

## Jury Service in Idaho: What It Means and How It Works

### THE IMPORTANCE OF JURY SERVICE

Jury service is an important civic and community duty. Through service on a jury you have a direct hand in the administration of justice. Jury service is a privilege and a responsibility that should be accepted with pride. The justice system cannot work fairly unless jurors perform their duties properly.

### HOW A JURY IS CHOSEN

Your name is drawn at random from a list of registered voters and licensed drivers or other source, as deemed appropriate by your county. All of those so drawn constitute the group from which jurors will be elected to hear particular cases.

A juror summons, juror qualification form and a prospective juror questionnaire were sent to you. The summons instructed you to come to the courthouse to appear for jury duty and the juror qualification form, which you mailed back to the court, asked questions to determine if you are legally qualified to serve on a jury. The prospective juror questionnaire asked you questions that will help the judge and attorneys determine your fairness and ability to sit as a juror on a particular case. After you arrive at the courthouse, the jury commissioner will direct you to a

courtroom.

All jurors will be asked to rise and to swear or affirm to answer truthfully the questions asked of you concerning your qualifications to act as a juror in the case.

As a prospective juror you will be questioned by the judge and the attorneys. This series of questions is sometimes called "voir dire."

The judge and lawyers need to determine whether any of you has any information concerning the case or any opinions or attitudes which either of the lawyers 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. 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 rise and 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--generally what the case is about and how the jury is to carry out its responsibilities.

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

### PROCEDURE IN TRIALS.

**The Beginning of the Case.** The person who initiates a lawsuit is known as the "plaintiff" in a civil case and the "State" or prosecuting attorney in a criminal case. The person against whom the lawsuit is brought is called the defendant. A lawsuit is begun when the plaintiff or prosecutor files a complaint or information in court. In a civil case the defendant then files an answer which states his side of the case. In a criminal case a defendant enters a plea of not guilty.

**The Trial.** After the jury has been selected and sworn the trial of a case proceeds generally as follows:

An opening statement is made by the attorney for the plaintiff or by the prosecuting attorney. The attorney

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for the defendant may then make an opening statement. The purpose of opening statements is to outline to the jury what each side, or party, believe the evidence will establish.

Following the opening statements, the prosecuting attorney or the attorney for the plaintiff presents evidence. Thereafter, the defendant may present evidence. There may also be rebuttal evidence.

Evidence falls into two classes -- testimony and exhibits. **Testimony** consists of statements made by witnesses under oath. **Exhibits** are physical objects such as photographs and written documents. The examination of witnesses by the party calling them is "direct examination." Each party has a right to ask questions of the other party's witnesses. This is a "cross examination."

Rules of evidence have been developed through the years so that we may have fair and orderly trials. When a question is asked or an item of evidence is offered which either attorney believes is in violation of these rules, the attorney has a right to object to the question or use of the exhibit.

The judge then decides whether the question is to be answered by the witness or whether the item of evidence may be used. At times the jury may be excused from the courtroom while objections being discussed or for other reasons.

Under the law, various matters must be heard out of the presence of the jury.

When all parties have presented their evidence, they "rest". At this time the judge will determine what instructions on the law shall be given to the jury. Each attorney has the right to make suggestions and objections. This process may take some time.

The judge then reads instructions on the law to the jury. The instructions define the issues the jurors must decide and tell the jurors the law that governs the case. You should listen very carefully to these instructions bearing in mind that it is your sworn duty to follow the law as set forth in the instructions. You will have the written instructions for your use in the jury room. After the instructions are read to you the attorneys make their closing arguments in which they summarize the evidence and try to persuade the jury to find in favor of their respective clients.

You will go to the jury room to consider the case and reach a verdict. In the jury room you will elect a foreman and review the evidence according to the judge's instructions.

When the jury reaches a verdict the jury will be returned to the courtroom. The judge or the clerk will read the verdict, and the jury may be polled to determine if the verdict that has been read accurately reflects the juror's verdict. Then you will be discharged.

### **People Involved in a Trial**

The conduct of trial involves the following personnel:

**Judge**--who will preside over that trial, make rulings as to the law, and have general charge of the proceedings and the participants;

**Clerk**--assists the judge in handling exhibits and making and keeping records which are the responsibility of the court and the clerk's office;

**Reporter**--the person who takes and maintains complete shorthand notes of all proceedings unless the record of proceedings is made by electronic record;

**Bailiff**--the officer who announces the opening and closing of court sessions and who is responsible for maintaining order;

**Attorneys**--participate in trials as advocates for the parties in the controversy. It is their job to present their client's case.

**Parties**--the litigants; the persons or businesses who are suing or being sued in a court proceeding. The State of Idaho may be a party.

### **Jury Fees**

By law you are entitled to receive \$10.00 per full day of jury served, or \$5.00 for each half day or portions of a day served, to help compensate you for the time spent away from your personal affairs. You will also be reimbursed for mileage from your home to the courthouse at the rate set by the county commissioners in your county for county employees.

### **Special Note**

The jury system is critical in our system of justice. It assures that litigants will have a fair hearing by fair-minded people. Your service is appreciated by the court and the litigants.

**This pamphlet was published as a public service of the Idaho Supreme Court**