

PREPARATION FOR JURY DUTY

State of Kansas



14th Judicial District

Montgomery and Chautauqua Counties

Independence – 620-330-1070

Coffeyville – 620-251-1060

Sedan – 620-725-5870

INTRODUCTION

This information has been developed to introduce jury service to those summoned to jury duty for the first time and to refresh the memories of those who have had past experience as petit jurors.

The members of the jury are a part of the Court itself. Their work is just as important as that of the judge who presides at the trial. It is necessary that the jury and judge cooperate in a common effort to assure that justice is accomplished.

The chief requirements for the rendition of satisfactory jury work are common sense, sound judgment, integrity, and impartiality on the part of each juror.

In a criminal case, it is necessary that persons charged with a crime be fairly and justly tried, that the public safety and welfare be protected, and that private rights and liberties be safeguarded. It is the business of every citizen to make sure that this is done and it is a duty which the people must do for themselves if life, liberty, and property are to be kept secure.

In civil cases which involve the personal and property rights of litigants, it is the function of jurors to make sure that these rights, whatever they may be under the law, are upheld and vindicated.

A juror's reward lies in the knowledge that he or she has performed a high duty of citizenship and has aided in the administration of justice.

DEFINITIONS

At the outset, you should be familiar with certain terms and procedures that are common in both civil and criminal cases.

DEFENDANT

The individual, corporation or partnership against whom a suit is brought in civil or criminal cases.

EXHIBIT

A document or object which may be admitted into evidence to prove or disprove an issue in dispute.

JURY INSTRUCTIONS

The statement by the trial judge to the jurors informing them of the law to be applied in each case.

OBJECTION

Cases are tried according to established rules concerning the evidence or testimony which may be considered by the jury and the statements which may be made by the attorneys. If one of the attorneys thinks the rules are not being observed, he may properly "object". The judge will then "sustain" the objection if he agrees that it is correct or "overrule" the objection if he does not.

PARTIES

The Plaintiff and the Defendant are the parties to the action. In a criminal case, the State is the plaintiff.

PLAINTIFF

The individual, partnership or corporation who institutes a lawsuit.

STATE'S ATTORNEY

The attorney elected by the people of this county to represent the State of Kansas in criminal actions.

WHAT TO EXPECT ON THE FIRST DAY

If this is the first time you have been called to serve, you will find there are well-trained court personnel to assist you and to answer any questions you may have concerning jury duty. You and other citizens called to serve have been notified to report directly to a courtroom.

Once you have assembled in the courtroom as a member of the jury panel, you are a prospective juror and may be questioned through a process known as voir dire (which means to speak the truth) to determine your qualifications to sit as a juror on an individual case. This process is usually conducted by the judge.

The questions to the jurors, either individually or collectively, are designed to assess the juror's ability to fairly evaluate the case. For example, a juror might be excused if he or she is a relative or close friend of either party or attorney involved in the case and this relationship would hinder his or her ability to reach a decision based solely on the evidence. Similarly, if certain jurors have heard something about the case through outside sources such as newspapers or television to the point where rendering a fair and impartial determination would be impossible, those jurors would probably be excused from sitting on that case.

The process for selecting jurors differs slightly depending upon whether the case is civil or criminal. In a civil case, usually the attorneys will merely strike a certain number of names from the list of jurors and the remaining twelve will enter the jury box as the jury. In a criminal case, the State and the defendant each have a certain number of what are called peremptory challenges where a juror is excused and no reason need be stated. The jurors may be asked to stand or step forward to be identified before they are accepted or challenged. Such challenges are exercised according to the judgment of the parties.

A juror should always remember that the process of selecting a jury panel in a criminal or civil case involves legal strategy on the part of the attorneys. One should never feel there is any implication of unfitness or discourtesy directed toward a juror if stricken, challenged or excused.

In both civil and criminal cases, the jury panel will designate the foreperson of the jury.

If the case is expected to be a lengthy one, one or more alternate jurors may sit with the jury during the trial. An alternate may become a jury member if one of the regular jurors becomes sick or is otherwise unable to continue as a juror during the trial of a case.

THE JUROR'S OBLIGATION

When the jury has been selected and seated in the jury box, the clerk will state:

"Members of the jury, stand and raise your right hands." The jurors then rise; each holds up his right hand. The clerk will administer the oath substantially in the following form:

"Do you and each of you solemnly swear that you will well and truly answer all questions propounded to you, or you solemnly and sincerely affirm and declare that you will well and truly answer all questions propounded to you, by the court or by counsel, touching upon your qualifications to sit as jurors in this case, so help you God-or, that you do this under the pains and penalties of perjury?"

This is a solemn pledge by the jurors that means they will hear and consider carefully all the evidence and will weigh the case intelligently and impartially. It also means that they will put out of their minds all sympathy and prejudice and will consider only the law and evidence. Finally, it means they will render a true verdict according to the law and the evidence - that is, a just and righteous judgment.

When the oath has been taken in either a civil or criminal case, the jury no longer consists of twelve ordinary citizens; they are now an important part of the Court itself.

TRIAL PROCEDURE

Ordinarily the trial procedure does not vary between civil cases and criminal cases. In each case, the attorneys representing the parties will make what are known as "opening statements" to the jury. These opening statements are not to be considered by you as evidence in the case. The opening statements represent the contentions of the parties and are intended to give you a brief outline of the evidence to be presented by each party and the nature of the charges, damages, claims and defenses.

Following the opening statements by the attorneys, the State's attorney in a criminal case presents his evidence in the case by witnesses, documents, or exhibits. The initial questioning of the State's witnesses is by the State's attorney and is known as direct examination. After the direct examination is concluded, the attorney representing the defendant may examine each witness of the State to bring out additional information or to test the knowledge or credibility of the witness. This examination is known as cross-examination.

After the State has presented its case, it will "rest".

This procedure is also followed in civil cases with the plaintiff's attorney presenting the plaintiff's case.

When the plaintiff "rests" in a civil case and the State "rests" in a criminal case, questions of law may be presented to the trial judge for consideration. The questions of law are solely for the Court, and the jury is excused from the courtroom during this time. The jury is excused because the arguments of the attorneys and the statements of the Court involve questions of law and have no relation to the jury's function of deciding the questions of fact.

After consideration of the matters of law by the trial judge, the attorneys representing the defendant in civil and criminal cases have an opportunity to present evidence in the case. In some

cases, the defense may elect not to offer any evidence, in which event the case will be submitted to the jury on the evidence offered on behalf of the plaintiff or the State.

If evidence is presented by the defense, the manner in which it will be presented is the same procedure as followed in the plaintiff's case or the State's case and the evidence is brought out by direct and cross-examination of witnesses by the attorneys for the parties.

After the defendant "rests", the plaintiff in a civil case and the State in a criminal case may introduce evidence which they believe tends to disprove any new matter that has been introduced by the case of the defense.

Following the submission of all the evidence, the attorney for each party presents a "closing argument". In the argument, the attorney advocates the position of the party represented as it relates to the evidence in the case and the instructions of the Court. It is important to point out that the argument of the attorney is not evidence (just as the opening statement was not evidence).

JUDGE'S INSTRUCTIONS TO THE JURY

After the completion of testimony and either before or at the conclusion of the closing arguments, the judge will instruct jurors on the law applicable to the case. The judge will review the points of law that pertain to the issues in the case and explain the procedures in reaching a verdict. It is the function of the jury to consider only the facts presented at the trial.

DELIBERATION

Once the judge has given the instructions and closing arguments have been made, the jury will retire to the jury room. The foreperson will preside over the deliberations and present the verdict to the Court. In reaching the verdict, jurors must make sure they listen to one another with an open mind. All jurors should have the opportunity to express their opinions and ideas on the case.

If there is any doubt about what the judge said in the charge, or any matter of law, the foreperson may send the questions in note form to the judge. The jury can be brought back into the courtroom and have testimony reread, if necessary.

The verdict must be unanimous and so you must make every reasonable effort to agree. During deliberation, all jurors should freely exchange their views. You must keep an open mind and should not hesitate to change your opinion if it is shown to be wrong by the other jurors. No juror, however, is required to give up an opinion which he or she is convinced is correct. Once a verdict has been reached, the foreperson is to notify the bailiff at the door.

DELAY

Even though the Court makes every effort to avoid delays, they do occur. Delay might be due to conferences at the bench or in the judge's chambers between the judge and lawyers to discuss legal questions they feel might confuse or wrongly influence members of the jury. Discussing possible last-minute settlement agreements, the judge having to dispose of emergency matters in other cases, or illness of a witness are other causes for delay. If a delay occurs, you may be assured there is a valid reason for it and the judge is aware that you are waiting.

CONDUCT OF JURORS

As a juror, you are in a position of responsibility and you should be fair and impartial at all times.

You should observe the following rules and procedures:

- Do not talk to parties to the lawsuit or to their attorneys or to any witness in the case.
- Never discuss the case you are trying with anyone not on the same jury; and do not even discuss it with fellow jurors until you have heard all the evidence, the arguments of counsel, and received the instructions of the Court.
- Address all communications to the trial judge, directly to him or through the bailiff in the courtroom.
- Promptly report to the trial judge of an attempt by any person to approach you with regard to the case.
- Do not make any independent investigation about the facts of the case such as visiting the scene of the accident.
- Avoid listening to or reading news media coverage of the case.

You are asked to use discretion about your attire. Jurors are expected to be neat and properly dressed.

THE IMPORTANCE OF YOUR SERVICE

Trial by jury is the foundation of the American judicial system. In a civil case, it is the duty of a jury to decide issues of fact in disputes over matters such as property rights, contract rights and damages for personal injury. In a criminal case, it is the individuals who serve on juries that the parties rely upon for the protection of life, liberty and property. The performance of jury service is the fulfillment of a civic obligation. Our system of justice will not work without your participation.

CANCELLATION

Sometimes jury trials are resolved or cancelled after you have received your summons for jury duty. Please know that the court takes every measure possible to avoid last minute resolutions or cancellations, but unfortunately this can still occur. Please call 620-330-0559 to confirm a Montgomery County jury trial you were summoned for has not been resolved by the parties. If you are calling regarding a Chautauqua County trial, please call 620-725-5871 to see if the trial has been resolved ahead of time.