or personally acquainted with the parties. Other questions will determine whether any panel member has a prejudice or feeling that might influence him. Any juror having knowledge of the case should tell the judge.

Parties on either side may ask that a member of the panel be excused. These requests, or demands, are called challenges.

A person may be challenged for cause if the examination shows that person might be prejudiced. The judge will excuse the person from the panel if the cause given in the challenge is sufficient. There is no limit to the number of challenges for cause which either party may make.

The parties also have a right to a certain number of challenges for which no cause is necessary. These are peremptory challenges. In a civil case each side usually has three peremptory challenges. The peremptory challenge is a legal right long recognized by law as a means of giving both sides some choice in the make-up of a jury. Jurors should understand clearly that being eliminated from the jury panel by a peremptory challenge is no reflection upon their ability or integrity.

The Juror's Oath

After the jurors are selected, they are sworn to try the case according to the evidence given by the witnesses and the instructions that will be given by the court.

The Seven Stages of Trial

The trial proceeds when the jury has been sworn. There are usually seven stages of trial in civil cases. They are:

- 1) The opening statements of the lawyers. Sometimes the opening statements are omitted.
- 2) Plaintiff calls witnesses and produces evidence to prove the case.
- 3) Defendant may call witnesses and produce evidence to disprove the Plaintiff's claims.
- 4) Plaintiff may call witnesses to disprove what was said by the defendant's witnesses.
- 5) Defendant may call witnesses to disprove this last testimony.
- 6) The judge instructs the jury as to the law.
- 7) Closing arguments are made by the lawyers on each side.

During the trial, witnesses called by either side may be cross-examined by the lawyers on the other side.

Throughout the trial, the judge may be asked in the presence of the jury to decide questions of law. Usually these questions concern objections to testimony that either side wants to present. The law requires that the judge decide such questions.

A ruling by the judge does not indicate he or she is taking sides. The judge is merely saying, in effect, that the law does, or else does not, permit that question to be asked.

The Instructions to the Jury

The instructions of a judge to a jury are statements of the rules of law. It is the jury's duty to reach its own conclusion upon the evidence. As to the law, the judge's instructions control. You will apply the law, as given, to the facts as you find them to be from the evidence.

The Arguments of Counsel

After the evidence is completed and the judge instructs the jury, the lawyers discuss the evidence in their arguments. This helps the jurors recall testimony that might have slipped from their memory. The chief purpose of the argument is to arrange the evidence

in logical order. The lawyers fit the different parts of the testimony together and connect up the facts. It must be remembered that each attorney may present the view of the case that is most favorable to his or her own client. The lawyer's statement may be balanced by the statement of the lawyers on the other side.

The Criminal Case

The person charged with violating the law is the defendant. The case may arise from an alleged violation of ordinances of a city or from a claimed violation of the laws of the State of Kansas. In the first instance, the prosecution would be based upon a complaint signed by some officer or citizen. Where the laws of the state are claimed to have been broken, the prosecution would be based upon either a written accusation by a grand jury, which is called an indictment, or, more commonly, upon a written accusation by a county attorney, which is called an information. If more than one offense is charged, each will be set forth in a separate count.

After the indictment or information is filed, the defendant appears in open court and the charges are made known to the defendant. The defendant is asked whether he or she pleads "guilty" or "not guilty." This procedure is called the arraignment.

No trial is needed if the defendant pleads "guilty" and says he or she committed the crime. But if the plea is "not guilty" the defendant will be placed on trial.

Except for capital cases, the jury in a criminal case has only to determine whether the defendant is guilty or not guilty as to each charge against him. The jury in determining guilt finds the facts and the judge tells the jury what is the law. What happens after the verdict is not for the jury but is the sole responsibility of the judge.

The jury must consider separately each of the charges against the defendant. It may find him not guilty of any of the charges, or guilty of all of the charges, or guilty of some of the charges and not guilty of others.

Courtroom Etiquette

A court session begins when the bailiff calls for order. Everyone in the court arises. The judge takes his or her place on the bench and the bailiff announces the opening of court. When court adjourns, a similar procedure may be used.

Common courtesy and politeness are safe guides as to the way jurors should act. Of course, no juror will read a newspaper or magazine in the courtroom. Jurors will not carry on a conversation with another juror in the courtroom during the trial.

Jurors should not loiter in the corridors or vestibules. Embarrassing contacts may occur there with persons interested in the case.

Shorts, tank tops, and torn or ripped jeans are not appropriate dress. Take off your hat and spit out your gum or chew before court begins. Please turn off your cell phone.

Conduct of the Jury During the Trial

Each juror should give close attention to the testimony. The juror is sworn to follow the court's instructions, and must render a verdict according to his or her best judgment.

Jurors should keep an open mind. They should not discuss the case before the testimony is completed and the case is submitted to them. Human experience shows that once a person expresses his or her views he or she hesitates to change them. Therefore, it is wise for a juror not to express his or her views until the entire story has been told.

During the trial, the jury may hear references to the rules of evidence. Some of these rules may appear strange to a person who is not a lawyer. However, each rule has a purpose. The rules are the result of hundreds of years of experience in the trial of cases.

Jurors are expected to use knowledge they possess in common with persons in general. But they are not to rely on any private source of information. Thus they should be careful, during the trial, not to discuss the case at home or elsewhere.

If it develops during the trial that a juror learns out of court of some fact about the case, he or she should inform the judge. He or she should not mention any such fact in the jury room.

Individual jurors should never inspect the scene of an accident or of any event in the case. If an inspection is necessary, the judge will have the jurors go as a group to the scene.

Jurors must not talk about the case with others not on the jury and must not read about the case in the newspapers. They should avoid radio and television broadcasts that might mention the case. The jury's verdict must be based on nothing else but the evidence before the court.

If any outsider attempts to talk with a juror about a case in which he or she is sitting, the juror should do the following:

- (1) Tell the person it is improper for a juror to discuss the case or receive information except in the courtroom.
- (2) Refuse to listen if the outsider persists.
- (3) Report the incident at once to the judge.

In the Jury Room

After the jurors hear the evidence, the instructions of the court and the arguments of counsel, they retire to their jury room and first elect their presiding juror. They should

then enter upon their discussion with open minds. They should freely exchange views and should not hesitate to change their opinions if they are shown to be wrong.

The jurors have a duty to give full consideration to the opinion of their fellow jurors. They should try to reach a verdict whenever possible. However, no juror is required to give up any opinion which he or she is convinced is correct.

You will assume that in all cases all jurors must agree upon the verdict. Should there be instances when less than a unanimous verdict is required, you will be specifically so instructed by the court in the judge's written instructions.

The members of the jury are sworn to pass judgment on the facts in a particular case. They have no concern beyond that case. They violate their oath if they render their decision on the basis of the effect their verdict may have on other situations.

After the Trial

Ordinarily, the jurors need not tell anyone how they arrive at a verdict. What occurs in the jury room may remain secret. Only if the judge orders a juror to reveal such matters need there be a disclosure.

Usually, the lawyers and judge will make themselves available for questions and comments immediately after the trial has concluded.

Convenience of Jurors

It is intended that your service be as enjoyable as possible. The court and the lawyers attempt to have only such delay as the necessities of their duties require. Occasionally matters of law have to be discussed between them. When it appears that only brief discussions are required, they may be done quietly at the bench. In this manner you are saved the inconvenience of going to your jury room.

If you cannot hear a witness or need to go to the rest room, feel free to raise your hand and let the judge know. If in doubt about your rights, present your question to the bailiff so that the bailiff can pass it on to the judge.

Ordinarily, cases will be scheduled so that you will not be asked to serve on more than one case in one year. The average case does not take more than two days for trial and, except in rare instances, you will be allowed to return home each evening.

Conclusion

The performance of jury service is the fulfillment of a most important civic obligation. Conscientious service brings its own reward in the satisfaction of a significant task well done. Jury work is the most valuable public service that the average citizen has an opportunity to perform.

You should now have a good understanding of how the courts do their work and of the privilege you have to participate in the administration of justice.

Any juror should realize a quiet importance and pride from jury service. The juror should decide the facts and apply the law impartially, treat alike the rich and the poor, men and women, corporations and individuals. The juror should render justice without any regard to race, color, or creed.