

Juror's Guide

Introduction

You have been summoned to render an important service as a juror. The purpose of this handbook is to acquaint you both with what happens in a courtroom and with the various terms used in court. The handbook will also tell you something about the nature of your work, its importance, and your duties and responsibilities as a juror. Nothing in this handbook is a substitute for instructions given you by the judge. Only the presiding trial judge may instruct a jury about what law must be followed in a particular case.

How Jurors Should Act

General Courtroom Etiquette: A court session begins when the bailiff calls for order. Everyone in the courtroom rises when the judge enters to take his place on the bench. Never be late. Because you must hear all the evidence, your tardiness delays the entire proceeding.

Never read a newspaper or other material in the courtroom. Pay attention to every question and answer. If an emergency arises, notify the judge through the clerk, bailiff, or any court officer.

During the Trial: Jurors must not talk to parties, witnesses, or lawyers involved in the lawsuit. The jury must decide the case solely on the evidence and the law given to you by the judge in the courtroom. During the trial you should maintain an open mind, and not reach an opinion on the case until you have heard all the evidence, and the case is submitted to the jury for decision. You should not discuss the case during trial with other jurors or with anyone else. Do not read newspaper accounts, listen to the radio or watch television broadcasts about the case. Your verdict must be based on nothing but the evidence actually presented in court. If an outsider attempts to talk with you about a case on which you are sitting, you should:

Tell the person it is improper for a juror to discuss the case or receive information about the case except in the courtroom.

Refuse to listen if the outsider persists

Report the incident at once to the judge

Lawyers know the impropriety of talking to jurors, and do not desire to jeopardize their case by talking with jurors. Accordingly, if an attorney or judge seems to ignore you, you should not consider this to be snobbishness, but merely a desire to observe proper rules of conduct. You should never inspect the scene of any event in the case. If it is necessary for you to inspect the scene, you will be taken as a group with the judge, attorneys and parties.

During Deliberations: At the conclusion of the case, the circuit clerk will hand the jury all exhibits which have been allowed into evidence by the judge, the instructions of law pertaining to the case and read by the judge, and paper and pencils for your use, and with which to write your verdict. Upon entering the jury room, each juror should discuss in a sensible and orderly manner, the evidence and issues presented to you for your decision. Each juror should approach the issues of the case fairly and impartially. Accordingly, jurors should give fair consideration to views advanced by other jurors. In reaching the verdict, jurors must follow the instructions of the law given by the judge. No juror should ever vote against his or her conscience or sincere judgment. However, after hearing other jurors' views, you may change your mind. Jurors are expected to make a sincere and diligent effort to reach a just verdict.

Exhibits and jury instructions should not be written on or damaged. They should be returned to the circuit clerk together with your verdict at the conclusion of your deliberation. The jury should advise the bailiff as soon as a verdict is reached. The jury will then return to the courtroom where the verdict will be read aloud.

Stages of a Jury Trial

Every trial is governed by a set of rules. The rules govern statements contained in the complaint and answer, the order of the evidence presented, the evidence that should be presented to the jury, the form of questions to witnesses and the arguments of the lawyers. Because these rules exist, we can foresee what will happen in a lawsuit and lawyers and judges can properly prepare for trial. Without the rules, the trial would result in injustice.

The rules provide for five stages of a jury trial. The first stage is the opening statements made by the attorneys. In the opening statement, each side presents an outline of the evidence they intend to present. The opening statement is not an argument and it is not evidence.

The second stage of the trial is the presentation of the plaintiff's or state's case. It normally consists of the testimony of witnesses and the production of exhibits to prove the case. The testimony and exhibits are evidence to be considered by the jury in rendering a verdict.

In the third stage of the trial, the defendant normally produces witnesses and exhibits which support the defendant's case. The testimony and exhibits are evidence to be considered by the jury in rendering a verdict.

Fourth, after all the evidence has been presented, the judge instructs the jury as to the law that applies to the case. The law prohibits the judge from commenting on the evidence presented.

Finally, the lawyers on each side present their argument to the jury. In their arguments, the lawyers may review and analyze the evidence and give their reasons for claiming that the evidence supports their case. These arguments, like the opening statements, are not evidence.

After the closing arguments, you will retire to the jury room to deliberate your decision.

Throughout the trial the judge is usually required to rule as a matter of law upon motions, objections and the admissibility of evidence. The law requires that the judge decide such questions sometimes in your presence and sometimes out of your presence. You should not be concerned with the reason for the judge's ruling or infer anything from questions the judge did not allow to be answered. You should disregard all evidence which was excluded by the court, or which the judge directed you to disregard. Most importantly, you should never infer, or believe that because of the judge's rulings during trial, the judge favors one side or the other, or has any opinion on the merits of the case.

Jury Selection

The trial of each lawsuit in Circuit Court begins with the selection of twelve jurors and one or more alternate jurors. The jurors and any alternates are chosen by means of a voir dire examination. In the voir dire, the jurors are told in a general way what the case is about and who the parties and attorneys are. Then the judge and the attorneys question the jurors to find out if any juror has previous knowledge about the case, the parties or their attorneys, any bias, prejudice, sympathy or preconceived ideas about the case, a personal interest in the case or if any juror for any other reason cannot render an impartial verdict.

Either side may ask that a juror be excused. This is done by means of a "challenge". If you are excused in a particular case, you should understand that it is not a reflection upon your ability, integrity or fairness. You may be selected later to serve on another jury.

Kinds of Cases--Civil and Criminal

Civil--In a civil case, one party, called the plaintiff, is suing another party, called the defendant, usually for money damages.

Criminal--In a criminal case, the State of Mississippi accuses the defendant of a crime.

Juror's Oath

On the first morning of your jury duty, the circuit clerk will ask you to take an oath in which you pledge to truly answer the questions propounded to you to qualify you as a juror. The judge will then ask you questions to determine if you meet the legal requirements of a juror. After you have been qualified to serve as a juror, you may be sworn to decide the case according to the evidence given by the witnesses and the instructions given by the court.

In all oaths, if you object to the word "swear" for religious reasons, you may substitute "affirm" for "swear".

Jurors' Compensation

Jurors are paid a nominal fee for each day their service is required by the court. The circuit clerk keeps a record of each day you serve as a juror, and issues you a pay warrant upon that record when you have been finally discharged by the court.

Selection of Prospective Jurors

The names of potential jurors are drawn at random by lot or chance from a roster of registered voters in this county. This means that while every voter is qualified to serve and equally liable to be called to serve, one person may never be called to serve, and others may be called several times.

Excuse from Jury Duty

It may be inconvenient for you to serve on the jury. You may miss work without pay, other than pay received for jury service, if applicable. Unfortunately, this can not be helped if citizens are to take part in seeing that justice is done, and our form of government "by the people" is to endure. Courts try to be reasonable, but the serious business of justice must be constantly guarded. Accordingly, only those excuses from jury duty which are provided by law should be presented.

Generally one is entitled to be excused from jury duty if he or she faces a personal hardship, business hardship, or has served on a jury in this court in the last two years. One may also be excused from jury duty if their presence is required at home or if there is an emergency or personal illness. Finally, anyone over 65 years of age may be excused from jury duty, if they desire.

Jury Qualification

Jurors must be qualified voters or resident owners of real property of the county in which the trial is held. Jurors must be 21 years of age and able to read and write. A juror cannot be a convicted felon, habitual drunkard or common gambler. Additionally, no one who has been convicted of the illegal sale of alcoholic beverages in the previous five years or who owns an interest in an entity that illegally sells alcoholic beverages can be a juror. A potential juror must not be a party to a case pending in this court nor may a potential juror have served as a juror in this court in the last two years. A potential juror who has served as a juror in this court in the last two years may be excused from jury service if they desire.

Glossary of Terms

Action, Lawsuit

A legal dispute brought into court for a civil trial.

Answer

The paper in which the defendant responds to the claims of the plaintiff.

Argument

Presented at the end of a trial, the argument is what the attorney on each side believes he has proven and why he believes his side should win. An argument is not evidence.

Cause of Action

The legal grounds on which a party to a civil case relies to sustain a verdict against the other party.

Challenge

Means by which an attorney requests the court to excuse a potential juror. A challenge for cause occurs when, for example, a juror is closely related to the parties to the action, or stands in some business relationship to one of the attorneys. A peremptory challenge occurs when an attorney, after examining a prospective juror, thinks his state of mind indicates a bias in favor of one side.

Charge

The instructions given by the judge to the jury. It usually occurs near the end of the trial, but may be given during the taking of evidence.

Civil Case

A case where a plaintiff is suing a defendant, usually to establish personal or property rights by requesting monetary damages.

Complaint

The paper filed by the plaintiff in a civil case setting forth his claims against the defendant.

Counterclaim

In a civil case when the defendant in his answer claims he is entitled to relief from the plaintiff, that part of the answer is called the counterclaim.

Criminal Case

A suit in which the State of Mississippi accuses the defendant of violating the law.

Defendant

The person against whom a case is brought

Deposition

Written testimony in question and answer form, made under oath, with opportunity for cross-examination. Parts of a deposition may be introduced as evidence.

Directed Verdict

In a case where the evidence shows no disputed facts, the judge directs the jury regarding the kind of verdict it must return.

Evidence

Answers to questions by witnesses, exhibits, and stipulations are evidence. Statements by lawyers, information gained from outside sources and testimony stricken by the judge are not evidence.

Exhibit

Articles such as pictures, books, letters and documents which may be received into evidence.

Indictment

The writing which charges the defendant in a criminal case with violation of a law.

Instruction

The statement of law given by the judge to the jury.

Issue

A disputed question of fact which the jury must answer in order to reach a verdict.

Jury Panel

The whole number of prospective jurors summoned, from which the **trial jury is chosen**.

Objection

The manner in which an attorney calls to the judge's attention a violation of a rule of evidence or court procedure.

Opening Statement

The means by which each attorney tells the jury what the case is about and what he expects the evidence to show. An opening statement is not evidence.

Overruled

The manner in which the judge tells an objecting attorney that his objection is not sufficient to require the court to rule in his favor.

Parties

The plaintiff or state and defendant in a case.

Plaintiff

The person who starts a civil lawsuit by claiming damage to his personal or property rights.

Pleadings

Papers filed by parties to a lawsuit stating their claims. Pleadings are not evidence.

Record

The word-for-word transcript made by the official court report of all the proceedings at the trial.

Rest

The legal phrase by which an attorney states that he has concluded the evidence he wishes to introduce at that stage of the trial.

Stipulation

An agreement by the parties that a fact is true. A stipulation is evidence.

Sustained

The manner in which the judge tells an objecting attorney that his objection is sufficient to require the court to rule in his favor.

Testimony

Answers to questions posed by attorneys to sworn witnesses. Testimony is evidence.

Trial Jury

The jurors sworn in as the jury to try a particular case.

Verdict

The definitive answer given by the jury to the court concerning the matters of fact committed to the jury for their deliberation and determination. In a civil case, the verdict is usually "We the jury find for the plaintiff" or "We the jury find for the defendant." In a criminal case, the verdict is usually "Guilty" or "Not Guilty." The judge will instruct the jury as to the proper form of the verdict. It will be written on a separate sheet of paper.

Witness

Someone who under oath answers questions about what he has seen or heard or what he knows about a case. Testimony from a witness is evidence.