

A GUIDE FOR JURY DELIBERATIONS

I. SUGGESTIONS FROM THE COURT

You have now been instructed on the law in the trial before you and you are ready to begin deliberating. Before you begin, please take the time to read through this booklet for some tips on how to organize yourselves, how to consider the evidence, how to reach a verdict, and what to do when you reach a verdict. ***You are free to deliberate in any way that you wish.*** These are suggestions to help you proceed with the deliberations in a smooth and timely way.

Before you get started, it may be useful to think about the following:

- Respect the opinion of each juror and value the different viewpoints you bring to the case.
- Be fair and give everyone a chance to speak in the deliberations.
- Be willing to change your mind.
- Listen carefully to one another and do not let yourself be pressured into changing your opinion; do not bully anyone else.
- Do not rush into a verdict for any reason. The parties in this case deserve your complete attention and thoughtful deliberation.
- Follow the instructions on the law and you will do a good job.

II. GETTING STARTED. *At first, you might want to:*

- Take some time to get to know one another.
- Select one of you as the presiding juror.
- Discuss what you think about the case.
- Talk about how you want to go ahead with the deliberations and lay out some ground rules to guide you.

- Talk about the different ways you might want to take a vote.

III. THE PRESIDING JUROR.

A. *What qualities do you want in a presiding juror?*

- A leader, who is fair, organized and both a good listener and a good speaker.

B. *What are the responsibilities of the presiding juror?*

- Encourage discussions that include all jurors.
- Keep the deliberations focused on the evidence and the law.
- Organize the voting.
- Keep charge of and fill out the verdict form.
- Tell the court when a verdict has been reached.

C. *Is the presiding juror more important than the other jurors?*

- No. The opinions of each juror count equally.

IV. GETTING ORGANIZED. *Are there any set rules to tell you how to deliberate? No,*

but you may:

- Go around the table, one by one, to talk about the case.
- Have jurors speak up at any time when they have something to say.
- Try to get everyone to talk by saying something like, “Does anyone else have anything to add?”
- Respect the other jurors by paying attention while they are speaking.
- Do not be afraid to speak up and express your views.
- Write down key points so that everyone can see them.

V. DISCUSSING THE LAW AND THE EVIDENCE.

A. *What to we do now?*

- Begin by reviewing the instructions on the law because they tell you what to do.

B. *Is there a set way to examine and weigh the evidence and to apply the law?*

- The court's instructions will tell you if there are special rules or a set process you should follow. Otherwise, you are free to conduct your deliberations in whatever way is helpful. Here are some suggestions:

- Look at the court's instructions that define each charge or claim and list each separate element that makes up that charge or claim.
- For each of these elements, review the evidence, both the exhibits and the testimony of the witnesses, to see if each element is established by the evidence to the extent required by the appropriate burden of proof.
- If there is not a lot of evidence, try listing each piece of it next to the elements it applies to.
- Discuss each charge or claim one at a time.
- Vote on each charge or claim.
- Fill out the verdict form(s) given to you by the court.

VI. VOTING

A. *When should you take the first vote?*

- There is no best time. You should spend a reasonable amount of time considering the evidence and the law and listening to each other's opinions. You should not rush things. This procedure will lead to a more confident and satisfactory verdict.

B. *Is there a correct way to vote?*

- No. You might vote by raising your hands, by written ballot or by voice vote. Eventually, a final vote will have to be taken with each of you expressing your verdict openly to the other jurors.

VII. GETTING ASSISTANCE FROM THE COURT. *What if you don't understand or are confused about something, such as a legal principle or definition?*

- Ask the court. However, if you ask for information and the court does not give it to you, you should not infer anything from this situation; simply rely on the evidence and the law that you have already been given.
- In order to respond to your question, the Court may find it necessary to consult with the attorneys. The Court will attempt to respond as soon as possible.

VIII. THE VERDICT.

A. *After you have reached a verdict and signed the form(s), what do you do next?*

- The Presiding Juror tells the bailiff or court marshal.
- The judge brings everyone back into court, including the jury. Do not be alarmed if this takes some time, particularly after a long deliberation.
- The Presiding Juror should bring the verdict form(s) into the courtroom.
- The judge will identify the Presiding Juror and ask the Presiding Juror if the jury has reached a verdict.
- The Presiding Juror will hand the verdict form(s) to the bailiff or court marshal who will deliver them to the judge.

- The verdict form(s) will be read in open court.

B. *Who reads the verdict form(s)?*

- The verdict form(s) are often read by the court's clerk. However, the judge may read the form or may even ask the Presiding Juror if he/she wants to read the form(s).

C. *May I be asked if I agree with the verdict?*

- The parties may request that the jurors be polled to assure that they agree with the verdict. As a result, the judge may ask each member of the jury if they agree with the verdict. You need only answer "yes" or "no" or "guilty" or "not guilty" to the question asked by the judge.

IX. ONCE JURY DUTY IS OVER.

A. *Can you speak with others about the case and your deliberations?*

- The Court will usually instruct you on this matter at the close of deliberations. Generally, you do not have to talk to anyone about the case, but it is entirely up to you.

B. *How do we know we have done the right thing?*

- If you have tried your best, you have done the right thing. Making decisions as jurors is always difficult. Regardless of the outcome of the case, you have performed an invaluable service for the parties in this case, for the people of this community and for the system of justice. We THANK YOU for your time and thoughtful deliberations.

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