

## Law Day 2012

# Juries

Most Americans are more likely to experience the American justice system as a juror than as any other type of participant in the legal system. In a jury trial, the fact-finding function belongs to the jury. Jurors have the duty to judge and weigh the credibility of witnesses and the arguments of the parties. The judge provides the jury with instructions on how to apply the law to the facts determined by the jury.

### **Ju-ror** [joor-er] *noun*

1) one of a group of persons sworn to deliver a verdict in a case submitted to them; member of a jury

Potential jurors are randomly selected from lists of registered voters, holders of drivers' licenses or IDs issued by the Division of Motor Vehicles, New York State income tax filers, recipients of unemployment insurance or family assistance, and from volunteers.

To be eligible to serve on a jury you must be a citizen of the United States, at least 18 years of age, live in the county that you are summoned to serve, be able to understand and communicate in English and have never been convicted of a felony.

Potential jurors are questioned by the trial judge and/or the parties' lawyers in order to discover any reason to believe that they

may have a potential bias or prejudice relating to the parties or to issues in the case. If a juror admits to such a bias or prejudice, or if evidence suggests he or she may have a bias, either attorney may ask the court to "strike the juror for cause" and remove him or her from the panel of potential jurors in that case.

In addition to challenges for cause, each lawyer can make peremptory challenges. These challenges permit a lawyer to excuse a potential juror without stating a cause. Peremptory challenges are limited in number and determined by the kind of lawsuit being tried. They can't be used to remove potential jurors on the basis of race or gender.

In criminal cases tried in New York state courts, a defendant cannot be found guilty unless there is a unanimous verdict from all 12 jurors. If the jury cannot reach a unanimous verdict, it is a hung jury. The judge will declare a mistrial and the case may be tried again before another jury.

**Student Assessment:** Do you feel differently about the courts and our justice system now that you've learned more? Explain why.

Today, jurors in New York state courts are permitted to take notes during the trial however, jurors are not allowed to read, watch or listen to stories in the media or on the Internet relating to the trial. Jurors are also not allowed to discuss anything about the case until deliberations.

### **Newspaper Activity:**

A jury must weigh all evidence to determine guilt or innocence. This is similar to distinguishing between facts and opinions. Select an article, editorial or advertisement from the newspaper. Circle every opinion and underline all facts in the example you selected. Is it always easy to determine what are facts and what are opinions?