

## The Jury System

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**Objective:**

- To more fully understand the duties of jury service as an active form of citizenship and the role of the jury in the trial process.

**Grade Level:** 7 - 12

**Activity Format:** Trivia game, classroom discussion.

**Materials:** None.



*Adapted from a lesson written by Minnesota teachers under the direction of the Minnesota Center for Community Legal Education and the State Court Information Office at the Minnesota Supreme Court.*

**So why are we here today?**

- *[Briefly introduce yourself and explain what you do.]*
- The judiciary is one-third of our government and is responsible for assuring justice in our society by resolving disputes peacefully. We balance the other two branches of government and protect people's rights and liberties under the Constitution and the law.
- The judicial branch is the only branch of government that keeps the control in the hands of the public through juries, whereas in other government branches, the power lies completely in the hands of elected officials.
- Today we're going to take a look at the jury system in Minnesota and how you, as citizens, can get involved.

**The right to a jury trial**

- The right to a jury trial is a fundamental right provided in the U.S. Constitution and binding on the states through the 14th Amendment.
- In the words of Sir William Blackstone, the eminent 18th century English legal scholar, the trial by jury is "the grand bulwark of our liberties . . .the most transcendent privilege which any subject can enjoy or wish for."
- [Article III, Section 2, clause 3 of the Constitution](#) provides that the "trial of all Crimes, except in Cases of Impeachment, shall be by Jury. . ."
- The Sixth Amendment reinforces this right by stating that "in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed. . ."
- In addition, the Seventh Amendment preserves the right of trial by jury in civil suits.
- The Minnesota Constitution ensures the same. Article I, Section 4 guarantees a jury trial in the state court system.
- The right of the defendant to fair legal process includes having his or her fate determined by "a jury of peers," meaning representative members of the community.
- However, this right is dependent on those citizens who participate in the process. Jury service provides citizens with one of the few opportunities to actively participate in the workings of their government.

**Qualifications for jury service in Minnesota courts**

- A person is qualified for jury service if he or she is 18 or older; if he or she is a citizen of the United States and a resident of Minnesota and the county in which the court is located. A person must also be able to read or speak English and be physically and mentally capable of rendering jury service.
- A person is ineligible for jury service if he or she has not completed sentence or parole after a felony conviction, has already served on a jury within the last four years, or is a judge. However, people cannot be excluded from jury service on the basis of race, national origin, gender, religious belief or income.
- Sometimes, an eligible juror may be excused from jury service by the judge or jury commissioner if their ability to perform jury duties is impaired or if performing such duties would be a continuing, extreme hardship to them. Jury service can more easily be deferred or postponed for reasonably short periods of time for reasons such as temporary

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health problems, vacation plans, employment conflicts, to arrange for child care, or pre-scheduled medical appointments.

### Selecting jurors

- Names of potential jurors are drawn at random from a jury source list compiled from voter registration, drivers license, and state identification lists. The jury source list is intended to represent a fair cross-section of the community.
- Citizens selected for jury service and qualified to serve form a jury panel. Several types of trial juries may be chosen from the jury panel.

### Types of juries

- Does anyone know how many types of juries you can serve on in Minnesota?
- There are actually several types of juries:
  - Grand Jury: may be called at the request of the county attorney for the purpose of issuing an indictment or formal charge in a limited number of cases (first degree murder, political cases). A grand jury has 16-23 jurors and 12 jurors must agree on finding an indictment. Grand jurors serve for a term of several months.
  - Petit Jury: is used in civil and criminal trials. A criminal jury will consist of 12 people if the sentence for the crime charged is more than one year of confinement (felony). A jury of six people will serve if the penalty is one year or less of confinement. All criminal cases require a unanimous jury decision in reaching a verdict.
  - Civil case jury: consists of six people. Verdicts in civil cases should be unanimous, except that a civil jury may return a verdict, after six hours of deliberation, with which five of the six jurors agree.

### Choosing a trial jury

- In Minnesota, we select jurors by a process called Voir Dire (pronounced vwar deer).
- The goal is to select a fair and impartial jury through the elimination of jurors who may be prejudiced. During voir dire examinations, jurors are questioned first by the judge, then by each attorney. If a juror is even distantly related to the complainant or the accused, has previously sued the defendant in an unrelated civil matter, has been otherwise connected with either party in some business transaction, or cannot be fair and impartial for other reasons, he or she may be challenged for bias or “*cause*.”
- In addition, the attorneys may exclude jurors they do not want, without having to show that the jurors are disqualified through cause. The attorney does this through a “*preemptory*” challenge. However, the number of preemptory challenges available to each attorney is limited.

### Role of the jury

- Once it is chosen, the jury has the responsibility of deciding the facts at issue in a trial.
  - For example, did Bill really drive through a red stoplight and cause the accident?

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- The jurors will listen to the lawyer's opening statements, direct and cross examination of witnesses, and the closing arguments of each side. They must listen and observe closely the testimony presented. After the judge instructs the jury about the law and the issues of fact to be reached, they leave the courtroom to consider the verdict.
- During deliberations jurors will consider, examine, and weigh all the evidence in the case with the sole power to decide disputed questions of fact and to put their conclusions in a verdict.
- In a criminal case, a jury might be *sequestered* or separated from the public over night and if the case is particularly sensational, the jury may be sequestered for the length of the trial. During a trial, jurors are not to talk to anyone about the case or listen to anyone else talk about the case outside of the courtroom.

### Play trivia game

- *[Divide the classroom in 2-3 groups, each with a team captain that is responsible for answering the question after checking in with his/her teammates.]*
- We're going to play a quick game of trivia about jury service in Minnesota. I'm going to ask a question of each team and you will have 30 seconds to come up with the right answer. I'll keep score on the board. Ready?
- *[Read 1 question to each team until the questions or time available runs out. Remember to leave time for discussion at the end of class. Keep score on the board, giving a point to the team if it gets the right answer. If the team answers incorrectly, you may give the opportunity to answer it to the first team captain that raises his/her hand. Share the correct answer with students. Alternate questions amongst the teams so each has an equal number of opportunities to earn points.]*

### Trivia game questions

- 1. How many people are on a jury panel to decide a serious criminal case?**
  - a. 12
- 2. What is it called when you are notified to show up for jury duty?**
  - a. Being Summoned.
- 3. Who may jury members discuss a case with while a trial is in progress?**
  - a. Nobody – not even each other.
- 4. True or False: If you will probably lose a lot of money by being absent from your job to sit on a jury, the court will excuse you from jury duty.**
  - a. False – the court may excuse you if you pose to lose an unusual amount of money. This is very rare.
- 5. What is the title for the leader of the jury?**
  - a. Jury Foreperson
- 6. True or False: If the jury agrees that the defendant broke a law, but they feel it is an unfair law, the jury is still expected to find the defendant guilty.**
  - a. True – people should expect laws to be enforced consistently. It is the Legislature's job to change unfair laws.

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7. **What percentage of jurors must agree on the verdict in a civil case?**
  - a. 100%. This is called a “true verdict.” If after 6 hours a true verdict cannot be reached, 5/6 of the jury members may return a “five-sixth verdict.” In criminal law, all 12 jurors must agree.
8. **True or False: Lawyers and judges prefer jury members who know little to nothing about the case going into the trial.**
  - a. True – if it is believed that a prospective jury member already has an opinion about the case, it would be an unfair trial and such people are excused from the jury. This is why it is very difficult to put together a jury for high profile cases that have had extensive news coverage.
9. **True or False: Lawyers may excuse prospective jurors from the panel for no reason at all.**
  - a. True – each side may excuse a limited number. These are called preemptory challenges.
10. **True or False: Jury members must remain silent during the trial.**
  - a. True – However, if a jury member cannot hear a witness, he/she should feel free to mention this to the judge.
11. **True or False: Jury members should feel free to inspect the scene of a crime on their own time when the court is in recess.**
  - a. False – juries should only tour a crime scene when ordered by the court. Jurors may cause a mistrial by touring on their own.
12. **Can lawyers and police officers be called to jury duty?**
  - a. Yes, but not judges.
13. **How old do you have to be to be called to jury duty?**
  - a. 18
14. **Are businesses required to provide paid leave to employees on jury duty?**
  - a. No, but many companies pay the difference between the salary and the jury stipend.
15. **True or False: Jury members should not play cards or read magazines while any discussion of the case is going on.**
  - a. True

### Options

- Discuss why a jury system is important and how it makes the legal process fair.
- Discuss the factors involved when a judge decides whether or not to sequester a jury. Include examples.
- Talk about other ways citizens can get involved in the judicial branch (voting for judges, participating in task forces, learning more about the judicial system).

### Q&A

- Invite students, teachers to visit the court system web site at [www.mncourts.gov](http://www.mncourts.gov).

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