

Tuscarawas County, Ohio
Court of Common Pleas
General Trial Division

Trial Juror

Handbook

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You have been selected for jury duty, a civic responsibility unavailable to most people in the world today; but an undeniable right – and cherished duty – of every qualified American. Once chosen as a juror and participating in a trial, you will become, in effect, a temporary officer of the court. You will be asked to seek the truth in order to pass judgment in a legal trial, a most significant and weighty responsibility.

Short of being elected to public office, you may never again have as powerful an impact on our society and its laws and values as you will while serving as a juror in this court. Juries give power to the voice of every citizen and true meaning to participatory democracy. Today, as a juror, the integrity of our nation's justice system is in your hands.

The Purpose of This Handbook

This **Trial Juror's Handbook** is designed to give you necessary information about jury service. You should carefully review this information so you will be able to perform to the best of your ability as a juror. This handbook is designed to inform, not advise. It will describe the legal process and your role in it.

This booklet is not law and should not be construed as such. It is neither meant to replace the Judge's instructions, nor is it intended to help you determine what the facts are in a particular case. Its purpose is to provide general background information regarding jury duty and your responsibilities as a juror.

How You Were Chosen

Your name was selected from a list of Tuscarawas County residents who are registered voters and/or who hold an Ohio driver's license or a state identification card.

Accommodations for Special Needs

Please alert the Clerk or the Judge's personnel of any vision, hearing, language difficulty, physical disability or other special need you have. If you need an interpreter, one will be provided to you at our expense. Contact the Clerk of Courts office prior to your report date.

Notice Given

You were sent a Jury Service Summons from the Clerk of Courts explaining your term of service, your juror service group and number and details on reporting for service. The telephone number to call regarding your service is **330-364-8818 after 5:00 p.m. the evening before** the date of your service. Juror reporting information can also be obtained online at <http://www.co.tuscarawas.oh.us/Courts/>; select Jury Information. Notification may also come to you via automated phone message, text or email. By

providing your cell phone number you are authorizing the Clerk of Courts to contact you via text message. For general questions about juror service you may call the office of the Clerk of Courts at **330-365-3243 between the hours of 8:00 a.m. and 4:30 p.m.**

Postponement or Excusal from Jury Duty

Juror requests for postponement or excusal of service may be filed with the office of the **Clerk of Courts**. A doctor's statement must accompany the filing of a request based on physical inability to serve. You may request to be postponed or excused if you will be necessarily absent from the county. You may file a request for postponement or excusal of service by personally appearing at the office of the Clerk of Courts and completing a **Request for Postponement or Excusal from Jury Service** (form that the Clerk will provide), by contacting the Clerk of Courts office by telephone, in writing, or by email at jury@co.tuscarawas.oh.us. The request for postponement or excusal of service can be obtained online at <http://www.co.tuscarawas.oh.us/Courts/>; select Jury Information. The Judges or designated court representative will consider requests for postponement or excusal on an individual basis after they are received and will promptly notify you of your postponement, excusal or non-excusal. You may be found in contempt of court for failure to appear for jury duty.

Questionnaire and Personal Information Sheet

You must complete the enclosed questionnaire and personal information sheet and hand-deliver or mail to the Clerk of Courts, 125 East High Avenue, Suite 230, New Philadelphia, Ohio 44663. You have been provided a business reply envelope for this purpose. No postage is necessary. You may also email the questionnaire and information sheet to the Clerk of Courts at jury@co.tuscarawas.oh.us. The Questionnaire and Personal Information Sheet can be obtained online at <http://www.co.tuscarawas.oh.us/Courts/>; select Jury Information.

Reporting for Service

Jury duty can begin early in the day and it is critical that you report on time. Court cannot begin until all jurors are present. In most cases you will be asked to report at 8:15 a.m. for service Tuesday through Friday and at 12:00 noon for service beginning on a Monday. Allow a full day (or the remainder of a Monday) for juror service.

You will be sent to a courtroom for an interview process relating to juror selection. If you are selected to serve on a trial, the Judge will give you your instructions. If you are not selected, you will **only** need to return to the Clerk's office if you need a work excuse form. You will have already received your next reporting date, if applicable.

The Judges and Court personnel will work hard to limit the time you will be waiting until brought into a courtroom. Unfortunately, you will experience some waiting and it is suggested you bring reading material or other busywork to fill this waiting period. Do not bring children with you for jury duty. Child care is not available at the courthouse, and children will not be permitted in the courtroom.

Length of Service

We have limited your jury service to the two weeks for which you have been summoned. Most of our trials last **two to three days**. However, a trial may last longer. The Judge will dismiss the jury each evening and will instruct you as to what time you must return. You do not need to check in with the jury clerk at the end of the day(s) you serve unless your service is complete. **You must check in with the jury clerk upon arrival each additional day of jury service.** The Judge will indicate on the first day of trial how long the trial is anticipated to last. It is very rare for a jury to have to remain overnight. If this should happen, you will be paid a basic subsistence allowance. If a jury is **sequestered** (kept together for security purposes), the county government will pay all expenses for food and lodging.

Down Time

The hours of juror service vary according to the particular court in which you are serving. The amount of time you will spend on a case depends on what type of case it is, the amount and complexity of evidence to be presented, and the questions of law which must be resolved.

There is almost always an element of waiting associated with jury service. This is largely unavoidable due to various factors. These could include, for example, the large number of trials for which juries must be formed, complex issues of law and evidence presentation that must be settled outside of the jurors' hearing during the trial, etc.

Initial Reporting

The jury summons will inform you how to receive reporting information via phone; reporting information is also available online at the Court's website at <http://www.co.tuscarawas.oh.us/Courts/>; select Jury Information. Upon reporting for the first time, you will receive an attendance card which you will keep and use each time you check in for jury service until payment of your jury fees is made. You will use this card **each time** you check in for service.

Security

In order to enter the courthouse, you will go through a security screening. Do not bring any items that have the potential for use as a weapon, such as knitting needles, scissors, pocket knives, mace or pepper spray. Extra-large purses and backpacks are not permitted.

Court Attire

No particular “dress code” is required, but in light of the important and serious business being conducted in the Court, appropriate attire is expected and appreciated.

Change of Address, Telephone Number

Any such changes should be reported to the Clerk of Courts immediately.

Location

The General Trial Division **Courtrooms** are located on the third floor of the County Courthouse, 101 East High Avenue, New Philadelphia. The office of the **Clerk of Courts** is located on the second floor of the adjacent Tuscarawas County Office Building, 125 East High Avenue, New Philadelphia.

Parking

Arrangements for **free parking** have been made with the **First Church of the Nazarene at 233 Fair Avenue, N.E., New Philadelphia**. You may receive a ticket or be towed at your expense if you park on the street over the allowed time or park in unauthorized or monitored parking lots. Enclosed with your summons should be a parking slip that **must be placed in the front window** of your vehicle.

Payment of Attendance Fees

Attendance fees are paid by check mailed to your home address, usually within one to two months of your service. You will be paid \$12.00 for reporting for service if not selected, and \$15.00 per day if you are selected to serve as a juror on a case.

Attendance Certificates for Employer

Upon request to the Clerk’s office, you will be provided with an attendance certificate/work slip showing the dates you served.

Your employment is protected by law while you are serving as a juror. If you should have a problem with your employer in connection with your jury service, please contact the Court immediately.

Juror Qualifications and Initial Selection Procedures

Jurors must be American citizens; 18 years or older; and residents of the jurisdiction where jury service is required. Also, a person convicted of a felony charge must have his or her civil rights restored before this individual can serve as a juror. Prospective jurors go through a selection process, which eliminates those unable to serve due to illness, work hardship, and similar factors. The individuals who remain become part of the “jury pool” from which trial juries are selected.

What Jurors Do

In the American system of justice the jurors have the most critical task - they must appreciate/evaluate the evidence and decide the facts of the case. (It is for this reason that jurors are known as “*triers of fact.*”) Jurors do not need a special knowledge of the law to properly discharge their duties during a trial. The Judge will instruct you concerning legal definitions, etc.; he or she will also determine what evidence can be considered by the jury and what evidence cannot. You, however, will evaluate or weigh the evidence presented and are the “final word,” so to speak, when you render your decision or “verdict.”

How to Be a Successful Juror

How can jurors accomplish their duties most effectively? Jurors must pay close attention to what they see and hear in the courtroom. They must use good common sense in evaluating the evidence that is presented. In addition, jurors must avoid being influenced by sympathy, anger, or any other emotion for or against one side or another in the dispute. They must keep an open mind throughout the entire trial. Finally, jurors must refrain from making a judgment until both sides have had the opportunity to fully present their case and deliberations have been completed.

Impartiality Is the Key

Jurors take a solemn and binding oath or affirmation prior to trial to assess the evidence without prejudice. Failure to live up to this oath or affirmation by a juror is both wrong and unjust because it may deprive a party of his or her inalienable right to a fair trial. The juror who breaks this oath or affirmation has committed perjury. For these reasons any juror who feels that he or she cannot be completely impartial during a trial must notify the Judge immediately. Another juror will then be selected to take that juror’s place. There is no dishonor in this notification; indeed, such action preserves and protects the integrity of our jury system.

All of us have life experiences, opinions, and attitudes that sometimes preclude us from being totally unbiased in one way or another. Consider a person who has been

mained due to a vehicle crash caused by a drunk driver. As a juror, this person may be unable to maintain objectivity in a trial of similar circumstances.

If you have a reasonable doubt that you can fairly judge the case to which you have been assigned, you must ask to be excused from serving on that particular trial. As a member of the jury pool, you will probably be able to participate as a juror during another trial where your emotions will not be a factor.

How a Trial Jury is Formed

As a member of the jury pool, you and certain other potential jurors will be selected to form a jury panel. The Judge will give you a brief explanation of the case and you will meet the lawyers and people involved in the dispute. You will take an oath to faithfully perform your duties as a juror, and to truthfully answer all questions posed to you by the Judge and/or lawyers during jury selection.

Panel members will be carefully questioned regarding their knowledge and interest concerning the case and whether they have any strong feelings regarding it. They may also be asked to discuss their backgrounds, opinions, and attitudes. Although these questions are personal, they are essential to the proper functioning of our jury system. Every person or entity is entitled to a fair trial. Panel members who for one reason or another cannot judge the case squarely on its own merits, or who have already formed opinions about the case without hearing the evidence, should not be seated as jurors. This can only be determined through personal questions asked of the panelists.

Panel members should understand that questions asked during jury selection are not meant to embarrass or belittle them. Instead, they are asked to ensure justice for the trial participants. However, if you feel that a question is simply too sensitive for you to answer in front of the other jurors, feel free to inform the Judge. The Judge can then make arrangements for you to answer such a question or questions in a private setting.

During jury selection, jurors may be excused from continued jury service in two ways:

Cause Challenge – A juror must be excused if the judge concludes that for a particular identified reason, the juror, as a matter of law, cannot be fair to a party or parties in the case.

Peremptory Challenge – The law provides that each party in a case may excuse a fixed number of jurors without stating any reason for the excusal.

After the questioning process is concluded, eight, or 12 jurors, and possible alternates, will be selected to form the jury. (The number of jurors varies according to the type of trial, civil or criminal.) The panelists not selected will then be excused from further service in that trial.

Types of Cases

There are two types of legal cases – *civil* and *criminal*. The differences are as follows:

Civil cases – A civil case typically involves a claim for money damages due to some alleged wrong that has been done by one party to another, or because of an assertion by one party against another with respect to property. Litigants in a civil case can be any person or organization, including private citizens, the government, businesses, churches, etc. Civil cases are brought by plaintiffs. The party sued is known as the defendant. The verdict or outcome in the case does **not** result in a prison sentence or other **criminal** penal sanctions. A verdict is reached when 3/4 of the jury agrees.

Criminal cases – In a criminal case the prosecutor represents the state or local government, the authority that brings the charges against individuals or entities known as a defendant.

Felony crime is the most serious criminal offense; a misdemeanor is a less serious charge. In a criminal case, the defendant is always presumed innocent unless proved otherwise; he or she is not responsible for proving innocence.

In a criminal case, the standard of proof is far more stringent upon the prosecution than it would be upon the plaintiff in a civil case. The prosecution must establish *beyond any reasonable doubt* that the defendant is guilty of the charge(s). (Note: The Judge always instructs jurors regarding the precise meaning of “reasonable doubt.”)

In a criminal case, a unanimous verdict is required, i.e., all jurors must agree that the defendant is guilty or not guilty in order to return a verdict.

The Trial Stages

Jury Selection – Discussed above.

Opening statement – At the beginning of the trial both attorneys have an opportunity to provide jurors with an overview of their individual cases. Because the plaintiff in a civil trial (or prosecutor in a criminal trial) brings the action, the plaintiff’s attorney (or prosecutor) always goes first.

Evidence presentation – This is the heart of the trial. The plaintiff (or prosecutor) first presents evidence, followed by the defendant, followed sometimes again by the plaintiff (or prosecutor) in rebuttal. Evidence is offered to establish the plaintiff’s allegations or, from the defendant’s point of view, to rebut plaintiff’s allegations. This includes witness testimony, physical exhibits (photos, letters, contracts, stolen property, etc.), written testimony (known as depositions); even a trip to the scene of events.

Remember: It is the Judge who determines what evidence is allowed to be considered in a trial and what is not. Sometimes the attorneys will request a special conference (also known as a side bar or a bench conference) with the Judge to discuss what should and should not be presented as evidence. Jurors may be asked to leave the courtroom during these discussions. This is necessary because jurors weigh the evidence presented during the trial, but play no part in determining *what* evidence may be admitted in a trial.

Evaluating witness testimony, along with the other evidence, is the juror's chief function during the trial. This means that jurors must be able to reliably assess witness credibility. *Note:* The Judge will provide guidelines on how jurors should evaluate all the evidence.

Closing arguments – After evidence presentation is concluded (at which point each side rests its case), each attorney is given an opportunity to make a closing argument. This is the opportunity for each attorney to summarize the case presented to the jurors and to explain, from his or her perspective, how and why the jurors should decide the evidence and render a verdict.

Instructions to jurors – Either before or after (Judge's choice) closing arguments are concluded, the Judge will explain to the jurors what legal considerations they must take into account as they deliberate to reach their verdicts. In some courts a copy of these instructions will be provided in typed form to the jurors.

Jury deliberation – This is the important stage of the trial in which jurors discuss and consider with each other that which they have seen and heard in the courtroom, and then vote to reach a verdict. After retiring to the jury room, the jurors decide who will act as foreperson of the jury. This person should be someone capable of organizing and presiding over deliberations, and of ensuring that all of the jurors are given an opportunity to express their opinions.

Two primary rules apply to jurors during their deliberations: they must decide the case solely on the basis of the evidence presented; and they must apply the law as instructed by the Judge.

The integrity of America's esteemed jury system is based on the essential premise that *jurors thoroughly confer with each other during deliberations* to ensure that all trial issues and evidence are fully and fairly examined and discussed - then vote to reach a verdict.

Upon reaching a verdict, the jurors who agree sign the verdict form selected and notify the court staff. The jurors then return to the courtroom where the verdict is announced. Sometimes the jurors will be polled (questioned individually) after the verdict is announced regarding their specific votes. Once the verdict has been read, the

jurors have fulfilled their responsibilities during the trial, and are discharged from the case.

You Are the American Jury System

Our American jury system remains singular throughout the world as an ideal of democratic rule made manifest. Thomas Jefferson, one of our greatest presidents, wrote: "I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution." Historian Arthur Schlesinger describes the American jury system as the "voice of the people." Today, that noble voice is your voice. **Speak well.**

Juror's Do's & Don'ts

Promptness is important – Jurors should make sure to arrive at the trial on time and return promptly to the courtroom after breaks. The case cannot proceed without the jurors.

Rise when the court session begins and remain standing until the Judge is seated. This is out of respect for the Court, not an individual Judge.

Be sure and pay close attention to all witness statements and evidence. If you cannot see or hear the evidence, let the Judge know.

Be completely truthful when providing answers during jury selection. Failure to do so can be considered perjury.

When in doubt concerning any aspect of the case ask the Judge. If approached by anyone to discuss the case, the juror must inform the court staff or Judge of this fact immediately.

Immediately inform the Judge if you have been informed or have learned about new facts concerning the case from sources outside of the courtroom. Along this line, jurors should avoid print or broadcast stories about the case.

If you have a vision, hearing, language difficulty or other special need that could impair your ability to fully and accurately evaluate the evidence, you should inform the court staff or Judge immediately.

You must determine your verdict solely on the basis of the evidence presented in court, and not on any other factor. To do otherwise is a violation of the juror's oath. This applies whether you agree with the law in question, or not. Remember: jurors don't decide the *law* regarding a case; they only decide the *facts* of the case.

Do not try to investigate the case or discover evidence on your own. Your job is to weigh the evidence, not find it.

Do not attempt to decide the case without fully and completely considering all the evidence. You must keep an open mind and finalize your verdict only after full deliberations are concluded.

Never talk about the case to other members of the jury, lawyers or parties involved; or with anyone else until the trial is concluded. This includes spouses, family members, and significant others.

Be sure and honor the Judge's instructions regarding how you must apply the law when considering your verdict.

Try to reason out honest differences of opinion between jurors during deliberations. The basic standards by which to measure all deliberations are: 1) the evidence, and 2) the Judge's instructions.

Be willing to reconsider your views and have the courage to change them if necessary, based on the broader perspective of deliberations. But don't change your views simply because you are pressured to do so. Maintain the courage of your convictions.

Keep your emotions under control during deliberations. Treat all jurors – even those with whom you disagree – with courtesy and respect.

Understand that if the case for which you are serving as a juror is appealed, such an appeal will only be based on *legal* grounds – not on your verdict. The possibility of an appeal should never have any bearing on how you decide the case.

Keep the same seat in the jurors' box throughout the trial.

Turn off electronic devices and cell phones while serving as a juror and during deliberations.

What about taking notes and asking questions of witnesses? Note-taking and juror questions are determined by the Judge presiding over a particular trial. He or she will inform you on these issues.

Never talk to anyone about your deliberations or the verdict until the Judge discharges the jury. After discharge, you may discuss these subjects with anyone you choose.

Notes

Useful Courtroom Definitions

Side Bar Conference: During almost every trial, issues arise concerning legal and procedural which must be discussed among the Judge and the lawyers outside of the hearing range of the jury. If the Judge concludes the jury is entitled to be informed of the subject matter of the side bar conference, he or she will inform you in that regard.

Motion to Strike: Sometimes evidence comes in which is not legally proper. When a Judge grants a motion to strike, you must disregard the evidence involved.

Direct Examination: Questions a lawyer asks of a witness normally called by a lawyer to testify on behalf of a lawyer's client.

Cross Examination: After a witness testifies on direct examination, the other side has the right to ask that witness questions.

Objection: Almost every trial has objections made by the lawyers as to certain questions and evidence. Objections are based on claims that the evidence is not admissible for some legal reason. The Judge rules upon all objections.

Objection Sustained: This means that the Judge agrees with the objection and issues the appropriate ruling.

Objection Overruled: This means that the Judge disagrees with the objection to the question or answer. The Judge will then allow the question or answer to be heard.