Called to Jury Service:

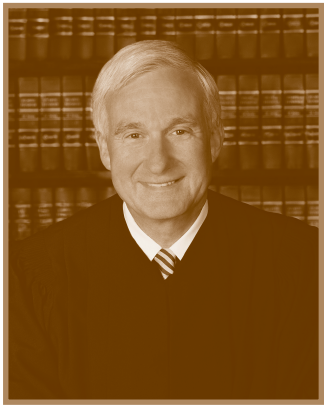
JUDICIARY
Justice Independence Honor
RHODE ISLAND

Why Me?

Jury Commissioner's Office
Rhode Island Superior Court
250 Benefit Street
Providence, Rhode Island 02903

Providence/Bristol County ..... (401) 222-3245
Kent County ..... (401) 822-6865
Washington and Newport Counties ..... (401) 782-4177

Welcome to the Rhode Island Judiciary.



Paul A. Suttell
Chief Justice

On behalf of the Rhode Island judiciary, I welcome you to our courts and thank you for your service as a juror. The right to trial by jury is a fundamental principle of our democracy and is guaranteed by both the United States Constitution and the Rhode Island Constitution.

Jury service is not only a duty and privilege of citizenship, it is essential to our system of justice. In criminal prosecutions jurors protect the innocent and preserve individual freedom; in civil trials they ensure that the facts will be determined fairly and impartially. I hope that you find your jury service to be an interesting and rewarding experience.

Paul A. Suttell

Chief Justice

Rhode Island Supreme Court

Alice B. Gibney
Presiding Justice

Dear Prospective Jurors:

You have been selected according to law to serve as a juror in the Superior Court for the State of Rhode Island. This booklet has been prepared to help you in the performance of that important duty. It should be studied carefully so that you may fulfill your obligation as intelligently and as efficiently as possible. As a juror, you will be performing one of the highest responsibilities of citizenship under our Constitution and laws.

You should be acquainted with certain benefits which you will receive as a juror and some of the details of your service. The current stipend paid to jurors is at the rate of $15.00 per day for every day of attendance. This sum is not paid for Saturdays, Sundays, court holidays, or for other days when jurors are excused from service. Jurors serving in Providence County will also be provided with free parking and shuttle service to the courthouse. Public bus passes are also provided.

The courts are handicapped accessible. Reasonable accommodations will be provided to the visually-impaired and the hearing-impaired. Please contact the Office of the Jury Commissioner if such accommodations are desired.

In case of inclement weather, particularly snow and ice storms during the winter season, the Presiding Justice or the trial judge may excuse jurors and litigants from court attendance for a

day, or longer if necessary. Announcements concerning cancellation of court sessions will be broadcast over radio and television stations. Therefore, on days when storms make travel difficult, you should listen for such announcements before leaving your home.

Each juror in Providence and Kent Counties is expected to serve for a period of two days, or one trial. If a case for which a juror is selected requires more than two days for trial, the juror must remain until the case is completed. In Washington and Newport Counties, a juror will serve for one day or one trial.

If you are summoned for service at a courthouse other than the Frank Licht Judicial Complex in Providence, you will be directed to the appropriate jury assembly area.

In Providence County, at any given time, approximately ten judges will be assigned to work together with juries on civil and criminal cases. Therefore, it is necessary that jurors be available for the empaneling of juries at all times. This may mean that some jurors will spend time in the jurors' assembly area waiting for assignment. Such waiting time forms a part of the valuable service furnished by jurors. Your availability makes it possible for ten judges to function continuously in the disposition of jury cases. Some of these cases are disposed without trial because the litigants and the lawyers are aware of the fact that you are ready, able, and willing to decide the issues in their respective cases. For every case which is actually tried, four others are settled by the parties at the threshold of trial.

Each jury generally consists of 14 persons in criminal cases and 8 persons in civil cases, two being alternate jurors. Accordingly, there must be a sufficient number of jurors so that at least 25 may be sent to each judge where a jury is to be empaneled.

The court is keenly aware of the inconvenience encountered by jurors in the course of their service. Your willingness to discharge your duties in spite of this inconvenience is deeply appreciated and valued. Every effort will be made to avoid hardship and to keep inconvenience to a minimum. Court officers will operate in every way possible to extend to you the courteous consideration you deserve while participating in this important and integral part of the justice system. You make possible the implementation of the right to trial by jury — a cornerstone of our heritage of freedom.

I trust that you will find your experience interesting and that upon completion of your service you will enjoy the satisfaction which goes with having participated in the administration of justice.

Alice B. Gibney
Presiding Justice
Rhode Island Superior Court

Information a Juror Should Know

Trial by jury is the American democratic way of administering justice. In criminal cases, jurors decide whether the state has proven guilt beyond a reasonable doubt. Many civil cases, such as suits for damages caused by an accident or contract disputes, are also decided by a jury. Thus, jurors play an important and vital part in the administration of justice.

Accordingly, persons called for jury duty should not ask to be excused except for urgent reasons. The burden is widely distributed and no person is eligible to serve more than once every three years.

The court tries to reduce inconvenience to jurors as much as possible. Whenever jurors are not needed, they are excused from attendance. However, a sufficient number of jurors are required to remain on hand in the event that one trial is completed and a new trial starts before the close of the day.

Jurors should realize the importance of their role in the justice system. They should perform their duties conscientiously, seriously, fairly and impartially, without being swayed by sentiment, emotion, or by any prejudices, likes or dislikes. Jurors must decide cases entirely on the law and the evidence presented to them and they must follow the instructions of the court (judge) as to the law.

In some cases, the parties may waive a trial by jury. In those cases, the judge determines both the law and the facts. But in cases in which the trial is by a judge and a jury, the judge decides the law and the jury decides the facts. Since in many cases the facts are at the center of the dispute, the importance of the juror's duty is apparent.

In each case the judge will give you instructions applicable to that case. The information in this pamphlet is not intended to take the place of, and must not encroach on, those instructions.

Rules of the Jury Assembly Area

1. *All jurors must check in at the jury lounge every morning - no later than 9:30 a.m.*

2. *If you are on a trial, do not report to the 4th floor jury assembly area. Instead, report directly to the judge and courtroom to which you have been assigned.*

3. *Promptness is most important.*

4. *If for some reason you are going to be late or will be unable to report for jury duty please call the Jury Commissioner's Office promptly at 8:30 a.m. (Providence County - 222-3245; Kent County - 822-6865; Washington and Newport Counties - 782-4177). Please state your name and juror number and the reason you cannot report.*

5. *If you are dismissed early from the jury assembly area or a trial, please do not go into another courtroom to listen to any trials in progress. You should also refrain from lingering in the hallways.*

6. *If you have any questions pertaining to the above at any time, please see the officer in charge of jurors located in the jury assembly area.*

Thank you for your cooperation.
John T. O'Hara
Jury Commissioner
Rhode Island Superior Court

Qualifications of Jurors

All United States citizens over eighteen years of age who are registered to vote in any Rhode Island city or town or possess a Rhode Island driver's license or a Rhode Island identification card, or receive unemployment benefits, or file a state income tax return are eligible to serve as jurors, unless a legal exemption is claimed.

Before Trial

Criminal Cases

The Parties

In criminal cases, the accused person is charged with having committed a crime against the peace and dignity of the entire community. The person accused of committing a crime is called the defendant. The defendant is ordinarily represented by a lawyer. If the defendant is financially unable to provide his or her own attorney, the defendant will be represented by a member of the Public Defender's Office or by a court appointed attorney. The defendant may also represent him/herself: this is known as appearing "pro se."

Criminal prosecutions are brought by the Department of the Attorney General in the name of the State. Prosecutors have the burden of proof which, in a criminal case is "beyond a reasonable doubt."

The Charge

The action against the accused is brought by an indictment, criminal information, or a complaint. An indictment is a formal charge brought by a Grand Jury after hearing only the State's side of the case. A criminal information is similar to an indictment, except that it is brought by the Attorney General rather than by a Grand Jury. A complaint is used in less serious criminal cases and is initiated either by a police department or by the Attorney General. Keep in mind that an indictment, information, or complaint is merely an accusation of wrongdoing; it is not evidence.

The Plea

The defendant may admit to the charge by entering a plea of "guilty" or "nolo contendere" (no contest). This plea has the same effect as a plea of guilty. In either case, there is no trial and the judge may impose a sentence.

The defendant may deny the charge by entering a plea of "not guilty." When a plea of "not guilty" is entered, the defendant is entitled to a trial by a jury of twelve people. The defendant is always entitled to the presumption of innocence.

Civil Cases

The Parties

A civil case is one involving a dispute between two or more parties and ordinarily seeks to recover a certain sum of money. The party who brings the suit is called the plaintiff. The plaintiff bears the burden of proof which in a civil case is by a "preponderance of the evidence." The party against whom the suit is brought is called the defendant.

The Complaint

The case is started in court when the plaintiff sets forth his or her claim in a written document called a complaint. This document is then filed in the Office of the Clerk of the Court.

The Answer

The defendant sets forth his or her response to the claim in a written answer which is also filed with the clerk.

Discovery

Discovery is a process by which the parties exchange information about the case. This may include questioning parties and witnesses or exchanging documents, photographs, and other paperwork. When discovery is completed, the trial process can begin.

Selection of Jurors

Selection of Jurors

At the opening of a trial, 14 individuals are selected to try the cases in criminal matters (12 jurors and 2 alternates). In civil trials, 8 individuals are chosen (6 jurors and 2 alternates). The proper number of jurors are drawn from a panel of citizens qualified to serve as jurors and summoned for that purpose.

A panel usually numbers 25 to 35 people. Their names are put in a drum or barrel. From this drum, the Deputy Clerk assigned to a particular courtroom draws the names of prospective jurors who will make up the jury. Each name is read aloud, and the person takes a seat in the jury box. The

prospective jurors are then told about the parties and the lawyers and are given a general overview of the case.

The aim of this process is to obtain a fair and impartial jury. Therefore, the judge and the lawyers may question the potential jurors. This questioning process is called *voir dire*. Jurors must answer frankly and accurately, bearing in mind that the object is to determine whether any prospective juror is qualified to sit on the particular case or should be excused from participating in the trial.

If you think you may be disqualified from serving for reasons not brought out by the questions asked, you should rise in place and tell the judge and lawyers. If you have any information that may taint the other jurors or which is sensitive in nature, you may ask to speak privately with the judge and attorneys at the side bar.

If you think that you know certain facts about the case which would prevent you from rendering an impartial verdict, you must bring this to the court's attention.

The law also permits counsel for each party to excuse a certain number of jurors without giving any reason. These are known as peremptory challenges, and they are written on a form and handed to the clerk. No juror who is excused by a lawyer should feel that this is done for personal reasons. In fact, a lawyer may excuse a juror in one case and in another case be entirely satisfied to have him or her serve.

When a juror is excused, another name is drawn from the barrel and the voir dire process continues until a full jury is empaneled. When a full jury is seated, the clerk will then ask the jurors to rise and raise their right hands. As they do, the clerk will administer the juror's oath.

Juror's Oath

Jurors must swear to hear and consider carefully all the evidence, to weigh the issues intelligently and impartially, to consider the law as given by the judge, and to render a true and impartial verdict according to the law and the evidence.

Juror's Oath in Civil Trials

"You swear (or affirm) that in all cases between [party] and [party], that shall be committed to you, you will give a true verdict therein, according to law and the evidence given you: So help you God. (Or: This affirmation you make and give upon peril of the penalty of perjury.)" G.L. 1956 (1997 Reenactment) § 9-10-20.

Juror's Oath in Criminal Trials

"You swear (or, affirm) that you will truly try and true deliverance make between the State of Rhode Island and Providence Plantations and the prisoner (or, defendant) at the bar according to law and the evidence given you: So help

you God. (Or: This affirmation you make and give upon peril of the penalty of perjury.)"

Conduct of the Jury During a Trial

Attention

Each juror should pay close attention to the witnesses in order to hear their statements and to watch the witnesses' mannerisms and actions. If you cannot hear a witness, you should let the judge know.

Jurors should guard against making up their minds about a case or even discussing its merits among themselves before all evidence has been introduced, the arguments have been made, and the judge has given instructions. Often evidence introduced by one side which sounds very convincing may be overcome or explained away by evidence from the other side later in the case.

Inspecting the Scene

In deciding a case, jurors are expected to bring to bear all the experience and common sense they possess, but they are not to rely on any private source of information. It follows that a juror should never take it upon himself or herself to inspect the scene of an accident or other event involved in the case, such as the operation of traffic lights or the like. Conditions may have changed since the occurrence in question.

If it is necessary and proper that the jury should make an inspection, the judge will send the jury as a body in the charge of a Deputy Sheriff.

Talking with Parties or Lawyers

Jurors should be careful while a case is on trial not to communicate on any subject with a lawyer or witness in the case. Likewise, a juror should refuse to listen if any outsider tries to talk about a case on which he or she is sitting. Jurors should state that it is improper to discuss the case or to receive any information about it except in the courtroom. If a person persists in talking about the case, it should be reported to the judge as soon as reasonably possible.

Discussions after Discharge

There is no restriction upon the right of petit jurors to discuss a case after they have been discharged from service.

However, be advised that statements by jurors as to what was said in the jury room can be misquoted and the parties in the trial may try to use juror comments to obtain a new trial. This can result in embarrassment and inconvenience to the jurors, who might then be called as witnesses or be required to give affidavits concerning such matters.

The Trial

Opening Statements

Attorneys for each side may make opening statements. These statements, which outline the claims and the evidence, are not intended to be arguments. In a civil case, the attorney for the plaintiff (the person who initiated the lawsuit), makes an opening statement first.

In a criminal case, the prosecution makes an opening statement outlining to the jury the evidence which will be introduced to

prove the State's case. The defense attorney may also make an opening statement at this time.

Witnesses and Evidence

In a civil case, the plaintiff presents his or her case first. In a criminal trial, the prosecution presents his or her case first.

Evidence may be introduced and witnesses may be called to testify. When a party asks questions of his own witness, that is called direct examination. At the conclusion of direct examination, the opposing party has the opportunity to question that same witness. This is called cross-examination by the adversary lawyer. If he or she feels it is necessary, the original party may ask the witness further questions after cross-examination. This is called redirect examination.

When the prosecution in the criminal trial, or the plaintiff in a civil trial, has concluded presenting witnesses and evidence, the defense may introduce evidence and witnesses. However, it is important to note that the defendant is not required to testify, put on witnesses, or introduce evidence.

However, if the defendant does decide to testify or to present any witnesses the opposing attorney may cross-examine each witness, and the defense attorney may follow that with redirect examination.

Rebuttal Witnesses

After the defense has rested its case, the prosecution in a criminal case and the plaintiff in a civil case, may introduce evidence and witnesses in rebuttal to explain or contradict evidence brought out by the defense.

Objections to Evidence

In both civil and criminal trials, the lawyers may make objections to questions asked or exhibits offered by the other side. A lawyer has the right to object to questions which he or she believes are not proper. If the judge believes that the question or the form of the question is improper, the objection will be sustained. If the judge thinks the lawyer is mistaken, the judge will overrule the objection.

Objections by the lawyers, or the ruling of the judge with regard to them, should not cause the jury to draw inferences for or against either side. The judge might decide every objection favorably to one side but this does not indicate that the case should be decided for that side.

The jury is permitted to hear that which is based upon the law of evidence as decided by the judge. Rules for the conduct of trials have been developed and adopted through experience. Rulings of the judge must accordingly be accepted as correct. Rules of evidence seek to keep jurors from being influenced by anything not dealing directly with the case.

Sometimes testimony is admitted which the court later rules should be stricken. When the judge says that certain testimony is stricken, the jury must not consider it during deliberations.

Conferences Out of Jury's Hearing

There are occasions during a trial when a conference may take place at the bench out of the hearing of the jurors. These conferences should give the jury no concern and jurors should not draw any inferences. Often, matters having to do with the

case are being discussed in this manner to avoid any possibility of confusing the jury about matters of law or procedure.

Closing Arguments

After all the evidence has been admitted, the lawyer for the defendant makes a closing argument. The purpose of this argument is to help the jury remember and analyze the evidence and to convince the jury that, based upon the evidence, the defendant is entitled to a verdict in his or her favor.

When the defense has rested, the opposing attorney then presents his or her closing argument.

The opening and closing arguments of the lawyers are not evidence in the case, but are intended to be helpful to the jury in determining the facts. The arguments of the lawyers are an important part of a trial. The arguments are discussions of the evidence and help the jury recall pertinent aspects of the testimony. The lawyers naturally have a biased view because they are advocates. It is the clash of opposing views which helps the jury arrive at the truth.

The lawyers' and jurors' recollections of the evidence may, in all good faith, differ. The jury has the sole responsibility of deciding what facts are proven.

Charging the Jury

The judge and the jury are the two disinterested and dispassionate components in the administration of justice in the courts. When the lawyers have completed their arguments, the judge will then issue a charge to the jury. It is not the

function of the judge to indicate what decision should be reached. Accordingly, jurors should not speculate as to whether the judge has an opinion with respect to disputed facts.

It is, however, up to the judge to issue fair and impartial instructions about the relevant law governing the facts and the manner in which the jury is to deliberate. The judge will tell the jury what issues or questions must be decided. If there is more than one question, the jury should consider each question or issue separately.

The judge's charge also serves as a final reminder to the jurors of their oath to decide the case according to the law and the evidence.

Removing Alternates

Before the jury deliberates there is usually another step required to excuse the alternates. In a criminal case, the names of all the seated jurors are placed in a barrel and twelve final jurors are selected. In a civil case, the initial six jurors deliberate and the two or more alternates are excused. In a civil case, the parties may in some instances agree to allow all the seated jurors including alternates to deliberate. Those individuals sent to deliberate constitute the final jury. Before deliberations begin, the judge will appoint one juror to be the foreperson.

Deliberations

The jury retires to a designated room to deliberate its verdict. The Deputy Sheriff or the Jury Keeper will be stationed outside the jury room to prevent anyone from entering while the jury is deliberating.

Foreperson Duties

It is the foreperson's duty to act as the presiding officer, to maintain order during deliberations, to ensure that the issues are fully and fairly discussed, and to make certain that every juror is given the opportunity to express his or her opinion. The foreperson is also responsible for taking ballots and signing written requests made of the judge. A good foreperson keeps the discussion flowing and can save much time by securing efficient results.

Procedure in the Jury Room

When the jury retires to the jury room it may adopt whatever procedures it chooses. Perhaps one of the best methods is as follows: The foreperson sits at the end of the table and says: "Ladies and Gentlemen: The judge has told us there are three (or whatever the number may be) issues of fact to be decided." (Or perhaps, "There are three specific questions for us to answer.") Then, turning to the juror on his or her right the foreperson asks: "Mr. A, how do you think the first issue should be decided?" Then the foreperson asks the same question to juror B, C, and so on around the table. After full discussion, a vote is taken. The other issues are then discussed in the same way and voted on. The final verdict must be agreed to by **all jurors** in both civil and criminal cases.

Questions

If during the course of their deliberations the jurors wish to ask a question of the judge concerning their procedure, or if they desire further instructions, the foreperson, through the Deputy Sheriff in charge of the jury, may send a note to the judge. It is then for the judge to decide whether the request should be granted.

Legal Terms and Definitions

Action, Case, Suit, Lawsuit - These words mean the same thing. They all refer to a legal dispute brought into court for trial.

Argument - The presentation of the review of the evidence and the summation by the attorneys at the end of the case.

Charge or Instructions - The outline of the rules of law which the jury must follow during deliberations when deciding the factual issues submitted to them.

Civil Case - A lawsuit is called a "civil case" when it is between persons in their private capacities or when the government or some department of government sues an individual. This is to be distinguished from prosecuting a criminal charge.

Clerk - An assistant who sits at the desk in front of the judge and keeps a record of all papers filed. The clerk has custody of all the pleadings and records, the travel of the case, the orders made by the court during the trial, and the verdict at the end of the trial. The clerk also administers the oath to the jurors and all witnesses before they testify and marks all exhibits when they are received in evidence.

Court Reporter - The court reporter takes down on a machine everything said during a trial, which constitutes the stenographic record in the case. These notes may be transcribed later should an occasion, such as an appeal, require it.

Criminal Case - A lawsuit is called a "criminal case" when it is between the state on one side as plaintiff and a person or corporation on the other side as defendant. The defendant is charged with committing a crime, and the verdict will usually be "guilty" or "not guilty."

Cross-Examination - The questions which a lawyer poses to the litigant or witnesses on the opposing side.

Defendant - The person against whom a lawsuit is brought.

Deposition - Testimony which is written out in question and answer form, just as it would have been given in court. It may sometimes be read at the trial because of illness or absence of a party.

Deputy Sheriff - The officer of the court who waits upon the court and the jury and maintains order in the court.

Exhibits – Articles, pictures, correspondences and documents which are received in evidence.

Issue - A disputed question of fact. It is sometimes spoken of as one of the "questions" which the jury must answer in order to reach a verdict.

Jury Panel - The whole number of prospective jurors from which the trial jury is chosen.

"Objection Overruled" or "Overruled" - These terms mean that in the judge's opinion the lawyer's objection is not applicable under the rules of law. The judge's ruling, so far as a juror is concerned, is final and may not be questioned.

"Objection Sustained" or "Sustained" - When a lawyer objects to certain testimony the judge may say "objection sustained" or merely "sustained." This means that the judge agrees that under the rules of law the lawyer's objection is upheld. This ruling likewise is not subject to question by jurors.

Parties - The plaintiff and defendant in the case. They are also sometimes called the "litigants."

Plaintiff - The person who initiates a civil case.

Pleadings - The complaint of the plaintiff and the answer of the defendant, together with similar papers which the parties in a civil case file with the Clerk of the Court, and are statements of their claims against each other.

Record - This refers to the pleadings, the exhibits, and the word-for-word record by the court reporter (stenographer) of all proceedings at the trial.

Rest - This is a legal phrase which means that the lawyer has concluded the evidence he or she wants to introduce at that stage of the trial.

Striking Testimony - Sometimes the judge will order certain evidence or testimony stricken from the record. When this is done, the jury will treat the stricken evidence as though it had never been given and completely disregard it.

Trial Jury - Jurors sworn in as a jury to try a particular case.

Verdict - The finding made by the jury on the issues submitted to them.

Witness Subpoena - The document which is issued for service upon a witness to compel an appearance in court.

Conclusion

These are some of the things a juror should know. After you have read this booklet you should have a clearer idea of the duties and responsibilities of a juror. You should also have a better understanding of the way in which the courts do their work.

It is a privilege enjoyed by the free citizens of our country to participate in the administration of justice - to decide the facts and apply the law impartially to all litigants, whether rich or poor, whether man or woman, whether a corporation or an individual, and without regard to race, color, creed, or sex.

When you have conscientiously discharged that duty you will have demonstrated the effectiveness of the democratic system.

Rhode Island Superior Court Judicial Roster

Presiding Justice Alice B. Gibney
Associate Justice Robert D. Krause
Associate Justice Melanie Wilk Thunberg
Associate Justice Patricia A. Hurst
Associate Justice Francis J. Darigan, Jr.
Associate Justice Judith Colenback Savage
Associate Justice Michael A. Silverstein
Associate Justice Edward C. Clifton
Associate Justice Netti C. Vogel
Associate Justice O. Rogeriee Thompson
Associate Justice Gilbert V. Indeglia
Associate Justice Stephen P. Nugent
Associate Justice Edwin J. Gale
Associate Justice Susan E. McGuirl
Associate Justice Daniel A. Procaccini
Associate Justice Jeffrey A. Lanphear
Associate Justice Allen P. Rubine
Associate Justice William E. Carnes, Jr.
Associate Justice Bennett R. Gallo
Associate Justice Kristin E. Rodgers
Associate Justice Brian P. Stern
Magistrate William J. McAtee
General Magistrate Patricia L. Harwood
Magistrate Susan L. Revens
Magistrate Gordon M. Smith
Special Magistrate Patrick T. Burke

For more information, please visit us at

www.courts.ri.gov

The Juror's Creed

(Prize winning statement by Judge John H. Flanigan of Missouri in a contest sponsored by the American Citizenship Committee of the American Bar Association, 1945)

I am a juror.

I am a seeker after truth.

I must listen carefully with concentration to all the evidence.

I must heed and follow the instructions of the court.

I must respectfully and attentively follow the arguments of the lawyers, dispassionately seeking to find and follow the silver thread of truth through their conflicting assertions.

I must lay aside all bias and prejudice.

I must be led by my intelligence and not by my emotions.

I must respect the opinions of my fellow jurors, as they must respect mine, and in a spirit of tolerance and understanding must endeavor to bring the deliberations of the whole jury to agreement upon a verdict.

But I must never assent to a verdict which violates the instructions of the court or which finds as a fact that which, under the evidence and in my conscience, I believe to be untrue.

I must apply the Golden Rule by putting myself impartially in the place of the plaintiff and of the defendant, remembering that although I am a juror today passing upon the rights of others, tomorrow I may be a litigant whose right other jurors shall pass upon.

My verdict must do justice, for what is just is "true and righteous altogether;" and when my term of jury service is ended I must leave it with my citizenship unsullied and my conscience clear.