

Champaign County Municipal Court
Judge Honorable Susan J. Fornof-Lippencott

Guide for Trial Jurors

WELCOME

Welcome to Jury Service. The Judge, attorneys, and clients need your fair determination of facts which are in dispute in the trial that you may be hearing today. Our Court staff will try to make you comfortable. You may find that the work is difficult and possibly not as exciting as you might expect. We realize that your daily life is interrupted; however, we appreciate your coming to assist us.

In an effort to make your jury experience more meaningful to you as a juror, we try to answer any questions that you may have concerning your jury service. The Court appreciates your efforts to be here today.

IMPORTANCE

Jury service is an important responsibility. It is also a privilege which has been earned over a period of time and must be carefully used and preserved. Each juror has a direct hand in making our justice system work. Daily news reports from the Middle East, Asia, and Africa show that citizens are being unfairly deprived of freedom and property. Your effort helps our American system preserve the right to a fair trial and the guarantee of a jury comprised of fellow citizens – a jury of one’s peers.

THE CIVIL LAWSUIT

Pleadings: A suit is commenced when the Plaintiff files a **complaint** with the court, and in response, the Defendant files an **answer**. The papers are known as pleadings. These papers establish the issues to be tried. Pleadings are not evidence. They are merely contentions of the parties.

Jury Selection: The Court and counsel for both parties will ask you questions. These questions are intended to discover if you have any prior knowledge of the case, a private opinion which cannot be set aside, or a personal experience or relationship which could make you take sides with either party. The questions are intended to ensure impartial jurors. Although you are qualified to serve as jurors, something might disqualify you in a particular case. The attorney for each side may challenge any prospective juror either for cause or without an apparent reason. This second type of challenge is called a peremptory challenge. Should you be challenged, the Judge will decide whether or not you will be excused from service on the jury. However, by no means does this reflect on your ability or honesty. It only suggests that an attorney feels something in your personal background might make it difficult for you to decide in favor of his or her client.

Presentation of Evidence: After statements of contentions by both sides, the Plaintiff presents evidence to support his or her position, followed by the Defendant. The Plaintiff may then offer additional evidence to explain or refute the Defendant's evidence. Most evidence is presented by oral testimony of witnesses who testify under oath. The attorney calling the witness first proceeds with direct examination, then the opposing attorney proceeds with cross examination. After cross examination, the first attorney may ask additional questions on redirect examination.

When a witness will not be available at the time of the trial, oral testimony taken prior to the trial can be admitted by "reading into the record" by attorneys or by showing to the jury on video tape playback.

The Charge: At the conclusion of the evidence and final arguments, the Judge will charge (instruct) the jurors as to any questions which they are to decide and the law to be applied to the evidence and testimony presented.

The Verdict: The jury then returns to the jury room to decide the facts based on the evidence and testimony presented. Any other questions involved are determined by applying 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.

As a juror, you are responsible for the correct determination of the facts which are in dispute. Errors in law can be corrected by the Trial Judge or by the Appeals Court, but a jury's error of fact can never be corrected. Therefore, you can see that a serious responsibility has been placed upon you.

CRIMINAL/TRAFFIC PROCEEDINGS

The State as a Party: A criminal or traffic case involves the state (or municipality) as the Plaintiff against the Defendant. Representing the State, The Prosecuting Attorney contends that the law has been broken. The Defendant contends that the State cannot prove the Defendant guilty of the offense charged, or that there was legal justification for his or her actions at the time.

Crimes are identified in the Ohio Revised Code or in local ordinances. Punishment is provided for the guilty. Since crimes are considered to be against society as a whole, the Government is responsible for enforcement.

Every element of an alleged crime must be proven by the Prosecutor. A plea of "not guilty" denies all the material allegations which are listed in the complaint. Unlike civil trials in Ohio, the jury must find a Defendant in a criminal trial "guilty: or "not guilty" by a unanimous vote.

SELECTION OF JURORS

The selection of jurors is by chance, although any voter is eligible. Some persons may be asked to serve several times, some may never be called.

The normal fee which you will be paid will reimburse little more than your out-of-pocket expenses; it does not pretend to reflect the value of the service you are asked to perform.

THE JUROR'S OATH

Jury candidates will be asked to stand and to swear to answer truthfully any questions about their qualifications to serve at a particular trial. Persons whose religious beliefs forbid this will be permitted to "affirm" willingness to perform required duties.

WEIGHING THE EVIDENCE

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

The Judge is responsible for admitting evidence into the trial for your consideration. As jurors, you are responsible for deciding what is to be believed. You should not speculate as to why the Judge sustained an objection, nor should you infer probable answers from suggestions made in questions left unanswered. In evaluating what testimony is worthy of belief, you may apply tests to truthfulness you would apply in your daily life.

A witness need not be believed simply because he or she is under oath. You may believe or disbelieve all or any part of testimony given by any witness.

JUROR'S CONDUCT

While a case is being tried, jurors may not talk about the case among themselves or with others, nor should they listen to outside conversations regarding the case. They may not mingle with attorneys or witnesses during a recess, nor may they accept such favors as a ride home from witnesses, parties, or counsel. Should a juror be approached by any interested party, this communications should be reported immediately to the Judge. Each juror must retain his or her impartiality.

After the final arguments, and instructions from the Judge, the jury returns to the jury room. The first task is the selection of a foreperson to conduct proceedings. Discussion should be in an orderly fashion, with issues well understood and fairly discussed. Each juror should contribute his or her own views to every question. After a free exchange of ideas, jurors should not hesitate to change their original opinions should they feel convinced that another view is better. The foreperson directs the taking of ballots, is responsible for the evidence, and delivers the final verdict to the court at the conclusion of the trial.

CAUTION: This pamphlet is made available 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. Should you need help with a point of law, please ask the court.

LEGAL TERMS AND DEFINITIONS

The following definitions will make it easier for you to understand these common legal words and phrases which will occur frequently during the course of the trial:

Action, Case, Suit, Lawsuit: These words refer to a legal dispute into Court for a hearing or trial.

Answer: A pleading filed by the Defendant before the trial in a civil case which the Defendant answers or denies the claims of the Plaintiff.

Argument: After all the evidence on both sides of a lawsuit has been presented, the attorneys are permitted to tell the jury what they think the evidence proves and why they think their side should win. This is usually called an “argument” or “summing up”. It is not evidence.

Cause of Action: The legal grounds on which a party to a lawsuit relies to get a verdict against his opponent.

Complaint: The first pleading in a civil case stating facts and demanding relief.

Counterclaim: A “counterclaim” results when the Defendant, in his answer to the complaint, claims that he or she is entitled to damages or other relief from the Plaintiff.

Cross Examination: The questions which an attorney puts to the party or a witness on the opposing side. This is designed to test whether the witness is telling the truth.

Deliberations: The discussions of the jury which occur after the Judge has instructed the jury to retire to the jury room and consider the verdict.

Deposition: If a party to a lawsuit or a witness cannot be in court because of illness or other inability, his or her testimony may be written out in question-and-answer form just as it would have been given in court. This testimony, called a deposition, is then read at the trial. Attorneys for both sides are present when a deposition is taken. A deposition may also be used to deny or contradict a witness’s testimony or for the purpose of refreshing a witness’ recollection.

Examination, Direct Examination, Examination-in-chief: The questions which the attorney asks his or her own client and witnesses.

Exhibit: Articles such as pictures, books, letters, and documents are called exhibits and are given to the jury to take to the jury room while deliberating.

Complaint/Indictment: The written document used to inform the Defendant that he or she has committed a crime.

Instructions: After all the evidence is in, and the attorneys have made their arguments, the Judge will outline the questions the jury must decide. The Judge will outline the rules of law which must guide deliberations and control the verdict. This is called the Judge's "charge" to the jury or "instructions." A Judge may, and sometimes must, give an answer to an instruction to the jury on some point of law while the trial is in progress.

Issue: A disputed question of fact which the jury must decide.

Jury Panel: The whole number of all prospective jurors from which the trial jury is chosen.

"Objection Overruled" or "Overruled": This term means that the Judge ruled that the attorney's objection is not well-taken under the rules for the conduct of the trial. The Judge's ruling, so far as you are concerned, is final and may not be questioned.

"Objection Sustained" or "sustained": When a attorney objects to the form of a question or the answer question calls for, the Judge may say "Objection sustained" or "sustained." This means the evidence sought cannot be admitted or accepted as evidence.

Opening Statement: Before introducing any evidence in the case, each lawyer is permitted to tell the jury what the case is about and what evidence is expected to prove his or her side of the case. The opening statement is not evidence.

Parties: The Plaintiff and Defendant in the case are also called the "litigants."

Pleadings: All the documents filed by the parties before the trial to establish what issues must be decided by the jury.

Record: The record is the official word-for-word copy of the proceedings, taken in shorthand, steno-type, or audio-transcription by an official court report. Often the Judge or the attorneys may declare that something is, or is not, "for the record" or "in the record."

Rest: This is the legal phrase which means that the attorney has concluded the evidence he or she wants to introduce at that stage of the trial.