Jury Handbook

All Rise: Jury Service in Minnesota

MINNESOTA
JUDICIAL
BRANCH

On behalf of the Minnesota Judicial Branch and our state's citizens, thank you for accepting the call to jury service. If this is your first jury experience, you may feel apprehensive or unfamiliar with the court system. This booklet was written to answer your questions, help you understand what is happening around you, and allow you to serve as a juror to the best of your ability.

I cannot overstate the importance of your service. As citizens, we all enjoy the rights of due process and the right to a trial before a jury of our peers. Your service as a juror makes this possible. You will be asked to judge the facts of the case and decide which facts are most credible.

While you are waiting for a case assignment or jury selection, please do not consider it time wasted. Often, the parties involved in a case settle their disputes outside of the courtroom when the pressure of a waiting jury exists. The result is time and money savings for everyone involved.

After completing jury duty, many jurors say they enjoyed their service. We hope you also find this experience educational and rewarding. The Judicial Branch is the only branch of government in which citizens are able to personally step into the process and help make important decisions. It is a big responsibility that can also be very rewarding.

Thank you for your valuable time and willingness to help ensure a fair and impartial court system for all Minnesotans. Our system of justice depends on your involvement.

Very truly yours,

Eric J. Magnuson
Chief Justice

Responsibilities of the Judge and Jury

In order for our court system to work properly, judges and jurors must consider the cases before them in a way that is thoughtful, involves sound judgment, is impartial and fair, and shows integrity.

In each trial, the judge determines the rules of law that govern the case. For example, the judge decides what *evidence* may be admitted or considers attorneys' objections to something that was said during trial. At times, the judge may excuse the jury from the courtroom or may speak to the attorneys privately. When this occurs, jurors should not feel that their time is being wasted or that information is being withheld. These conferences allow the trial to continue fairly and efficiently.

At the close of the trial, the judge gives jurors instructions as to the laws that govern the case. At this time, the responsibility switches to the jurors. After listening carefully and considering all of the testimony and evidence, jurors move to the jury room to discuss the case in privacy. Jurors decide which facts in the case are most credible and then apply the law as instructed by the judge in order to reach a *verdict*.

In a civil case, jurors decide which party should prevail and whether damages – usually money - should be awarded. In a criminal case, jurors decide whether the defendant is guilty or not guilty.

Purpose of This Handbook

The purpose of this handbook is to help you understand the proceedings in which you will participate and to enable you to do your part in administering justice. The information in this handbook is not intended to take the place of instructions given by the judge in any case. It is important to follow the judge's instructions.

The Minnesota Judicial Branch

The Minnesota Judicial Branch is made up of three levels of courts: Supreme Court, Court of Appeals and District Courts. Most disputes brought to the court system start at the District Court level, which operates in county courthouses across the state. The District Court is a general jurisdiction court, which means that District Court judges can hear a wide variety of cases – from traffic tickets to murder trials and from small claims cases to major civil trials. Some district courts may have separate divisions, such as probate, family, and juvenile courts.

The Minnesota Judicial Branch is divided into 10 judicial districts for administrative purposes. Each district is made up of four to 17 counties, with the exception of the Second District (Ramsey County) and the Fourth District (Hennepin County). Each district is managed by a chief judge and assistant chief judge, as well as by a district administrator.

Types of Cases

Juries are called to hear two types of cases: civil and criminal.

Civil Cases

Civil cases involve disputes between people or organizations. They may involve property or personal rights, such as landlord/tenant disputes, auto or personal injury accidents, product warranties, contract disputes, and harassment and employment disputes.

The party that sues is called the *plaintiff*, while the party being sued is known as the *defendant* or respondent. The case begins when the plaintiff files a written *complaint*. The other party then generally disputes the claim by filing an *answer*.

Criminal Cases

On behalf of citizens, the State of Minnesota files criminal cases against individuals or corporations accused of committing crimes. In most cases, a prosecutor files a *complaint*, which explains the charges against the defendant. If the charge is brought by a *grand jury*, it is known as an *indictment*.

The person charged with an offense may admit the charge is true by entering a plea of guilty or may deny the charge by pleading not guilty.

Pre-trial Business: Selecting and Preparing a Jury

Voir Dire: Jury Selection

Potential jurors are randomly selected from driver's license, state ID, and voter registration records. The length of jury service depends on the county in which a juror lives, but cannot exceed four months. Jurors receive a *summons* that tells them to appear at the courthouse for jury service.

When a jury case is called, court administrators randomly choose potential jurors and send them to a courtroom for interviews, known as *voir dire*. In the courtroom, you will learn more about the case and be questioned by the judge and attorneys so they may determine whether you are qualified to serve. Depending on the type of case or the procedures used in your county, you may be questioned individually or in a group. If you feel you should not serve as a juror, or if you know the parties, witnesses or attorneys involved in the case, tell the judge and attorneys as soon as possible.

During the interview, an attorney may challenge for cause if the attorney feels that a potential juror cannot be fair and impartial. The judge must then decide whether to allow the challenge and excuse the juror. Attorneys may also excuse a juror by using a peremptory challenge, which does not require the attorney to give a reason for excusing a juror. Do not take offense if you are challenged. This is a normal part of voir dire.

If you are not excused, you will become a member of the jury and will take an oath before hearing the case. In criminal cases, *alternate jurors* may be assigned to a case.

Understanding the Trial

Once the jury has taken the oath, attorneys on each side of the case may make *opening statements*. Opening statements should not be considered evidence. Opening statements introduce the attorney's theory of the case to the jurors.

The next step in the trial is the presentation of evidence. Usually the plaintiff's attorney in a civil case or the prosecutor in a criminal case will begin. When the presentation is complete, the plaintiff or prosecutor will *rest* and the defense may then present its evidence.

Presenting Evidence

Evidence may include physical exhibits, such as photographs, objects, or documents. It can also include a spoken statement from someone under oath, also known as *testimony*. On occasion, people may testify before the trial begins. When the testimony is written down or videotaped and submitted to the court, it is known as a *deposition*. The judge will decide what evidence the law allows jurors to consider.

Many things should not be considered as evidence, including the statements and arguments of the attorneys. Testimony the jury has heard but the judge has ordered stricken from the record should not be considered. In fact, the jury must treat this testimony as if it was never given. In addition, things that an attorney offers to prove but which the judge will not allow to be presented, should not be considered as evidence.

It is important that jurors only consider evidence presented during the trial and approved by the judge when making their final decision. Do not conduct your own research by visiting the location referred to in the case, looking for additional information elsewhere, or using personal knowledge you may have about a person or place involved in the case.

Examining Witnesses

During the trial, attorneys will often call *witnesses* to testify. Each witness is sworn in and promises to tell the truth. A witness may be the attorney's own client or someone else who can testify on behalf of the client. In civil cases, attorneys may require the opposing party or someone close to that party to testify. This person is known as an adverse witness.

When attorneys question their own witnesses, it is called *direct examination*. When attorneys question an adverse witness, it is called *cross-examination*. Once direct examination is complete, the opposing attorney may cross-examine the witness. Following those questions, the first attorney can conduct redirect examination.

If a witness says something that fails to answer a question or should not be allowed in the case, the judge may strike the remark from the record. If this happens, you must disregard the testimony as if it was not given.

Making Objections

Court rules set the guidelines for conducting a fair and orderly trial. Sometimes, however, one of the attorneys may feel that the questions or evidence presented by the opposing attorney is improper or should not be considered by the jury. It is the attorney's responsibility in these instances to make objections to the judge. If the judge considers the question improper or the evidence inadmissible, the objection will be *sustained*. Otherwise, the objection will be *overruled*.

The judge's ruling does not mean that the judge favors one side or attorney over the other, and jurors should not allow themselves to be influenced by the rulings.

Private Conferences

On occasion, the attorneys may speak to the judge privately at the bench or in the judge's chambers, or the judge may excuse the jury from the courtroom. Usually, the judge will explain the reasons for these delays. No matter how or when this occurs, do not feel slighted or attempt to guess what is being discussed. Generally, the attorneys and judge are discussing legal matters about the case, covering sensitive matters beforehand to minimize the possibility of a mistrial, or clarifying issues that could lead to an appeal and possible retrial. Sometimes, the parties reach a settlement during these conferences. While it may seem that time is being wasted, these conferences often avoid longer trials or any trial at all, which saves juror and court time, and considerable public expense.

Closing Arguments

After the attorneys have presented the evidence, they make *closing arguments*. Closing arguments provide a summary of the attorneys' arguments and evidence, but are not evidence themselves and should not be considered as such.

Judge's Instructions

When testimony is completed, the judge will review the laws that apply to the case. This is important information because it provides you with direction about how you must apply the law to the facts. Please listen carefully. Remember that you are governed by the law as the judge explains it to you. Do not attempt to change it or ignore it, even if you disagree with the law. You and the judge are under oath to apply the laws of the state accurately and fairly.

Jury Deliberations

Once closing arguments are completed and the judge gives the jury instructions about the laws to consider in the case, the jury will be excused to the jury room to deliberate or discuss the case.
The jury's first task is to choose a *foreperson* that will monitor the deliberations and take the *verdict* into court. Jurors may choose a foreperson by ballot or by verbally nominating someone.

The foreperson makes sure that each juror has a chance to participate in deliberations and that the jury discusses the issues completely while making its decision. In turn, each juror should listen to and consider the views of other jurors. Understand that your opinion may change during deliberations, but do not feel obligated to change your mind unless you are convinced it is the right thing to do. In the end, your final vote should represent your own opinion.

You must base your decisions about the case facts on the evidence presented during trial. But you should also remember the judge's instructions about weighing the evidence, how to decide what evidence to believe, and the burden of proof. Also, consider the arguments of the attorneys if you feel they were fair and reasonable. And, of course, consider the laws explained to you by the judge.

While you will not be given a transcript of the proceedings, you may take notes during the trial. Follow the judge's instructions at the time of your service.

The Verdict

In a criminal case, all jurors must agree on the verdict. In a civil case, Minnesota law says that if all jurors cannot agree on a verdict within six hours, then it is only necessary that a certain number of jurors agree, as the judge will instruct you.

Your findings on questions of fact are almost always final. Very seldom is a verdict set aside. Therefore, it is important that you listen carefully to the judge, witnesses and attorneys, deliberate calmly and fairly, and make the best decision you can.

The Responsibilities of Jurors

- Please be prompt. Lateness causes delay and inconvenience to the judge, attorneys, parties, witnesses, and other jurors.

- While serving as a juror, do not drink alcoholic beverages during trial breaks.

- If you have an emergency that occurs while you are serving on a case, call the jury manager in your county as soon as possible.

- Sit in the same seat in the jury box throughout the trial. This allows the judge, clerk, and attorneys to identify you.

- Avoid news media reports about the trial. If someone persists in talking to you about the case or attempts to influence your decision in any way, immediately report it to the judge. After the verdict, you are no longer bound by this restriction, though you need not discuss the case unless you want to.

- While deciding a case, use all of the experience, common sense, and knowledge you possess, but do not consider any source of information outside of the trial. In rare cases, you may be *sequestered* during trial or deliberations so jurors are not influenced by media or other information. Generally, however, you will continue your normal activities outside of court.

- In the courtroom, your attention is critical. Follow courtroom rules, which include no hats, food, beverages, gum chewing, or reading newspapers, books, or magazines. Cell phones and pagers are prohibited.

- Pay careful attention to each question and answer. If you cannot hear a witness, attorney, or the judge, tell the judge by raising your hand.

- While you are serving on a case, do not talk to anyone about the case – not even another juror. Avoid any discussions with the attorneys, parties, or witnesses involved in the case.

Glossary

Action, Case, Cause, Suit, Lawsuit: A legal dispute brought to court to be resolved.

Acquittal: The finding of not guilty.

Alternate jurors: Additional jurors who are chosen in order to avoid having to retry the case should one or more jurors be excused from the jury during the trial for an emergency (such as illness). Throughout the trial, all jurors will sit together and pay equal attention to all the evidence. After the closing argument and the judge's instructions to the jury, the judge may excuse the alternate jurors.

Answer: The defendant's formal written statement in a civil case that disputes the plaintiff's claim.

Bailiff: The person in the courtroom who maintains security and helps the judge and jury as necessary.

Burden of proof: A party's responsibility to prove a disputed fact.

Civil Case: Usually a case between individuals or organizations that seeks a civil remedy.

Clerk: The person in the courtroom who sits near the judge and keeps a record of all actions and papers filed. The clerk keeps the case's pleadings and records, orders made by the judge, and the verdict delivered at the end of the trial.

Closing arguments: Attorneys' speeches to the jury that sum up the case and try to convince jurors how the evidence proves his or her side of the case.

Glossary

Complaint: In a civil case, the document that explains why one party is suing the other party. In a criminal case, the complaint explains the criminal charges against the defendant.

Court reporter: The person who keeps an electronic record or stenographic notes of everything that takes place during the trial. If needed or requested, the reporter may transcribe the notes or recording into a written transcript of the trial for use during appeals or other instances. The reporter may also mark exhibits as they are submitted into evidence.

Criminal case: A case in which a defendant or defendants are charged with committing a crime. The charges are usually submitted by "The State of Minnesota". Criminal case juries must decide whether or not the prosecuting attorney proved the defendant is guilty beyond a reasonable doubt.

Cross-examination: The questions a lawyer asks the opposing party and his or her witnesses.

Defendant: A person who is sued in a civil case or accused of a crime in a criminal case.

Deposition: Witness testimony taken by a court reporter at a place other than the courtroom, which may later be read at trial.

Direct examination: The first questioning of a witness by the party on whose behalf he or she is called.

Evidence: Any proof legally presented at the trial by the parties and through witnesses, letters, or documents submitted to the court.

Glossary

Exhibit: Items such as weapons, photographs, books, letters, and documents that are submitted as evidence. Exhibits are often brought into the jury room while the jury deliberates.

Expert Witness: A witness who has special scientific or professional training or experience in connection with certain subjects in the case.

Foreperson: The person chosen by other jurors to oversee deliberations and make sure that all jurors can participate. The foreperson takes the verdict into court.

Grand jury: A panel of citizens who hear evidence against a person accused of a crime and determine whether that person should stand trial. A grand jury can also investigate various aspects of government at its own initiative, particularly charges of corruption or mismanagement.

Indictment: Charges brought forth by a grand jury.

Jury instructions: Instructions given by the judge to the jury about laws and other information the jury must consider while making its decision.

Leading question: A question that instructs the witness how to answer, puts words into the witness's mouth, or suggests a desired answer.

Motion: An attorney's oral or written request to the judge for an order, ruling, or direction.

Opening statement: An attorney's remarks given at the start of trial before introducing evidence. The opening statement explains the attorney's theory of the case to the jury.

Glossary

Overruled objection: In the judge's opinion, the attorney's objection is not valid under the rules of law. The ruling is not subject to question by jurors.

Parties: The plaintiff or prosecutor, and defendant in the case, sometimes called the "litigants".

Passed, Passed for cause: Expressions used by an attorney while examining possible jurors that mean the attorneys will not challenge the juror for cause.

Perjure: To knowingly and willfully give false testimony under oath.

Plaintiff, Petitioner: The person who initiates a civil lawsuit.

Probable cause: A belief, based on facts, that a crime has been committed, that a particular person has committed the crime, and that evidence related to the crime exists.

Rest: Parties "rest" their case when they have presented all of the evidence that they intend to present.

Sealed verdict: A verdict that is sealed in an envelope by the jury in order to bring it into court at a later date.

Sequester: To isolate a jury or a witness to avoid outside influence.

Sustained objection: In the judge's opinion, the attorney's objection is valid under the rules of law. The ruling is not subject to question by jurors.

Glossary

Subpoena: A document served upon a witness to compel his or her appearance in court or at a deposition.

Summons: An official notice to the defendant that a civil case has been filed against him or her and requiring a formal response. Also, the paper by which a person is called to jury service.

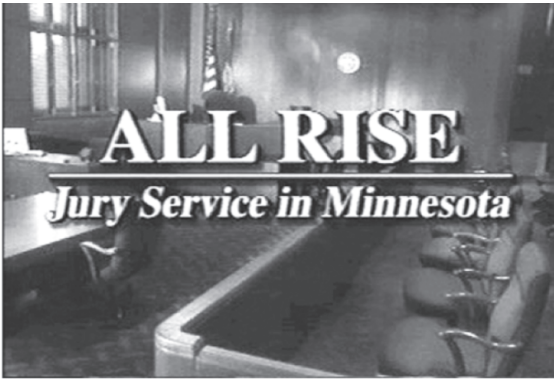
Term of service: The term during which a juror actually serves (or is required to be available to serve).

Testimony: Spoken statements that are taken from someone under oath and are submitted as evidence.

Verdict: The finding made by the jury on the issues submitted to it.

Voir dire (vwär dîr): ("To speak the truth") The question-and-answer process of jury selection.

Witness: A person who testifies under oath about what he or she has seen, heard, or otherwise observed.



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