

62-B DISTRICT COURT

FREQUENTLY ASKED QUESTIONS ABOUT JURY SERVICE

1. When and where must I report for juror service?

You must report on the date and time as indicated on the summons which you have received or will receive to the 62-B District Court, Kentwood Justice Center, 4740 Walma SE.

2. Why should I call the night before?

We are trying to settle all of the cases scheduled for trial but sometimes the case is not settled until the afternoon before the trial. A taped message will inform you whether or not you have to appear. If you are informed that you need not appear, your jury service for that day will have been satisfied.

3. How do I get to the court? Where will I park my car? Where will I eat lunch?

We suggest that you park your car in the front of the Kentwood Justice Center. The Court is served by the Kalamazoo bus (#2) and the 44th Street bus (44). You will be excused for lunch. You may either go home for lunch or go to a local restaurant. The City however does not reimburse you for your lunch.

4. Whom should I notify if I cannot appear for jury service?

Write a letter to Hon. William G. Kelly, 4740 Walma SE, Kentwood, MI 49512.

5. Will I have to wait for long periods in the jury room?

You should be prepared to wait for some time in the assembly room. Occasionally there are matters brought before the court outside of the presence of the jury and you will be taken to the assembly room during these periods. Generally such matters are heard before you come into the courtroom and so sometimes we are not ready to start for some time after 9:30 a.m.

6. How long will the trial last?

Most jurors will be excused by 11:00 a.m. if they are not selected for the trial. Most trials last one day. If a trial is expected to last more than one day, you will be informed at the time of the jury selection. Generally the court is in session until 5:00 p.m. but sometimes it goes later. The judge may give the jury the option of whether to complete the trial or return the next day.

7. How long will I serve as a juror?

The summons which you receive will indicate the day(s) you are to serve. You will then be exempt from jury duty in this court and other courts in the State of Michigan for one year. We know that you are a busy person and we have tried to make jury duty as convenient as possible for you.

8. If I have a problem concerning my jury service, will I be given an opportunity to discuss it with the judge?

You should first write a letter to the judge before your first day of jury service explaining your problem. At the time of the jury selection you will be given an opportunity to discuss any problems regarding urgent personal matters of jurors and employers as to possible postponements, limitations on the length of jury service, compensation, qualifications for jury service, and any other condition of jury service.

9. What happens if there is an emergency while I am serving on the jury?

If there is an emergency, you may be contacted via the court's phone number, 698-9310. The judge will decide what to do.

10. What do I do if I am not feeling well or if I have some personal problem while serving on the jury?

You should feel as comfortable as possible during your jury service. If you need help, bring the matter to the attention of the court staff and we'll try to help. If you cannot hear a witness or have to take a break during the trial, please raise your hand and let the judge know of your problem.

11. How much am I paid by the court? Will my employer pay me while I serve on a jury?

For the first day, the Court will pay you \$15.00 for a half day of service (\$30.00 for a full day) plus mileage to and from the court. For the first day, the Court will pay you \$20.00 for a half day of service (\$40.00 for a full day) plus mileage to and from the court. You will be paid in cash at the end of your jury service. Many employers consider jury duty as a public service or under a contract will compensate an employee so that the employee will not suffer a financial loss. Upon request, the court will give you a letter to take to your employer stating how much you are receiving from the court.

12. What is the likelihood that I will actually be selected on a jury?

The probability is about 50 per cent. Six people will be selected on a trial but we summons in more than 6 people in case some jurors are excused for cause or on peremptory challenges. (See question 34).

13. How was I chosen for juror service?

You were chosen at random from the list of licensed drivers and state ID cards. Some people think that if they do not register to vote, they will not be called as a juror. We no longer use voter registration lists for our jury panels.

14. Are many people excused from serving on a jury?

No. Jury service is a civic duty which every citizen must perform. Doctors, nurses, lawyers, clergy, homemakers, legislators, police, firefighters, public officials, executives, laborers, teachers, students, and judges must serve. Your fellow jurors will be men and women, young and old, rich and poor, from different ethnic origins, and religious backgrounds. The law has no class exemptions. Based on individual difficulties the judge will excuse some people or postpone their service dates. You will see that jurors represent a cross-section of the community by your own observation of your fellow jurors.

15. Why does the court need juries to decide cases?

Our government has limited powers over the people. Citizens from all walks of life participate every day in the administration of justice through the jury system. When you serve as a juror, you are exercising one of the rights which the people have reserved for themselves in the Michigan Constitution and the United States Constitution. Many injustices have been suffered by people in other countries when a king or dictator has had absolute power over the people. Here a citizen cannot be convicted by the government of a crime unless a jury, representing the people, finds the defendant guilty beyond a reasonable doubt. This is why the right to a jury trial is a sacred right of our people and why it is a duty for every citizen to serve and to represent the people on a jury when selected for that purpose.

16. What is a court?

A court is a branch of government empowered to resolve disputes which arise between private parties and between the government and private parties. In a jury trial, the court consists of the judge, jury, and lawyers working to resolve a dispute.

17. What is a criminal case?

A criminal case is a dispute between the government and an individual in which the government is represented by an assistant prosecutor or assistant city attorney. The defendant's attorney is referred to as the defense counsel.

18. What is a civil case?

A civil case is a dispute between two or more parties in which the plaintiff(s) accuse(s) the defendant(s) of violating some rule of civil law which has caused injury or damage to the plaintiff. The plaintiff is seeking money damages from the defendant. Either party may be an individual or a corporation or a government.

19. How does the court resolve cases?

The court takes two steps to resolve cases. First, it determines the truth or facts. Second, it applies the proper rules of law in order to resolve the dispute.

20. What is the jury's role in resolving cases?

The jury determines the facts based on the evidence presented in court. The judge will inform you of the law you are to apply.

21. What does the judge do in the trial?

The judge performs several functions. The judge guides and controls the conduct of the entire trial. The judge presides over the presentation of the evidence to the jury by the parties and determines what evidence is legally admissible. The judge also instructs the jury of the proper rules of law to use in deciding the case.

22. What do the lawyers do in the trial?

The lawyers represent and advise their clients on all aspects of the trial. The lawyers usually make opening statements to tell the jury of what evidence they expect to introduce. Lawyers may present to the jury the evidence essential to their clients' claims or defenses. They may attempt to demonstrate the weaknesses in the other side's evidence. The lawyers present evidence by asking questions of witnesses and introducing exhibits. The lawyer's questioning of a witness called by that lawyer is "direct examination" while the questioning of a witness for the other side is "cross examination". In their closing arguments, the lawyers may review and sum up the evidence, comment on the reliability or lack of reliability of various witnesses, urge inferences favorable to their clients, and attempt to persuade the jury of the merits of the claims of their clients. During the trial the lawyers may present arguments to the judge on points of law and legal procedure. These arguments are often discussed at the judge's bench out of the hearing of the jury or during a recess to avoid the accidental disclosure to the jury of inadmissible evidence.

23. What is evidence?

Evidence includes testimony, i.e. the answers to the questions put to witnesses and documents called exhibits (such as letters, contracts, or photographs). Not everything heard and seen in the courtroom is evidence. The opening statements and closing arguments of the lawyers are not evidence. Even the statements and instructions of the judge are not evidence. The judge in his instructions at the end of the trial will explain this more fully.

24. What is meant by the rule that a case must be decided solely on the evidence?

This means that you must decide the case only on the evidence admitted in the trial. You should not consider anything you may have heard or seen outside of the courtroom or anything you may have read in the newspapers or anything you may have seen or heard on television or radio. You may use your own general knowledge and experience, of course.

25. What are jury deliberations?

After the jury has heard and observed all of the evidence and after the judge has given the instructions of law, the jury is sent to a private room to make its decisions in the case. This process is called jury deliberations.

26. How is the foreman of the jury selected? What does the foreman do?

The jury selects the foreman at the beginning of the deliberations. The foreman is a discussion-leader of the jury during its deliberations. It is similar to being the chairperson of a committee or a moderator of a group. The foreman should encourage a full and free exchange of comments, observations, and opinions from all members of the jury. The foreman should ensure that only one person speaks at a time, that every person has an opportunity to express views, and that no person monopolizes the deliberations. The foreman also has the responsibility for communicating requests or questions on behalf of the jury to the judge and to report the jury's verdict in the courtroom. The foreman should express his or her opinions during deliberations, but these opinions are entitled to no more or less weight than those of other jurors. When votes are taken, the foreman has one vote.

27. What is a verdict?

During its deliberations, the jury decides the facts and applies the judge's instructions of law to them. A verdict is the final decision of the jury. Verdict means to "speak the truth". In a criminal case the verdict is "guilty" or "not guilty". In a civil case the verdict is "for the plaintiff" or "for the defendant". If the verdict in a civil case is for the plaintiff, the jury also decides as a part of the verdict, the amount of money damages the defendant must pay to the plaintiff. In some cases, the judge may direct the jury to answer special questions that relate to issues in the case.

28. In order to reach a verdict, what consensus must be reached?

In every criminal case, there must be unanimous agreement, that is, all 6 jurors must agree, before a verdict can be reached. In a civil case five out of six jurors must agree.

29. How should I act during jury deliberations?

Generally speaking, the jury is free to determine the procedures it will follow during deliberations, as long as the judge's instructions are followed. Some judges suggest that it is not a good idea to take a vote at the outset. This may result in some jurors "digging in their heels" at the start of the deliberations and feeling that they must stick to a certain position before they have a chance to hear what other jurors think about the evidence.

You should enter the deliberations with an open mind. You should not hesitate to change your opinion if it is shown to be wrong. You should not give up any opinion which you are convinced is correct. You should make a step-by-step analysis of the evidence you have heard and seen, trying to fit together the pieces of the factual puzzle which are most credible. No juror should dominate the discussion. No juror should remain quiet and leave the speaking to others. Everyone should participate. Each juror should be respectful and tolerant of the opinions of the other jurors.

The jury should work together, analyzing the evidence, deciding what facts have been proved and what facts have not been proved. After you have determined all of the facts, apply the rules of law that the judge has given to you. Only then are you ready to reach a verdict. There is only one triumph in the jury room -- that of ascertaining and declaring the truth.

30. Being a juror is very difficult. What if I am not smart enough to be a good juror?

Remember that the function of a jury is to find the truth. Jurors have to decide which evidence to believe and which evidence not to believe. It is wrong to think that an individual who is highly educated is better equipped to determine which witnesses are telling the truth and which are not telling the truth. Moreover, the jury's verdict is a group decision. It is not the decision of any single person. You should have confidence in our Constitution which requires citizens, like you, to participate on a jury. If you forget a point, another juror may remember it; you may remember a point that another juror has overlooked. For many centuries our jury system has worked well with citizens serving as jurors.

31. Suppose there is a lawyer or other professional person on the jury with me. Should I agree with whatever the person says?

Not necessarily. The special education of the lawyer or other professional person does not make for better qualification to determine which evidence is true and which is not true. You should not agree automatically. You should agree if your independent analysis of the facts and truth is the same. Another important point is that only the judge's instructions can tell the jury what are the appropriate rules of the law. The judge gives the legal issues in the case a great deal of study. It is the judge's responsibility to provide the jury with the correct rules of law in his instructions. All members of the jury, including lawyers and professional persons, are bound to apply the rules of law that the judge gives to them.

32. What are the most important qualifications of a juror?

The most important qualifications of a juror are fairness and impartiality. The juror must be led by intelligence, not by emotions; must put aside all bias and prejudice; must decide the facts and apply the law impartially. The juror must treat with equal fairness the rich and the poor, the old and the young, men and women, corporations and individuals, government and citizens, and must render justice without any regard for race, color, or creed.

33. Before I am selected for a particular jury, will I be asked questions and why?

Before a jury is selected, the judge and lawyers will acquaint the jurors with the parties, witnesses, and circumstances in the case. Some or all of the following questions may be asked: Do you know any of the parties or witnesses or lawyers in this case? Do you have any prior knowledge of this case? Have you formed or expressed an opinion about this case or this type of case? Do you have any bias or prejudice against either side? Do you have any personal interest in the case? Is there any other reason why you would not be impartial if you served as a juror in this case? These questions are intended to insure that the jurors will be fair and impartial. If your answer to any of these questions is "yes", or if there is any reason why you cannot be indifferent in the case, you should raise your hand and bring the matter to the attention of the judge. The judge will then decide whether or not you should be excused from that case.

34. What are challenges for cause and peremptory challenges?

Whenever the questioning discloses some reason why the juror might be unable to render a fair verdict the lawyer may challenge the juror "for cause". Michigan Court Rules list several reasons a juror might be challenged for cause, such as bias for or against a party or lawyer. The lawyers may also excuse a limited number of jurors without stating any reasons. The lawyer simply asks that a certain juror be excused and the judge will excuse that juror. This is called a "peremptory" challenge. Usually parties or lawyers have reasons which seem sound to them for doing so. If you or a fellow juror are challenged peremptorily, you should not be offended or embarrassed. Remember, the peremptory challenge is simply a part of our justice system which gives the parties, through their lawyers, limited control over which jurors are impanelled in the case.

35. May I take notes during the trial?

The judge will permit jurors to take notes during the trial. You will have to follow the instructions of the judge. You must be mindful that you are seeking the truth. Notes are just a memory aid. You should not permit note taking to interfere with your concentration on the evidence or your ability to observe the demeanor of the witnesses. During deliberations, you must realize that just because you have noted a fact does not necessarily mean that the fact is true.

36. How should I act as juror outside the courtroom? May I discuss an ongoing case with anyone?

While you are serving on a jury, you are a part of the court. Indeed, jurors are "judges of the facts". It is important that you act as a judge. Not only must you be fair and impartial in the jury pool, you must appear to be fair and impartial at all times and in all places while you are on the jury. You should not even talk to any lawyer, party, witness, or reporter concerning an ongoing case. No matter how innocent such a conversation might be, it may appear improper to others, especially those whose rights and property are at stake in the trial.

If an individual attempts to discuss an ongoing case with you, refuse to discuss the case and tell a court officer or clerk about the incident. You may see or hear lawyers, parties, witnesses, or reporters in the hallways or on the streets or at restaurants. Do not discuss the case. If someone starts to discuss the case in your presence (even if the conversation is not directed to you), immediately interrupt and advise that you are a juror and the case must not be discussed in your presence. If the individual persists, you must inform a court officer or clerk of the episode.

You should not discuss an ongoing case with your family, friends, or neighbors. Your family and friends will respect your serious approach to being a juror. You should not discuss an ongoing case even with a fellow juror except during deliberations. Then during deliberations your opinions and the other jurors' opinions will be shared with all of the members of the jury. In summary, you should refuse to discuss an ongoing case with anyone, except during deliberations.

37. When the case is completed, will I be subject to questioning about my work as a juror?

Lawyers, parties, and their agents have no authority to question you about your work as a juror unless ordered or authorized by the court and supervised by the court. You should know that there is no rule which requires you to discuss your juror service on a particular case with anyone after the verdict. Unless ordered or authorized by a court, you would be well advised not to reveal how any juror voted at any state of deliberations, or any of the discussions or other sensitive matters that occurred during your secret deliberations in trying to reach a verdict.

If anyone should attempt to harass you or embarrass you or seek information which would harass or embarrass any juror or seek to learn what occurred in the privacy of your deliberations, you should report this to the court immediately. It is very important that the integrity of our jury system be maintained.

38. Why do judges allow cases to be settled after they have begun? Doesn't this cause much juror's time to be wasted?

There is a major difference between a judgment of the court and a settlement. The judgment is involuntarily imposed on the parties, whereas the settlement is an agreement or compromise voluntarily reached by the parties. Therefore, judges generally encourage settlements. Also, settlements save the time of judges, jurors, court personnel, lawyers, parties, and witnesses resulting in considerable savings to the city and parties.

It is wrong to assume that jurors' time has been wasted when a trial ends in a settlement or guilty plea. Even parties who thought they would never settle do settle when faced with an imminent or ongoing jury trial. The thought of being examined and cross-examined before the judge and jury may not be comfortable for some people. The presence of the judge and jury, by itself, motivates many court settlements "on the courthouse steps".

39. If the case settles, do I still get paid?

Yes. You are paid for the time you serve at the rate of \$15.00 per half day plus mileage.

40. Will I learn anything as a result of being a juror?

As a juror, you will have to make difficult judgments involving all of the human passions -- love, hate, greed, anger, etc. You and your fellow jurors are also human. Certain jurors may respond differently to one or more circumstances in the case. There may be good faith differences of opinion among members of your jury during deliberations. Through fate, you and your fellow jurors have been brought together in a search for justice. Justice means truth and fairness. You have no reason to believe that any other jury in any other place or time would do a better job than you will do. The experiences of centuries teach that our system of juries renders fair, impartial, and true verdicts. In addition to the performance of an important civic duty, it is sincerely hoped that you will learn a good deal about the courts and the judicial system. As has been the case for many jurors before you -- the verdict is yours.