

# Consumer Pamphlet: Handbook for Jurors

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## Introduction

This pamphlet will help you understand the procedure in the courts of Florida and better enable you to do your part in administering justice.

You have been summoned to render important service as a juror. You enjoy the privileges of citizenship and the protection of your liberties and property by the government. Jury duty is commonly considered the highest service a citizen can perform during peacetime.

For a short time you will, as a juror, serve as an officer of the court, along with the lawyers and the judges. As a juror, you are a part of the judicial system of our state, and your services are as important as those of the judge. The judge's duty is to correctly instruct you as to the law in each case. You are required to base your verdict upon the evidence as you hear it in court and upon the law as the judge instructs you. Jurors are obligated to perform this service honestly and conscientiously, without fear or favor.

If you are selected to sit as a trial (or petit) juror on a case, you will serve until that case is completed. If you are not selected as a trial juror, your service will be complete at the end of one day.

You should report to the proper location on the date and the hour stated in your summons. Jury management personnel will guide you through your jury service.

Once you are assigned to a courtroom, a bailiff will be available to direct and assist you. The bailiff is the deputy sheriff assigned to duty in the courtroom and will be present whenever the court is in session.

Unfortunately, delays are an unavoidable part of our judicial system. Judges and lawyers will make every effort to keep the cases moving along so that individual jurors will not be required to wait unnecessarily, but there will be idle time caused by unavoidable delays and other court-related matters. Thus, jurors are encouraged to use that time to catch up on reading or other activities that can be done with a minimum of noise.

Generally, you will be permitted to return home at the close of the day's session of court.

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## Qualifications of a Juror

Jurors must be 18 years old, U.S. citizens and legal residents of Florida and their respective counties, and must possess a driver's license or identification issued by the Department of Highway Safety and Motor Vehicles or must have executed an affidavit of eligibility at the clerk's office.

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## Exemptions from Jury Duty

All people who are summoned to serve as jurors must attend unless they have been excused by the court. Attendance is essential to the fair administration of justice. People who fail to respond to a jury summons without being properly excused can be fined up to \$100 and, in addition, can be held in contempt of court.

Disqualifications or excusals from jury service include:

- Any expectant mother and any parent who is not employed full time and who has custody of a child younger than 6 years of age will be excused from jury service upon request.
- A person may be excused from jury service upon showing of hardship, extreme inconvenience or public necessity.
- A person 70 years of age or older will be excused from jury service upon request. A person 70 years of age or older may also be permanently excused from jury service upon written request.
- A person who has served as a juror in his or her county of residence is automatically excused from jury duty for one year from the last day of service.

A presiding judge may, at his or her discretion, excuse a practicing attorney, a practicing physician or a person who is physically unable to serve from jury service.

Nobody with a personal stake in any issue to be tried shall be a juror. But no person will be disqualified from sitting on the trial of any suit in which the state, county or municipal corporation is a party just because that person lives or pays taxes in the state, county or municipal corporation.

A person cannot qualify for jury service who is under prosecution for any crime, or has been convicted in Florida, any federal court or any other state, territory or country of bribery, forgery, perjury, larceny or any other offense that is a felony in this state or that, if it had been committed in this state, would be a felony (unless the person's civil rights have been restored).

The governor, lieutenant governor, Cabinet officers, clerks of court and judges cannot be jurors. In addition, any full-time federal, state and local law enforcement officers or such entities' investigative personnel shall be excused from jury service unless they choose to serve.

Any person who is responsible for the care of a person who, because of mental illness, intellectual disability, senility or other physical or mental incapacity, is incapable of caring for himself or herself shall be excused from jury service upon request.

People with disabilities are entitled to the provision of reasonable accommodation and assistance by the court in order to participate in the proceedings, at no cost. While certain disabilities merit excusal, hearing impairment does not render a prospective juror incompetent to serve on a jury.

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## **Payment for Jury Duty and Employee Rights**

Jurors who are regularly employed and who continue to receive regular wages while serving as jurors are not entitled to receive compensation from the state for the first three days of juror service.

Jurors who are not regularly employed or who do not continue to receive regular wages while serving as jurors are entitled to receive \$15 per day for the first three days of juror service.

Each juror who serves more than three days will be paid by the state for the fourth day of service and each day thereafter at the rate of \$30 per day of service.

Juror service includes being summoned and reporting for jury service as well as actual service on a jury. Juror service does not include days when the juror was notified before reporting that it was not necessary to appear. Regular employment includes full-time employment and part-time, temporary and casual employment, as long as the employment hours of a juror can be reasonably determined by a schedule or by custom and practice established during the three-month period preceding the term of service as a juror.

Jurors are not entitled to additional reimbursement from the state for travel or other out-of-pocket expenses.

A juror who receives unemployment benefits does not lose such benefits because he or she receives compensation for juror service.

A juror who is excused from jury service at the juror's own request is not entitled to receive any compensation.

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## Length of Service

The length of the term of service for a juror shall not exceed one day, unless the juror is assigned to or impaneled on a trial that is not completed in one day or unless the court orders otherwise. This means if you are selected for a jury on the day you report for service, you will serve until that trial is completed. The average trial lasts about three days (although some are shorter and some are longer). If you are not selected as a juror on your first day, your service will be complete at the end of that day. Every effort will be made to release you as early in the day as possible after it is determined your services will not be needed.

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## Types of Trials

Cases that come before a trial jury are divided into two general classes: civil and criminal.

In a civil trial, parties in dispute come into court to determine and settle their respective rights. The person who brings an action against another is the “plaintiff.” The person against whom the action is brought is the “defendant.”

In a criminal trial, those bringing the action are the people of the State of Florida, represented by the “prosecutor.” The “defendant” is a person or corporation accused of a violating a law.

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## The Questioning of Jurors

You will be required to take two oaths before you can serve as a juror. First, you will be sworn to answer truthfully all questions asked of you regarding your qualifications to serve. Then, when you are called to a panel for a particular case, the judge and the lawyers will ask additional questions of you regarding your background. This latter questioning is called “voir dire” examination.

If you have never served as a juror, some of the questions may seem personal, but the questions are not intended to embarrass or reflect upon you in any way. Lawyers have a duty to ask questions to assist them in deciding which jurors to select.

There may be many reasons why you might not be considered a wholly fair and impartial juror in the particular case about to be tried. You might be closely related to one of the parties in the case. You might subconsciously have some prejudice regarding the type of case to be tried, making you a less

than desirable juror for the case. If you think you might be disqualified for any reason, whether or not the matter is brought out by questions directly asked, you should rise and tell the judge and the lawyers about it.

You may be excused “for cause” when the judge is of the opinion that you cannot render a fair and impartial verdict. The attorneys also can exercise a limited number of “peremptory challenges,” by which they may excuse a juror without stating any reason. If you are challenged or excused, it is not a reflection on you in any way. That you are excused means simply that, in the particular case, it is proper and lawful to excuse you.

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## **The Course of a Trial**

### **CIVIL TRIALS**

After the jury has been sworn in, the plaintiff’s lawyer outlines the nature of the case and the evidence that will be offered to support the plaintiff’s case. This is called an “opening statement.” It is not intended to be an argument and is not evidence.

The lawyer for the defendant may make an opening statement or may reserve opening statements until the plaintiff’s case has been completed.

The first evidence is received from witnesses for the plaintiff who are called to the witness stand and sworn to tell the truth before giving their testimony.

As a rule, every witness is examined by the lawyer for one side and may be cross-examined by the lawyer for the other side (or questioned by the judge) as the trial progresses, in an effort to determine just exactly what the truth is.

After the plaintiff has put in evidence, the lawyer for the defendant may make an opening statement, if he or she has chosen to wait until this time to do so. The defense attorney may call witnesses, who are subject to cross-examination. Cross-examination is the questioning of a witness at trial by the party opposed to the party who called the witness to testify.

The plaintiff’s lawyer may put witnesses on the stand in rebuttal, or reply, and they are likewise subject to cross-examination.

When all of the evidence is in, the lawyer for the plaintiff usually makes an argument intended to help the jury analyze the evidence. The argument is also an attempt to convince the jury that, based upon the evidence presented, the plaintiff is entitled to win. The lawyer for the defendant makes an argument for the defendant for the same purpose. Finally, the lawyer for the plaintiff makes a concluding argument in reply. After these arguments have been made, the judge instructs the jury on the law.

During the trial, the judge decides all disputes about the law and the rules for trying the case.

The judge may rule upon many questions that are submitted by the attorneys and may hear arguments of counsel in the absence of the jury. The rulings of the judge involve questions of law, not fact, and must not be questioned by the jury as to their correctness for or against either side. Such questions are decided by the judge as the law requires. A ruling does not indicate that the judge is taking sides. In effect, the judge is merely saying: "The law does not permit that question to be asked" or "That question is permissible under the law."

At the close of the trial, the judge will instruct you on the law and tell you the principal questions you are to decide. The case is then turned over to the jury. The power and responsibility move from the bench to the jury room, where you will consider the testimony and the instructions given by the court.

Throughout the course of the trial, jurors are permitted to separate when the court is not in session. Only in rare instances are jurors "sequestered" or kept together to prevent outside influence.

## CRIMINAL TRIALS

The procedure in a criminal trial is basically the same. The prosecutor begins the case by outlining the evidence against the defendant. In a criminal case, the state accuses an individual or corporation with violation of a law.

After the prosecutor and the defense attorneys present all of the evidence to the jury and make their closing arguments and the judge instructs on the law, the case is ready for the jury's consideration. If there is a conviction, the judge determines the appropriate treatment or punishment.

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## Important Things to Remember During the Trial

After you are sworn as a juror in a case, there are some rules of conduct that you should observe:

- **Don't use electronic devices or social media during the trial:** Do not talk about the case using email, texting, blogging or any social media site. Do not use a cellphone, smartphone or computer to look up information related to the case. The judge will give you specific instructions on the use of electronic devices, such as cellphones, smartphones, tablets or laptops. During a trial, the judge may require jurors to turn off electronic devices during court proceedings, remove their cellphones and electronic devices during deliberations, or remove the cellphones and electronic devices during all proceedings and deliberations. If someone needs to contact you in case of an emergency, the judge will provide you with a phone number where you can receive messages. If the trial judge allows you to keep your cellphones or other electronic devices, you cannot use them to take photographs, video recordings or audio recordings of the proceedings in the courtroom or your fellow jurors.
- **Don't be late for court sessions:** Because each juror must hear all the evidence, tardiness causes unnecessary delays. The trial cannot proceed until you are present.

- **Always sit in the same seat in the jury box:** This enables the judge, the clerk and the lawyers to identify you more easily.
- **Listen to every question and answer:** Because you must base your verdict upon the evidence, you should hear every question asked and every answer given. If you do not hear some of the evidence for any reason, ask to have it repeated. If you do not understand some phrase or expression used, ask the judge to have it explained.
- **Don't talk about the case:** While you are a juror and before you retire to the jury room for deliberations, you should not talk to anyone about the case, not even another juror. You should not permit anyone to talk to you or talk in your presence about the case. If any person persists in talking to you about it or attempts to influence you as a juror, you should report that fact to the judge immediately.
- **You may be allowed to ask questions of a witness:** If you are seated on a civil trial, the court will permit you to submit questions at the end of each witness' testimony. The question will have to be in writing, and the judge and lawyers will have a chance to review the question before submitting it to the witness. As long as the question is legally permissible and directed only to the witness, the judge will ask the witness your question. If you are seated on a criminal jury, the judge may allow you to ask questions in the same manner.
- **Don't try to be an amateur detective:** Because the only evidence you can consider is that which is presented in court, you are not allowed to make an independent investigation or to visit any of the places involved in the case. If it is proper or necessary for you to visit them, the judge will so order and send the jury together to see them.
- **Control your emotions:** You should not indicate by exclamation, facial contortion or any other expression how any evidence or any incident of the trial affects you.

If you are in doubt about your rights or duties as a juror, you should not ask anyone but the judge for information. If an emergency affecting your service should arise, consult the judge about it.

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## Conduct in the Jury Room

The jury's first duty when it begins deliberations is to select a foreperson. The foreperson acts as the spokesperson. The foreperson sees that discussion is carried on in a sensible and orderly fashion, that issues submitted for the jury's decision are fully and fairly discussed and that every juror has a chance to say what he or she thinks about every question. The foreperson will sign the verdict when the jury arrives at one.

The foreperson and each juror should see that discussion in the jury room is never so loud that it can be heard outside. Until a verdict is announced, no outsider should know what goes on in the jury room.

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## The Integrity of the Jurors

In discharging your duty as a juror, you must conduct yourself in such a way that no one can question your actions. Any judicial officers, whether judges, lawyers or jurors, who do any act tending to destroy public confidence in the integrity of the judiciary are thereby unfit to perform their duty. Jurors should not accept any gifts or favors, no matter how insignificant or trivial, from parties to the case or their lawyers, directly or indirectly. A juror should not, in the courtroom, corridors or elsewhere, talk with the lawyers, the parties to the case, witnesses or any other people interested in any way in the case. A juror should avoid all familiarity and all appearance of familiarity with anyone interested in a decision of the jury.

Both sides have spent considerable time preparing for the trial. Both will present arguments to support their aspects of the case. Jurors must be patient while evidence is presented and must not form any conclusions until all evidence and all arguments have been given and until the judge has given instructions to the jury about the law pertaining to the case.

Justice will be done if jurors base their verdicts solely upon the evidence and upon the judge's instructions as to the law, rather than upon their own notions of what the law is or ought to be.

In case of any doubt as to proper conduct or any question regarding the trial of the case, you should consult the judge. The judge is always ready and available to determine all questions of law pertaining to the case being tried.

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*The material in this pamphlet represents general legal advice. Since the law is continually changing, some provisions in this pamphlet may be out of date. It is always best to consult an attorney about your legal rights and responsibilities regarding your particular case.*

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