

What you should know about...

## Jury Service



OHIO STATE BAR  
ASSOCIATION

## Jury Service

### Why is jury service so important?

A juror is a very important person in our legal system because our justice system is based on the belief that a just and fair result in court comes from having disputes settled by our fellow citizens. Very few of us ever have to go to court as plaintiffs or defendants, but when we do, we want good, honest people to listen to the evidence and decide our cases fairly.

Therefore, when we are called to serve on a jury, we have an obligation to our fellow citizens to honor the summons and appear at court. Some cases may be more important than others, but to the parties involved, the case can be life-changing, and they deserve to have it decided by honest and impartial jurors.

### How are jurors selected?

In Ohio, persons are selected for jury service by random drawing from either a list of registered voters or a combined list of the registered votes and the list of licensed drivers residing in the county or city that the court serves. Jury trials are held in the United States district courts, the common pleas court of each county, the municipal courts, the county courts and in some cases, juvenile and probate courts. In Ohio, a new list of eligible jurors is compiled each year.

### What are the requirements for being a juror?

To serve on a jury, you must be a bona fide resident of the geographical area served by that particular court. Ohio jurors must be at least 18 years of age and they must not have lost their right to serve on a jury by having been convicted of certain types of crime (or must have had those rights restored). Beyond that, everyone is given the opportunity to be a juror, regardless of age (if at least 18), race, color, creed or occupation.

### May I be excused from jury service?

The following persons can be excused from jury service: members of cloistered religious orders; people whose mental or physical condition renders them incapable of performing jury service, whose spouse or near relative has recently died or is seriously ill, whose jury service would cause them or someone in their care extreme physical or financial hardship, or who would be harmed or would harm the public by serving on a jury; those who are older than 75 years of age; those who are members of a recognized Amish set; and members of the armed forces currently on active duty. Even if you fall within one of these categories, the court must approve your excuse. If the court excuses you, you will become eligible for jury selection again the next jury year. You may also ask that your jury service be postponed. To ask for an excuse or postponement, you must contact the court at least two business days before your scheduled service.

### What if I ignore my summons to serve as a juror or simply don't show up?

A summons from the court is an order. If you ignore it, the court may issue a warrant for your arrest and punish you with contempt of court and other sanctions. Therefore, you must contact the court and discuss options for requesting an excuse or postponement of jury service.

### Will I be paid for my jury service?

Jurors are paid for each day they serve. Compensation varies between courts. Some courts also provide free parking for jurors. The law says your employer cannot fire or threaten to fire you for serving as a juror if you give reasonable advance notice about your jury summons and jury service is the actual reason for your work absence.

### What are the different types of juries?

Most jurors are selected to serve on a *petit jury*, a jury that hears and decides a particular case. For a criminal trial involving a felony (a more serious type of crime), the law requires 12 jurors. A civil trial requires only

eight jurors. In municipal and county courts, where misdemeanors (a less-serious level of crime) are brought to trial, juries consist of eight persons. If a trial is expected to last more than one day, alternate jurors may be selected in case a juror must be excused during the trial.

Unlike the petit jury, a *grand jury* hears evidence about alleged crimes (usually felonies), and only decides whether or not a person should be *indicted* and tried for committing a crime. Also unlike the petit jury, the grand jury does not decide guilt or innocence. If you are selected for grand jury service, your service probably will be longer than if you serve on a petit jury, although in most smaller counties, grand jury duty may only be once or twice a month for a three- or four-month period.

### How long must a juror serve?

Courts vary, but you may expect to be *on call* for service for at least a one- to three-week period. There may be more than one trial during that term of service, or there may be none. Some courts have telephone messaging systems, allowing prospective jurors to find out if they will be needed the next day, and some courts call jurors by phone as needed.

It is not uncommon for a jury trial to be completed within the first or second day. On the other hand, a complex trial that involves many witnesses may last for several weeks. Lengthy trials are somewhat rare and prospective jurors are advised of the expected length of the trial before they are selected. At the end of each day, the jurors are excused to return to their homes, and they return to court the next day if the trial is not over. In rare cases where the judge believes there is a risk that jurors might be contacted by outsiders about the case, jurors may be *sequestered*, or separated from others while the trial is going on. This usually only occurs in high-profile cases and in capital murder cases where the death penalty is being considered.

### What happens when I appear for jury service?

When you arrive at the court, you are directed to a particular courtroom or to an assembly area. Some

courts provide a brief orientation talk or video to help explain the system. During the jury selection process, all prospective jurors take an oath or agree to answer truthfully and fully answer the questions the judge and attorneys will ask.

The purpose of the questioning is to find out if there is some reason why it might be difficult for a prospective juror to be fair and impartial in the case to be tried. As a prospective juror, you are introduced to the parties and the attorneys in the case and given a list of probable witnesses. If you have some relationship to one of these persons, you might have difficulty considering the case impartially, and you will likely be excused from jury service for that case.

You are also told a little bit about the case so it can be determined if any past experience or bias might make it hard for you to be fair. You also have an opportunity to tell the court about anything else that might impact your ability to sit as a juror, including health problems, employment situations and other obligations. You have the right to respond to questions confidentially to the judge and attorneys, if you wish. Obviously, you must be truthful.

Generally, each side in a case has the right to ask that a certain limited number of jurors be excused without giving a reason (called a *peremptory challenge*). Each side also can make an unlimited number of challenges for good reasons (called *challenges for cause*). When attorneys make these *challenges*, their intent is *not* to personally embarrass potential jurors, but to ensure that the jurors chosen will evaluate the case as fairly as possible for their clients.

### **Might I report for jury service, but not sit on a jury?**

Yes. The parties involved in a case usually try to settle their differences and avoid the time and expense of a trial. Sometimes a case is settled only minutes before the trial begins. Even though many trials are scheduled each day, some of them will not actually go to trial, so they will not need juries. Your time spent waiting to serve is not wasted, though; your presence may encourage settlement.

### **What rules do jurors have to follow?**

After the jury has been selected, the jurors must stand and take an oath or affirm that they will: 1) "well and truly" try the particular case for which they have been chosen; wait until all the evidence has been heard before making up their minds; and follow all of the judge's instructions about the law and procedures in arriving at a verdict. The jury decides the facts from the evidence and the judge instructs about the law.

Jurors must pay attention throughout the trial and do their best to determine the credibility of each witness. Jurors are not permitted to discuss the case among themselves or with anyone else until all evidence has been presented, the attorneys have made their closing arguments and the judge has instructed the jurors about the law that applies to the case. Jurors may not independently investigate the matters involved in the lawsuit, and they may not discuss the case with anyone outside the courtroom until after they have deliberated in the jury room and arrived at a verdict. This restriction includes any use of electronic technology to obtain information about the case or its subject matter, or to communicate with anyone about the case. After the verdict, jurors are allowed to discuss the case if they choose.

### **How does a jury decide a case?**

After the attorneys have presented their evidence and made their closing arguments, the judge instructs the jurors about the laws that apply to the case. Jurors must decide cases based on the law as it is and not as the jurors might like it to be.

In some cases, the judge may allow jurors to take notes during trial. The court collects and destroys these notes after the trial. Some judges also allow jurors to ask questions during the trial under specific procedures to ensure fairness. In rare cases, jurors may visit the scene of where a case event took place.

Following the judge's instruction, the jury goes to the deliberation room to consider the case and reach a verdict. The jury first elects a foreperson who makes sure discussions are conducted in a logical and orderly fashion, that all issues are fully and fairly discussed, and that every juror has a fair chance to participate. Jurors who have questions during deliberation may write them

down and ask the bailiff to deliver them to the judge. When the jurors reach a verdict, they agree to the verdict, sign the verdict form and notify the bailiff. The verdict is read in open court and the judge dismisses the jurors.

### **How many jurors must agree on a verdict?**

The type of case determines the number of jurors who must agree on a verdict.

A civil case is usually between two or more persons or companies that have a dispute concerning money, property or the meaning or force of a document or rule. The parties suing are called the *plaintiffs*. The parties being sued are called the *defendants*. In a civil case for money, jurors must decide if the defendant is liable, and, if so, the compensation due the plaintiff for the damage claimed. In civil cases, six jurors (three-fourths of the eight jurors) must agree on a verdict. In some cases, the jury may have to respond to specific questions.

In a criminal case, the *defendant* is a person charged with a crime (a violation of a law that includes a penalty). Crimes are considered acts against the people; because the government is responsible for legally enforcing the laws, the government prosecutes these cases as the *plaintiff*, usually in the name of the state, city, county, village, etc. In a criminal felony case, 12 jurors must determine if an accused person is guilty or not guilty of a charge, and the verdict must be unanimous. Eight jurors determine guilt or innocence in a criminal misdemeanor case.

### **What are the benefits of serving on a jury?**

People may be apprehensive about jury duty and fear their time will be wasted or that the experience will be negative or an imposition.

Most jurors, however, find that the experience is positive. Jurors learn about the legal system as well as the particular subject matter of the lawsuit. They meet others and may even make new friends during their service. They have the satisfaction of knowing they have contributed to our system of justice that cannot work without them.

Court officials are careful to treat jurors courteously and professionally. They know that fair and just results

for those before the court cannot be had without fair and impartial jurors. The benefits of jury service to the entire community are huge.

### **I have a disability. If I am called for jury service, will accommodations be made?**

Courts will work with you to enable you to perform jury duty. Be sure to call the court that summoned you to discuss your needs.

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