

THE JURY SYSTEM

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.

[The Basics: Jury System in Minnesota](#)

[The Right to a Jury Trial](#)

[Qualifications for Jury Service](#)

[Jury Selection](#)

[Types of Juries](#)

[Choosing a Trial Jury](#)

[Role of the Jury](#)

[Miscellaneous](#)

[Teaching Strategy](#)

[Student Jury Questionnaire](#)

[Jury Questionnaire Answers](#)

[Resources](#)

THE BASICS: Jury System in Minnesota

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 Fourteenth 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. . .” The Seventh Amendment preserves the right of trial by jury in civil suits.

The [Minnesota Constitution](#), 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 years old or over; 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.

Persons cannot be excluded from jury service on the basis of race, national origin,

gender, religious belief or income.

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

Jury Selection

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

Citizens may serve on several types of juries in the Minnesota court system. A **Grand Jury** may be called at the request of the county attorney for the purpose of issuing an indictment or formal charge in 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.

A **Petit Jury** is used in civil and criminal trials. A criminal jury will consist of twelve persons if the sentence for the crime charged is more than one year of confinement (felony). A jury of six persons will serve if the penalty is one year or less of confinement. All criminal cases require a unanimous jury decision in reaching a verdict.

A jury in a civil case consists of six persons. 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

Voir Dire (pronounced vwar deer) refers to the jury selection process for a particular trial. 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 respective 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 "**peremptory**" challenge. However, the number of peremptory challenges available to each attorney is limited.

Role of the Jury

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? 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 as to the law and the issues of fact to be reached, they retire 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.

Miscellaneous Information

Petit Jury service will usually last for 10-15 court days unless it takes longer to complete a particular trial. Jurors are reimbursed for travel expenses and are paid a small daily rate.

TEACHING STRATEGY

1. Ask students to imagine that their parents have received a summons to report for jury service. What questions would they have about being on a jury? Brainstorm questions and list on board. Sample questions may include:
 - a. How are people selected for jury service? Who picks them? Why are large numbers of people called for jury service and some never actually hear a case? What types of juries are there? How many people actually sit on a trial jury? How are they selected?
 - b. What is the job of a juror? Do they get paid? Should a juror prepare? What do they actually do during a trial? How do they make their decisions?
 - c. Why is the jury system important? How does it make the legal process fair?
2. Ask students to answer the Jury Questionnaire to the best of their ability. After they have tried to answer the questions,
 - a. review the questions providing the correct answers and additional important information (see THE BASICS: The Jury System in Minnesota). Instruct students to complete the right hand column or
 - b. instruct students to conduct research on the web to find out the correct answers. Most counties have web pages that provide jury information. (See Hennepin County's jury service web page at www.co.hennepin.mn.us/courts/Jury/joadminplan.htm.)
3. Optional Activity: In small groups, have students create brochures or posters to share important information about jury service. Sample titles could include: "Ten Facts All Jurors Should Know," "Tips for Jurors," "Make the Most of Your Day in the Jury Box," or "Jury Service: Penalty or Privilege."

STUDENT JURY QUESTIONNAIRE

What do YOU think?	Correct Answer/Notes
1. How many people are on a jury panel to decide a serious criminal case?	
2. What is it called when you are notified to show up for jury duty?	
3. Who may jury members discuss a case with while a trial is in progress?	
4. What is the title for the leader of the jury?	
5. What percentage of jurors must agree on the verdict in a civil case?	
6. How much are jurors paid?	
7. Can lawyers and police officers be called to jury duty?	
8. How old do you have to be to be called to jury duty?	
9. Are businesses required to provide paid leave to employees on jury duty?	
10. What does “sequestering” the jury mean and when does it happen?	

For each of the following cases, circle True or False

What do YOU think?	Correct Answer/Notes
<p>A. 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.</p> <p style="text-align: right;">True False</p>	
<p>B. 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.</p> <p style="text-align: right;">True False</p>	
<p>C. Lawyers and judges prefer jury members who know little to nothing about the case going into the trial.</p> <p style="text-align: right;">True False</p>	
<p>D. Lawyers may excuse prospective jurors from the panel for no reason at all.</p> <p style="text-align: right;">True False</p>	
<p>E. Jury members must remain silent during the trial.</p> <p style="text-align: right;">True False</p>	
<p>F. Jury members should feel free to inspect the scene of a crime on their own time when the court is in recess.</p> <p style="text-align: right;">True False</p>	
<p>G. Jury members should not play cards or read magazines while any discussion of the case is going on.</p> <p style="text-align: right;">True False</p>	
<p>H. Higher courts rarely overturn jury verdicts.</p> <p style="text-align: right;">True False</p>	
<p>I. A person can get out of jury duty by demonstrating that it is against their religion.</p> <p style="text-align: right;">True False</p>	

JURY QUESTIONNAIRE ANSWERS

1. 12
 2. Being Summoned.
 3. Nobody – not even each other.
 4. Jury Foreperson
 5. 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.
 6. \$30 per day.
 7. Yes, but not judges.
 8. 18
 9. No, but many companies pay the difference between the salary and the jury stipend.
 10. Sequestering the jury means keeping the jury separated from people outside of the court system. The jury is sequestered during jury deliberations in a criminal trial and during the entire trial if it is a sensational case.
-
- A. False – the court may excuse you if you pose to lose an unusual amount of money. This is very rare.
 - B. True – people should expect laws to be enforced consistently. It is the legislature’s job to change unfair laws.
 - C. 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.
 - D. True – each side may excuse a limited number. These are called peremptory challenges.
 - E. True – However, if a jury member cannot hear a witness, she should feel free to mention this to the judge.
 - F. False – juries should only tour a crime scene when ordered by the court. Jurors may cause a mistrial by touring on their own.
 - G. True
 - H. True
 - I. False

RESOURCES

Rules of Civil Procedure for Minnesota District Courts.

Minnesota Rules of Criminal Procedure.

Fourth Judicial District Court Judicial Administration Plan

www.co.hennepin.mn.us/courts/Jury/joadminplan.htm

Additional lessons: Follow-up lessons include “[Voir Dire Process](#)” and “[You Decide: A Jury Simulation](#),” [Fairness and Freedom: Courts as a Forum for Justice](#), available from the Minnesota Center for Community Legal Education, www.ccle.fourh.umn.edu