

GUIDE FOR TRIAL JURORS

WELCOME!

Welcome to jury service. Your help is needed to answer important questions of fact. The judge, attorneys and clients need your fair determination of facts which are in dispute. Our court staff will try to make you comfortable. You may find that the work is difficult, and possibly not as exciting as you would expect. We realize that your daily life is interrupted; we appreciate your coming to assist us.

IMPORTANCE

Jury service is an important responsibility. Each juror has a direct hand in making our justice system work. Daily news reports from the Middle East, Asia and Africa show that citizens there are being unfairly deprived of freedom and property. Your effort helps our American system preserve the right to a fair trial, and the guarantee of a jury comprised of fellow citizens.

These rights were not easily achieved, nor retained without conflict. Ohio laws and court procedure originated in the English Common Law. During the year 1215, a great charter (Magna Carta) was published in England which stated that Englishmen would be tried by their equals. Political and armed encounters between the Nobles and the Crown over the next several generations preserved and enlarged this initial grant. By the time our federal and state governments were started, this right of jury trial was firmly established, and was carefully preserved by the drafters of both constitutions. It is a privilege earned over a long period, which must be carefully used and preserved.

THE CIVIL LAWSUIT

Pleadings: A suit is commenced when the plaintiff files a **complaint** in court, and in response, the defendant files an **answer**. The papers are known as pleadings. These establish the **issues** to be tried. Pleadings are not evidence; but merely contentions of the parties.

Jury Selection: The court and counsel for both parties will ask you questions. These are intended to discover if you have any prior knowledge of the case, a private opinion which cannot be laid aside, or a personal experience or relationship which could make you take sides with either party. The questions are intended to assure impartial jurors. Although you are qualified to serve as a juror, something might disqualify you in a particular case.

The attorney for each side may challenge any prospective juror **for cause**, and a limited few without apparent reason. The second type is called a **peremptory** challenge. Should you be challenged, the judge will decide whether or not you will be excused from service on that jury. But, by no means does this reflect on your ability or honesty. It only suggests that an attorney feels something in your personal background might make it difficult for you to decide in favor of his client.

Presentation of Evidence: After general statements by counsel for both sides, the plaintiff first presents evidence to support his position; then the defendant. The plaintiff may then offer additional evidence to explain or refute defendant's evidence. Most evidence is presented by oral testimony of witnesses who testify under oath. The lawyer calling the witness first proceeds with **direct examination**, then the opposing lawyer proceeds with **cross examination**. After cross examination, the first lawyer may ask additional questions on redirect examination.

Where a witness will not be available at time of trial, oral testimony taken prior to the trial can be admitted by "reading into the record" by attorneys, or by showing to the jury on videotape playback.

The Charge: At the conclusion of the evidence and final arguments, the judge will charge (instruct) the jurors as to the questions which they are to decide, and as to the law to be applied to the evidence presented.

The Verdict: The jury then returns to the jury room to decide the facts based on evidence presented. Any other questions involved are determined by applying the law as instructed by the judge. A fair verdict is of primary importance to both parties. In Ohio, **civil cases** require a vote of at least **three-fourths of the jury to reach a verdict**.

As a juror, you are responsible for the correct determination of the facts which are in dispute. Errors in law can be corrected by the trial judge, or by the appeals court, but a jury's error of fact may never be corrected. So, you see a serious responsibility has been placed upon you.

CRIMINAL PROCEEDINGS

The State as a party: A criminal case involves the State (or municipality) as plaintiff against the defendant. Representing the state, the prosecuting attorney contends that a law has been broken. The defendant contends that he did not commit the offense charged, or that there was justification.

Crimes are identified in the Ohio Revised Code or in local ordinances. Punishment is provided for the guilty. Since crimes are considered to be against society as a whole, the government is responsible for enforcement.

Every element of an alleged crime must be proved by the prosecutor. A plea of "not guilty" denies all the material allegations which are listed in the indictment. Unlike civil trials in Ohio, the jury must find a defendant in a criminal trial "guilty" or "not guilty" by a **unanimous** vote.

SELECTION OF JURORS

Choice of individual jurors is by chance, although any voter is eligible. Some persons may be asked to serve several times, some never.

The nominal fee which you will be paid will reimburse little more than out-of-pocket expense; it does not pretend to reflect the value of the service you are asked to perform.

JUROR'S OATH

Jury candidates will be asked to stand and to swear to answer truthfully any questions about their qualifications to serve at a particular trial.

Persons whose religious beliefs forbid this will be permitted to “affirm” willingness to perform required duties.

WEIGHING THE EVIDENCE

Evidence consists of witness testimony, exhibits, facts agreed upon by counsel, and facts that the court requires you to accept. It does **not** include pleadings, opening statements, arguments of the attorneys, or testimony which has been stricken from the record.

The judge is responsible for admitting evidence into the trial for your consideration. As a juror, you are responsible for deciding what is to be believed. You should not speculate as to why the judge **sustained** an objection, nor should you infer probable answers from suggestions made in questions left unanswered. In evaluating what testimony is worthy of belief, you may apply tests of truthfulness you would apply in your daily life.

A witness need not be believed simply because he is under oath. You may believe or disbelieve all or any part of testimony given by any witness.

JUROR'S CONDUCT

While a case is being tried, jurors may not talk about the case among themselves, or with others, nor should they listen to outside conversations. They may not mingle with lawyers or witnesses during a recess, nor accept such favors as a ride home from witnesses, parties, or counsel. Should a juror be approached by any interested party, this communication should be reported immediately to the judge. Each juror must retain his impartiality.

After the final arguments and instructions from the judge, the jury returns to the jury room. The first task is the selection of a chairman (chairwoman) to conduct proceedings. Discussion should be in orderly fashion, with issues well understood and fairly discussed. Each juror should contribute his views to every question. After a free exchange of ideas, jurors should not hesitate to change their original opinions should they feel convinced that another view is better. The chairman (chairwoman) directs the taking of ballots, signs any required written verdicts, and delivers the final jury verdict to the court at the conclusion of the trial.

This information is made available to help you understand your job as a juror. It is not intended to advise you about the law. This is the judge's job, and the law can be different in each case. Should you need help with a point of law, please ask the court.