

WHO CAN BE CALLED FOR JURY SERVICE

You can be called to serve if you are 18 years old or older, a United States citizen, and a resident of the county or district where summoned. You must be able to understand English, be physically and mentally capable of serving, and of ordinary intelligence.

Peace officers as defined by sections 830.1 and 830.2 of the Penal Code are disqualified from serving, as are persons convicted of malfeasance in office or any felony or other high crime.

WHAT YOU HAVE A RIGHT TO EXPECT AS A TRIAL JUROR

As a trial juror who is the impartial fact finder, you have a right to expect certain things of the justice system. This court strives to accomplish the following goals to help you reach a just **verdict**.

- 1) You will be treated with the courtesy and respect due a partner in the justice system.
- 2) You have a right to expect that the attorneys will act in a professional manner with respect shown to one another, to the court, and to the jurors.
- 3) The jury selection process and trial procedure will be explained to you in straightforward language and terminology.
- 4) Although you do not have the right to ask oral questions during trial, the court does allow you to submit written questions which will be shown to counsel to address or not address as counsel deem necessary.
- 5) You have the right to hear and understand intelligible questions and answers. You can expect the court to exercise reasonable control over the questioning of witnesses to make the testimony distinct and effective to help you determine the truth without wasting time.
- 6) You have the right to take notes during the trial if you wish to do so. Some courtrooms have a court reporter recording the verbatim testimony and the reporter will be available to read testimony to you during deliberations. Other courtrooms use tape recordings that can be replayed if necessary.
- 7) If you need to view **exhibits** during the trial so that you can follow the **evidence**, the **exhibit** will be provided.

- 8) The jury **instructions** will be read to you. Copies of the **instructions** will be given to the jurors for their use during deliberations.
- 9) The court and counsel will strive to avoid delays and to start the daily sessions on time in order to use your time effectively and minimize the time you are away from your responsibilities. The daily schedule will be announced and followed as closely as possible each day. If any juror should have an unforeseen emergency, the court will make every effort to accommodate that juror's needs. As a juror you are entitled to recesses during the day.
- 10) After your **verdict** and your discharge from the case, you have the right to discuss or not to discuss the deliberation or **verdict** with anyone. Your juror identification information is conditionally sealed and can be disclosed only on a showing of good cause.

CASE TYPES

In California a jury may be called upon to try two kinds of **cases**.

Civil

In a **civil case**, the **party** or entity suing is called the **plaintiff**. That **party** is asking the court to protect some private right or help recover money or property from another person or entity called the **defendant**.

The **party** that brings the **suit** against another does so by setting out the claim in a written document known as the **complaint**. If the **party** being sued disputes the claim, a written document is filed known as the **answer**.

Criminal

In a **criminal case**, the **plaintiff** is a **prosecutor** who represents the People of the State of California. The **prosecutor** alleges that a crime has been committed by a person, who is called the **defendant**. The **prosecutor** has the burden of proving each element of the crime charged beyond a reasonable doubt before the **defendant** can be convicted.

The **defendant** is formally charged with a crime when a written document is filed with the court. This document is known as a "**complaint**" in **misdemeanor cases**. In **felony cases** the document can be called an "**indictment or information**". It is called an **indictment** when the charge is brought by the Grand Jury, and an **information** when it is brought by the District Attorney.

CHOOSING THE TRIAL JURY

As a prospective juror, you are being sent to a courtroom as part of a **jury panel** to begin jury selection. In the courtroom, the judge will introduce all of the **parties** in the case, and inform jurors as to the nature of the case and the estimated time it will take to complete.

As part of the **jury panel**, you are sworn to answer questions truthfully about your qualifications to sit as a juror in the case now pending before the court. This questioning process is called **voir dire**, and will be conducted by the judge and may include participation by counsel for both sides in the case.

The judge will ask if any prospective juror might have a personal interest in the case, be related or personally acquainted with any of the **parties**, attorneys, or witnesses in the case, or know of any reason why they cannot deliver an impartial verdict. Any prospective juror having knowledge of the case or any of the **parties** involved should explain this to the judge.

Other questions will determine whether any panel members have a prejudice or a feeling that might influence them in delivering a verdict. The law guarantees everyone the right to a jury of 12 impartial persons who will try the case as stated by the judge, and on the **evidence** admitted at trial.

If questions are asked that you are uncomfortable answering in open court, please ask the judge if you can speak to him or her privately.

Lawyers on either side may ask that a member of the panel be excused from service on a particular jury without giving a reason. These are called **peremptory challenges**, and each side in the trial has a predetermined number of these types of challenges. You should clearly understand that being eliminated from the **jury panel** by a **peremptory challenge** is no reflection upon your ability or integrity. The lawyer is merely exercising a right given by law.

As a prospective juror, you may be **challenged for cause**. This means the attorney will ask the judge to excuse you from the jury for a specific legal reason. For example, if you know one of the attorneys, you might tend to favor his or her side. Each lawyer has an unlimited number of **challenges for cause**.

After the **voir dire** examination is completed, the selected jurors and alternates, if any, are administered an oath to try the case impartially and according to the law and the **evidence** presented.

THE TRIAL

Admonishment

After you have been selected as a juror and sworn to try the case, the judge issues an admonishment to the entire jury. You are cautioned not to discuss the case among yourselves, or with any other person. In addition, you are reminded not to form or express opinions about the case until all **evidence** has been presented and the case is submitted to you for deliberation. The law requires the judge to repeat this admonishment each time you leave the courtroom.

Juror Conduct

When in the courtroom, be alert and courteous. Remember that pagers and cellphones must be turned off while court is in session.

You will be reminded throughout the trial that you should not discuss the case among yourselves or with anyone else, or investigate the circumstances of the case on your own. This is extremely important, because the jury's verdict must be based on facts and evidence presented, your own opinions as to how believable the evidence is, and the legal instructions given to you by the trial judge.

You will be allowed to take notes during the trial, but you should not become so involved in note-taking that you miss important points during witness testimony. You will be furnished with a notebook, however, it will remain in the courtroom when court is not in session. You will not be allowed to leave with it.

Opening Statements

The trial begins with **opening statements**. The lawyer for the plaintiff (civil), or the prosecutor (criminal) will explain to the jury what they intend to prove. The attorney for the defense may speak then or may wait until after the other side presents its evidence.

The purpose of these statements by the lawyers is to explain the framework of the case, the points of conflict, and the issues that will be presented to you for a decision. It's very important for you to remember that these statements are not evidence, but their view of the facts. Any statements made by counsel for either side should not be considered **evidence** unless you are otherwise instructed by the court.

Presentation of Evidence

The judge decides what **evidence** may be considered in the trial according to the law, but as a juror, you decide if the **evidence** is believable, and how important it is to the case.

Evidence may include written documents, letters, photographs, charts, weapons, or any other **exhibit**. The testimony of witnesses under oath is also **evidence**. Witnesses called by either side may be questioned by the lawyers on the other side. This is referred to as **cross-examination**.

After the **opening statement**, each side in the case will present its **evidence**, starting with the **plaintiff** (civil) or the **prosecutor** (criminal). Sometimes the defense in the case will not present **evidence**. They may choose to **rest**, believing that the opposing side has not proven their case.

In a **civil case** the **party** bringing the allegation against another has the burden to prove that allegation by a preponderance of the **evidence**. Basically, this means that the **plaintiff's evidence** must be more convincing than the **evidence** from the **defendant**.

In a **criminal case**, the **defendant** is presumed innocent and the **prosecutor** has the burden of establishing the **defendant's** guilt beyond a reasonable doubt. No **criminal defendant** is required to supply a defense or testify on his or her own behalf.

In each case, the judge will carefully explain to you the degree of proof required to reach a decision.

As the trial progresses, the judge may be asked in the presence of the jury to decide questions of law. Usually these questions concern objections to witness testimony, or **evidence** that either side might want to present. When this occurs, the judge may ask the jurors to leave the courtroom briefly while the attorneys present their legal arguments for and against such objections. If this happens, don't feel slighted. These conferences often help speed up the trial or avoid the possibility of a **mistrial**.

The judge decides what **evidence** is proper or admissible by applying the rules of **evidence** according to the law. By having the jurors leave the courtroom, the judge and attorneys are free to discuss the **issues** or points of law that are in question. The judge will rule as to whether or not the testimony or **evidence** can be presented in the presence of the jury.

Closing Arguments

After all the **evidence** has been presented to you, lawyers for each side will present their final summation, referred to as their **closing argument**. They have the opportunity to discuss the **evidence** to help you recall testimony that might have slipped from your memory. The chief purpose of the **argument** is to present the **evidence** in a logical and comprehensible order.

You must remember that each attorney presents the view of the case that is most favorable to his or her side. These **arguments** are not **evidence**, but you should listen to them carefully and consider them thoughtfully, forming your own opinion. You should make no decision on any of the issues until all sides have been heard, the judge's **instructions** have been given, and the case discussed with all other jurors in the deliberation room.

Judge's Instructions on the Law

Before you retire to the jury room to deliberate, the judge will instruct you on your duties as jurors and tell you what law applies in the case before you. The instructions can be given to you either before or after the final **arguments** by the lawyers.

In a **civil case**, the judge will tell you how many jurors must agree to reach a **verdict**. In California, it requires three-fourths of the jurors to agree before a **verdict** can be rendered.

In criminal cases, the **verdict** must be unanimous.

Deliberations

After the final **arguments** and judge's **instructions**, the bailiff in the courtroom will escort the jury to the jury room for deliberations.

The first order of business for jurors is to select a **foreperson**. The **foreperson** leads the discussion encouraging all jurors to join in. All members of the jury should be heard in the deliberation room. The whole idea of a jury is to come to a decision after a thorough discussion of the **issues**.

Your decision must be based on the facts and **evidence** in the case, following the **instructions** as given by the judge. The jurors should discuss all of the **evidence** presented. It is important that you let your fellow jurors know your opinions regarding the **evidence**. Whether or not you thought it was believable, and how important it is to the case in your mind.

The **exhibits** that you are to consider will be supplied to you. If you have not been provided with the judge's **instructions** on the law in written form, you may request them. In addition, if your jury needs additional information, such as the answer to a legal question or to have some testimony read back, the panel may send a written request to the judge by giving a note to the bailiff.

As jurors, you are charged with reaching a **verdict** on the issues. If the jury cannot arrive at a **verdict** within a reasonable time and they indicate to the judge that there is no possibility a **verdict** can be reached, the judge, in his or her discretion, may order the jury dismissed. This is referred to as a "hung jury" and results in a **mistrial**. The case may go through a complete retrial with a different jury at a future date when this occurs.

Verdict

When the jury has reached a **verdict**, the **foreperson** will record the **verdict** on the official form that was provided, sign the **verdict** as **foreperson**, and notify the bailiff. The bailiff will inform the judge that you are ready. All **parties** will then return to the courtroom before the bailiff escorts the jurors back to the jury box to return your **verdict**.

The judge will ask whether the jury has reached a **verdict**, and the **foreperson** will answer, handing the written **verdict** to the bailiff for delivery to the judge. The judicial assistant will read it aloud and enter it into the court record.

Sometimes one or all of the **parties** will ask that the jury be "polled." This means that the judge or judicial assistant will ask each juror individually if this is his or her own **verdict**. The jury's service will then be complete.

OFFICERS OF THE COURT

Judge
Appointed by the governor or elected by the voters. The judge has the authority and duty to hear and decide questions of law. The judge must see that everyone receives equal and fair justice under the law.

Attorney
A licensed practitioner of the law, who is employed either by a party or by the government to prepare and present their case.

Judicial Assistant
A member of the court support staff who compiles official court files, stamps and collects **exhibits**, swears in jurors and witnesses, and maintains records of court proceedings.

Bailiff
A deputy sheriff who keeps order in the courtroom and has custody of the jury.

Court Reporter
Records verbatim legal proceedings accurately for the official court **record**. Prepares transcripts of legal proceedings as necessary.

Interpreter
Certified by the court to translate foreign languages.

GLOSSARY

Action, Case, and Suit

These words mean the same thing. They describe a legal dispute brought into court for trial in civil cases.

Answer

The document that is filed with the court in which the defendant in a civil case answers the claims of the plaintiff.

Argument

After all the evidence on both sides of a case has been presented, one lawyer from each side is permitted to tell the jury what that lawyer thinks the evidence proves, and why that lawyer's side should win. The **argument** may not be considered as evidence in the case.

Cause of Action

The fact or facts which give a person the right to file a lawsuit.

Challenge for Cause

A request from a party to a judge that a certain prospective juror not be allowed to be a member of the jury because of specified causes or reasons. The party must state the reason for the challenge.

Charge or Instructions

After presentation of the evidence has been concluded by both sides, the judge outlines the rule of law to guide the deliberations for the jurors, and explains how it applies in the particular case before them. This can be done either before or after the arguments of the attorneys.

Civil Case

A lawsuit between persons in their private capacity or relations brought to enforce or protect private rights. In general, all types of actions other than criminal proceedings. In many cases it involves the giving or denying of damages.

Complaint

The paper filed in a civil case in which the plaintiff sets forth the claims against the defendant. In a criminal case, it is the document that sets forth the criminal charges filed against the defendant by the prosecution.

Counterclaim or Cross-Complaint

In a civil case this results when the defendant claims damages or other relief from the plaintiff. This can be done within the answer to the complaint or in a separate document filed with the court called a cross complaint.

Criminal Case

The proceeding by which a person who is charged with a crime is brought to trial and either found guilty or not guilty and sentenced. The plaintiff in these actions is the People of the State of California, and is represented by the prosecution.

Cross-Examination

The examination of a witness in a trial, court hearing, or deposition by an attorney or party representing the opposing side of the case.

Defendant

The person against whom a case is brought. In a criminal case, it is the person charged with a criminal offense.

Deposition

Written testimony in question and answer form, made under oath, with opportunity for cross-examination. This testimony may be read into the record at the trial, and opposing counsel has the right to object to this testimony.

Direct Examination

The first examination of a witness in a trial, court hearing, or deposition by the attorney or party on whose behalf the witness was called to testify.

Directed Verdict

The trial judge may order the entry of a verdict without allowing the jury to consider it, in a case in which the party with the burden of proof has failed to present sufficient evidence to prove the case. As a matter of law, there can be only one such verdict since the burden of proof was not met.

Evidence

Any form of proof legally presented at trial. Testimony, writings, material objects, or other things presented to the senses that are offered to prove the existence or nonexistence of a fact.

Exhibit

An item of physical/tangible evidence which is to be or has been offered to the court for inspection.

Felony

A crime of a more serious nature than those designated as misdemeanors. These offenses may be punishable by death or imprisonment in a state penitentiary for a term exceeding one year.

Foreperson

The presiding member of a jury who speaks or answers for the jury.

Indictment

A formal written accusation originating with a prosecutor and issued by a grand jury against a party charged with a crime. The crime charged must be proved at trial beyond a reasonable doubt before a defendant may be convicted.

Information

A formal written accusation of the same nature as an indictment, however, it is issued by the public prosecutor instead of a grand jury. Again, the crime charged must be proved at trial beyond a reasonable doubt before a defendant may be convicted.

Issue

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

Jury Panel

The group of prospective jurors who are summoned to appear and from which the trial jury of 12 is chosen. In a civil trial, the jury panel may be made up of a lesser number than 12, if it is stipulated by counsel for both sides.

Misdemeanor

Offenses lower than felonies and generally punishable by a fine, probation, or imprisonment in a county jail facility rather than in a penitentiary.

Mistrial

A legal device used to halt trial proceedings when an error has occurred that is prejudicial to either side. The judge may declare a mistrial because of some extraordinary event, for prejudicial error that cannot be corrected at trial, or because of a deadlocked jury.

Opening Statement

Before introducing any evidence for each side of the case, each lawyer is permitted to tell the jury what the case is about and what evidence they expect the testimony to show.

Parties

The plaintiff and defendant in the case. Also called litigants in a civil case.

Passed, Passed for Cause

These expressions are used by lawyers while examining prospective jurors. They indicate that the lawyer does not intend to challenge the prospective juror on any claim for implied or actual bias.

Peremptory Challenge

The right to challenge a juror without assigning, or being required to assign, a reason for the challenge, and have the juror excused. In both criminal and civil cases, each party to the action has a specified number of such challenges. Once they are used, the lawyers are required to furnish a reason for the challenge.

Plaintiff

A person who initiates a civil lawsuit, or the People of the State of California in a criminal case.

Pleadings

The formal papers filed with the court in a civil lawsuit, such as the complaint or the answer. The papers must state the claims, denials or defenses of the parties to the lawsuit.

Prosecutor

The public officer who is appointed or elected in each judicial district or county to conduct criminal prosecutions on behalf of the People of the State of California.

Record

The verbatim or word-for-word record of court proceedings made by the official court reporter in shorthand.

Rest

A legal phrase which means the lawyer has concluded the evidence he or she wants to introduce at that stage of the trial.

Stipulation

An agreement made by the attorneys engaged on opposite sides of a cause, regulating a matter incidental to the proceedings or trial, which falls within their jurisdiction.

Trial Jury

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

Verdict

The formal decision or finding made by a jury and reported to the court and accepted as to the matters or questions duly submitted to them at trial.

Voir Dire

The preliminary examination which the court and attorneys make of prospective jurors to determine their qualification and suitability to serve as jurors. Peremptory challenges or challenges for cause may result from this examination.

