

***JURY SERVICE***  
**A Handbook of Information  
for Petit Jurors**

Prepared by

**ADMINISTRATIVE OFFICE  
of the  
SUPERIOR COURT  
STATE OF RHODE ISLAND**

**SUPERIOR COURT OF RHODE ISLAND**

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## **FOREWORD TO 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.**

**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: Providence/Bristol Counties - 222-3245; Kent County - 822-0400, Washington and Newport Counties - 782-4177.**

**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 or court holidays, or for other days when jurors are excused from service.**

**Each juror is expected to serve for a period of two days, or one trial. If a case upon which a juror is selected requires more than two days for trial, the juror must remain until the case is completed.**

**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 as many radio stations as is practicable. Therefore, on days when storms make travel apparently difficult, it would be well to listen for such announcements before leaving your home.**

**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 and later qualified and instructed before the Superior Court judge who is presiding in that locality.**

**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' lounge waiting for assignment. Such waiting time forms a part of the very 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.**

**Unfortunately, neither the court nor counsel know in advance which case will be settled and which will go to trial. This requires that we maintain the capability to empanel a jury for each one of the ten trial judges. 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.**

**Joseph F. Rodgers, Jr.  
Presiding Justice of the Superior Court  
January, 2002**

## **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.)" Section 9-10-20, General Laws of Rhode Island, 1956 (1997 Reenactment).**

## **JUROR'S OATH IN CRIMINAL TRIALS**

**"You swear (or, affirm) that you will well and 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.)" Section 9-10-20, General Laws of Rhode Island, 1956 (1997 Reenactment).**

## **QUALIFICATIONS OF JURORS**

**All persons over eighteen years of age who are citizens of the United States and are qualified electors of any Rhode Island city or town, or who possess a Rhode Island driver's license or a Rhode Island I.D. card, are eligible to serve as jurors, unless a legal exemption is claimed.**

## **JURY LOUNGE RULES**

1. All jurors must check in at the jury lounge every morning, no later than 9:30 AM.
  2. If you are on a trial, you do not report to the jury lounge. Instead go directly to your courtroom's jury room at the time specified by the judge in charge.
  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 9:00 AM (in Providence County - 222-3245, in Kent County - 822-0400, see numbers inside front cover for other counties) on a daily basis. Please state your name and juror number and the reason you cannot report.
  5. If you are dismissed early from the jury lounge or a trial, please do not go into any courtroom to listen to any trials in progress.
  6. If you have any questions pertaining to the above at any time, please see the officer in charge of jurors, who will be located in the jury lounge.
- Thank you for your cooperation.

Henry G. Vivier, Jr.  
Jury Commissioner

## **INFORMATION A JUROR SHOULD KNOW**

Trial by jury is an 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 disputes between one person and another, a suit for damages caused by an accident, and suits on contracts are also decided by a jury. Thus, the juror plays an important and vital part in the administration of justice.

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

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

Jurors should realize the importance of the part they play 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. They 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 the most disputed questions to be decided, the importance of the juror's duty is apparent. In each case in which you act as a juror, 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.

Judges and lawyers are familiar with the manner of selection of jurors and procedures in the courtroom, but to a juror serving for the first time, the procedure may seem strange. Some of the cases to be tried by jurors are criminal cases and others are civil cases. A short description of the manner in which each is tried will be given so that the jury may intelligently follow the proceedings and see that justice is done.

## SELECTION OF JURORS

At the opening of a trial 14 jurors are selected to try the cases in criminal matters and 8 jurors in civil cases. 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 20 to 30 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 whatever number (14 for criminal cases or 8 for civil cases) 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 in the case, and in general what the case is about. The aim is to obtain a fair and impartial jury, and for this purpose questions may be asked either by the judge or by the lawyers. This process is called *voir dire*. These questions must be answered frankly and accurately, bearing in mind that their 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 about it.

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 on a personal basis. In fact, a lawyer may excuse a juror in one case and in another case be entirely satisfied to have him or her serve. Other jurors are then drawn to replace those excused, until 14 persons in criminal matters and 8 persons in civil.

matters remain who are satisfactory to both sides.

If you think that you know certain facts about the case which would prevent you from rendering an impartial verdict, you should say so when asked.

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 oath. The jurors have sworn themselves 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.

If, during the trial, it develops that a juror happens to know some facts not brought out in evidence, the juror should inform the judge.

## CIVIL CASES

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 the **plaintiff**. The party against whom the suit is brought is the **defendant**. The case is started in court by the plaintiff setting forth his or her claim in a written **complaint** which is filed in the office of the Clerk of the Court. The defendant sets forth his or her response to the claim in a written **answer** which is also filed with the clerk.

A jury of eight is selected and sworn and the trial proceeds. At the beginning of the trial, the lawyer for the plaintiff makes an **opening statement** which outlines the plaintiff's claim and the evidence by which the attorney plans to prove it. This is not intended to be an argument. **Witnesses** are usually called on behalf of the plaintiff. After the plaintiff has put in his or her evidence, the lawyer for the defendant may make an opening statement. This lawyer then calls the witnesses for the defendant. After the defense finishes, the plaintiff's lawyer may call witnesses in reply or **rebuttal**.

At the conclusion of the **direct examination** of each witness, the witness may be **cross-examined** by the adversary lawyer and may be again questioned on **redirect examination** on behalf of the side producing him or her as a witness.

When all the evidence is in, the lawyer for the defendant usually makes a **closing statement** intended 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. The plaintiff's lawyer then presents its side for the same purposes. The opening and closing statements

of the lawyers are **not evidence** in the case, but are intended to be helpful to the jury in determining the facts. 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.

After the arguments have been made, the judge **charges** the jury as to the applicable rules of law, which the jury is bound to follow. The judge may refer in his or her charge to certain evidence in proof of facts and provide the relevant legal principles. It is the jury's duty to reach its own conclusions about disputed facts.

Before the jury deliberates there is usually another step required to eliminate all members in excess of six unless alternates were designated.

The jury then retires to the jury room to deliberate and to reach a **verdict** for the plaintiff or the defendant. It is the duty of the members of the jury to make every reasonable effort to reach an agreement. Failure of jurors to agree on a verdict is unsatisfactory and costly and should be avoided if an agreement can be reached that is consistent with the conscientious performance of the jurors' duty.

When the jury has reached its verdict, the foreperson notifies the officer who is in charge of the jury and the officer will advise the judge. The jury is then brought into the courtroom. The clerk inquires if the jury has arrived at a verdict the foreperson states the verdict. The verdict is recorded by the clerk, signed by the foreperson, and read back to the jury.

## CRIMINAL CASES

Criminal **prosecutions** are brought in the name of the **State** because the accused person is charged with having committed a crime against the peace and dignity of the entire community. The person accused of having committed the crime is called the **defendant**.

The action against the accused is brought by an **indictment**, a 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.

The defendant may admit to the charge by entering a **plea** of "**guilty**" or "**nolo contendere (no contest)**," which 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 jury of twelve people under the Rhode Island Constitution. The function of the **jury** is to determine whether the state has introduced sufficient evidence to prove the defendant guilty. Evidence in support of the charge is introduced by the **prosecutor**, who is usually an

Assistant or Special Assistant Attorney General. 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**.

The criminal trial proceeds as follows:

The prosecutor makes an **opening statement** outlining to the jury the evidence which he or she expects to introduce to prove the state's case. The prosecuting attorney then calls **witnesses**, one by one, in support of the charge. After a **direct examination** of each witness is completed, the defense lawyer has a right to cross-examine the witness. The **cross-examination** may be followed by a **redirect examination** by the prosecutor. When the State has introduced all of its evidence, the prosecutor announces that "the State rests."

Then, the defendant may, if he or she wishes, introduce evidence. However, the defendant is not required to do so and may decide to merely say "the defense rests." If the defendant does decide to testify or to present any witnesses the prosecutor may cross-examine each person, and the defense attorney may follow that with redirect examination.

After the defense has rested its case, the State may introduce evidence in rebuttal explaining or contradicting evidence brought out by the defense.

When both sides have completed their presentation of evidence, the defense lawyer delivers a **final argument** or **summation** to the jury. The prosecutor follows with his or her summation. The judge then **charges the jury**, by explaining the law which the jurors are to apply to the facts of the case.

Before the jury deliberates there is usually another step required to eliminate all members of the jury in excess of twelve. Following the judge's charge to the jury, the clerk will put all the jurors' cards into the barrel and will draw out the first twelve cards. These twelve individuals will constitute the jury, and one of them will be named by the judge as the **foreperson**.

Following this, the jury retires to deliberate its **verdict**. The **deliberations** are carried out in the jury room without any intrusion from exterior sources. The verdict is to be based solely on the evidence presented in open court and on the law given by the court.

## OBJECTIONS TO EVIDENCE

From time to time in both civil and criminal trials, the lawyers may make objections to questions asked, or exhibits offered, by the other side. A lawyer has a right to **object** to questions which he or she believes are not proper. If the judge believes that the questions are not proper, or the form of the questions is not proper, 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. Some of these rules may appear strange or unreasonable, but it is well to remember that they have a purpose and have been developed in trials during a period of more than two centuries.

Sometimes testimony is admitted which the court later rules should be **stricken**. When the judge says that certain testimony is stricken, the jury should not consider it in arriving at its decision.

## CONFERENCES OUT OF JUROR'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 should give the jury no concern and jurors should not attempt to draw inferences as to what is being said. Often matters having to do with the case are being discussed in this manner in order to allow the jury to remain in the courtroom and to avoid any possibility of confusing the jury about matters of law or procedure.

## ARGUMENTS

The arguments of the lawyers are an important part of a trial. The **arguments** are discussions of the evidence and help the jury to recall pertinent aspects of the testimony. Arguments serve to arrange the evidence into a composite picture, so that it is no longer a jumble of disorganized facts, but a connected narrative.

The lawyers naturally have a biased view because they are advocates. It is the clash of opposing views which helps the jury to arrive at the truth.

## THE CHARGE TO THE JURY

The judge and the jury are the two disinterested and dispassionate components in the administration of justice in the courts. Having heard each lawyer discuss the case on behalf of the client, the jury will hear the unprejudiced and impartial **charge** of the judge. It is not the function of the judge to indicate the decision he or she thinks should be reached. Accordingly, jurors should not speculate as to whether the judge has an opinion with respect to disputed facts.

The judge will state the law as it relates to the relevant facts. This should be a final reminder to the jurors of their oath to decide the case according to the law and the evidence.

## **IN THE JURY ROOM**

### **Foreperson**

It is the foreperson's duty to act as the presiding officer and see that the jury's deliberations are conducted in an orderly fashion, to see that the issues submitted for the jury's consideration are fully and fairly discussed and that every juror has a chance to say what he or she thinks about every question. 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.

### **Views of Others**

Every juror should listen carefully to the views of other members of the jury and consider them with an open mind. The final vote should represent a juror's personal opinion, which of course may have been changed as a result of discussion with fellow jurors. A juror should not hesitate to change his or her mind if an earlier opinion is disproven. When differences of opinion arise, jurors should confer openly and honestly. By reasoning the matter out, it generally is possible for jurors to agree.

It is just as wrong for a juror stubbornly to refuse to listen to the arguments and opinions of others as it is for a juror to try to unreasonably persuade others to change their minds.

Jurors should listen to all opinions, consider the basis of the opinions, reason the matter out, and then make a judgment. Jurors should not decide on the toss of a coin.

Such action might justify setting aside the verdict and might also result in the punishment of the offending juror. Equally improper would be a verdict arrived at by agreeing in advance to accept a verdict based on a sum obtained by adding together each amount which various jurors state should be awarded and dividing the total by the number of jurors. This is not a considered verdict but only a chance sum.

If everyone is fair and reasonable, a jury can almost always agree. If a jury cannot agree within a reasonable time, it generally means a new trial with the attendant expense to the parties, and to the state in a criminal case. Thus, jurors should be fair, reasonable and courteous to each other and make every possible effort to reach an agreement which is a "true verdict."

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, except when the parties have stipulated that a verdict or a finding of a stated majority of the jurors shall be taken as the verdict or finding of the jury. 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 this word to the judge. It is then for the judge to decide whether the request should be granted.

### **Exhibits**

If any papers or other things marked as "Exhibits" are sent in for examination, care should be taken not to mark, injure or change them in any way.

### **The Issues**

In his or her charge the judge will tell the jury the **issues** or questions on which to decide. If there is more than one question, they should be considered one at a time.

### **The Verdict**

The verdict may demonstrate to other people who have disputes in the future whether or not it is wise to submit their disputes to a jury for a decision. The jury must therefore be extremely careful in deciding the questions affecting property and liberty which are presented to you.

## CONDUCT OF THE JURY DURING THE 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. Some witnesses may not be heard by all jurors. 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**

While there is no restriction upon the right of petit jurors to discuss a case after they have been discharged from service, experience demonstrates that this is inadvisable. Statements by jurors as to what was said in the jury room are sometimes misquoted and brought to the attention of a party to the action, who may use them as a basis for charges of misconduct upon the part of jurors in attempting to obtain a new trial. This results in embarrassment and inconvenience to the jurors, who might then be called as witnesses or required to give affidavits concerning such matters.

Such discussion, as well as discussions of the verdict with members of the same panel who did not serve in the particular case, are rarely productive. Argument as to how a juror voted, or what verdict the other party would have rendered had that party been called upon to do so, may lead to ill feelings between jurors who may subsequently be serving together on another case. This may result in lack of harmony and possible disagreement between such jurors in later cases.

## **SOME TERMS YOU WILL HEAR IN COURT AND THEIR MEANINGS**

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

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

**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."

**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.

**Complaint** - The paper filed with the clerk by the person who brings a civil case, the plaintiff, setting forth a claim against the defendant is called a "complaint", or in some instances, "a petition."

**Answer** - The paper filed with the Clerk of the Court in which the defendant answers the claims of the plaintiff.

**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.

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

**Plaintiff** - The person who starts a civil case.

**Defendant** - The person against whom a lawsuit is brought.

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

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

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

**Clerk** - The clerk, or an assistant, sits at the desk in front of the judge, is an officer of the court 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.

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

**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, or for other reasons permitted by law.

**Exhibits** - Articles, including pictures, correspondence and documents 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.

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

**"Objection Overruled" or "Overruled"** - These terms mean that in the judge's opinion the lawyer's objection is not well taken under the rules of law. As already stated, the judge's ruling, so far as a juror is concerned, is final and may not be questioned by him or her.

**"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 was well taken. This ruling likewise is not subject to question by jurors.

**Striking Testimony** - On some occasions after a witness has testified, the judge will order certain evidence stricken from the record and will direct the jury to it. When this is done, the jury will treat the stricken evidence as though it had never been given and completely disregard it.

**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.

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

**Charge or Instructions** - After all the evidence is in and the lawyers have made their arguments, the outline of the rules of law which the jury must follow in their deliberations in deciding the factual issues submitted to them is called either the judge's "charge" to the jury, or his/her "instructions." A judge may, and sometimes does, give an instruction to the jury on some particular point of law at any stage of the trial.

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

## **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. You should have a higher opinion of the 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

## 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.

In fine, 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.