

Welcome to jury service. Your help is needed to answer important questions of fact. The judge, attorneys, and parties need you to determine facts that are in dispute. We realize that your daily life is interrupted; we appreciate your help in this important process.

Most jurors find being a juror to be a positive experience—they have the opportunity to learn about our legal system and serve their community. The court staff will try to make you comfortable.

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## CIVIC RESPONSIBILITY

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Jury service is an important civic responsibility. You are directly involved in making the justice system work. Your effort helps preserve the right to a fair trial by a jury comprised of fellow citizens.

These rights were not easily achieved, nor kept without conflict. The right of jury trial was firmly established and carefully preserved in the Constitutions of the United States and Ohio.

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## JUROR'S OATH

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As a prospective juror, you will be asked to take an oath—to swear or affirm to truthfully answer any questions about your qualifications to serve as a juror in a particular trial.

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## CIVIL CASE

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A civil case begins when the plaintiff files a written complaint with the court. In response, the defendant files a written answer. These papers are known as pleadings—they establish the issues in dispute. Pleadings are not evidence, but merely allegations of the parties.

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## CRIMINAL CASE

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A criminal case involves the State of Ohio (or a municipality) as plaintiff against the defendant. Representing the state, the prosecuting attorney alleges that a law has been broken. Since crimes are considered to be against society as a whole, the government is responsible for enforcement.

To obtain a guilty verdict, the prosecutor must prove every element of the alleged crime.

Jurors may not discuss or consider the subject of punishment. By law, if the defendant is found guilty, the judge must determine the appropriate punishment. (Only in death-penalty cases does the jury play any role in determining a defendant's sentence.)

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## TRIAL PROCESS

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### JURY SELECTION

The judge and attorneys for the parties will ask you questions. These questions are not designed to pry into your personal affairs, but to discover if you have any knowledge of the case, a preconceived opinion that you cannot put aside, or if you have had any experience that might cause you to identify yourself with one of the parties. The questions are necessary to assure the parties a fair and impartial jury. Although you are qualified to serve as a juror, something might disqualify you in a particular case.

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*Jury service is an important civic responsibility...*

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The attorney for each side may challenge a prospective juror for cause and also may peremptorily (without a specific cause) challenge a juror. These challenges do not reflect on your ability or honesty. It only suggests that a party feels something in your background or responses might make it difficult for you to decide in favor of that party.

### EVIDENCE

After jury selection and opening statements, the plaintiff presents evidence; then the defendant may present evidence. The plaintiff may then offer additional evidence to explain or refute the defendant's evidence. Most evidence is presented by the oral testimony of a witness under oath. Each attorney calls the witness and begins direct examination; then the opposing attorney proceeds with cross examination. Depending on the case, additional questions may also be asked. The judge exercises control over the questioning of witnesses and the presentation of evidence to ensure a fair trial.

Evidence consists of witness testimony, exhibits, facts agreed upon by counsel, and facts the court requires you to accept. It does not include pleadings, opening statements, attorneys' arguments, or testimony that has been stricken from the record.

The judge is responsible for admitting evidence into the trial for your consideration. You are responsible for deciding what is to be believed. Do not speculate as to why the judge sustained, explained, or overruled an objection; nor infer probable answers from suggestions made in questions left unanswered. In evaluating testimony, apply tests of truthfulness you apply in your daily life.

Witnesses need not be believed simply because they are under oath. You may believe or disbelieve all or any part of testimony given by any witness.

## INSTRUCTIONS

At the conclusion of the evidence and final arguments, the judge instructs the jury on the questions that it is to decide and the law to be applied to the evidence presented.

## VERDICT

The jury goes to a private jury room to deliberate—to decide the facts based on evidence presented and to apply the law as instructed by the judge. A fair verdict is of primary importance to both parties. In Ohio, civil cases require a vote of at least three-fourths of the jury to reach a verdict. The jury in a criminal trial must find a defendant “guilty” or “not guilty” by a unanimous vote.

As jurors, you determine the facts that are in dispute. Errors in law can be corrected by the trial judge, or by the court of appeals, but a jury’s error of fact may never be corrected. You have a serious responsibility.

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## JUROR’S CONDUCT

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While a case is being tried, you may not talk about it among yourselves, or with others, nor should you listen to outside conversations regarding the case. You may not read, view, or listen to any media reports on the subject of the case.

You may not mingle with lawyers or witnesses during a recess, nor accept such favors as a ride home from witnesses, parties, attorneys, or the judge. If any interested party speaks with you or other jurors, immediately report this communication to the judge.

You must not conduct any independent research about the case or the persons or corporations involved in the case. Also, you must not use the internet or any electronic devices to learn about or to communicate about a case while serving as a juror or potential juror.

You must decide the case only upon evidence received at the trial. All of the jurors will have received the evidence at the same time and in the same manner in open court; the parties and attorneys will have had the opportunity to hear and question the evidence; and a record will have been made of the evidence in case an appeal is taken. Fairness requires that the jurors follow the rules of conduct. A violation of the rules may require a new trial, which is expensive for all concerned, and may result in contempt charges or criminal prosecution of the people involved.

After the judge gives the final instructions, the jury goes to the jury room. The jurors will then discuss the issues. After a free exchange of ideas, you should not hesitate to change your original opinions should you feel convinced that another view is better. The foreperson directs the taking of ballots, the jurors sign any required written verdicts, and the verdict is announced in court at the conclusion of the trial.

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## JUROR COMPENSATION

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Jurors are compensated for their service. The fee that you receive pays little more than out-of-pocket expenses and does not reflect the value of the service you perform.

## CAUTION

This pamphlet is to help you understand your job as a juror. It is not intended to advise you about the law. This is the judge’s job, and the law can be different in each case. If you need help with a point of law, please ask the court.

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# JURY SERVICE

## A CITIZENS GUIDE

