

## 101.02

**HANDBOOK FOR JURORS****I. The Importance of Jury Service**

Jury service is a serious obligation of all qualified citizens, and is a vital part of our American system of justice. By carrying out their task well and faithfully, jurors help resolve controversies, enforce our laws, and preserve the legal rights of our citizens.

**II. Excuses From Jury Duty**

Excuses from jury duty should be sought only for reasons of compelling personal hardship or because requiring jury service would be contrary to the public health, safety or welfare. Although jury service can be inconvenient or financially burdensome, experience has shown that most jurors feel that any such inconvenience or personal expense is far outweighed by the value and importance of jury service to the community at large. If you believe that you cannot or should not be required to serve as a juror in this case, you will have the opportunity to state your reasons to the judge.

**III. Composition of Jury Panel**

Parties have the right to juries selected from a fair cross section of the county in which the court convenes. As such, prospective jurors are selected at random from county voter registration records or lists of licensed drivers or persons holding state-issued identification cards who reside in the county, and/or census records.

**IV. Civil and Criminal Cases**

In civil cases, parties generally claim that their person or property has been injured or damaged by the wrongful act of another. Money is normally sought as compensation for the claimed injury. Parties in civil cases may also seek a court order establishing or enforcing contractual or other legal rights or obligations. Examples of civil cases would be motor vehicle accident cases or real estate contract disputes. The person bringing the suit is the plaintiff, and the party being sued is the defendant.

Criminal cases are those in which the plaintiff is generally the State of Kansas and is represented by the prosecuting attorney who starts the case by filing a complaint alleging that the defendant has violated the law in

some respect. The defendant is presumed to be innocent of all charges. The prosecutor must establish the defendant's guilt by proof beyond a reasonable doubt. The defendant is not required to present evidence.

## V. Role of the Attorneys, Judge, and Jury

Attorneys have the obligation to represent their clients in a competent and professional manner. They present evidence to support the claims of their clients. They may challenge or question the evidence presented by other parties to the lawsuit. At times they will object to certain evidence offered by the other parties if they believe that such evidence should not be admitted.

The judge has the duty to decide what evidence may be received and considered by the jury; to control the progress of the trial; to rule on all questions of law; and to instruct the jury on the law that applies to a given case.

The jury has the duty to listen closely to all of the evidence presented by any party; to determine from that evidence what the facts of the case are; to apply those facts to the law as instructed by the judge; and thus to arrive at a verdict in the case.

At times during the trial the judge and attorneys may discuss matters at the bench or otherwise outside your view or hearing. These conferences are necessary for various reasons, such as to resolve issues concerning the admissibility of certain evidence. Judges try to keep these conferences as few and brief as possible.

## VI. Jury Selection Process

On the first day of trial, prospective jurors are given an oath to honestly answer questions concerning their qualifications to sit as jurors in the case. This questioning process is called *voir dire*, a French term meaning "to speak the truth." The questioning is done by the judge or by the attorneys, and sometimes both, and is intended to determine if prospective jurors have any personal interest in or knowledge of the case; whether they are related to or personally acquainted with the parties or their attorneys; or whether they, for whatever reason, have a personal feeling or bias that would make it difficult for them to be fair and impartial to both sides of the case.

During the questioning of prospective jurors, a person may be challenged for cause if it is shown that he or she would not be an appropriate juror for the particular case. The judge will excuse the person from the panel if the cause given is deemed sufficient. Once the questioning of prospective jurors is complete, the parties will then exercise a certain number of challenges for which no cause is necessary. These are known as peremptory challenges. The

peremptory challenge is a legal right long recognized as a means of giving both sides some choice in the make-up of the jury. Jurors should understand that being removed from the jury panel for cause or by a peremptory challenge is no reflection upon their ability or integrity.

The judge may also decide to select one or more alternate jurors to serve in the place of regular jurors who become unable to fulfill their duties at some point during the trial. Alternate jurors may be selected at the same time the regular jurors are selected, or after the regular jury has been selected. Alternate jurors are selected in the same manner, and have the same qualifications and duties as regular jurors.

## VII. Stages of the Trial

- A. **Opening Statement.** Once the jury has been selected, the attorneys are entitled to make opening statements outlining what they believe the evidence in the case will be. These statements are intended to help the jury in following and understanding the evidence as it is presented.
- B. **Presentation of Evidence.** Following opening statements, the parties then present the testimony of witnesses and other forms of evidence in an effort to prove their claims in the lawsuit, or in an effort to disprove the claims of the other party. Defendants are not required to present evidence.
- C. **Instructions By the Judge.** Once the parties have presented all of their evidence, the judge will then prepare and read to the jury a set of instructions outlining the law that applies to the particular case. The jurors will take these instructions with them to the jury room to serve as their guide in the deliberation process.
- D. **Final Arguments.** Following the reading of the jury instructions by the judge, the attorneys are then entitled to make final arguments in which they state what they believe the evidence has been and how the evidence should be viewed and applied in light of the judge's instructions.
- E. **Deliberation and Verdict.** The jury will first select one of its members as presiding juror to sign the verdict form and to speak for the jury in open court. In a criminal case, the jury's verdict as to any crime charged must be unanimous, that is, all jurors must agree upon the verdict. In a civil case, the agreement of 10 out of 12 jurors is sufficient.

### **VIII. Courtroom Etiquette**

The courtroom is a place where all persons should conduct themselves with dignity, courtesy and proper respect for the court and everyone present. Noisy or disruptive conduct is not allowed. The clothing worn by jurors may be casual but should be appropriate for the serious business of the court. Hats and caps should be removed upon entering the courtroom. If cellular phones are allowed in the courthouse, they must be turned off at all times in the courtroom. Newspapers, magazines, books, etc. should be put away. Quiet and close attention to the proceedings at hand is the order of the day.

### **IX. Conduct of the Jury During Trial**

Each juror must pay close attention to the testimony and keep an open mind throughout the trial. Jurors can and should use the knowledge they possess in common with persons in general. Jurors are encouraged to use their common sense.

Until all of the evidence has been presented and the final instructions given by the judge, jurors must not discuss the case among themselves or with anyone else, including anyone outside the courthouse. If anyone attempts to talk with a juror about the case, the juror should tell this person that such conversation is not proper and should cease. The juror should also report the matter to the bailiff at the earliest opportunity.

Jurors must receive all of their information about the case from the trial itself, and must not rely on any other source of information. Jurors must not search for, read or listen to any information from the internet relating in any way to the case. Jurors must avoid listening to, reading or viewing any media coverage of the case. If during the trial a juror learns some information about the case outside the trial, the juror should inform the judge. He or she must not mention any such information to other jurors. Jurors must never inspect the scene where the events occurred. If such an inspection is necessary, the judge will have the jurors go as a group to the scene.

Once the case has been submitted to the jury for deliberation of a verdict, jurors should freely exchange their views and should give proper consideration to the views of other jurors. No juror is required to abandon any opinion which the juror believes is correct, but jurors should be willing to change their opinion if they become convinced by other jurors that such opinion is not correct.

## **X. Accommodating the Needs and Concerns of Jurors**

**Understanding that jury service can at times be a burden, the judge and staff will make every effort to minimize any inconveniences. Depending on the particular county in which the case is handled, information regarding parking, dining establishments, cellular phone use, disability accommodations, etc. may be separately provided. Although some cases are shorter in duration and some can be much longer, the average jury trial takes 2-3 days. Except in very rare instances, you will be allowed to return home each evening.**

**During the trial, if you cannot hear the proceeding, or need to take a restroom break, just raise your hand and let the judge know. If you have other concerns regarding your comfort or convenience or that of other jurors, do not hesitate to express that concern to the bailiff during a break in the proceedings.**