

**IDAHO SUPREME COURT**

**HANDBOOK FOR JURORS**

**Prepared by the Idaho Supreme Court  
Jury Committee**

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**Handbook for Jurors**  
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## **Introduction**

Most people seldom need to think about a jury or how one operates within a trial. It is helpful to envision the jury as an arm of the court—its purpose is to consider the facts and circumstances which are presented in a case and to apply this information to the law.

Being a juror does not require any special skills, expertise, or education. The jury's job is to determine the truth to the best of its ability on the basis of the evidence presented in a case.

The purpose of this booklet is to help you better understand the proceedings in the cases in which you will take part and to enable you to do your part in this very important process. It is not intended to replace the orientation session that is generally provided by the judge, jury commissioner, or the court clerk; nor does it replace the instructions that a jury will receive from the judge presiding over the court. It is simply a supplement to the information and rules that will be provided by court personnel and the judge throughout the jury process.

### **1. The Idaho Court System**

Idaho has a unified court system, which means that all state courts are administered and supervised by the Idaho Supreme Court.

(a) **Judicial Districts and Regional Structure:** The state is divided into seven judicial districts, each encompassing four to ten counties. This regional structure is designed to delegate authority to the judicial districts and to ensure their participation in policy decisions while maintaining uniform, statewide rules and procedures.

An administrative district judge, chosen by the other district judges in the district, performs a number of administrative duties in addition to handling a judicial caseload. The administrative judge, assisted by a trial court administrator, manages court operations in the district.

(b) **Jurisdiction of the Courts:**

***Supreme Court:*** The most visible responsibility of the Supreme Court is to hear appeals of decisions from district courts, the State Public Utilities Commission, and the Industrial Commission. While appeals of criminal cases often attract press coverage, most appeals decided by the Supreme Court are civil disputes involving sums of money, determinations of rights relating to contractual arrangements, or family relationships.

***Court of Appeals:*** The Court consists of three judges who sit in a 3-judge panel to decide cases assigned to the Court of Appeals by the Supreme Court.

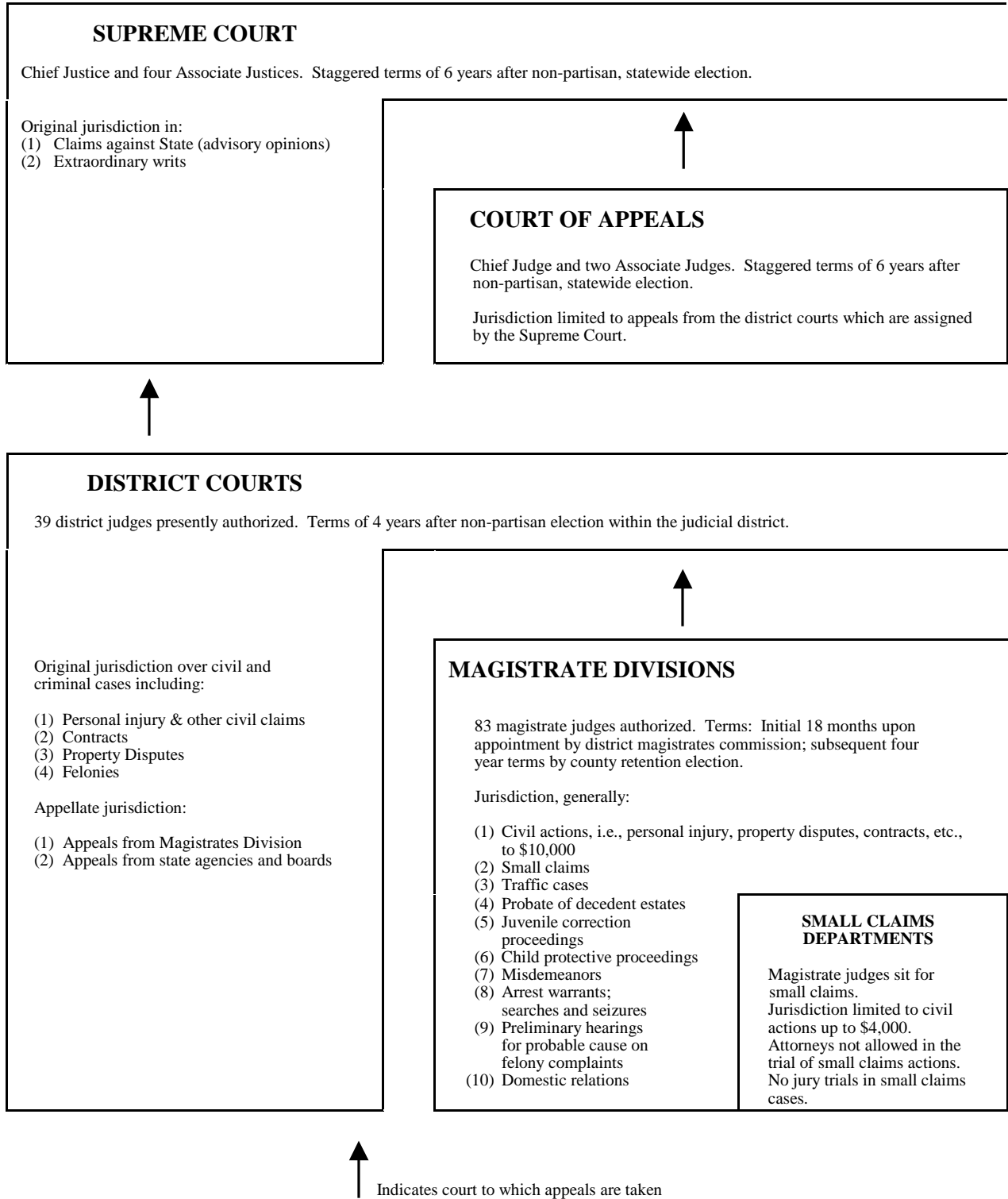
The Court of Appeals has jurisdiction to hear all appeals assigned to it by the Supreme Court. The Court of Appeals cannot hear appeals from the imposition of capital punishment or appeals from the Industrial Commission or Public Utilities Commission.

***District Court:*** District courts and district court judges have jurisdiction over civil and criminal cases. They decide cases involving the most serious criminal cases designated as felonies, property disputes, and other civil cases where the amount of money in dispute exceeds \$10,000. Civil damage actions usually involve personal injury, such as

automobile negligence cases and contractual disputes between parties. District judges also hear appeals from decisions made by magistrate judges.

***Magistrate Division of the District Court:*** Magistrate judges have jurisdiction over the majority of the cases processed at the trial level. Magistrate judges hear all domestic relations cases, paternity cases, and establish and enforce the collection of child support. They preside over mental commitments, juvenile cases, adoptions, child protection cases, and probate cases. They issue protection orders and search warrants. They preside over civil cases not heard in the district court, and criminal cases, including probable cause hearings, preliminary hearings on felony cases, and jury trials on misdemeanor charges.

(c) Diagram of Idaho Courts:



## **2. Jury Service**

You have been summoned to render important service as a juror. You will now, as a juror, serve as an officer of the court, along with the attorneys and judges. As a juror, you are part of the judicial system of our state.

Trial by jury has long been one of the cornerstones of judicial administration. The right has survived through the centuries as a vigorous and necessary force in the lives of free men and women.

The decisions of the jury affect the property rights, and even the life and liberty, of those whose cases come before it. One chosen for jury service should take pride in performing this most important duty.

The proper and efficient functioning of the jury system requires that each juror exercise intelligence, integrity, sound judgment, and complete impartiality in the performance of this duty.

## **3. How A Jury is Chosen**

Your name is drawn at random from a list of registered voters and licensed drivers, or in some instances, also drawn from other sources. All of those so drawn constitute the group from which jurors will be selected to hear particular cases.

A juror summons and juror qualification form/juror questionnaire were sent to you. The juror summons is a court document requiring you to appear for jury duty. The juror qualification form/juror questionnaire asked questions to determine if you are legally qualified to serve on a jury. In addition, this information will help the judge and attorneys determine your fairness and ability to sit as a juror on a particular case.

As a prospective juror, you will be questioned under oath by the judge and the attorneys. This series of questions is called “voir dire.” The judge and attorneys need to determine whether any of you has any information concerning the case, or any opinions or attitudes which either of the attorneys believe may cause you to favor or disfavor some part of the evidence or one party or the other. Some of the questions are personal, but they are not intended to embarrass you. They are asked in order to determine if there is any reason you should not sit on the case. Jurors may be excused for legal cause such as a personal or financial relationship with a party to the action. Additionally, each attorney may excuse a limited number of jurors by what are called peremptory challenges.

After the jury has been selected, the jurors will be asked to swear or affirm that they will render a true verdict according to the law and the evidence.

Once the jury has been sworn, the judge will give instructions about how the trial will be conducted and how the jury is to carry out its responsibilities.

Your duty as a juror is to listen to the judge, witness and attorneys; to deliberate calmly and fairly; and to decide intelligently and justly. Your decision must be made upon the evidence presented to you in court.

#### **4. Jurors' Rights**

Every juror should:

- be randomly called in for jury service free from discrimination on the basis of race, ethnicity, gender, age, religion, economic status, or physical disability;
- be treated with courtesy and respect at all times;
- be allowed to express concerns, complaints, and recommendations to court personnel;
- be informed about the trial schedule; and
- be informed of the trial process and of the applicable law.

#### **5. Discussion of the Trial**

Jurors may not discuss the case with anyone during the course of the trial - this includes discussions with fellow jurors until such time as jury deliberations commence. When the trial is over, the juror may discuss it with others or may keep silent.

If a juror accidentally hears something about the trial outside the courtroom, or if someone contacts a juror about the trial while it is still in session, the juror should advise the bailiff immediately. Under no circumstances should the juror tell anyone about the incident except the jury commissioner, bailiff, or the judge.

#### **6. News, Television, and Radio Reports**

Jurors are not allowed to read, watch, or listen to media stories relating to the trial to which they are assigned.

#### **7. Note Taking**

A judge will allow jurors to take notes.



## **8. Breaks**

Jurors are given lunch breaks and may be given other breaks during a trial. If a juror needs a break for some other reason, the juror should inform the bailiff by a hand signal. These requests should only be made if they are absolutely essential, so as not to disrupt the proceedings.

## **9. Emergencies**

It is important that jurors report when they are required to and are prompt. Absences may delay or even jeopardize a trial. If jurors are faced with an emergency such as sudden illness or a death in the family, they should follow the instructions that they were given by the court. If they are unable to do so, they should contact the bailiff or jury commissioner.

## **10. Jurors' Oath**

The oath administered to jurors shall be substantially as follows:

“Do you solemnly swear or affirm that you will well and truly try the case at issue, and a true verdict render according to the law and evidence?”

When members of the jury affirmatively answer this oath, they become judges of every question of fact in the case and are a part of the legal process for determining the truth or falsity of claims that are made by the respective parties. They are duty bound to act fairly and impartially and are no longer free to act upon their feelings or emotions, but only on reasoned judgment and under instructions of the judge.

## **11. Upholding the Laws**

The oath taken by judge and juror alike requires each of them to accept and apply the law as it is. A juror may not disregard the law because the juror thinks that the law should be otherwise. Laws are made, repealed, or changed by those who are elected to make laws. Judges and jurors do not make the laws—they only apply them and must be careful not to usurp power which does not belong to them. People look at the law as it is written to know what their rights are and decide what they may or may not do. Such people should not be expected to guess whether a court or jury will uphold the law. That is a sworn duty.

## **12. Kinds of Cases Decided by Juries**

In general, juries decide two kinds of cases—civil and criminal.

A civil case is brought to enforce private or personal rights and usually involves a claim for money damages or rights in respect to property. The party starting the case is called the plaintiff. The plaintiff sets forth his claim in a paper which is called a Complaint. The person who is being sued is called the defendant. The defendant files an Answer in which the defendant admits or denies the claims made in the Complaint and states any special defenses the defendant may have. Sometimes the defendant may make a claim against the plaintiff. This is called a counterclaim. There may be more than one plaintiff or defendant.

A criminal case is brought in the name of the State of Idaho against a person charged with committing a crime. Misdemeanor criminal cases are prosecuted upon a citation or complaint. Felony criminal cases are prosecuted upon an information or indictment. The fact that a criminal case has been filed may not be taken as any indication that the accused is guilty. All defendants are presumed to be innocent unless and until their guilt is proved beyond a reasonable doubt.

Jurors may be asked to serve in either District Court or the Magistrates Division of the District Court. District Court has a 12-member jury panel. The Magistrate Division of the District Court has a 6-member jury panel. Alternate jurors may be selected in either District Court or the Magistrates Division of the District Court.

### **13. The Stages of a Trial**

After the jury has been picked and sworn, the trial of a case proceeds in the following general stages:

1. Attorneys for the parties may give opening statements. The purpose of opening statements is to outline to the jury the factual situation involved in the case and what each side contends will be established by the evidence.
2. The plaintiff calls witnesses and examines them in an attempt to prove the plaintiff's claims. This is called direct examination. The defendant has the right to cross-examine the witnesses. When the plaintiff has completed the presentation of evidence supporting plaintiff's case, the plaintiff "rests."
3. The defendant may call witnesses to dispute the plaintiff's claims, and in a civil case, to establish any claims that the defendant may have against the plaintiff.
4. The parties have an opportunity to present rebuttal evidence in response to any new matter raised by an opponent's evidence.

5. The judge then gives instructions to the jury. In these instructions, the judge defines the issues the jurors must decide and instructs them on the law that governs the case.
6. The attorneys for the parties then make closing statements in which they sum up the evidence and testimony and try to persuade the jury to find in favor of their respective clients.
7. After closing arguments, the jurors retire to the jury room to deliberate.
8. The jury returns to the courtroom to announce its decision.

#### **14. What is Evidence**

Evidence may take the form of testimony and physical exhibits, such as documents, photographs, or other physical objects. Answers to questions asked by the attorneys or by the judge are evidence, as is the sworn testimony of a witness who cannot appear personally in court.

There are, however, many things that must not be considered as evidence. For instance, what an attorney says or claims to have proven is not evidence, nor is testimony that the jury has heard which the judge has ordered stricken from the record. The jury must treat all such testimony as though it had never been given. Similarly, matters that an attorney offers to provide, but that the judge will not allow to be presented, are not to be considered as evidence.

A juror is not to consider any information about the witnesses, parties or attorneys, or anything connected with the case other than the evidence seen and heard in the courtroom.

If the case involves a thing or a place such as the location of a stop sign at an intersection or a flight of stairs, a juror must not make an inspection of the site unless the judge sends the jury in a group for that specific purpose.

#### **15. Objections to Evidence**

During the course of a trial, the attorneys for both sides may make objections to questions that have been asked or to evidence offered by the other side. This is part of the attorney's job. A trial is conducted within set rules of procedure and an attorney is entitled to object to questions he or she believes to be improper.

If the judge considers the question improper or the evidence inadmissible, the judge will sustain the objection. Otherwise, the judge will overrule it. The judge's ruling does not indicate that the judge favors one side or one attorney over the other, and the jury should

not draw any such inference from the ruling. Even if the judge decides every objection in favor of one side, it does not mean that the side is entitled to win the case.

The rulings simply reflect the judge's belief as to whether the questions asked are in proper form or deal with the issues the jury must decide.

## **16. Conference Out of the Jurors' Hearing**

Occasionally the attorneys may confer with the judge out of the hearing of the jury, or the judge may excuse the jury from the room so that a point of law or an objection can be argued. In either case, the jury should not feel slighted or attempt to guess what is being said, nor should the jury feel resentment toward the attorney who requests that the jury be excused. Conferences are often held at the bench to avoid the inconvenience of having the jury file out and return again and to prevent the jury from becoming confused on technical legal matters. If the jury is excused from the room, it is usually to avoid having the jury hear arguments on questions of law which concern only the attorneys and the judge.

## **17. Conduct of Jurors During Trial**

All jurors are required to be prompt. Since each juror must hear all the evidence, tardiness causes delay and inconvenience to the judge, the attorneys, the parties, the witnesses, and the other jurors.

When a court session begins and the judge enters the courtroom, everyone in the courtroom rises.

Careful attention should be given to every question and answer. If a juror cannot hear a witness, attorneys, or the judge, the juror should raise their hand immediately.

A juror must sit in the same seat in the jury box throughout the trial. This enables the judge, the clerk, and the attorneys to identify the juror more easily.

While you are a juror and before you retire to deliberate in the jury room, you should not talk to anyone about the case, not even another juror, nor should you permit anyone to talk to you about it. During the trial, a juror should not communicate with any attorney, party, or witness in the case. A friendly conversation, even though not about the trial, must be avoided. You should not listen to radio or television accounts of the trial or read articles about it in the newspapers. If any person persists in talking to you about the trial or attempts to influence you as a juror, you should report that fact to the bailiff or jury commissioner immediately.

Those involved in a lawsuit have spent considerable time preparing for the trial. Jurors must be patient and careful not to form any conclusions until they have heard all of the evidence, closing arguments, and the instructions of the court on the law.

Only in rare cases are members of the jury kept away from their homes continuously during trial. A juror can leave to have lunch and to go home at night, but cannot discuss the case with anyone, even with a member of the family. If someone tries to talk to a juror about the case, the juror must prevent it. In rare instances, a jury may be sequestered during the trial itself. "Sequestered" means that jurors do not go home at the end of the day, but stay in a hotel, where their access to other people and to radio and television news or newspapers is limited. The judge will inform you in advance if there is a possibility that the jury may be sequestered.

In deciding a case, jurors are expected to bring to bear all the experience, common sense and common knowledge they possess, but they are not to rely on any private source of information.

If a juror learns of something that the judge should be aware of, the juror should write a note to the judge and give it to the bailiff or jury commissioner.

Failure to follow these guidelines may cause a mistrial, in which case the entire proceeding will have to begin again with a new jury.

In addition to the judge, you will notice other personnel serving in connection with the court. The court reporter makes a record of the testimony, which can be typed up later if necessary. The bailiff enforces order in the courtroom and cares for the needs of the jury. The court clerk keeps all the documents and exhibits pertaining to the case.

## **18. Conduct During Deliberations**

When the trial is concluded and the case is submitted to the jury for a decision, the jury will retire to the jury room and begin deliberations. At that time, the Court will give the jury a second handbook entitled, "A Guide for Jury Deliberations." This Guide will suggest certain ways to reach a decision. It is not binding, as you are free to deliberate any way that you wish, but it may be helpful in organizing your work and helping you reach a decision. If you have a question during deliberations, you may submit it in writing to the bailiff through the presiding juror for delivery to the judge.

## **19. Emergencies**

Inconvenience is an inevitable part of jury service. You may be required to be away from your business and even lose money. One of the responsibilities of citizenship is to take one's turn on a jury to see that justice is done.

Emergencies or extreme hardships are a different matter, however. If you face such extreme circumstances in your business or personal affairs that your mind cannot freely consider the important issues to be tried, you should call this to the attention of the bailiff or jury commissioner.

## **20. Causes for Mistrial**

You can unknowingly cause a mistrial, so **DO NOT TALK TO ANYONE ABOUT THE CASE** while assigned to a trial. Also, law books, dictionaries, and medical books are not allowed in the jury deliberation rooms.

## **21. Exit Questionnaire**

You may be asked to respond to an Exit Questionnaire regarding your jury experience. Your responses will be helpful in improving tomorrow's jury system. You need not sign your name.

## **22. Some Terms You Will Hear in Court and Their Meanings**

Action: A proceeding in court to enforce or protect a right, to prevent a wrong or to punish a public offense. It is also called a suit, case, lawsuit, or prosecution (criminal).

Alternate Jurors: Additional jurors who are chosen in order to avoid having to retry the case should one or more jurors be excused from the jury during the trial for an emergency (such as illness). Throughout the trial, all jurors will sit together and pay equal attention to all the evidence. After the judge's instruction to the jury and the closing arguments, the judge may discharge the alternate jurors or have them remain until the jury renders a verdict. Alternate jurors do not deliberate with the jury unless their assistance is required.

Answer: The legal document in which the defendant responds to the claims of the plaintiff in a civil case. It is filed with the court before trial.

Bailiff: A court officer charged with keeping order in the courtroom during trial and attending to the needs of the jury.

Capital Case: A criminal case in which the state seeks the death penalty.

Challenge for Cause: A request from a party that a prospective juror not be allowed to be a member of the jury because of specified causes or reasons.

Civil Case: A lawsuit is called a "civil case" when it is between persons in their private capacities, or when the government, whether federal, state or local, or some department

thereof, is sued or sues an individual. It results generally in a verdict for the plaintiff or for the defendant and, in many cases, involves the giving or denying of a money award called damages.

Clerk: The clerk sits at the desk near the judge, is an officer of the court, and keeps a record of papers filed. The clerk has custody of the pleadings and records of the case, orders made by the court during the trial, and the verdict at the end of the trial. The clerk also administers the oath to all witnesses before they testify and marks all exhibits when they are received in evidence.

Closing Arguments: The presentations made by the attorneys at the close of the trial in which they tell the jury what they think the evidence shows and what verdict they believe should be reached.

Complaint: In a civil case, it is the legal document in which the person who brings the lawsuit sets forth the claim against the defendant. In criminal cases, it is the document in which an accusation of a misdemeanor criminal offense is set forth.

Conferences: A technical legal discussion between attorneys and the judge held out of hearing of the jury to determine points of law or the admissibility of evidence. Conferences may be held at the judge's bench or the jury may be excused while the conference occurs.

Counter-claim: In a civil case, a claim by a defendant against a plaintiff.

Court Reporter: The court reporter is responsible for creating a word-by-word record of the proceedings. Some courts in Idaho use tape recorders for this process.

Criminal Case: A lawsuit is called a "criminal case" when it is between the state on the one side, as plaintiff, and a person or other entities on the other side, as defendant, charging the defendant with the commission of a crime.

Cross-Examination: Questions asked of one party's witness by the opposing party's attorney.

Defendant: In a civil case, the defendant is the person against whom the lawsuit is brought. In a criminal case, the defendant is the person charged with committing a crime.

Deliberation: The discussion in the jury room, among jurors, of evidence presented in the case to determine the verdict.

Deposition: The prior sworn testimony of a witness, consisting of questions and answers that may be referred to in court during the trial.

Direct Examination: The questioning by an attorney of a witness the attorney has called to testify.

Evidence: Testimony, written materials or physical objects admitted by the court during the trial.

Exhibit: A paper, document, physical object or picture produced during a trial. If it is admitted as part of the evidence, it is generally given to the jury to take to the jury room while deliberating.

Indictment or information: A document in which an accusation of a felony offense is set forth in a criminal case.

Issue: A single point or question in dispute. The judge decides any issues of law; the jury decides issues of fact.

Jury Instructions: A direction given by the judge to a jury concerning the rules of law that apply to the case which the jury is bound to accept and apply.

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

Motion: A formal request by a party or the party's attorney to the court for a specific action by the court.

Objection: The claim by an attorney that some statement, question, or act is improper or inadmissible. The judge will either overrule or sustain the objection.

Objection Overruled: This term means that, in the judge's opinion, the attorney's objection is not correct under the rules of law. The judge's ruling, so far as the juror is concerned, is final and may not be questioned.

Objection Sustained: This term means the judge agrees that, under the rules of law, the attorney's objection was correct. This ruling likewise is not subject to question by jurors.

Opening Statement: Presentation by each party prior to the introduction of their evidence outlining what the case is about and what each party will attempt to show or prove.

Parties: The plaintiff and defendant in the case. They are also sometimes called the "litigants."

Plaintiff: The party, sometimes referred to as petitioner, who starts a lawsuit.

Pleadings: The parties in a lawsuit must file papers stating their claims against each other. In a civil case, these usually consist of a complaint filed by the plaintiff and an answer filed by the defendant.



Peremptory Challenge: The exercise of a legal right by any party, without stating a reason, to exclude a prospective juror from serving. The court must excuse the person who has been challenged. The number of peremptory challenges is limited by law.

Presiding Juror: One of the jurors selected by the other members of the jury to preside over jury deliberations. A presiding juror facilitates a discussion of the evidence, organizes the vote, completes the verdict form, and advises the court when a verdict has been reached.

Rebuttal Evidence: Testimony or exhibits offered by a party to explain, counteract, or disprove facts given in evidence by an adverse party.

Record: This refers to the pleadings, the exhibits, and the transcript of testimony of the trial.

Rest: This is a legal phrase which means an attorney has concluded presenting a party's evidence at that stage of the trial.

Settlement: An agreement by which the parties resolve their disputes without going to or completing a trial.

Sequester: A seldom used procedure protecting the jury from outside influence during the time of trial and/or deliberation.

Stipulation: An agreement to certain facts or issues which, therefore, do not need to be proved.

Striking Testimony: On some occasions, after a witness has testified, the judge will order certain evidence stricken from the record and will direct the jury to disregard it.

Subpoena: The document which compels a witness to appear at a court proceeding.

Summons: (1) Notice to defendants that they are named in a civil action and are required to answer the petition or complaint. (2) The document calling a juror to service. (3) The document requiring a defendant in a criminal case to appear.

Verdict: The findings made by the jury on the issues submitted to them.

Voir Dire: A preliminary examination by the court and attorneys to determine the qualifications and objectivity of potential jurors.

## Jury Service Exit Questionnaire

The \_\_\_\_\_ County court system is constantly working to improve the jury system. Please help us in our efforts by completing the questionnaire below. Positive or negative, we value your opinions and welcome suggestions on how we can better serve you, the juror.

Date: \_\_\_\_\_ Judge: \_\_\_\_\_

How would you rate the following?

	Excellent	Average	Poor
Treatment by Jury Office Staff	_____	_____	_____
Treatment by Court Staff	_____	_____	_____
Treatment by Bailiff	_____	_____	_____
Treatment by Judge	_____	_____	_____
Treatment by Attorneys	_____	_____	_____
Comments: _____			
_____			
_____			

	Excellent	Average	Poor
Use of your time	_____	_____	_____
Jury selection/questioning process	_____	_____	_____
Standby call-in system	_____	_____	_____
Comments: _____			
_____			
_____			

	Excellent	Average	Poor
Initial orientation	_____	_____	_____
Overall comfort of facilities	_____	_____	_____
Meals provided (if applicable)	_____	_____	_____
Personal safety	_____	_____	_____
Comments: _____			
_____			
_____			

In what ways do you think jury service can be improved?

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Age: \_\_\_\_\_ Gender: M \_\_\_\_\_ F \_\_\_\_\_

Occupation or full-time work: \_\_\_\_\_

Thank you for returning your completed form to the Jury Commissioner's Office,  
\_\_\_\_\_. You  
may also hand form to the Jury Commissioner, your bailiff, or drop it in the badge return  
box for delivery.

fold here



to mail

\_\_\_\_\_ County \_\_\_\_\_  
Address