

# HANDBOOK FOR JURORS

## ***TO THOSE WHO HAVE BEEN SUMMONED TO SERVE AS JURORS***

This booklet has been prepared by the Westmoreland Bar Association with the approval of the Judges of the Court of Common Pleas of Westmoreland County. Its purpose is to assist you as you perform your duties as a juror.

"Trial by jury is more than an instrument of justice. It is the lamp that shows that freedom lives."

- Lord Justice Devlin

"Jury service is one of the highest duties of citizenship, for by it the citizen participates in the administration of justice."

- Chief Justice Harlan F. Stone  
(1941-1946)

# TABLE OF CONTENTS

Trial by Jury ..... 1

You are the Jury ..... 2

Cases – Criminal or Civil..... 3

Selection of the Jury ..... 4

Trial Procedure ..... 5

Conduct of Jurors ..... 6

Common Legal Terms ..... 7

A Final Word ..... 8

The Juror’s Creed ..... 9

## **Trial by Jury**

You have been summoned as a juror. You will be performing a vital role in the American system of justice. The protection of our rights and liberties is achieved largely in the courtroom. You will become part of a common effort to put into practice the principles of our heritage of freedom.

This booklet will help you understand the procedure in the Courts of Westmoreland County and assist you in serving as a juror. You are not required to read this booklet, nor should you necessarily rely on it. It cannot be considered as a substitute for the instructions which will be given to you by the judge during the trial. However, reading this booklet will help you understand what occurs in the courtroom while you serve there.

You have enjoyed the privileges of citizenship and the protection of your liberties and property by our government. For a short time now, you are called to serve as a juror and participate in an important function of that government.

As jurors, you will be the sole judges of the facts in a case. The judge will instruct you on how the law applies to the facts presented to you. In many trials, there are conflicts of opinion and differences of facts which a jury is called upon to decide.

After all the evidence is presented to you, you will be asked to deliberate, without the benefit of judge or lawyers, to reach a decision and to render a verdict. For more than 800 years, our Anglo-American system of justice has relied on the collective judgment of twelve citizens chosen at random to decide the most serious questions in the greatest bulwark of our freedom.

Most trials are extremely interesting. As you participate with the judge, lawyers, and witnesses in the proceedings, you will have the gratifying knowledge that you have taken part in a real life drama.

Serve with pride in our democratic system of justice.

## **You are the Jury**

### **A. How you were selected**

The selection of jurors is prescribed by law. In Westmoreland County, prospective jurors are chosen at random by a computer. With this procedure, every qualified person has an equal chance to be a juror.

### **B. Location and Time**

All jurors should report promptly to the place to which they have been assigned at the time stated in the summons to jury duty. Thereafter, you will receive your instructions from the judge or a court officer concerning the time and place of reporting.

### **C. The Identification Badge**

You will be given an identification badge on which will be printed the word "JUROR." This badge should be worn at all times during your jury service whether or not you are in the courthouse. It should be worn on the outside clothing so that everyone who sees you will know that you are a juror. In this manner, persons who are not permitted to speak to you will be alerted that you are a juror.

### **D. Some facts to know**

Jurors are paid a fee set by law for their services. Although the financial return may seem small compared with today's wages, the great privilege of taking part in the administration of American justice far outweighs any inconvenience in that service.

You may spend some time waiting to be selected as a juror. Such time is not wasted. Your mere presence as a prospective juror in a civil case may help the Court in settling the case, thus avoiding the need of what might have been a long and costly trial. The lawyers know you are prepared to sit in judgment of the evidence to be presented and to render a verdict. The moments just before trial are often the best for the settlement of a case. In a great many instances, the lawyers will retire with the judge to his chambers. There, they will resolve certain factual or procedural matters that have prevented them from agreeing upon a settlement, with the result that a compromise is reached and no trial is required.

### **E. Your comfort and convenience**

Your comfort and convenience are important, and court personnel are interested in serving you. The judges, clerks, tipstaves, and other court aides will gladly help you in any way they can. Always feel free to ask the tipstaves and clerks for help.

## **Cases - Criminal or Civil**

Jurors are called upon to hear cases which normally fall into one of two classes - civil or criminal.

### **A. Civil Cases**

A civil case is usually between two or more persons who disagree over their rights and duties with respect to one another. Many types of cases fall into this category. For example, one case might involve personal injuries arising out of an automobile accident. Another case may be one person suing another for breach of contract and seeking money damages. The party bringing the action is called the plaintiff. The party being sued is called the defendant.

### **B. Criminal Cases**

In criminal cases, the action is brought in the name of the Commonwealth of Pennsylvania against a person charged with a violation of a criminal law.

Pennsylvania has enacted a criminal code which defines violations of its criminal laws and which provides punishment for one guilty of a violation. Thus, a crime, even though involving aggression against an individual (e.g., robbery), constitutes an offense against the state, or society as a whole. The state, then, has the responsibility of prosecuting the person who is alleged to have committed such an illegal act.

## **Selection of the Jury**

The method of selecting a jury from available jurors varies.

In criminal cases the jury is selected in various ways depending on the nature of the case being tried.

In civil cases, generally thirty -five to forty persons are called from the group of jurors assigned to the courtroom. They become the jury panel from which the trial jury is selected. As your name is called by the clerk, you will rise and proceed to the seat designated for you.

After the panel has been selected, the judge or one of the court clerks will state the names of the parties to the action, the names of their attorneys and will give a brief summary of the nature of the action. Thereafter, each juror will be questioned individually by the judge or a court clerk in the presence of the attorneys. The questions asked will vary depending on the nature of the trial.

After this, the panel is reduced to twelve jurors. This is done by allowing each attorney to exercise a certain number of peremptory challenges, usually four, to remove prospective jurors. The challenge of any juror is not a personal reflection on the juror, nor should the juror consider it as such. It is a procedure that must be followed, and certain jurors will be removed without any cause being given.

The remaining twelve jurors as finally selected become the trial jury in the case.

## Trial Procedure

Generally, a civil trial follows this procedure:

**1. Opening Address:** The Attorney for the plaintiff makes a statement to the jury which explains the plaintiff's position, what the plaintiff expects to prove, and the nature of his damages.

**2. Plaintiffs case:** Plaintiff presents his evidence by witnesses or documents. Witnesses are usually examined in the following manner:

**a. Direct examination:** Questioning of a witness by the party on whose behalf he is called.

**b. Cross-examination:** Questioning of a witness by parties other than the party who called him.

**3. Preliminary motions:** When plaintiff's case is closed defendant's attorney may make certain motions, which usually involve questions of law to be decided by the Court. If such motions are presented, the Court may excuse the jurors from the courtroom while the motions are being argued by counsel.

After the close of the plaintiff's case, the evidence on behalf of the defendant is usually presented. However, the defendant may elect not to offer any evidence other than that already presented, in which event the case will be submitted to the jury without further testimony. If defendant elects to produce further evidence, he generally follows the procedure below.

**4. Opening address for defendant:** Defendant's attorney then makes his opening address. Like the plaintiff's attorney, he will explain his position, the nature of his case, and what he expects to prove.

**5. Defendant's case:** Defendant calls witnesses or offers exhibits on his behalf, and the procedure of questioning is the same as that of the Plaintiff's case. After defendant has presented his evidence, he "rests," or closes, his case. After this, plaintiff may produce rebuttal evidence.

**6. Closing address by counsel:** After all parties have "rested" their cases, counsel for each side will make his closing address. Generally, counsel for the plaintiff speaks last.

**7. Charge by the court:** After the closing addresses, the judge will instruct the jury on the law applicable to the case.

**8. Deliberations of the jury:** After the judge has completed his instructions, the jury will retire from the courtroom and commence its deliberations. The jury will select a foreman. During the deliberations and until the jury has been discharged, the jury members are not permitted to communicate with anyone except with the tipstave's, who will relay inquiries, if any, to the judge on behalf of the jury. Once the jury has reached its decision by a five-sixths vote, the jury returns to the courtroom to announce its verdict.

**9. Electronic Devices** with communication capabilities while and trial and during

jury deliberations are prohibited. Jurors are prohibited from using electronic devices to obtain information about the case on which the juror is serving.

## **Conduct of Jurors**

**It is important that the jury be at all times fair and impartial. In order to avoid even the slightest criticism, you should observe the following rules of conduct:**

1. Always be on time.
2. Listen to every question and answer. Since you must base your verdict on the evidence in court, you should hear every question asked and the answer given.
3. Do not discuss the case with anyone, including the lawyers, witnesses, plaintiffs and defendants. While you are a juror, you should not talk to anyone about the case nor permit anyone to talk to you about it. If any person insists on talking to you about it, or attempts to influence you as a juror, you should report that fact to the judge immediately. When you have been released as a juror in a specific case, you need not discuss the case with anyone.
4. Lawyers are not permitted to talk to jurors. If a lawyer you know does not speak to you, do not be offended.
5. Do not engage in any conduct that will distract attention. Reading matter, such as books or newspapers, is not permitted in the jury box. You are not permitted to take any notes during the trial.
6. Since the only evidence you can consider is that presented in court, you are not allowed to make an independent investigation or visit any of the places involved in the case, the judge will so order and the jurors as a group will go to the scene.
7. Control your emotions. You should not indicate by exclamation, facial contortion, or any other expression, how any evidence or any incident of the trial affects you.
8. Do not consider out-of-court sources. Avoid reading newspaper accounts of the trial and do not listen to radio or television reports of the litigation. The jury's verdict must be based on nothing else but the evidence before the Court.
9. Electronic devices with communication capabilities while at trial and during jury deliberation are prohibited. Jurors are prohibited from using electronic devices to obtain information about the case on which the juror is serving.

## Common Legal Terms

The following general definitions will make it easier for you to understand some of the legal words and phrases which are frequently used during the course of a trial.

Plaintiff	The party who started the lawsuit.
Defendant	The party against whom the suit is started.
Additional Defendant	The party who is added to the suit by the original defendant or defendants.
Indictment	The formal charge or accusation by the Grand Jury charging someone with a crime.
Action, Case, Suit, Lawsuit	These words have the same meaning. They all refer to a legal dispute brought into court for trial.
Complaint	A written statement setting forth the plaintiff's claim against the defendant.
Answer	The defendant's written reply to the claim made by the plaintiff.
Counterclaim	A claim made by a defendant against the plaintiff.
Deposition	Sworn testimony of a witness or party taken out of court.
Exception	Occasionally, after the judge has made a ruling, a lawyer will say "exception." This is a legal phrase which has nothing to do with the duties of the jury and should be disregarded by you. Its purpose is to preserve the point for further consideration and review by a higher court at a later date, if necessary.
Exhibit	A paper, document or object offered as proof of certain facts. After being marked for identification, it may be offered in evidence.
Hearsay	Testimony based on a statement made by a person who, at the time of making the statement, was not under oath nor subject to cross-examination. Normally, hearsay is not permitted.
Motion	A formal request made to the court by an attorney.
Objection	A term used by lawyers to object to certain questions, evidence, or other proceedings. When made, the trial judge generally will either sustain or overrule the objection or reserve his decision.
Parties	The plaintiff and defendant in the case - also called the "Litigants."
Pleadings	The papers filed on behalf of the parties in a particular lawsuit.
Side bar conference	A conference held by counsel and the judge out of the hearing of the jury. Jurors should never be disturbed about side bar conferences. Often they concern procedures for shortening the trial.
Stipulation	Frequently counsel for the parties agree on certain facts or issues which need not therefore be proved. So that the record may be complete, a stipulation or written agreement is filed or an oral stipulation is dictated to the court reporter.
Traverse Jury	A trial Jury; a jury impaneled to sit on the trial of an action.
Tipstaff	An officer of the court who is in charge of the jurors in the courtroom.

## **A Final Word**

During your service as jurors you will hear a considerable amount of technical language. However, there is nothing you will be asked to do that you cannot do if you listen attentively with an open mind and carefully consider the evidence offered, subject to the law as outlined to you by the judge.

Finally, your willingness to serve as a juror will contribute to the continuance and proper functioning of this vital part of our form of government. It will be a worthwhile experience to you personally; an experience you will never forget.

President Judge Richard E. McCormick, Jr.  
Civil/Orphans' Court

Judge Rita D. Hathaway  
Criminal Court

Judge Anthony G. Marsili  
Civil/Orphans' Court

Judge Christopher A. Feliciani  
Criminal Court

Judge Michele G. Bononi  
Family/Juvenile Court

Judge Chris F. Scherer  
Civil/Orphans' Court

Judge Meagan Bilik-DeFazio  
Criminal Court

Judge Scott O. Mears, Jr.  
Family/Juvenile Court

Judge Harry F. Smail, Jr.  
Family/Dependency Court

Judge Timothy A. Krieger  
Family/Dependency Court

## ***The Juror's Creed***

*(Adopted by the Pennsylvania Bar Association)*

I am a juror; I accept the position not only as an honor but as my solemn duty.

I will remember the men who died to give us, and retain for us, the right of trial by jury, and I will reflect upon the fate of those people whose government gives them no such right.

I will act with the realization that the success of the jury system depends upon the willingness of men and women of integrity and intelligence to accept jury service, and upon the fidelity with which they discharge that responsibility.

I will respect the judge's education, training, and experience.

I will listen attentively to all the evidence, the arguments of counsel, and the judge's instructions, and will thoughtfully and impartially weigh the issues.

During the trial I will not discuss the case with others nor permit others to discuss it with me; neither will I read about it in the newspapers, or listen to broadcasts about it.

While hearing a case I will keep an open mind until the case is finally submitted to the jury.

I will observe legal procedure not as red tape, but as a device developed through thousands of years for the protection of the people.

I will consider all the evidence full and fairly, uninfluenced by friendship, sympathy, bias or prejudice.

I will work with my fellow jurors in a spirit of tolerance and understanding and will endeavor to bring the deliberation of the whole jury to a true and honest verdict.