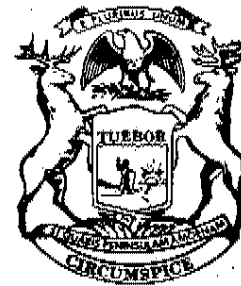


JUROR'S HANDBOOK



57th District Court
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JUROR'S HANDBOOK

FOREWORD

This handbook is provided to all citizens of Allegan County selected to exercise their constitutional duties to serve as jurors of the District Court of Allegan County.

This handbook is intended to be only a general guide as to your duties as a juror and the manner in which a trial is conducted. In all instances, the judge presiding over the court where you are called as a juror is to be considered the final authority in any question you may have relating to your duties as a juror.

Jury duty is one of the most serious duties that members of a free society are asked to perform. Our system of self government could not exist without it.

We sincerely hope that this handbook will help you in the performance and understanding of your duties.

JOSEPHS. SKOCELAS, District Judge
WILLIAM A. BAILLARGEON, District Judge

“I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution.”

Letter to Thomas Paine (1779)
Thomas Jefferson

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PURPOSE OF THIS HANDBOOK

You have been called to serve for a short time as a juror. The function of a juror is an extremely important one in a democratic and civilized society. The property or the liberty of another human being or group of human beings is at stake. If you are a conscientious person, you will want to do your very best to make sure that the jury on which you sit returns a verdict which is as fair and impartial as possible. In all likelihood, however, you have never before been a juror. You may never even have been in a court room before this. You probably have many questions about the trial and about your duties as a juror. The purpose of this handbook is to explain to you generally the manner in which lawsuits are tried and the part which you, as a juror, must play in seeing that justice is done.

CIVIL AND CRIMINAL CASES

You may know that lawsuits fall into two categories. Some are civil cases. Some are criminal cases. However, you probably do not have a clear idea as to the distinction between the two. A few general comments can help you see the difference.

In civil cases, the party starting the lawsuit is known as the “plaintiff.” The person against whom suit is brought is called the “defendant.” Plaintiff’s suit is commenced by service of two documents, a summons and a complaint, upon the defendant. The summons does what its name suggests: it summons or “calls” the defendant before the court. The complaint is perhaps the more important document. In the complaint, the plaintiff makes allegations or “accusations” against the defendant. The plaintiff’s complaint will charge the defendant either with causing bodily injury or property damage or with depriving the plaintiff of something of value to which the plaintiff believes he/she is entitled. The complaint will also request the court to award “damages,” that is, money to the plaintiff as compensation for bodily injury or property damages. The defendant responds to the complaint by filing a document called an answer. These papers, called

the pleadings, have been exchanged between the parties sometime before the trial starts.

The foregoing describes a very simple civil case. Often, civil cases are more complicated. You may be selected as a juror in a civil case where there are several plaintiffs or several defendants. Or, in addition to the request by the plaintiff for money damages, the defendant may also be requesting money damages either from the plaintiff (a Counter-Claim), or from another defendant (Cross-Claim), or from a person not originally involved in the case but later added (a Third-Party Defendant). Moreover, it must be remembered that the plaintiff and the defendant are not always individuals. They may be partnerships or corporations. Even the city, county, state or federal government may be a party to a civil action.

In criminal cases, the party starting the lawsuit is always "The People" acting through governmental representatives, such as the county prosecuting attorney when a violation of state law is alleged, or the city attorney when a violation of a city ordinance is alleged. Because the majority of jury trials in criminal cases are cases involving alleged violations of "state statutes" our discussion here will center on this kind of criminal case.

All crimes are prosecuted in the name of the appropriate governmental body because when a crime is committed it is the law of the state that is broken and the offense is against the people of the state, not just against one or more individuals as in a civil case. The purpose of a criminal case is to determine whether or not the defendant violated one or more of our statutory laws. Prior to the trial, a complaint is prepared and filed setting forth one or more charges against the defendant. Several charges may be combined in this document, but each is separately stated and is called a count. For example, a complaint may charge in one count that the defendant robbed the complainant, while in a second count it may charge that the defendant also assaulted the complainant.

After the charge is filed but before the trial, the defendant is arraigned. That is, he/she is brought before the judge and the complaint is read. For each violation charged, the defendant is asked, "How do you plead?"

and the response is "guilty" or "not guilty".

There are other differences between a civil and criminal case. These differences are not discussed in this handbook, but the specific rules which will apply to the trial in which you participate as a juror, whether civil or criminal, will be explained carefully to you by the judge. If you do not understand or if you have any questions about any of the judge's instructions, you should not only feel entirely free, but duly bound to ask the judge to explain further.

SELECTION OF A JURY

You and a number of other citizens determined at random in accordance with the law and qualified to serve as jurors have been notified to come to court for jury duty. Collectively you are called the jury panel." The first step in a trial is to select from among you the number required to try the case, which in all district court cases is six. Names are drawn from the jury present until the jury box is filled. If your name is called, you will be annually required to answer truthfully all questions asked of you concerning your qualifications to act as a juror in the case. A short statement will be made telling you what the case is about and the parties involved. Once you and the other prospective jurors have this information, the attorney or the judge may question you to see if you are qualified to act as fair and impartial jurors. The attorneys or judge may ask you questions about your personal life and beliefs. This is referred to as the "voir dire" examination. You should answer these questions fairly, and if for any reason you feel you should not serve as a juror, you should make the reason known. Any juror who is related to any of the parties, has unfinished business with one of the attorneys, or who knows so much about the case that an opinion has been formed will be challenged "for cause" and excused. In addition, each side has a right to excuse a main number of jurors without giving any reason. These are called "peremptory" challenges. If you are challenged and excused, whether the reason is stated or not, it should be understood that this action is not a reflection on you in any way. You may be selected later for the jury in another trial. When both sides are satisfied the jury, the jurors who

have been chosen who have been chosen are sworn to try the case upon the merits.

IMPORTANCE OF A JURY

You, as a member of the jury selected to try a lawsuit, have an extremely important function. You will be the judges of an questions of fact. You will know what each side claims or "says" the facts are. However, you and the other members of the jury must carefully consider all of the evidence brought before the court and determine what the facts really are. Once you have deliberated. and determined the facts, you will then apply the judge's instructions on the law given at the end of the trial to the facts which you find to be the correct version and thereby actually settle the dispute or disputes between the parties.

These disputes which you, as a member of the jury, must decide are obviously *most* important to the parties involved. Our court system must continue to enjoy the respect of the people and to be an effective instrument for settling disputes fairly and peaceably. You and the other jurors must live up to the solemn oath which will be administered w you as soon as all the trial jurors are selected.

THE CONDUCT OF THE TRIAL

Whether you are selected as a juror in a civil case or a criminal case, the trial is conducted in much the same manner.

Opening Statements

The attorney for the plaintiff in civil cases or the prosecuting attorney in criminal cases will generally begin by making a short opening statement. The attorney for the defendant may then make a similar statement or many defer the opening statement until the plaintiffs case is completed. The opening statement will tell you what the party "says" or "believes" the relevant facts are. The opening statement also outlines the evidence by which the party expects to prove his/her version of the facts. You should remember that the statements of the attorneys are not evidence, but are only the parties' respective "versions" of the facts. These statements must be proven by

evidence.

Witnesses and Other Evidence

Any testimony or any exhibits which tend to prove or disprove a statement alleged or claimed by one of the parties to be fact is called evidence. "Testimony" is the statement of any person called to be a witness at the trial. Exhibits such as a writing, gun, photo, or any physical article may be introduced at the trial and, if admitted by the judge, are to be considered by the jury in determining what the facts of the case really are. Sometimes, the testimony of a witness will have been given outside the courtroom or at a different trial and put into writing. Such written testimony is called either a "deposition" or a "transcript." One of the attorneys may wish to offer this written testimony in accordance with any instructions given by the judge.

Examination of Witnesses

Generally the parties to a lawsuit will call witnesses to testify. The witnesses ate sworn to tell the whole truth. If the attorney calls the party he/she represents or some neutral person, the witness called is "the witness," but if the attorney calls the opposite party, the witness called is referred to as an "adverse witness." An attorney who has called "the witness" proceeds with direct examination. In so doing, the attorney asks questions to bring out answers tending to support facts to be proven. Certain rules of procedure must be followed by any attorney conducting an examination of a witness. If these roles are not followed, the other attorney may "object" and if the judge thinks the question improper, rules that the objection is sustained which means that the question cannot be answered. If the question is proper, the objection is overruled and the answer is given. When the direct examination is finished, the attorney for the other party or parties may cross examine. The purpose of cross-examination is to bring out additional information which may alter the jury's impression or understanding of the statements made by the witness on direct examination. When cross-examination is finished, the first attorney may ask questions on redirect examination to clear up points developed on cross-examination. Generally, witnesses are only allowed to answer the questions asked. The court may

order the jury to disregard altogether a particular statement of a witness in which event such statement should be disregarded.

Order of Presentation

When the plaintiff's attorney in a civil case or the prosecuting attorney in a criminal case has put in all evidence, the attorney "rests" the case. The defendant's attorney then calls witnesses and offers evidence. When the defendant's attorney is through, the defense attorney also "rests." The plaintiff's attorney or the prosecuting attorney may offer evidence in rebuttal to explain or deny the defendant's evidence.

Arguments

After all the evidence has been given, each attorney will make an argument to the jury giving the reasons why the attorney thinks his/her side should win. If the testimony of witnesses is conflicting, the attorney will tell you why the witnesses on his/her side should be believed rather than those on the other side.

You should listen to these arguments carefully. What the attorney says in the argument is not evidence: the attorney is only giving his/her version of the case which you may or may not find convincing. You should not make up your mind on the outcome of the case until you have heard and considered all the evidence and the instructions of the judge.

Instructions

Toward the close of the trial the judge will give you instructions. The purpose of these instructions is to indicate to the jury what the applicable rules of law are. That is, once the jury has determined which version of facts is to be believed, it must then apply the rules of law given by the judge to reach its verdict.

Delays During Trial

During the trial there may be delays for many reasons. You may not know the reason for a delay and should not guess at it. Very often a delay actually saves time and more quickly brings the case to an end.

Hearing and Seeing Witness

Jurors are the sole judges of whether a witness is telling the truth and is to be believed. Each juror should pay close attention to the witness who is testifying to hear what the witness says and to watch the witness's manner and actions. If you cannot hear, do not hesitate to interrupt and let the judge know that you cannot hear.

Evidence and Opinions

Jurors may only consider evidence that has been properly admitted. Each attorney's statements and arguments are not evidence, but are meant to help you understand the evidence and each side's legal theories.

The judge's comments, rulings, questions, and instructions are not evidence. It is the judge's duty to see that the trial is properly conducted and to tell you the law that applies to the case.

The judge's comments or rulings are not meant to influence your vote or to express a personal opinion about the case. If you believe the judge has an opinion about how you should decide the case, you must pay no attention to that opinion. Jurors are the only judges of the facts and decide the case from the evidence.

JUROR'S CONDUCT DURING TRIAL

There are certain rules that a juror should follow throughout the trial in order to be fair to all sides. Some of the rules will be pointed out to you by the judge. Some of the most important rules are:

Inspecting the scene

It may be that the lawsuit involves some place or thing, such as the scene of an accident, the operation of traffic lights or the like. If it is thought necessary and proper that the jury should make an inspection, the judge will send you in a body under the direction of the bailiff. It would be improper for any juror to make an inspection unless ordered by the court. An unauthorized inspection might force a retrial of the case.

Discussing the Case

During the trial you should not talk about the case with other jurors, or with other persons, or allow other people to talk about it in your presence. If anyone should

insist upon talking about the case to you, tell the person that you are on the jury. If the person insists on talking to you, then ask for the person's name if you can and report the matter to the judge at the first opportunity.

Television, Radio and Newspaper Accounts

In order that the mind of each juror be kept open until all of the evidence has been presented, the arguments of the attorneys and the instructions of the court have been given, you should not listen to radio accounts or watch television accounts of the trial or read articles about it in the newspapers. Such accounts sometime give incorrect or misleading information that might unfairly favor one side.

Promptness

It is most important that jurors should not be late in reporting for duty. A juror who is late wastes the time of all other jurors, the judge, the attorneys, the witnesses, the parties, and the other court employees.

CONDUCT AND DELIBERATIONS IN JURY ROOM

Foreperson

The jury's first duty upon retiring at the close of the case is to select a foreperson. The foreperson acts as chairman. It is the foreperson's duty to see that discussion is carried on in a sensible and orderly fashion, to see that the issues submitted for decision are fully and fairly discussed, and that every juror has a chance to say what he/she thinks upon every question. Where ballots should be taken, the foreperson will see that it is done and is responsible to sign any written verdicts that are required and any written requests made of the judge. In selecting the foreperson, it is well to select someone of experience and general knowledge for a good foreperson keeps the discussion in bounds, much time is saved, and better results achieved.

Jurors Not to Discuss Case

Jurors must not discuss the case with anyone, including other jurors, family or friends until that time comes to decide the case. At that time you will be sent to the jury

room to discuss the case among yourselves. When the trial is completely concluded, you may, if you wish, discuss the case with anyone.

Exhibits

If any papers or other objects or materials marked as "exhibits" are sent out for the jury's examination, care should be taken not to injure or change them in any way. No marking should be put on them.

Views of Others

Quite often differences of opinion arise between jurors. When that happens each juror should say what he/she thinks and why he/she thinks it. By reasoning the matter out, it generally is possible for the jurors to agree. You should not hesitate to change your mind if you decide that your first opinion was not correct, but you should not change your opinion unless you are honestly persuaded that the changed opinion is the correct or preferable one. If everyone is fair and reasonable, a jury can almost always agree. If you cannot agree, it generally means a new trial, so jurors should be fair, reasonable and courteous to each other, and should try to reach an agreement which is a "true verdict."

Verdict

In order to return a verdict, it is necessary that each juror agrees on the verdict. In the jury room you will discuss the case among yourselves, but ultimately each juror must make up his/her own mind. Any verdict must represent the individual considered judgment of each juror.

CONCLUSION

We hope that you will find your jury service to be a rewarding, pleasant, and educational experience.

If you have any suggestions, comments, or ideas of ways we can improve our services, please send them to the District Court Administrator.

Thank you for your time, cooperation, and participation.