

Jury Service: Our Duty and Privilege as Citizens

A Lesson by Linda Weber



The Annenberg Foundation Trust at
SUNNYLANDS

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**Leonore Annenberg
Institute for Civics**
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www.annenbergclassroom.org

SUMMARY

“Citizenship is every person’s highest calling”
– Ambassador Walter S. Annenberg

In America, the responsibility to protect individual rights and promote the common good ultimately rests with its citizens, not the government. When citizens participate in thoughtful and responsible ways, the welfare of our constitutional democracy is ensured.

While most civic participation is voluntary, the call to serve on a jury is not—it comes as an order by the court. Trial by jury, a right guaranteed by the U.S. Constitution, requires the fair and impartial decision-making of ordinary citizens. It is through juries that “We the People” have a voice in the justice system. Learning about this important duty of citizenship will help students understand jury service as both a responsibility and a privilege.

In this lesson, students learn about the importance, history, and constitutional foundations of jury service. They become familiar with federal and state juror qualifications and selection processes, then review sample juror questionnaires and jury summonses. Students also participate in an attitudinal survey about jury service.

NOTES AND CONSIDERATIONS

- This lesson presumes that students have a basic understanding of the judicial branch, the court system, and court-related vocabulary and concepts.
- Due to the specialized nature of the in-class sessions, materials are provided to help students build essential knowledge and understanding before coming to class so they are best prepared to learn.
- Technology is relied on in this lesson to enhance learning by facilitating information access, information gathering, and instruction.
- This is a self-contained lesson with resources and activities that can be adapted to different teaching styles, length of classes, and levels of students.

Snapshot of Lesson

Grades: Middle School; High School (Focus)

Subject Focus: Civics/Government

Estimated Time: 3–4 days

Alignment to National Standards for Civics and Government: Grades 5-8; Grades 9-12

Materials/Equipment Needed:

- Video: *A Conversation on the Constitution with Justices Stephen G. Breyer, Sandra Day O’Connor, and Anthony M. Kennedy – “Jury Service”* (10 min. 30 sec.) available on DVD and at <http://www.annenbergclassroom.org/page/jury-service>
- Video: FAQs: *Juries* Available on DVD and at <http://www.annenbergclassroom.org/page/faqs-juries>
- Computer with internet connection and projector for class viewing
- Computer lab

Materials Included:

Readings and Resources

- Glossary of Jury- & Court-Related Terms
- “Citizen” & “Citizenship” from *Understanding Democracy, a Hip Pocket Guide*
- Chapter 18: “The Right to Trial by Jury” from *Our Rights* by David J. Bodenhamer
- U.S. Constitution
 - Preamble; Article III
 - Fifth, Sixth & Seventh Amendments
- “Tales of Two Jurors”
- Sample federal and state forms
 - Jury Summons
 - Juror Questionnaire

Student Materials

- Class Prep: Assignment Sheet
- Activity: “Sort It Out: Constitutional Foundations for Jury Service”
- “Student’s Video Guide: Jury Service”
- Research Activity: “Summoned to Serve: It May Be Your Turn Soon”
- “Twenty Questions: A Survey of Attitudes About Jury Service”
- “Artful Appreciation”

Teacher Materials

- “Video Discussion Guide: Jury Service”
- “Background Information: Courts & Juries”
- Answer versions for student activities
- “Rubric: Personal Response Essay”

National Standards for Civics & Government

- Standards level detail for grades 5-8, 9-12

TOPICS

- Judicial branch
- Constitutional foundations for juries
- Right to trial by jury
- Jury selection process (federal and state)
- Juror qualifications (federal and state)
- Attitudes and responsibilities of citizen jurors
- Democratic principles and values
- Rights and responsibilities of American citizens
- Role of juries in the U.S. justice system

NATIONAL STANDARDS

Document: National Standards for Civics and Government (1994) Center for Civic Education
<http://www.civiced.org/index.php?page=stds>

Grades 5-8 Organizing Questions

The national content standards for civics and government are organized under five significant questions. The following outline lists the high-level organizing questions supported by this lesson.

- I. What are civic life, politics, and government?
 - A. What is civic life? What is politics? What is government? Why are government and politics necessary? What purposes should government serve?
 - B. What are the essential characteristics of limited and unlimited government?
 - C. What are the nature and purposes of constitutions?
 - D. What are alternative ways of organizing constitutional governments?

- II. What are the foundations of the American political system?
 - A. What is the American idea of constitutional government?
 - C. What is American political culture?
 - D. What values and principles are basic to American constitutional democracy?

- III. How does the government established by the Constitution embody the purposes, values, and principles of American democracy?
 - A. How are power and responsibility distributed, shared, and limited in the government established by the United States Constitution?
 - C. How are state and local governments organized, and what do they do?
 - E. What is the place of law in the American constitutional system?

- V. What are the roles of the citizen in American democracy?
 - A. What is citizenship?
 - B. What are the rights of citizens?
 - C. What are the responsibilities of citizens?
 - D. What dispositions or traits of character are important to the preservation and improvement of American constitutional democracy?
 - E. How can citizens take part in civic life?

Grades 9-12 Organizing Questions

The national content standards for civics and government are organized under five significant questions. The following outline lists the high-level organizing questions supported by this lesson.

- I. What are civic life, politics, and government?
 - A. What is civic life? What is politics? What is government? Why are government and politics necessary? What purposes should government serve?
 - B. What are the essential characteristics of limited and unlimited government?
 - C. What are the nature and purposes of constitutions?
 - D. What are alternative ways of organizing constitutional governments?

- II. What are the foundations of the American political system?
 - A. What is the American idea of constitutional government?
 - C. What is American political culture?
 - D. What values and principles are basic to American constitutional democracy?

- III. How does the government established by the Constitution embody the purposes, values, and principles of American democracy?
 - B. How is the national government organized, and what does it do?
 - C. How are state and local governments organized, and what do they do?
 - D. What is the place of law in the American constitutional system?

- V. What are the roles of the citizen in American democracy?
 - A. What is citizenship?
 - B. What are the rights of citizens?
 - C. What are the responsibilities of citizens?
 - D. What civic dispositions or traits of private and public character are important to the preservation and improvement of American constitutional democracy?
 - E. How can citizens take part in civic life?

Note: A more detailed standards-level alignment related to these questions can be found in the “Standards” section at end of this lesson plan.

STUDENT OUTCOMES

Knowledge, skills, and dispositions

Students will . . .

1. Identify the constitutional basis for juries.
2. Explain the role of the jury in a constitutional democracy.
3. Identify and explain the knowledge, skills, and dispositions important for citizen jurors.
4. Draw conclusions about the importance of citizen participation in the judicial process.
5. Become familiar with juror qualifications, selection processes, and expectations for jury service in federal and state trial courts.

Integrated Skills

1. Information literacy skills

Students will . . .

- Analyze primary and secondary sources to gather information.
- Organize and analyze information.
- Gather and analyze data from a survey.
- Use skimming and search skills.
- Make informed decisions.
- Use prior and background knowledge as basis for new learning.
- Use technology as a tool to support learning.

2. Media literacy skills

Students will . . .

- Read, view, and listen to information delivered via different media formats in order to make inferences and gain meaning

3. Communication skills

Students will . . .

- Write and speak clearly to contribute ideas, information, and express own point of view.
- Write in response to questions.
- Respect diverse opinions and points of view
- Support personal opinions with facts.
- Collaborate with others to deepen understanding.

4. Study skills

Students will . . .

- Take notes.
- Manage time and materials.

5. Thinking skills

Students will . . .

- Describe and recall information.
- Make connections between concepts and principles.
- Explain ideas or concepts.
- Draw conclusions.
- Analyze and compare opinions.
- Synthesize information.
- Evaluate and judge opinions.
- Use sound reasoning and logic.

6. Problem-solving skills

Students will . . .

- Identify legal process for conflict resolution.
- Use sound reasoning as the basis for decisions.
- Ask meaningful questions.
- Explain the interconnections within a process that are needed to achieve resolution.

7. Participation skills

Students will . . .

- Contribute to small and large group discussion
- Work responsibly both individually and with diverse people.
- Express own beliefs, feelings, and convictions.
- Show initiative and self-direction

ASSESSMENT

Evidence of understanding may be gathered from student performance related to the following:

1. Class Prep assignment
2. Student activities
3. Personal response essay (Rubric included)

VOCABULARY

Alexis deTocqueville	duty	petit jury
appeals court	facts	privilege
Bill of Rights	grand jury	responsibility
case	judge	service
citizen	juror	set aside
citizenship	jury	shared powers
civic duty	jury of your peers	summons
civil trial	jury service	trial by jury
court	jury trial	trial court
criminal trial	justice	U.S. Constitution
democracy	law	U.S. Supreme Court

Refer to the “Glossary of Jury- and Court-Related Terms” included with this lesson for many definitions.

Resources for Definitions

FindLaw—Law Dictionary

<http://dictionary.lp.findlaw.com/>

American Bar Association

http://www.americanbar.org/groups/public_education/resources/law_related_education_network/glossary.html

Annenberg Classroom Glossary

<http://www.annenbergclassroom.org/terms>

Federal Judicial Center: Inside the Federal Courts -- Definitions

<http://www.fjc.gov/federal/courts.nsf>

***Understanding Democracy, A Hip Pocket Guide* - John J. Patrick**

<http://www.annenbergclassroom.org/page/understanding-democracy-a-hip-pocket-guide>

U.S. Courts: Commonly Used Terms

<http://www.uscourts.gov/Common/Glossary.aspx>

LESSON OVERVIEW

Goal: Build knowledge, understanding, and appreciation for the role of juries in the American justice system and the responsibility all citizens have to serve.

Class-Prep Assignment: Constitutional Foundations for Juries

Advance preparation is important for students so they have the background knowledge and understanding needed for the first session. Therefore, a “Class Prep Assignment Sheet” is provided. Students will read about the right to trial by jury, examine excerpts from the U.S. Constitution and related commentaries, answer questions, and complete a sort-it-out activity.

DAY 1: Judges and Jurors

Students view and discuss two video segments on “Jury Service.” They hear from Justices, judges, and jurors about the importance of juries in the American justice system and the roles of citizens. Students then read true stories about two very different jurors.

DAY 2: Summoned to Serve: It May Be Your Turn Soon

Students work in pairs to research federal and state qualifications for jurors and the jury selection processes in their own communities and complete a chart comparing the two.

DAY 3: A Preview of What May Come: Jury Summonses & Juror Questionnaires

Students learn how to read and respond to a jury summons and juror questionnaire by examining samples of federal and state forms through a teacher-led presentation. They also take an attitudinal survey of twenty questions about jury service, then tabulate and analyze the results for the class.

DAY 4: Artful Appreciation (optional)

Students design a poster to promote Constitution Day, Juror Appreciation Week, or Law Day.

MATERIALS AND EQUIPMENT LISTS			
Needed	Included		
Equipment/Materials	Readings and Resources	Student Materials	Teacher Materials
<ul style="list-style-type: none"> Sunnylands Seminars 2009 (Disc One) “FAQs: Juries.” Also available online at http://www.annenbergclassroom.org/page/faqs-juries Computer with Internet access and projector for class viewing Computer lab (recommended) Paper and pencil Colored pencils and highlighters (optional for art activity) 	<ul style="list-style-type: none"> Glossary of Jury- & Court-Related Terms “Citizen” & “Citizenship” from <i>Understanding Democracy, a Hip Pocket Guide</i> Chapter 18: “The Right to Trial by Jury” from <i>Our Rights</i> by Bodenhamer U.S. Constitution <ul style="list-style-type: none"> - Preamble - Article III - Fifth, Sixth & Seventh Amendments “Tales of Two Jurors” Sample federal and state forms <ul style="list-style-type: none"> - Jury Summonses - Juror Questionnaires 	<ul style="list-style-type: none"> Class Prep Assignment Sheet Activity: “Sort It Out: Constitutional Foundations for Jury Service” “Student’s Video Guide: Jury Service” Research Activity: “Summoned to Serve: It May Be Your Turn Soon” “Twenty Questions: A Survey of Attitudes about Jury Service” “Artful Appreciation” 	<ul style="list-style-type: none"> Answers to “Sort It Out: Constitutional Foundations for Jury Service” “Video Discussion Guide: Jury Service” with answers “Twenty Questions: A Survey of Attitudes About Jury Service” with suggestions for use “Background Information: Courts and Juries” Rubric

TEACHING ACTIVITIES: Day by Day

CLASS-PREP ASSIGNMENT

(Study and work before the first session)

Materials Needed:

Readings (included with this lesson)

- Glossary of Jury- and Court-Related Terms
- “Citizen” and “Citizenship” from *Understanding Democracy, a Hip Pocket Guide*
- Chapter 18: “The Right to Trial by Jury” from *Our Rights* by David J. Bodenhamer
- Preamble, U.S. Constitution
- Article III, U.S. Constitution
- Fifth Amendment, U.S. Constitution
- Sixth Amendment, U.S. Constitution
- Seventh Amendment, U.S. Constitution

Student Materials

- “Class Prep: Assignment Sheet” (1 copy per student)
- “Sort It Out: Constitutional Foundations for Juries” (1 copy per student)

Procedure:

Several days before class, load the print resources and worksheets that students will need to study and complete before class. Review the “Class Prep: Assignment Sheet” with the students, then give them at least one night to do the work before the lesson in class.

Note to Teacher: Answers for “Sort It Out: Constitutional Foundations for Juries” can be found in the Teacher Materials section of this lesson.

Remind the students to bring all completed work to class.

DAY 1: JUDGES AND JURORS

Overview: The jury is the judge’s colleague in the administration of justice in the American democratic system. When ordinary citizens serve on juries, they become an important part of the judicial process. In this lesson, students watch and listen to two short segments on jury service from *Sunnylands Seminars* 2009. Through interviews with U.S. Supreme Court Justices, the Chief Judge of the State of New York, legal experts, and former jurors, students will learn about the importance of jury service to American justice and what it will require of them as citizens.

Goal: Develop an understanding and appreciation for the importance of juries in the American justice system and the responsibilities all citizens have to participate.

Materials/Equipment Needed:

Technology

- *Sunnylands Seminars* 2009, Disc One DVD, or video segments available online:
 1. Video Segment: *A Conversation on the Constitution with Justices Stephen G. Breyer, Sandra Day O’Connor, and Anthony M. Kennedy – “Jury Service”* (10 min. 30 sec.)
<http://www.annenbergclassroom.org/page/jury-service>
 2. Video Segment: *FAQs: Juries – “The Value of Service”* (3 min. 40 sec.)
<http://www.annenbergclassroom.org/page/faqs-juries>
- Computer with Internet connection and projector for class viewing

Student Materials (Included)

- “Student’s Video Guide: Jury Service” (1 per student)

Teacher Materials (Included)

- “Video Discussion Guide: Jury Service” (includes answers)

Procedure:

1. Briefly review and correct the Class Prep Assignment Sheet.
2. Distribute the “Student’s Video Guide: Jury Service” to each student. Preview the questions with the students. Students then use the guide for note-taking while they watch and listen.
3. Show the video segments in the order indicated above.
4. Recommendation: Because both videos are short and can be viewed in less than 15 minutes, it is recommended that they be watched twice with time for discussion in between and at the end. For the first viewing, students focus on the content; for the second viewing, they focus on the meaning conveyed by the tone, pace, and body language of the speakers.

DAY 2: SUMMONED TO SERVE: IT MAY BE YOUR TURN SOON

Overview: Students work in groups of 2 or 3 to research federal and state qualifications for trial jurors and the jury selection process in their own locale and complete a chart comparing the two.

Goal: Become familiar with jury qualifications and the juror selection process that is applicable to where students live so they know what to expect as adults.

Materials/Equipment Needed:

Technology

- Computer lab with Internet connection
- Video Segment: *FAQs: Juries – “Qualifications and Types of Juries”* (2 min. 50 sec.)
<http://www.annenbergclassroom.org/page/faqs-juries>

Student Materials (Included)

- “Tales of Two Jurors” (DAY 1 homework)
- Research Activity: “Summoned to Serve: It May be Your Turn Soon”
- “Citizen” & “Citizenship” from *Understanding Democracy, a Hip Pocket Guide* (See Readings and Resources)

Teacher Materials (Included)

- “Teacher’s Video Guide: *Jury Selection: Edmonson v. Leesville Concrete Company*”
- Graphic Organizer KEY: “Chart the Plot of the Story”

Procedure:

1. Discuss the “Tales of Two Jurors” read as homework for DAY 1.
2. Introduce this activity by letting the students know that when they become adults at 18, they are eligible for both federal and state jury service if they are U.S. citizens. Through this activity students find out about the qualifications and the selection process that applies to them and how they might end up getting a notice in the mail.
3. Recall the Justices’ comments about juror selection:

Video Transcript: A Conversation on the Constitution with Justices Stephen G. Breyer, Sandra Day O’Connor, and Anthony M. Kennedy – “Jury Service”

Justice Breyer: So, how do we find these people to serve on the jury? Draw them at random, out of the phone book, or the jury roll, or do a survey. And do you think I’ve served on a jury? You’re right. Ha Ha. Because in Massachusetts, where I’m from, everybody serves on a jury, whether you’re a judge, whether you’re a doctor. Whatever you are.

Justice O’Connor: When the Constitution was written, though, women couldn’t serve on juries and neither could people who weren’t white male property owners, could they? Pretty limited when the Constitution was written.

4. Students may work in groups of 2 or 3 to complete the research activity. Any incomplete work should be finished as homework.

Note to Teacher: While there are a lot of similarities between state and federal qualifications and juror selection processes, there are local variations. Therefore, no answer key is included with this lesson. Please refer to “Background Information: Courts and Juries” in the Teacher Materials section of this lesson for more specifics.

DAY 3: A PREVIEW OF WHAT MAY COME: JURY SUMMONSES & JUROR QUESTIONNAIRES

Overview: Students learn how to read and respond to a jury summons and juror questionnaire by examining samples of federal and state forms through a teacher-led presentation. They also take an attitudinal survey of twenty questions about jury service, then tabulate and analyze results for the class.

Goal: Familiarize students with the information and questions that appear on state and federal jury summonses and juror questionnaires, then have them reflect on their own attitudes about jury service.

Materials/Equipment Needed:

Technology

- Computers with Internet connection and DVD capability

Student Materials (Included)

- Select and print 1 summons and 1 questionnaire for students to practice filling out
- “Twenty Questions: A Survey of Attitudes About Jury Service”
- Highlighters

Teacher Materials (Included)

- Sample federal and state forms (See Readings and Resources)
 - Summonses
 - Questionnaires

Procedure:

1. Load the samples on the computer so they can be shown via the projector.
2. Review and discuss the DAY 2 research activity on state and federal requirements.
3. Pass out the federal and state samples you selected. Also project their images on the screen. Ask students to highlight information on their copies as you explain the documents. For example: Highlight the Juror ID, excuses, special instructions, qualifications, etc.
4. Give students an opportunity to fill out one or both forms.
5. Show the other samples and note the similarities and differences.

Wrap Up: (Use DAY 4 if more time is needed)

1. Ask students to share their thoughts about jury service in light of what they have learned.
2. Allow enough time for students to complete the attitudinal survey. Collect the surveys. Ask for volunteers to tabulate the results for the class. Make observations about the data as a class.
3. Revisit the **Think About It** issue introduced at the end of the video guide and assign a 1-page personal response for homework.

Issue: The number of jury trials in the U.S. is declining due to alternative ways of resolving disputes. What would be lost if jury trials were eliminated? Many judges are concerned about the ultimate consequences of this trend. Why should they be? Are you? Support your answer.

Note: A rubric for this activity is included in the Teacher Materials section.

DAY 4: ARTFUL APPRECIATION (optional)

Overview: In celebration of Constitution Day, Juror Appreciation Week, or Law Day, students create an artful presentation (e.g., mural, poster, image) and write an accompanying “news release” or “story” to go with it that calls attention to the importance of jury service.

Goal: Bring attention to the important contributions of citizen jurors to the American system of justice and the essential role of the jury.

Materials/Equipment Needed:

Materials

- Art materials (varies according to each student’s plans)

Student Materials (Included)

- Student Activity “Artful Appreciation”

Image of Student Activity Page

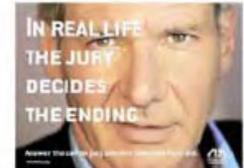
DAY 4

Lesson: Jury Service: Our Duty and Privilege as Citizens Student Activity

ARTFUL APPRECIATION

Design a poster for Constitution Day, Juror Appreciation Week, or Law Day
(Dates will vary by community.)

Create an artful presentation (e.g., mural, poster, image) and write an accompanying “news release” or “story” to go with it that calls attention to the importance of jury service. Four examples follow:

<ul style="list-style-type: none">• 2007 Commemorative stamp image from the United States Postal Service (Read its story at this site.) http://www.usps.com/communications/newsroom/2007stamps/  <p style="text-align: center;"><small>© United States Postal Service. All rights reserved.</small></p> <p>Note: Educational use of the stamp image is permitted as long as the citation is included. http://www.usps.com/rightsandpermissions/fair-use-exceptions.htm</p>	<ul style="list-style-type: none">• American Bar Association Poster http://www.abanet.org/jury/moreinfo/jurorkit.html  <p>Read about its development. http://www.abanet.org/media/releases/news050205.html</p>
<ul style="list-style-type: none">• Federal Courthouse Mural http://www.michaelajans.com/hub-courthouse.asp <p><i>“Three Sets of Twelve is a large mural commissioned by the U.S. General Services Administration for the lobby of the new federal courthouse in Seattle. Comprised of three 9-foot by 80-foot panels one above the other on a wall three stories high, the work explores the nature of the jury system by depicting twelve people in their everyday work life and as jurors in a courtroom context.”</i></p> <p>See the mural as a masthead for this website: http://depts.washington.edu/jurydem/</p>	<ul style="list-style-type: none">• A Local Poster for Juror Appreciation Week http://www.justiceinitiatives.org/docs/2008jurorAppreciationWeekPoster.pdf

EXTENSION ACTIVITIES

Have more time to teach?

- **Expand use of the attitudinal survey.**
Enlarge the pool of respondents for the survey to include interviews of adults from the different age groups. Compare the results to the Harris poll conducted by the ABA. http://www.abanow.org/wordpress/wp-content/files_flutter/1272052715_20_1_1_7_Upload_File.pdf
- **Put together a panel of former jurors for a student Q & A.**
Invite parents who served as jurors to be on a class panel so students may ask questions about their experiences.
- **Hear from a local trial court judge.**
Invite a local trial court judge to discuss the importance of the jury and explain how the judge and jury partner to ensure that justice is served.

RESOURCES

Annenberg Classroom

- *Understanding Democracy, A Hip Pocket Guide*—John J. Patrick
<http://www.annenbergclassroom.org/page/understanding-democracy-a-hip-pocket-guide>
- *The Pursuit of Justice: Supreme Court Decisions that Shaped America*—Kermit L. Hall & John J. Patrick
<http://www.annenbergclassroom.org/page/the-pursuit-of-justice>
- *Our Rights* by David J. Bodenhamer
<http://www.annenbergclassroom.org/page/our-rights>
- The Annenberg Guide to the United States Constitution
<http://www.annenbergclassroom.org/page/a-guide-to-the-united-states-constitution>

American Bar Association

- Harris Jury Service Poll—“Jury Service: Is Fulfilling Your Civic Duty a Trial?”
http://www.abanow.org/wordpress/wp-content/files_flutter/1272052715_20_1_1_7_Upload_File.pdf
- Commission on the American Jury Project
http://www.americanbar.org/groups/justice_center/american_jury.html
- ABA Principles for Juries and Jury Trials
<http://www.americanbar.org/content/dam/aba/migrated/juryprojectstandards/principles.authcheckdam.pdf>

State Court and Jury Information

- State Links for Jury Management
<http://www.ncsc.org/services-and-experts/areas-of-expertise/jury-management.aspx>
- National Center for State Courts
<http://www.ncsc.org/Information-and-Resources.aspx>

- U.S. Courts
www.uscourts.gov

Federal Court and Jury Information

- Supreme Court of the United States
<http://www.supremecourt.gov/>
- U.S. Courts
www.uscourts.gov
- Jury Service in Federal Courts
<http://www.uscourts.gov/FederalCourts/JuryService.aspx>
- Inside the Federal Courts
<http://www.fjc.gov/federal/courts.nsf>
- Handbook for Federal Grand Juries (updated 2007)
<http://www.uscourts.gov/jury/grandhandbook2007.pdf>
- Handbook for Trial Jurors Serving in the United States District Courts
<http://www.uscourts.gov/Viewer.aspx?doc=/uscourts/FederalCourts/Jury/trialhandbook.pdf>
- Understanding the Federal Courts (2003)
<http://www.uscourts.gov/understand03/media/UFC03.pdf>

More on Juries

- Jury and Democracy Project
Research project supporting the view that jury service can promote civic participation.
<http://depts.washington.edu/jurydem/writings.html>
- *It's Jury Service, Not Jury Duty: Strategies for Promoting Participation in the Civil Justice System*
<http://www.dri.org/ContentDirectory/Public/CommitteeDocs/0440/Its%20Jury%20Service%20Not%20Duty.pdf>
- The American Jury: Bulwark of Democracy
<http://www.crfc.org/americanjury/>
- “Vanishing Trials, Vanishing Jurors, Vanishing Constitution,” an article in the *Suffolk University Law Review* by the Honorable William G. Young
http://www.law.suffolk.edu/highlights/stuorgs/lawreview/documents/Young_Article_FINAL4.pdf

The jury, and more especially the civil jury, serves to communicate the spirit of the judges to the minds of all the citizens, and this spirit, with the habits which attend it, is the soundest preparation for free institutions.

Alexis de Tocqueville

Readings & Resources

- Glossary of Jury- & Court-Related Terms
- “Citizen” & “Citizenship” from *Understanding Democracy*, a Hip Pocket Guide
- Chapter 18: “The Right to Trial by Jury” from *Our Rights* by Bodenhamer
- Preamble, U.S. Constitution
- Article III, U.S. Constitution
- Fifth Amendment, U.S. Constitution
- Sixth Amendment, U.S. Constitution
- Seventh Amendment, U.S. Constitution
- “Tales of Two Jurors”
- Sample Federal jury forms
 - Jury Summonses
 - Juror Questionnaires
- Sample State jury forms
 - Jury Summonses
 - Juror Questionnaires

Glossary of Jury- & Court-Related Terms

- bench trial**—a trial in which the parties agree not to have a jury trial and to leave the fact-finding to the judge who also renders the verdict. Some statutes also provide that a judge must decide the facts in certain types of cases.
- case**—a legal dispute or controversy involving a civil or criminal lawsuit or action brought to a court for resolution. Cases can be resolved by a court after fact-finding or resolved by agreement of the parties or some other third party such as an arbitrator or administrative judge.
- citizen**—a native or naturalized individual who owes allegiance to a government (as of a state or nation) and is entitled to the enjoyment of governmental protection and to the exercise of civil rights; a resident of a town or state who is also a U.S. native or was naturalized in the U.S.
- citizenship**—the status of being a citizen; the quality of an individual's behavior as a citizen.
- civic-minded**—having, showing, or actively carrying out one's concern for the condition and affairs of one's community; public-spirited.
- civil court**—courts with jurisdiction over civil matters, as opposed to criminal ones, involving disputes between individuals or between private businesses or institutions (e.g., a disagreement over the terms of a contract or over who shall bear responsibility for an automobile accident).
- civil law** —the body of law dealing with the private rights of individuals, as opposed to criminal law.
- clerk of court**—an officer of the court who manages the clerical and financial matters of the court and may also be authorized to manage the jury selection process.
- court**—an agency of government authorized to resolve legal disputes. Judges and lawyers sometimes use the term court to refer to the judge, as in “the court has read the pleadings.”
- complaint**—a written statement by the person (called the “plaintiff”) starting a civil lawsuit that details the wrongs allegedly committed against that person by another person (called the “defendant”).
- criminal court**—a court having jurisdiction over criminal cases.
- criminal law**—law governing the relationship between individuals and society. Deals with the enforcement of laws and the punishment of those who, by breaking laws, commit crimes.
- district court**—the trial courts of general jurisdiction in the federal system.
- federal courts**—courts established under the U.S. Constitution. The term usually refers to courts of the federal judicial branch, which include the Supreme Court of the United States, the U.S. courts of appeals, the U.S. District Courts (including U.S. bankruptcy courts), and the U.S. Court of International Trade. Congress has established other federal courts in the executive branch, such as immigration courts.
- federalism**—a principle of our Constitution that gives some functions to the U.S. government and leaves the other functions to the states. The functions of the U.S. (or federal) government involve the nation as a whole and include regulating commerce that affects people in more than one state, providing for the national defense, and taking care of federal lands. State and local governments perform such functions as running the schools, managing the police departments, and paving the streets.
- grand jury**—a panel of twelve to twenty-three citizens who review prosecutorial evidence against persons charged with a crime to determine if there is enough evidence to make formal charges on which the accused persons are later tried.

judge—a governmental official with authority to preside over and decide lawsuits brought to courts.

judiciary—the branch of government created by Article III of the Constitution that has the power to interpret the Constitution and laws passed by Congress. The courts determine whether the other branches of government are operating as the Constitution requires but must work with the two other branches to ensure that its orders are obeyed.

jurisdiction—(1) the legal authority of a court to hear and decide a certain type of case; (2) the geographic area over which the court has authority to decide cases.

juror—a member of a jury or an alternate.

juror questionnaire—series of questions mailed to potential jurors used by the jury commission to determine one's legal eligibility to serve on a federal or state jury.

jury —a certain number of citizens, selected according to law, and sworn to inquire of certain matters of fact, and declare the truth upon evidence laid before them. A group of citizens whose duty is to weigh evidence fairly and impartially and decide the facts in a trial (see "petit jury") or to decide whether evidence against a defendant is sufficient to file an indictment charging him or her with a crime.

jury box—the enclosed area in which the jury sits in assigned seats during a jury trial.

jury commission—group of officials charged with the responsibility of randomly choosing the names of prospective jury members or of selecting the list of jurors for a particular term in court. In some states, they are elected and in others, they are appointed by governors or judges.

jury instructions—a judge's directions to the jury before it begins deliberations regarding the factual questions it must answer and the legal rules that it must apply.

jury of one's peers—a guaranteed right of criminal defendants, in which "peer" means an "equal." This has been interpreted by courts to mean that the available jurors include a broad spectrum of the population, particularly of race, national origin and gender. Jury selection may include no process that excludes those of a particular race or intentionally narrows the spectrum of possible jurors. It does not mean that women are to be tried by women, Asians by Asians, or African Americans by African Americans.

jury panel—a list of prospective jurors to serve in a particular court, or for the trial of a particular action; denotes either the whole body of persons summoned as jurors for a particular term of court or those the clerk selects by lot.

jury pool—the body of prospective jurors summoned for jury duty.

jury selection —the process by which jurors for a particular trial are selected from the larger group of potential jurors summoned to the courthouse. Once the jurors arrive in the courtroom, the judge and lawyers ask the jurors questions for the purpose of determining whether jurors are free of bias, or prejudice, or anything might interfere with their ability to be fair and impartial.

jury summons—the paper sent to potential jurors that requires their appearance in court for possible service on a jury.

jury wheel—a revolving container into which the names of prospective jurors from a jury list are placed and then drawn by random. Computerized methods for the random selection of names are common. See master jury wheel and qualified jury wheel.

justice—the quality of being just, impartial, or fair; the principle or ideal of just dealing; the establishment or determination of rights according to law or equity; fair, just, or impartial legal process.

Justice Department—the agency of the federal executive branch with responsibilities in a wide range of areas that bear on the administration of justice and enforcement of laws passed by Congress. The Justice Department is responsible for investigating alleged criminal conduct, deciding which cases merit prosecution in the federal courts, and prosecuting those cases. It also represents the U.S. government in many civil actions.

law—a public rule that is issued by an established authority, backed by an institutional structure and enforced by sanctions. In the United States, a federal law is typically enacted when a measure passes a majority vote in both the House of Representatives and the Senate and is then signed by the president. A measure can become law without the president's signature if it passes by a 2/3 vote in both the House and the Senate. State laws are usually created by a similar process, with legislatures and governors taking the place of Congress and the president.

lawsuit—any one of various proceedings in a court of law.

master jury wheel—a computerized list of thousands of names and addresses of people drawn from voter registration lists or lists of actual voters who may be eligible to serve as federal trial jurors or grand jury members. These must be randomly drawn from voter registration lists or lists of actual voters within a district. Names may also be collected from other sources. Juror questionnaires are sent to a percentage of individuals on the master wheel who were selected at random. In some districts, the juror summons and questionnaire are sent as one document.

petit jury—a trial court jury that decides criminal or civil cases.

qualified jury wheel—randomly selected group of potential jurors deemed eligible to serve as federal trial jurors or grand jury members based on their responses to the questionnaire mailed out by the district court.

rule of law—the rule of law exists when a state's constitution functions as the supreme law of the land, when the statutes enacted and enforced by the government invariably conform to the constitution. The rule of law, however, is not merely rule by law; rather, it demands equal justice for each person under the authority of a constitutional government. So, the rule of law exists in a democracy or any other kind of political system only when the following standards are met:

- laws are enforced equally and impartially
- no one is above the law, and everyone under the authority of the constitution is obligated equally to obey the law
- laws are made and enforced according to established procedures, not the rulers' arbitrary will
- there is a common understanding among the people about the requirements of the law and the consequences of violating the law
- laws are not enacted or enforced retroactively
- laws are reasonable and enforceable

rule of man—arbitrary actions by an individual or a group of individuals.

set aside—to disagree with and overturn a decision or act of a lower court upon review; to deprive of legal effect or force.

state court—a court established in accordance with a state constitution that has the jurisdiction to decide matters of law. State courts are courts of general jurisdiction, meaning that they can handle matters of both state and federal law. They are usually governed by rules of procedure set up by the highest court in the state.

summoned to jury service—sent a jury summons.

Supreme Court of the United States—the highest court in the judicial branch of the U.S. government; the court of last resort. It is the only court specifically established by the Constitution in Article III. Congress is given the power to establish the other lower federal courts. Currently, the Supreme Court sits in Washington, D.C., and has nine Justices.

trial—the proceeding at which parties in a civil case, or the government and the defense in a criminal case, produce evidence for consideration by a fact finder in court. The fact finder, who may be a judge or a jury, applies the law to the facts as it finds them and decides whether the defendant is guilty in a criminal case or which party should win in a civil case.

trial court—court in which trials take place at the local or district level.

trial by jury—a trial in which the issues of fact are to be determined by the verdict of the jury.

trial jury—see “petit jury.”

U.S. District Court—a federal court with general trial jurisdiction. It is the court in which the parties in a lawsuit file motions, petitions, and other documents and take part in pretrial and other types of status conferences. If there is a trial, it takes place in the district court. Also referred to as a trial court.

verdict—a petit jury’s or a judge’s decision on the factual issues in a case.

Resources for Definitions

FindLaw—Law Dictionary

<http://dictionary.lp.findlaw.com/>

American Bar Association

http://www.americanbar.org/groups/public_education/resources/law_related_education_network/glossary.html

Annenberg Classroom Glossary

<http://www.annenbergclassroom.org/terms>

Federal Judicial Center: Inside the Federal Courts -- Definitions

<http://www.fjc.gov/federal/courts.nsf>

***Understanding Democracy, A Hip Pocket Guide* - John J. Patrick**

<http://www.annenbergclassroom.org/page/understanding-democracy-a-hip-pocket-guide>

U.S. Courts: Commonly Used Terms

<http://www.uscourts.gov/Common/Glossary.aspx>

Citizen

A citizen is a full and equal member of a political community, such as a country or nation-state. Such membership is a necessary condition for the establishment and maintenance of a democracy. The citizens are “the people” to whom a democratic government is accountable. In most countries, the status of a natural citizen is derived primarily or even exclusively from one’s parents; if the parents are citizens, then their children automatically become citizens, too. If one does not have a birthright to citizenship, either through one’s parents or place or birth, there usually are legal procedures by which a person can become a *naturalized* citizen of a country. A country’s constitution and the laws based on it specify the means for obtaining the status of citizen. For example, the 14th Amendment of the U.S. Constitution says, “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”

In a democracy, all citizens, both natural and naturalized, are equal before the law. For example, the constitution of Italy says, “All citizens have the same social dignity and are equal before the law, without discrimination of sex, race, language, religion, political opinion, and personal or social conditions.” In a constitutional democracy, all citizens have the same fundamental rights, duties, and responsibilities.

All citizens have a common *civic identity* based on their freely given consent to basic principles and values of their country’s constitutional democracy. In countries with great religious, racial, or ethnic diversity, a common civic identity among all citizens is the tie that binds them together under their constitutional and democratic government.

A passport is evidence of a person’s status as a citizen of a particular nation. A citizen of one country usually needs a passport to enter and depart legally from another country.

SEE ALSO Citizenship; Government, Constitutional and Limited; Popular Sovereignty; State

Citizenship

Citizenship is the legal relationship between citizens and their government and country. Citizens owe their government loyalty, support, and service. The government owes the citizens the protection of constitutionally guaranteed rights to life, liberty, property, and equal justice under law.

The rights of citizenship are set forth in the constitution of a democratic government, which may distinguish between the rights of citizens and noncitizens within the country. For example, in the United States, only citizens have the right to vote, serve on juries, and be elected to certain offices of the government, and only a natural-born citizen can become President. All other constitutional rights are guaranteed to citizens and noncitizens alike.

Citizenship in a democracy entails serious responsibilities. For example, good citizens in a democracy exhibit civic engagement, which means they are ready, willing, and able to use their constitutionally protected political rights to advance the common good. Citizens are expected to be loyal and patriotic, to assume responsibility for the defense of their country against internal and external threats or attacks. Citizenship also entails certain duties, such as paying taxes, serving on juries when summoned, joining the country's armed forces if drafted, and obeying the laws.

In the world today, citizenship is the fundamental condition that connects individuals to the protective institutions of a democratic government and provides the means through which they can participate politically and civically in their governance. The rights, responsibilities, and duties of citizenship in a democracy have practical meaning today only within a particular kind of political order, a constitutional democracy. Only within the authority of a democratically governed country are there dependable institutional means to enforce constitutional guarantees of rights.

SEE ALSO Citizen; Civil Society; Government, Constitutional and Limited; State

CHAPTER 18

The Right to Trial by Jury



Among all abuses of governmental power, we may fear the secret trial most. Trial by jury guards against this practice, and for this reason juries have long occupied an important place in our understanding of individual rights. English colonists identified trial by jury as one of the three rights central to their definition of liberty; the other two were due process of law and representative government. A local jury chosen from one’s peers, or equals, guarded against vindictive and overbearing judges and distant government. Jurors from the neighborhood came to their task with knowledge about the events on trial and about the reputation of the accused and accuser. Their general verdict—a simple reply of guilty or not guilty to a charge of wrongdoing—was the people’s most effective weapon against tyranny. The jury, quite simply, was the best available method of assuring justice and protecting liberty.

The struggle for independence convinced Americans that their confidence in the jury was not misplaced. The most troublesome actions of Great Britain centered on attempts to limit the use of jury trial in cases involving colonial protests against imperial laws. One of the provisions of the Stamp Act of 1765, for example, shifted trials of alleged violators to a court where a judge alone decided guilt or innocence; in 1774, another parliamentary statute denied the right to a trial by a jury from the neighborhood. To many colonists, these actions, when considered with other threats to liberty, were sufficient to justify separation from the mother country.

The Constitution and Bill of Rights testify to the importance the framers placed on trial by a local jury. Article 3, which outlines the functions of the judiciary, requires that the “Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed.” The guarantee of this right appears twice more in the Bill of Rights. The Sixth Amendment defines the right more extensively: “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.” The Seventh Amendment extends this right to civil cases, that is, noncriminal cases such as disputes over contracts, in which the amount in dispute is more than twenty dollars, a figure that has not changed over time even though a dollar was worth much more then. These amendments spelled out carefully the founders’ criteria for fair trials: they must be speedy and public; the jury must be local; and jurors must be impartial. Underlying these criteria was a belief that justice in a republic depended upon the active involvement of virtuous citizens in the public affairs of a community. Juries were a means to this end.

The nineteenth century witnessed a decline in the jury’s role in both civil and criminal trials, even though commentators continued to laud its virtues. In theory, jurors were considered to be the judges of both law and fact, which meant they not only determined what the facts of a case were but also decided

how to interpret the law. This practice was an old one that reflected the belief that justice required jurors to use their local knowledge to fit the law to the circumstances of their communities. For instance, a statute may forbid trespass on private property, but if it was long-standing practice in an area to cut across a field, then a local jury would know this and refuse to convict a person who simply was doing what everyone else did. But the nineteenth century witnessed a change in the jury's role: jurors could determine the facts, but they had to accept the law as interpreted by the judge. Civil juries, which decided noncriminal cases, especially felt this restriction because commerce required standards that did not vary from place to place. The goal was consistent and equal application of the law, an unlikely result if civil and criminal juries were free to determine in each case what the law meant.

Other changes affected the criminal jury primarily. In a pattern that continues today, many criminal prosecutions never reached trial. Plea bargaining and negotiated punishments became the typical way of managing the increase in crime that resulted from overcrowded cities. Citizens began to avoid jury duty, aided by state laws that excused entire groups, usually business and professional men, from this civic duty. (Women were not eligible for jury duty because they could not vote; also, some men considered them "too delicate" for this task.) Soon, juries were thought to be composed primarily of the least virtuous citizens rather than pillars of the community. By the end of the century, trial by jury was still praised formally as a bulwark against tyranny, but increasingly it was satirized in practice, as evidenced by Mark Twain's characterization that it "put a ban on intelligence and honesty, and a premium on ignorance, stupidity and perjury."

Despite this history, most Americans continued to believe that the right to a speedy public trial by an impartial jury of peers was a bedrock principle of American freedom. They were buoyed in this conviction by laws and court decisions, most of them in the twentieth century, that broadened the jury pool to include blacks and women, making juries, in theory, more representative of the community than ever. But with the rise of highly competitive mass media since the 1950s, a different issue has claimed our attention: does extensive media coverage undermine the constitutional promise of an impartial jury? Consider the 1995 trial of African American former football star and Hollywood celebrity O. J. Simpson, who was accused of killing his ex-wife and another man. For months, Americans watched as a drama of sex, race, and violence played itself out on national television. Simpson's acquittal divided the nation into racial camps, with blacks generally applauding the jury's decision and many whites condemning it. Commentators wondered whether juries were capable of reaching an objective verdict in a case so heavily promoted by Court TV and 24-hour news channels. Perhaps, they suggested, we should try such cases before judges alone.

Forty years earlier, another notorious trial focused national attention on this issue. The case involved a prominent Ohio doctor accused of murdering his wife. It, too, raised important questions about the trust we place in juries. On July 4, 1954, residents of Cleveland, Ohio, awoke to read about the grisly murder of a prominent doctor's wife in one of the idyllic suburbs around Lake Erie. After entertaining neighbors at a holiday party, thirty-one-year-old Marilyn Sheppard had gone to bed while her neurosurgeon husband fell asleep on the couch. Sometime later Sam Sheppard heard her calling him. He ran to the

"The great value of the trial by jury certainly consists in its fairness and impartiality. Those who most prize the institution, prize it because it furnishes a tribunal which may be expected to be uninfluenced by an undue bias of the mind."

—Chief Justice John Marshall,
United States v. Burr (1807)

bedroom where he saw an intruder—a “bushy haired man”—fighting with his wife. Before he could save her, he was struck on the head from behind and knocked unconscious. Regaining his senses, he found his wife dead, her face bloody and unrecognizable. His son, sleeping in a nearby room, was unharmed. Sheppard found the back door open, saw someone moving toward the lake, and gave chase. The two men began to fight and Sheppard again lost consciousness; the intruder escaped.

In front-page stories, the three major Cleveland daily newspapers at first described the events as a brutal tragedy that shattered a model family and horrified the community. They speculated that drug thieves were responsible and reported in detail on the police investigation. Within a week, however, doubts emerged about the doctor’s story, even though he never changed his account under repeated questioning. There were too many holes in it, people thought: Why was there no evidence of a break-in? How had Sheppard’s son slept through the violent struggle? Why didn’t the dog bark? The only answer the doctor gave was, “I don’t know.”

The police suspected Sheppard from the outset, with a detective telling him, “I think you did it,” less than twenty-four hours after the crime. No physical evidence linked Sheppard to the crime, and the injuries he suffered were consistent with his story, but police thought his motive was a sexual affair Sheppard denied for several days before admitting it. They also believed the family was failing to cooperate fully.

Reporting this story was an openly skeptical press, encouraged at every step by police leaks. A reporter traveled with the lead detective to Los Angeles to bring Sheppard’s girlfriend back for questioning, with the story running on page one. The editorial pages began calling for Sheppard’s arrest, culminating in a Cleveland Press editorial on July 29 that ran across the top of the front page, “Quit Stalling and Bring Him In!” That evening, the police charged the doctor with the murder of his wife.

Massive publicity accompanied the trial, which began almost four months later. The judge denied a motion to move the case to another venue because of prejudicial pretrial publicity and required the lawyers to agree on a jury from the sixty-four-person jury pool, all of whom were local celebrities because the newspapers published their names and addresses. He also made extraordinary efforts to accommodate press interest in the trial, setting up a table for local reporters in the space normally reserved for the judge, jurors, and lawyers only and assigning most of the spectator seats to out-of-town reporters. Sheppard’s lawyers protested this “trial by newspaper,” adding, “If you read a story like this about the People’s Court in China . . . it would raise hair on your head.” The judge ignored their pleas to restrain the press, and after six weeks of testimony, the jurors found Sheppard guilty of second-degree murder.

Sentenced to life in prison, Sheppard appealed in the first of more than a dozen unsuccessful attempts to overturn the verdict. In 1961, he got a new lawyer—a flamboyant young attorney named F. Lee Bailey, who would make his reputation from this case—and finally in 1966, the U.S. Supreme Court agreed to hear him. Three years earlier, a new television series had begun, featuring a husband wrongly accused of killing his wife and his subsequent quest for the mysterious one-armed stranger he believed had killed her. Although the creator of “The Fugitive” denied any connection to Sheppard’s case, the resemblance was striking, and pundits wondered whether its popularity influenced the jus-

tices to hear the case.

The Supreme Court reversed Sheppard's conviction. "The massive, pervasive, and prejudicial publicity attending the petitioner's prosecution prevented him from receiving a fair trial," the justices concluded. The litany of errors at trial was long, with most focusing on the courtroom's carnival atmosphere. The judge too easily accommodated the press at the expense of the defendant's rights and failed to sequester, or isolate, the jury, allowing them to go home at night without strong reminders that they should not read, watch, or listen to any account of the trial or testimony. The hostile coverage by the Cleveland press and the proceedings at trial prejudiced the jury against Sheppard and made a fair trial impossible. "Due process," the Court ruled, "requires that the accused receive a trial by an impartial jury free from outside influences." Sheppard's trial had not met this constitutional standard.

Sam Sheppard had spent ten of the previous twelve years in prison based on the verdict of a biased jury, but his ordeal was not over. The state tried him again, this time governed by rules that guaranteed an impartial panel. Judged not guilty, he was finally free from his legal nightmare, although not his personal one. He became an alcoholic and died in 1970, a broken man. Seeking to restore his reputation through a declaration of innocence, his son unsuccessfully sued the state in a civil trial in 2000. In this case gone wrong, the failure to provide an impartial jury had resulted in a bitter irony: Sheppard's family ultimately believed it had to prove his innocence instead of the state having to prove his guilt.

In *Sheppard v. Maxwell*, the right to a public trial by an impartial jury and freedom of press were in conflict. In such instances, the Court decided, nothing prevented the press from reporting on the trial, but judges had a duty to ensure that the balance between this right and an impartial jury "is never weighed against the accused." Although the circumstances of the Sheppard case were decidedly modern, the measure used by the justices was an old one. The founding generation adopted a Bill of Rights to protect individual liberty against governmental power, including governmental actions (or inactions) that allowed the abuse of power by other parties, even if the result met popular approval.

Juries have unique roles in protecting our rights. No other institution of government places so much power—the power literally to decide issues of life and freedom—directly in the hands of average citizens. Juries by definition require government to prove guilt before taking away life, liberty, or property. Although rarely done, jurors can refuse to convict a defendant when they believe the law is wrong or when they believe following the law will lead to a greater injustice, such as when antebellum northern juries refused to send runaway slaves back to their masters despite the law's command. The acceptance of this practice, often called jury nullification, predates the Constitution. An American jury's refusal to follow the British government's instructions to convict printer John Peter Zenger of libel (after he had published criticisms of New York's colonial governor) was evidence to America's founders that this institution protected liberty even when it disobeyed the law. We have faith in such jury power for a variety of reasons: we trust the judgment of twelve members of the community over that of a single judge; juries exercise limited power, operating only in one case; and verdicts are subject to review on matters of law. We also believe jurors will be true to their oath to follow the law as they understand it.

The jury is among our most democratic institutions, especially now that we

insist that its membership be as diverse as our pluralistic society, a true cross section of the population. Also, jury service is the primary way most of us participate directly in government. Open to all adult citizens, the jury embodies a belief that each of us is equally competent to do justice.

Ironically, some observers believe this recent democratization of the jury has not solved its problems but only made them worse. Critics of the jury system argue that juries make decisions based on emotion, prejudice, and sympathy rather than law and evidence. They believe modern cases, especially complex civil lawsuits, are too technical for lay people to understand; in medical cases, for instance, they fear juries will award extraordinary damage awards for negligence or error that make the practice of medicine even more expensive. Insurance companies often make this complaint; patients who have been harmed by negligent acts hold an opposite view. Other critics worry about the ability of jurors to ignore the laws of democratically passed legislatures, which, they charge, makes the jury itself a lawless institution. They are also concerned that too much emphasis on ethnically balanced juries results either in deadlocked panels or different standards of justice for different groups. For these reasons and more, we hear periodic calls to reform or abolish the jury system.

Research on juries allays most of these concerns and strengthens our faith in this institution. Overall, jurors are competent and effective. They listen carefully and take seriously the charge not to discuss the evidence or reach a decision until the judge passes the case to them for deliberation and a verdict. They do not rush to judgment; instead, they reach a verdict through analysis of the evidence, not as experts but by judging its trustworthiness with common sense. They seek to persuade each other but also are open to persuasion. They do not reach perfect verdicts but, on the whole, they act as we hope and expect them to act—deliberately and fairly.

Ultimately, the jury's impartiality does not rest upon its ignorance or its superior knowledge; guided by careful judicial instructions, it stems instead from experiences that differ from juror to juror, thereby reflecting the variety of circumstances and opinions we find in real life. Jurors bring their prejudices into the jury room because they cannot do otherwise, but their deliberations, when conducted honestly, expose these prejudices, test them, and allow jurors to set them aside in an effort to be fair. Miscarriages of justice still occur, yet most often juries try to meet the constitutional test of fairness. In doing so, they help to realize the promise of the Bill of Rights and affirm Thomas Jefferson's belief that trial by jury is the "only anchor ever yet imagined by man, by which government can be held to the principles of its constitution."

“The Most Grievous Innovation of All”

In 1764, the Sugar Act transferred the prosecution of smugglers from local courts to vice admiralty courts. The British government was seeking to improve the collection of taxes, or customs duties, owed on imported goods, and Parliament believed that colonial juries too often refused to convict the violators of these imperial trade laws. The vice admiralty court did not have a jury. A judge alone decided guilt or innocence—and he received part of the fines assessed to individuals convicted of smuggling.

The colonists protested vehemently that the loss of trial by jury denied them one of their basic rights as Englishmen, as evidenced by John Adams’s “Instructions of the Town of Braintree on the Stamp Act” (1765), in which he attempted to persuade the Massachusetts town to petition the king for a redress, or correction, of this grievance.

But the most grievous Innovation of all, is the alarming Extension of the Power of Courts of Admiralty. In these Courts, one Judge presides alone! No Juries have any Concern there!—The Law, and the Fact, are both to be decided by the same single Judge, whose Commission is only during Pleasure, and with whom, as we are told, the most mischievous of all Customs has become established, that of taking Commissions on all Condemnations; so that he is under a pecuniary Temptation always against the Subject. Now, if the Wisdom of the Mother Country has thought the Independency of the Judges, so essential to an impartial Administration of Justice, as to render them independent of every Power on Earth, nay independent of the King, the Lords, the Commons, the People, nay independent, in Hope and Expectation, of the Heir apparent, by continuing their Commissions after a Demise of the Crown; What Justice and Impartiality are we, at 3000 Miles distance from the Fountain to expect from such a Judge of Admiralty?

The same complaint—denial to the colonists of the right of trial by jury—was also part of the Declaration and Resolves issued by the Continental Congress in 1774. The First Continental Congress met in Philadelphia during the months of September and October in 1774 to protest British policies.

Resolved, . . . That the respective colonies are entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law.

The several acts. . . which impose duties for the purpose of raising revenue in America, extend the power of the admiralty courts beyond their ancient limits, deprive the American subject of trial by jury, authorise the judges certificate to indemnify the prosecutor from damages, that he might otherwise be liable to, requiring oppressive security from a claimant of ships and goods seized, before he shall be allowed to defend his property, and are subversive of American rights.

Prejudicial Publicity

In Sheppard v. Maxwell (1966), Justice Tom Clark's majority opinion reviewed some of the newspaper coverage surrounding the murder of Marilyn Sheppard and the trial (and conviction) of her husband, Sam Sheppard. The evidence Clark cites reveals a press engaged in sensationalism. The Court ruled that Sheppard had not been tried by an impartial jury and reversed his conviction.

Throughout this period the newspapers emphasized evidence that tended to incriminate Sheppard and pointed out discrepancies in his statements to authorities. . . .

A front-page editorial on July 30 asked: "Why Isn't Sam Sheppard in Jail?" It was later titled "Quit Stalling—Bring Him In." After calling Sheppard "the most unusual murder suspect ever seen around these parts" the article said that "[e]xcept for some superficial questioning during Coroner Sam Gerber's inquest he has been scot-free of any official grilling. . . ." It asserted that he was "surrounded by an iron curtain of protection [and] concealment."

That night at 10 o'clock Sheppard was arrested at his father's home on a charge of murder. He was taken to the Bay Village City Hall where hundreds of people, newscasters, photographers and reporters were awaiting his arrival. He was immediately arraigned—having been denied a temporary delay to secure the presence of counsel—and bound over to the grand jury.

The publicity then grew in intensity until his indictment on August 17. Typical of the coverage during this period is a front-page interview entitled: "DR. SAM: 'I Wish There Was Something I Could Get

Off My Chest—but There Isn't.'" Unfavorable publicity included items such as a cartoon of the body of a sphinx with Sheppard's head and the legend below: "'I Will Do Everything In My Power to Help Solve This Terrible Murder.'—Dr. Sam Sheppard." Headlines announced, inter alia, that: "Doctor Evidence is Ready for Jury," "Corrigan Tactics Stall Quizzing," "Sheppard 'Gay Set' Is Revealed By Houk," "Blood Is Found In Garage," "New Murder Evidence Is Found, Police Claim," "Dr. Sam Faces Quiz At Jail On Marilyn's Fear Of Him." On August 18, an article appeared under the headline "Dr. Sam Writes His Own Story." And reproduced across the entire front page was a portion of the typed statement signed by Sheppard: "I am not guilty of the murder of my wife, Marilyn. How could I, who have been trained to help people and devoted my life to saving life, commit such a terrible and revolting crime?" We do not detail the coverage further. There are five volumes filled with similar clippings from each of the three Cleveland newspapers covering the period from the murder until Sheppard's conviction in December 1954. The record includes no excerpts from newscasts on radio and television but since space was reserved in the courtroom for these media we assume that their coverage was equally large.

The Constitution of the United States

Preamble

Preamble - The Text

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Preamble - The Meaning

The preamble is the introduction to the Constitution. It outlines the general goals of the framers: to create a just government and to ensure peace, an adequate national defense and a healthy, free nation. With its first three words, “We the People,” the preamble emphasizes that the nation is to be ruled by the people - not a king or a dictator, not the president, Supreme Court justices, members of Congress or state legislators. The U.S. Supreme Court held in 1905 (*Jacobson v. Massachusetts*) that the preamble is not a source of federal power or individuals' rights. Rather, all rights and powers are set out in the articles and amendments that follow.

The Constitution of the United States

Article III

Section 1

Section 1 - The Text

The judicial Power of the United States shall be vested in one supreme Court and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 1 - The Meaning

Article III establishes the federal court system. The first section creates the U.S. Supreme Court as the federal system's highest court. The Supreme Court has final say on matters of federal law that come before it. Today, the U.S. Supreme Court has nine justices who are appointed by the president with the approval of the Senate.

Congress has the power to create and organize the lower federal courts. Today, there are lower federal courts in every state. A case is filed and tried in the federal district courts and in some specialty courts, such as admiralty or bankruptcy courts. The trial courts look at the facts of the case and decide guilt or innocence or which side is right in an argument or dispute. The courts of appeal hear appeals of the losing parties. The appellate courts look at whether the trial was fair, whether the process followed the rules, and whether the law was correctly applied.

To ensure that they are insulated from political influence, federal judges are appointed for life as long as they are on "good behavior." This generally means for as long as they want the job or until they are impeached for committing a serious crime. In addition, the Constitution specifies that Congress cannot cut a judge's pay. This prevents members of Congress from punishing a judge when they do not like one of his or her decisions.

Section 2

Section 2 - The Text

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—[between a State and Citizens of another State;—]⁸ between citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States [and between a State, or the Citizens thereof;— and foreign States, Citizens or Subjects.]⁹

The Constitution of the United States

Article III

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

8. Modified by Amendment XI.

9. Modified by Amendment XI.

Section 2 - The Meaning

The federal courts will decide arguments over how to interpret the Constitution, all laws passed by Congress, and our nation's rights and responsibilities in agreements with other nations. In addition, federal courts can hear disputes that may arise between states, between citizens of different states, and between states and the federal government.

In 1803, in the case of *Marbury v. Madison*, the Supreme Court, in an opinion written by Chief Justice John Marshall, interpreted Article III and Article VI to give the federal courts final say over the meaning of the federal Constitution and federal laws and the power to order state and federal officials to comply with its rulings. The federal courts can make decisions only on cases that are brought to them by a person who is actually affected by the law. Federal courts are not allowed to create cases on their own, even if they believe a law is unconstitutional, nor are they allowed to rule on hypothetical scenarios.

Almost all federal cases start in federal district courts, where motions are decided and trials held. The cases are then heard on appeal by the federal courts of appeal and then by the Supreme Court if four justices of the nine-member court decide to hear the case. Congress can limit the power of the appeals courts by changing the rules about which cases can be appealed. State cases that involve an issue of federal law can also be heard by the Supreme Court after the highest court in the state rules (or refuses to rule) in the case. The Supreme Court accepts only a small number of cases for review, typically around 80 cases each year. In a small number of lawsuits — those involving ambassadors, public ministers and consuls, or where a state is a party — the Supreme Court is the first court to hear the case.

The federal courts also have final say over guilt or innocence in federal criminal cases. A defendant in a criminal case, except impeachment, has a right to have his or her case heard by a jury in the state where the crime occurred.

Section 3

The Constitution of the United States

Article III

Section 3 - The Text

Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Section 3 - The Meaning

Treason is the only crime specifically defined in the Constitution. According to Article III, Section 3, a person is guilty of treason if he or she goes to war against the United States or gives “aid or comfort” to an enemy. He or she does not have to physically pick up a weapon and fight in combat against U.S. troops. Actively helping the enemy by passing along classified information or supplying weapons, for example, can lead to charges of treason.

Vocal opposition to a U.S. war effort through protest and demonstration, however, is protected by the free speech clause in the First Amendment. A conviction of treason must be based either on an admission of guilt in open court or on the testimony of two witnesses.

Congress may set the punishment, but it must be directed only at the guilty person and not at his or her friends or family if they were not involved in the crime.

The Constitution of the United States

Fifth Amendment

Fifth Amendment - The Text

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Fifth Amendment - The Meaning

Grand Jury Protection: The Fifth Amendment requirement that serious federal criminal charges be started by a grand jury (a group of citizens who hear evidence from a prosecutor about potential crimes) is rooted in English common law. Its basic purpose is to provide a fair method for beginning criminal proceedings against those accused of committing crimes. Grand jury charges can be issued against anyone except members of the military, who are instead subject to courts-martial in the military justice system.

To avoid giving government unchecked powers, grand jurors are selected from the general population and their work, conducted in secret, is not hampered by rigid rules about the type of evidence that can be heard. In fact, grand jurors can act on their own knowledge and are free to start criminal proceedings on any information that they think relevant.

It is these broad powers that have led some critics to charge that grand juries are little more than puppets of prosecutors. Grand juries also serve an investigative role—because grand juries can compel witnesses to testify in the absence of their lawyers.

A significant number of states do not use grand juries, instead they begin criminal proceedings using informations or indictments. The right to a grand jury is one of only a few protections in the Bill of Rights that has not been applied to the states by the Fourteenth Amendment.

Protection against Double Jeopardy: This portion of the Fifth Amendment protects individuals from being “twice put in jeopardy of life or limb”—that is, in danger of being punished more than once for the same criminal act. The U.S. Supreme Court has interpreted the double jeopardy clause to protect against a second prosecution for the same offense after acquittal or conviction and against multiple punishments for the same crime. Like other provisions in the Bill of Rights that affect criminal prosecutions, the double jeopardy clause is rooted in the idea that the government should not have unlimited power to prosecute and punish criminal suspects. Rather, the government gets only one chance to make its case.

Right against Self-Incrimination: This provision of the Fifth Amendment is probably the best-known of all constitutional rights, as it appears frequently on television and in movies—

The Constitution of the United States

Fifth Amendment

whether in dramatic courtroom scenes (“I take the Fifth!”) or before the police question someone in their custody (“You have the right to remain silent. Anything you do say can be used against you in a court of law.”). The right protects a person from being forced to reveal to the police, prosecutor, judge, or jury any information that might subject him or her to criminal prosecution. Even if a person is guilty of a crime, the Fifth Amendment demands that the prosecutors come up with other evidence to prove their case. If police violate the Fifth Amendment by forcing a suspect to confess, a court may suppress the confession, that is, prohibit it from being used as evidence at trial.

The right to remain silent also means that a defendant has the right not to take the witness stand at all during his or her trial, and that the prosecutor cannot point to the defendant’s silence as evidence of guilt. There are, however, limitations on the right against self-incrimination. For example, it applies only to testimonial acts, such as speaking, nodding, or writing. Other personal information that might be incriminating, like blood or hair samples, DNA or fingerprints, may be used as evidence. Similarly, incriminating statements that an individual makes voluntarily—such as when a suspect confesses to a friend or writes in a personal diary—are not protected.

Right to Due Process: The right to due process of law has been recognized since 1215, when the Magna Carta (the British charter) was adopted. Historically, the right protected people accused of crimes from being imprisoned without fair procedures (like indictments and trials, where they would have an opportunity to confront their accusers). The right of due process has grown in two directions: It affords individuals a right to a fair process (known as procedural due process) and a right to enjoy certain fundamental liberties without governmental interference (known as substantive due process). The Fifth Amendment’s due process clause applies to the federal government’s conduct. In 1868 the adoption of the Fourteenth Amendment expanded the right of due process to include limits on the actions of state governments.

Today, court decisions interpreting the Fourteenth Amendment’s due process right generally apply to the Fifth Amendment and vice versa.

Takings Clause: The takings clause of the Fifth Amendment strikes a balance between the rights of private property owners and the right of the government to take that property for a purpose that benefits the public at large. When the government takes private property, it is required to pay just compensation to the property owner for his or her loss. The takings power of the government, sometimes referred to as the power of eminent domain, may be used for a wide range of valid public uses (for a highway or a park, for example). For the most part, when defining just compensation, courts try to reach some approximation of market value.

The Constitution of the United States

Sixth Amendment

Sixth Amendment - The Text

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.

Sixth Amendment - The Meaning

Right to a Jury Trial: In a criminal case, the government prosecutes or charges a defendant with a violation of the criminal law and begins proceedings (bail hearings, arraignments and trials) to prove that charge beyond a reasonable doubt.

The Sixth Amendment provides many protections and rights to a person accused of a crime. One right is to have his or her case heard by an impartial jury—independent people from the surrounding community who are willing to decide the case based only on the evidence. In some cases where there has been a significant amount of news coverage, the Supreme Court has ruled that jury members may be picked from another location in order to ensure that the jurors are impartial.

When choosing a jury, both prosecutors and defense attorneys may object to certain people being included. Some of these objections, called challenges, are for cause (the potential juror has said or done something that shows he or she may not act fairly). Others are peremptory (no real reason need be given, but one side does not want to have that person serve). Lawyers cannot use peremptory challenges to keep people off a jury because of race or gender.

Right to a Speedy Trial: This right is considered one of the most important in the Constitution. Without it, criminal defendants could be held indefinitely under a cloud of unproven criminal accusations. The right to a speedy trial also is crucial to assuring that a criminal defendant receives a fair trial. If too much time elapses between the alleged crime and the trial, witnesses may die or leave the area, their memories may fade, and physical evidence may be lost.

The Public Trial Guarantee: Like the right to a speedy trial, the right to a public trial serves the interests of both criminal defendants and the public. Defendants are protected from secret proceedings that might encourage abuse of the justice system, and the public is kept informed about how the criminal justice system works. Like most constitutional protections, however, the right to a public trial is not absolute. A criminal defendant may voluntarily give up (waive) his or her right to a public proceeding or the judge may limit public access in certain circumstances. For example, a judge might order a closed hearing to prevent intimidation of a witness or to keep order in the courtroom.

The Constitution of the United States

Sixth Amendment

Right to Be Informed of Criminal Charges: The Sixth Amendment right to “be informed of the nature and cause of the accusation” is another protection meant to ensure that the accused receives a fair trial. A speedy, public trial that is heard by an impartial jury is meaningless if a defendant is left in the dark about exactly the crime with which he or she is charged.

Right to Be Confronted by Adverse Witnesses: The so-called confrontation clause prevents prosecutors from relying on witnesses’ out-of-court statements to make their case. Rather, it requires that prosecutors put their witnesses on the stand, under oath. As the U.S. Supreme Court explained in its 1970 opinion, *California v. Green*, the defendant’s ability to confront a hostile witness in person puts pressure on the witness to tell the truth, allows the defendant’s counsel to cross-examine the witness (which may reveal him or her to be unreliable), and gives the jury an up-close view of the witness, so that they can decide for themselves if the witness is believable.

There are exceptions to the confrontation clause, of course. If a knowledgeable witness is unavailable at the time of trial, for example, a previous statement will be allowed into evidence, so long as the witness made it under conditions that were similar to those at trial (for example, if the statement was made under oath). Defendants also may be prevented from confronting witnesses against them when the well-being of the witness is at issue. For example, child witnesses may be allowed to testify in the judge’s chambers rather than in open court.

Right to Assistance of Counsel: The Sixth Amendment guarantees a criminal defendant the right to have an attorney defend him or her at trial. That right is not dependent on the defendant’s ability to pay an attorney; if a defendant cannot afford a lawyer, the government is required to provide one. The right to counsel is more than just the right to have an attorney physically present at criminal proceedings. The assistance provided by the attorney must be effective. This does not mean that the defendant has a right to an attorney who will win his or her case. A defendant can receive effective assistance of counsel and still be convicted and sent to jail.

However, if an attorney’s performance is not up to reasonable standards for the profession or if the attorney’s ability to put on a full defense is hindered by the prosecutor’s misconduct, then the defendant may be able to challenge his or her conviction. This provision does not guarantee the right to an attorney in most civil cases.

The Constitution of the United States

Seventh Amendment

Seventh Amendment - The Text

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Seventh Amendment - The Meaning

The Seventh Amendment extends the right to a jury trial to federal civil cases such as car accidents, disputes between corporations for breach of contract, or most discrimination or employment disputes. In civil cases, the person bringing the lawsuit (the plaintiff) seeks money damages or a court order preventing the person being sued (the defendant) from engaging in certain conduct. To win, the plaintiff must prove his or her case by “a preponderance of the evidence,” that is by over fifty percent of the proof.

Although the Seventh Amendment itself says that it is limited to “suits at common law,” meaning cases that triggered the right to a jury under English law, the amendment has been found to apply in lawsuits that are similar to the old common law cases. For example, the right to a jury trial applies to cases brought under federal statutes that prohibit race or gender discrimination in housing or employment. But importantly, the Seventh Amendment guarantees the right to a jury trial only in federal court, not in state court.

“Tales of Two Jurors”

Story 1: The ‘Empowered’ Juror

(The following story is an excerpt from a jury-system speech given by Judge William G. Young at the Judicial Luncheon of The Florida Bar’s Annual Convention in Orlando, Florida, on June 28, 2007.)

“One more story, because this one catches both the vision and the reality. We are trying a short case, a three- or four-day case. We are on the second or third day. A juror is coming into Boston, her car breaks down on what we call the Southeast Expressway, a main artery clogged in the morning. Her fuel pump goes. She drifts off into the breakdown lane. She gets out of her car. This is Massachusetts. Nobody stops. Nobody helps her. Everyone just goes by. She's standing there in the rain. Eventually, our safety net kicks in. Here is a Massachusetts state trooper. He puts on the yellow flashing lights. He gets over into the breakdown lane, protective of her car. He is getting out of his cruiser, when she walks back to him and says, "I am a juror in federal court! Take me to the courthouse!" Mother of God! And you know what the trooper does? He puts her in the cruiser. He turns on the blue lights and he starts barreling up the Southeast Expressway. What's more, he has got a radio. He's patched through to us. We know the juror is coming in. I am ecstatic! This is what we want! This is what we want from jurors. You know, it is just amazing! I am at the window, looking out into the rain. Then the cruiser comes up. It swoops in in front of the courthouse. She gets out. Very slow elevators in our courthouse. Veery slow. Veery slow she comes up. She gets out of the elevator on our floor and she starts running along the hallway. And my clerk – you know, once you have got an empanelled jury, the judges are not supposed to have direct interaction with the jurors – so it is the clerk who is talking to her. But I am there at the edge of my lobby, ready to go. Is she ever inspiring, and she is out of breath and she says, "The trial. . . I tried." We've been down only about 17 minutes, you know. She's done it! And she says she wants to call AAA to get her car towed. It is there on that big highway. So I could never talk to her, but I could step out, usher her into the lobby. I have a phone there. She goes in. She calls. You all know what happens. She's there in the courthouse. Her car is out on the Southeast Expressway. She's not there. They won't tow her car. They are afraid of liability. I go crazy. "Give me that phone. Do you know who this is? You get someone out there to tow that lady's car!" You know, respectfully, that violates about four judicial canons, but it captures the idea. And I honor that juror, because she, at least, has the vision.”

- Source for excerpted story: “Judge William G. Young Speech at Judicial Luncheon ,The Florida Bar’s Annual Convention in Orlando, June 28, 2007”
<http://www.floridabar.org/DIVCOM/JN/jnnews01.nsf/8c9f13012b96736985256aa900624829/5d3d1e61610d7e5c852573150051920d?OpenDocument>
- Transcript of full speech
<http://www.floridabar.org/DIVCOM/JN/jnnews01.nsf/8c9f13012b96736985256aa900624829/5d3d1e61610d7e5c852573150051920d?OpenDocument>
- A longer, footnoted version of the speech appears in the *Suffolk Law Review* as "Vanishing Trials, Vanishing Juries, Vanishing Constitution."
http://www.law.suffolk.edu/highlights/stuorgs/lawreview/documents/Young_Article_FINAL4.pdf

Story 2: The ‘Extremely Bored’ Juror

'Extremely bored' juror skips out, gets arrested

In May 2009, the Oregonian reported that 25-year-old Grant Faber of Hillsboro got arrested for skipping out on jury duty. He did show up and stayed through lunch, then left because he “just couldn’t take it” anymore. Skipping out on jury duty is grounds for contempt of court charges, so the judge issued a warrant for Faber’s arrest. When the police found Faber close to his home and arrested him, they asked him why he left. According to the police report, Faber said he was “extremely bored.” Well, jury duty is serious business and there are legal penalties for bailing out. The judge in this case said the maximum penalty for missing jury duty is six months. When Faber appears in court the next time, it will be under very different circumstances. Instead of appearing as a juror to help decide another’s fate, his own fate will be in question when he appears before the judge as the accused.

Article from The Oregonian, May 19, 2009

<http://www.oregonlive.com/news/oregonian/index.ssf?/base/news/12426999069320.xml&coll=7>

The rest of the story:

While the news about Faber leaving jury duty quickly spread around the country, what happened when he appeared on contempt of court charges did not. Here is the rest of the story.

According to the jury coordinator for Washington County Circuit Court, the bored juror skipped out during the jury selection process and wasn’t actually seated as a juror. He did appear on contempt of court charges on June 15 and pleaded guilty. He received a 1-year bench probation and must complete 40 hours of community service . He also had to pay \$195 to cover court fees, but he did not have to go back.

Sample Federal Jury Forms

Sample # 1: FEDERAL Juror Questionnaire (GA)

CONFIDENTIAL JUROR QUESTIONNAIRE

You are required by law to complete and sign this form, which is not a public record and will be destroyed by the court as soon as practicable after you are excused. Answer all questions, even if the answer is "none." Complete answers help ensure selection of fair and impartial juries.

PLEASE PRINT YOUR ANSWERS ON THIS FORM IN BLACK INK AND BRING IT WITH YOU WHEN YOU APPEAR FOR JURY DUTY.
YOU MUST BE A CITIZEN, UNDERSTAND ENGLISH, AND BE 18 OR OLDER TO SERVE. ARE YOU QUALIFIED? Yes No

PART 1

YOUR BACKGROUND INFORMATION

Name _____ Female Male
 City/State _____ Zip Code _____ Place of Birth _____ Age _____

EDUCATION: Highest grade completed in school? _____

CURRENT OR PAST WORK AND/OR SCHOOL:
 (Please check all that apply)

- | | |
|--|-------------------------------------|
| <input type="checkbox"/> Employed | <input type="checkbox"/> Unemployed |
| <input type="checkbox"/> Self-employed | <input type="checkbox"/> Part-time |
| <input type="checkbox"/> At home | <input type="checkbox"/> Retired |
| <input type="checkbox"/> Student | <input type="checkbox"/> Other |

Current Employer (or Last Employer if not currently employed)	
Type of Business	City/State
Your Job or Occupation	

HOUSEHOLD: Your Status (Please check one)

- Single Married Domestic Partner Separated Divorced Widowed

Are you a parent or guardian of any children? No Yes: Please list their ages _____

PART 2

YOUR SPOUSE OR PARTNER

Name _____ Age _____

EDUCATION: Highest grade he/she completed in school? _____

CURRENT OR PAST WORK AND/OR SCHOOL:
 (Please check all that apply to him/her)

- | | |
|--|-------------------------------------|
| <input type="checkbox"/> Employed | <input type="checkbox"/> Unemployed |
| <input type="checkbox"/> Self-employed | <input type="checkbox"/> Part-time |
| <input type="checkbox"/> At home | <input type="checkbox"/> Retired |
| <input type="checkbox"/> Student | <input type="checkbox"/> Other |

Current Employer (or Last Employer if not currently employed)	
Type of Business	City/State
Job or Occupation	

PART 3

YOUR EXPERIENCE WITH THE LAW (Please check all that apply)

Have you or anyone in your household or family ever had any of the following experiences with the law? No Yes

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Been arrested? | <input type="checkbox"/> Been charged with a crime? | <input type="checkbox"/> Been convicted of a crime? | <input type="checkbox"/> Been a crime victim? |
| <input type="checkbox"/> Been sued? | <input type="checkbox"/> Filed a lawsuit? | <input type="checkbox"/> Been a witness in a civil/criminal case? | <input type="checkbox"/> Been seated on a jury? |
| <input type="checkbox"/> Been served with a court order? | <input type="checkbox"/> Sought a court order (restraining order, stay-away order, injunction, etc.)? | | |

If "Yes," please describe: _____

Have you or anyone in your household or family ever worked for any of the following? No Yes

- | | |
|--|--|
| <input type="checkbox"/> Law enforcement agency? | <input type="checkbox"/> Court system? |
| <input type="checkbox"/> Corrections/detention system? | <input type="checkbox"/> Other law-related employer? |

If "Yes," please describe: _____

Is there anything else in your background, experience, employment, training, education, knowledge, or beliefs that might affect your ability to be a fair and impartial juror? No Yes

If "Yes," please describe: _____

JUROR'S DECLARATION: I certify that the information I have supplied on this form is true and complete to the best of my knowledge. I understand that a willful misrepresentation or omission of a material fact on this form is a crime, which may be punished by a fine of not more than \$2,000 upon conviction.

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

Scranton / Wilkes-Barre Office
United States Courthouse
235 N WASHINGTON AVE
P.O. BOX 1148
SCRANTON, PA 18503-1148

**SUMMONS FOR
JURY SERVICE**



PLEASE READ
FURTHER
INSTRUCTIONS
IN THE
INFORMATION
INCLUDED WITH
THIS SUMMONS

TO:  100478393

GREY CRAWDADS
4000 E 664 N
DECATUR, IN 46733

THE COURT SUMMONS YOU TO BE ON CALL FOR JURY
DUTY FOR THE MONTH SHOWN BELOW

MAIN OFFICE: SCRANTON / WILKES-BARRE OFFICE
235 N WASHINGTON AVE.
P.O. BOX 1148
SCRANTON, PA 18503-1148

DATE: June 08 2009

REPORTING TIME: See Reporting Time and Scheduling Section Below

PARTICIPANT NUMBER: 100478393

PHONE NO. TO CALL: 1 (866) 624-7516

JUROR

UNITED STATES DISTRICT COURT



100478393

KEEP THIS FORM - DO NOT RETURN IT TO THE JURY OFFICE

This court summons you for Jury Duty, for the MONTH shown above.

You must confirm IF and WHEN to report for Jury Duty by calling the automated phone system at 1-866-624-7516 starting on **06/07/2009** after 5:15PM. Please check every Friday thereafter until your term of service is complete. You will not receive notice of your reporting status through the mail. Requests to be excused or deferred are not automatically granted. Confirm the status of any such request through the automated phone system.

Courthouses:

Scranton - 235 North Washington Avenue, Scranton, Pennsylvania

Wilkes-Barre - 197 South Main Street, Wilkes-Barre, Pennsylvania



Please visit our website for general information about jury duty at: www.pamd.uscourts.gov

Sample # 4: FEDERAL Summons Excuses (PA)

14. Grounds For Requesting Excuse
(see Notes to Question 14 on other side).

This section describes certain categories of persons who may be excused from service as a juror. If you are a person in one of these categories listed below and you wish to be excused, fill in completely the circle for the number of your category listed below here:



Or, if you wish to serve, do not show anything here. Persons showing a category of excuse which requires more information must give it on the other side under "Remarks".

1	<input type="radio"/>	2	<input type="radio"/>
3	<input type="radio"/>	4	<input type="radio"/>
5	<input type="radio"/>	6	<input type="radio"/>
7	<input type="radio"/>	8	<input type="radio"/>
9	<input type="radio"/>	10	<input type="radio"/>

- (1) Over 70 years of age; (2) Person who has served as a juror in state or federal court within last two years (give name of court and dates of service in Remarks); (3) Volunteer safety personnel (firefighters, rescue squads, ambulance crew) for local government agencies (describe your service and give name of agency in Remarks); (4) Person having active care and custody of a child under 12 or essential to the care of an aged or infirm person during hours of normal jury service (Explain fully in Remarks); (5) Person whose services are so essential to the operation of a commercial enterprise that it must close if required to perform jury duty (Explain fully in Remarks); (6) Actively practicing or engaged full-time as an attorney; (7) Actively practicing or engaged full-time as a physician; (8) Actively practicing or engaged full-time as a dentist; (9) Actively practicing or engaged full-time as member of the clergy or religious order; (10) Active teacher or student attending class.

FOR OFFICIAL USE

Sample State Jury Forms

Sample # 1: STATE jury summons (TX)

_____ County, Texas

JURY SUMMONS NO. _____

A summons tells the prospective juror the time, date, and place to appear.

Dear Prospective Juror:

You are hereby summoned for jury service as set out below:

Time: _____

Date: _____

Place: _____

For information or special accommodations contact:

(jury coordinator)

(address)

(city, state, zip code)

(telephone number)

Prospective Juror's Name

Prospective Juror's Address

Prospective Juror's City, State, Zip Code

It also requests information from the prospective juror and a signature attesting the truth and accuracy of the information provided. This personal information can be used by the opposing lawyers to screen the jury pool for jurors who might be favorable to their cause.

THE FOLLOWING "JUROR QUESTIONNAIRE" IS MANDATED BY GOVERNMENT CODE, SECTION 62.0132.

Your answers are **CONFIDENTIAL** and may be disclosed only to the judge, court personnel, the litigant, and the litigant's attorney.

PLEASE TYPE OR PRINT WITH INK ONLY		JUROR QUESTIONNAIRE		
? Male ? Female	Race (required by State Law):	Age:	Date of Birth:	Are you a U.S. Citizen? ? Y ? N
Your Name: Home Address:				Please check highest level of education completed: ? Did not receive H.S. Diploma ? H.S. Diploma ? GED ? 2yr College ? 4yr College/University ? Post-Graduate ? Other _____ -
Mailing Address (if different from home):				
Home Phone:	County of Residence:			Current Marital Status: ? Single ? Married ? Widowed ? Divorced
Your Occupation:	Work Phone:			
Your Employer:	How Long?			
Spouse's Name:	Spouse's Occupation:			Number of Children: _____ Ranges of Age: from ____ years to ____ years
Spouse's Employer:	How Long?			
Have you ever served on a civil jury? ? Y ? N	Have you ever served on a criminal jury? ? Y ? N			
I CERTIFY THAT ALL ANSWERS ARE TRUE AND CORRECT. Please sign here: _____				

Directions Regarding Jury Duty: You must serve on a jury unless you (1) are not qualified to serve; (2) claim an exemption from jury service; or (3) are excused from serving by a court. The general qualifications for jury service and the exemptions from jury service are listed on this card. If you do not meet the qualifications for jury service, please circle the qualification(s) you do not meet and then sign the form to certify that you are disqualified. If you wish to claim an exemption from jury service, please circle the appropriate exemption(s) and then sign the form to certify that you are entitled to the exemption(s). Then please mail or bring the completed questionnaire to the address printed on this jury summons. You do not have to appear for jury service. If you are not disqualified and you are not claiming any exemption(s), then you must report for jury duty. You may ask a judge to consider excusing you from jury service for a reason other than that you are disqualified or exempt at that time. Please bring your completed questionnaire with you when you report for jury service.

Sample # 1: STATE jury summons (TX)

GENERAL QUALIFICATIONS FOR JURY SERVICE
(Gov't Code, Section 62.102)
Code Crim. Proc., Articles 35.16, 35.19)

A summons also includes the minimum qualifications for jury service ...

To be qualified to serve as a juror you *must*:

1. be at least 18 years of age;
2. be a citizen of this state and a resident of the county in which you are to serve as a juror;
3. be qualified under the Constitution and laws to vote in the county in which you are to serve as a juror (*Note: You do not have to be registered to vote to be qualified to vote*);
4. be of sound mind and good moral character;
5. be able to read and write;
6. not have served as a juror for six days during the preceding three months in the county court or during the preceding six months in the district court;
7. not have been convicted of a felony, and, not be under indictment or other legal accusation of a misdemeanor theft or any felony; and
8. (for service on a jury in a criminal case) not have been convicted of theft.

I DO HEREBY CERTIFY THAT I AM DISQUALIFIED FROM JURY SERVICE FOR THE REASON(S) CIRCLED ABOVE.

Signature

Date

EXEMPTIONS FROM JURY SERVICE
(Gov't Code, Section 62.106)

... as well as a list of conditions that may exempt an individual from service.

You may be exempted from jury service if:

1. you are over 70 years of age;
2. you have legal custody of a child or children younger than 10 years of age and service on the jury would require leaving the child or children without adequate supervision;
3. you are a student at a public or private high school;
4. you are enrolled and in actual attendance at an institution of higher education;
5. you are an officer or an employee of the senate, the house of representatives, or any department, commission, board, office, or other agency in the legislative branch of state government;
6. you are the primary caretaker of a person who is an invalid unable to care for himself or herself (This exemption does not apply to health care workers);
7. you are a member of the United States military forces serving on active duty and deployed to a location away from your home station and out of your county of residence;
8. you have served as a juror in a county during the 24-month period prior to the date you are required to appear for this summons. (*Applies in counties of at least 200,000 unless the county uses a jury plan under Section 62.011, Government Code, and the period authorized under Section 62.011(b)(5) exceeds two years.*); or
9. you have been summoned for service in a county with a population of at least 250,000 and you have served as a petit juror in the county during the three-year period preceding the date you are to appear for jury service, unless the jury wheel in your county has been reconstituted after the date you served as a juror.

I DO HEREBY CERTIFY THAT I AM EXEMPT FROM JURY SERVICE FOR THE REASON(S) CIRCLED ABOVE.

Signature

Date

Right to Reemployment: A private employer may not terminate the employment of a permanent employee because the employee serves as a juror. An employee whose employment is terminated in violation of this section is entitled to return to the same employment that the employee held when summoned for jury service if the employee, as soon as practical after release from jury service, gives the employer actual notice that the employee intends to return. (Civil Practice and Remedies Code, Section 122.001).

Failure to Answer Summons and Penalties: A person who fails to comply with this summons is subject to a contempt action punishable by a fine of not less than \$100 nor more than \$1,000 (Government Code, Section 62.0141). Additionally, a person shall be fined not less than \$10 nor more than \$100 if the person: (1) fails to attend court in obedience to this summons without reasonable excuse; or (2) files a false claim of exemption from jury service. (Government Code, Section 62.111).

Proper Clothing Required: All prospective jurors should dress in clothing befitting the dignity and solemnity of the court proceedings.

Sample # 2: STATE Juror Questionnaire (VA)

Rannie C. Brown
Jury Administrator
Chesapeake Circuit Court
Judges' Chambers
307 Albemarle Drive, Suite 400A
Chesapeake VA 23322
or
Faxed to:
Rannie C. Brown
757-382-3090



JURY QUESTIONNAIRE

Return completed questionnaire within 10 days.

OFFICE USE ONLY

In accordance with Virginia law, your name has been randomly selected as a prospective juror for the Chesapeake Circuit Court. This is **NOT** a summons to appear. Please complete this **CONFIDENTIAL** questionnaire and return it within ten days. If you are qualified, you may be summoned for jury duty within the next year. **FAILURE TO RETURN A COMPLETED QUESTIONNAIRE may result in your being summoned to complete the form in the Circuit Court.**
PLEASE DO NOT CALL THE COURT WITH REQUESTS TO BE EXCUSED FROM JURY SERVICE AT THIS TIME.

GENERAL INFORMATION

NAME _____ DATE OF BIRTH _____
STREET or _____ OCCUPATION _____
PHYSICAL ADDRESS _____ EMPLOYER _____
CITY/ZIP+4 _____ DAYTIME PHONE _____
MAILING ADDRESS (if different from street or physical address) _____ HOME PHONE _____

CLEAR THIS SECTION

QUALIFICATIONS

- Yes No 1. I am a United States citizen.
 Yes No 2. I have been a resident of Virginia for the past 12 months.
 Yes No 3. I have been a legal resident of _____, city county for the past 6 months.
 Yes No 4. I am 18 years of age or older.
 Yes No 5. I am able to communicate in the English language.

CLEAR THIS SECTION

- No Yes 1. I have reported as a juror in a Circuit Court within the last 3 years. If yes, list the year _____ and Court _____
 No Yes
 No Yes 3. I have been convicted of **treason or felony**. If yes please explain _____
4. If yes to question 3, I have had my civil rights restored Yes No, or I have had only my right to vote restored Yes No. Date restored _____

CLEAR THIS SECTION

POSSIBLE EXEMPTIONS

CHECK THE APPROPRIATE BOX IF YOU WISH TO CLAIM AN EXEMPTION.

1. I am 70 years of age or older and do not wish to serve.
 2. I have legal custody of and I am necessarily and personally responsible for a child or children 16 years of age or under requiring continuous care by me during normal court hours. **(Please include written explanation)**
 3. I am a mother breast-feeding a child.
 4. I am necessarily and personally responsible for a person having a physical or mental impairment requiring continuous care by me during normal court hours. **(Please include written explanation)**
 5. I am on active duty with the armed forces of the United States or the Commonwealth of Virginia.
 6. I am a licensed practicing attorney.
 7. I am a sworn law enforcement, correctional, or jail officer.
 8. I am the only person performing services for a business, commercial or agricultural enterprise and my services are so essential to the operations of that enterprise that it must close or cease to function if I am required to perform jury duty. **(Please include written explanation)**

SPECIAL INSTRUCTIONS/QUESTIONS

RETURN COMPLETED QUESTIONNAIRE WITHIN 10 DAYS.

CLEAR THIS SECTION

- No Yes Do you own real property in this City? (Real property is defined as land including buildings and other permanent attachments to the land.)

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THE ABOVE INFORMATION IS TRUE AND CORRECT.

SIGNED _____ DATE _____

State Trial Courts
Jury Assembly Room
Metro Courthouse, Ground Floor
Nashville, TN 37201

JURY SUMMONS

JURY SUMMONS OPEN IMMEDIATELY

--FOLD

FOLD

<p>PLEASE BRING THIS UPPER SECTION WITH YOU WHEN YOU REPORT FOR JURY DUTY</p> <hr style="border-top: 1px dashed black;"/> <p style="text-align: center;">STATE TRIAL COURTS</p> <p style="text-align: center; font-size: 2em;">JUROR</p>	<p>You are hereby notified that you have been selected for jury service in the State Trial Courts of Davidson County, State of Tennessee. You are ordered to be on call for jury duty for a one week period or until excused, commencing:</p> <p><i>Your Group Number:</i> _____</p> <p><i>Your Juror Number:</i> _____</p> <p style="text-align: center;">TURN OVER FOR FURTHER INSTRUCTIONS</p>
--	---

JUROR QUALIFICATION FORM
DETACH THIS HALF AND RETURN BY MAIL WITHIN 10 DAYS

--FOLD

FOLD

ANSWER EACH QUESTION BELOW UNDER PENALTY OF PERJURY.

<p>1. Are you a citizen of the United States? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>2. Are you currently a resident of Davidson County? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>3. Are you 18 years of age or older? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>4. Do you read, write, speak and understand the English language? <i>(If another person filled out this form, please provide their name, address and the reason in the space provided below.)</i> <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>5. Have you ever been convicted or plead guilty to theft or any felony offense? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>6. Do you have a physical or mental disability that would interfere with or prevent you from serving as a juror? <i>(If "Yes" please explain.)</i> <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>7. Are you 65 years of age or older? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>8. If you answered yes to Question #7, do you wish to be excused from jury duty? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Name: _____</p> <p>Address: _____</p> <p>City/State/Zip: _____</p> <p>Home Phone: _____</p> <p>Date of Birth: _____</p> <p>Employer: _____</p> <p>Occupation: _____</p> <p>Work Phone: _____</p> <p>Spouse's Occupation: _____</p>
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--FOLD

REQUEST TO BE EXCUSED/POSTPONED

Please use the space provided below to state your reason to be deferred or excused from jury service. The only grounds to be excused from jury duty are extreme hardship and serious medical situations. Inconvenience or work hardship are not adequate reasons to be excused from jury duty. If you operate a sole proprietorship or you are self-employed, you are exempt from jury duty. Please write below if you are self-employed. You must complete this section and return this form within ten (10) days. **Requests to be excused or have your jury service postponed will not be considered by phone.** You must also include a letter from your doctor if you are requesting to be excused for medical reasons. **If you do not receive further notice, your request has been granted.**

If you need to be deferred, please list two (2) separate weeks in which you could serve. If your request is granted, you will receive confirmation and instructions by mail.

INFORMATION ABOUT JURY SERVICE

QUALIFICATION FORM: You must complete the enclosed Juror Qualification Form and return it to the Court Administrator's Office within ten (10) days. If you do not return this form within ten (10) days, you may be summoned to report to this office at your own expense to complete this form. **YOU WILL RECEIVE A FOLLOW-UP LETTER IF YOU ARE QUALIFIED FOR JURY DUTY. IF YOU DO NOT RECEIVE A LETTER, DO NOT REPORT FOR JURY DUTY.**

POSTPONEMENT/EXCUSED PROCEDURE: The only grounds to be excused from jury duty are extreme hardship and serious medical situations. Work inconvenience is not an adequate reason to be excused from jury duty. If you wish to be excused from jury duty, or have your jury service postponed, please complete the enclosed form and return it within ten (10) days. You must include a letter from your doctor if you are requested to be excused for medical reasons.

TELEPHONE CALL-IN SYSTEM: Davidson County sometimes uses a "call-in" system to inform jurors when to appear at the Metro Courthouse for jury duty. If you receive a notification letter, it may instruct you to call to see if you are needed for jury duty or it may instruct you to report in person for jury duty. You will be identified by your "Group Number" and "Juror Number" which can be found on the other side of this form. If you forget to call, or if you need additional information, please call the Jury Coordinator's Office at (615) 862-5295.

LENGTH OF SERVICE: Jurors in Davidson County are on call for one (1) week. You may be asked to report each day during this period. If you are selected to serve on a case lasting longer than one week, you will be required to do so. You will be notified by mail before your first day of service.

PAY: You will be paid \$10.00 per day for each day you report as a prospective juror. This payment is intended to cover your expenses and will be sent to your home address. It usually takes approximately three (3) weeks to receive your check. If you are employed on a regular basis, and your place of work has more than five (5) employees, your employer is required to pay your salary while you serve on jury duty. Your employer may withhold your jury pay from your regular wages. You must notify your employer that you have been summoned as a prospective juror. When you report for jury duty, you may ask for a certificate of attendance if your employer requires one.

PARKING: You will receive a juror parking permit along with your qualification letter. This permits allows you to park at the Metro Justice Parking Center at a discount rate of \$1.00 per day. The Metro Justice Parking Center is located on 2nd Avenue behind the Ben West Building, across the street from the Metro Courthouse. Please keep your permit visible in the front windshield of your car while you are at the Courthouse on jury duty.

PRIOR JURY SERVICE: If you have served on jury duty in the Chancery, Circuit, or Criminal Courts within the last three (3) years, you may be excused from jury duty. Please notify the Jury Coordinator at 862-5295 if you have served on jury duty within the last three (3) years.

DETACH BOTTOM HALF AND MAIL WITHIN 10 DAYS

SEAL WITH TAPE

STATE TRIAL COURTS
Jury Assembly Room
Metro Courthouse, Ground Floor
Nashville, TN 37201

PLACE
STAMP
HERE

CHECK HERE IF ADDRESS IS NEW

SUMMONS FOR JURY SERVICE

086369

COMPLETE AFFIDAVIT PRIOR TO REPORTING AND BRING THIS SUMMONS WITH YOU

ID NUMBER:
AFFIDAVIT OF COMPENSATION

- My employer pays my wages while I am serving as a juror.
- My employer does NOT pay my wages while I am serving as a juror.
- I am not employed or I am retired.

Employer's Name

Juror's Signature Date

REPORTING INFORMATION #:
(Instructions on the reverse side)

Jury Services 464-6423
TDD Users 464-4303
Recorded General Information 464-7070
Jury Video Information 464-7275

Email – jurymgt@co.pinellas.fl.us

You have been selected to serve as a juror in the 6th Judicial Circuit, Pinellas County, Florida. By Order of the Court, you are hereby summoned to appear for Jury Service at the Date, Time and Location shown. THE LAW PROVIDES PENALTIES FOR FAILURE TO ATTEND.

..... Detach at the perforation

(Glue Strip)

MOISTEN HERE

(Glue Strip)

REQUEST TO BE EXCUSED OR RESCHEDULED

By Law, you are ineligible to serve if the following applies:

1. I am not a United States Citizen.
2. I no longer reside in Pinellas County.
3. I am presently under prosecution for a crime.
4. I am a convicted felon, civil rights are not restored.

You can be excused for the exemption listed below:

I request to be: excused _____ rescheduled _____ (one time only-reason required)

5. I am 70 years of age or older and wish to be permanently removed.
6. I am an expectant mother.
7. I am a parent or legal guardian of a child under 6 and not full-time employed.
8. I am currently a full-time law enforcement officer.
9. I am physically unable to serve. (DOCTOR'S NOTE REQUIRED)
10. I am responsible for the care of person incapable of caring for self. (Explain)
11. I appeared as a juror in Pinellas County within the past one year.
12. Other reason not listed:

The above statements are true to the best of my knowledge and belief.

Address _____ Check if new address _____

Home _____ Work _____

Signature (required) _____ Date _____

All requests should be received 10 working days prior to reporting date. You **WILL BE NOTIFIED BY MAIL**. Tear off this request from summons, fold over, moisten and mail.

OR, you may fax your request to (727) 464-7158. **DO NOT DO BOTH.**

JUROR PARKING PERMIT

PLACE ON FRONT DASHBOARD OF YOUR VEHICLE

REPORT DATE

Student Materials

- Class Prep: Assignment Sheet
- Activity: “Sort It Out: Constitutional Foundations for Jury Service”
- “Student’s Video Guide: Jury Service”
- Research Activity: “Summoned to Serve: It May Be Your Turn Soon”
- “Twenty Questions: An Attitudinal Survey about Juries”
- “Artful Appreciation”

Class-Prep Assignment Sheet

Constitutional Foundations for Juries

This assignment sheet identifies resources and provides activities and questions to help prepare you for the class lesson on “Jury Service: Our Duty and Privilege as Citizens.” Coming to class with the background knowledge provided by this material will help you get the most out of the videos and activities in this lesson.

INSTRUCTIONS

Read, review, and become familiar with the following resources, then complete the student activity and answer the questions. **Bring this sheet and the completed questions with you to class.**

1. Readings and resources to review.

- U.S. Constitution
 - o Preamble
 - o Article III, U.S. Constitution
 - o Fifth Amendment
 - o Sixth Amendment
 - o Seventh Amendment

Copies are available from the teacher or access them online from The Annenberg Guide to the United States Constitution: <http://www.annenbergclassroom.org/page/a-guide-to-the-united-states-constitution>

- “Chapter 18: The Right to Trial by Jury” from *Our Rights* by David J. Bodenhamer
A copy is available from the teacher or one may be downloaded from Annenberg Classroom at http://www.annenbergclassroom.org/Files/Documents/Books/Our%20Rights/Our_Rights.pdf
- Definitions for “Citizen” and “Citizenship” from *Understanding Democracy, A Hip Pocket Guide* by John J. Patrick
Copies are available from the teacher or may be downloaded from Annenberg Classroom at <http://www.annenbergclassroom.org/page/understanding-democracy-a-hip-pocket-guide>
- Glossary of Jury- and Court-Related Terms (Copy available from the teacher)

2. Student Activity to Complete

- “Sort It Out: Constitutional Foundations for Juries” (Attached)

3. Questions to Answer

a) America’s founders believed that a jury trial was the surest way to protect one’s liberty.

We tend to trust the judgment of twelve members of the community over that of a single judge. Do you?

Strongly agree

Somewhat agree

Somewhat disagree

Strongly disagree

No opinion

Don’t know

Explain your response:

b) What knowledge, attitudes, behaviors, and personal qualities would you want jurors to have?

Knowledge:	Behaviors:
Attitudes:	Personal qualities:

Sort it Out: Constitutional Foundations for Juries

INSTRUCTIONS:

Read the text and commentary for the sections of the U.S. Constitution named on the following chart. Copies are available from the teacher or you can access them online from The Annenberg Guide to the United States Constitution:

<http://www.annenbergclassroom.org/page/a-guide-to-the-united-states-constitution>

Copy or cut-and-paste the following statements into the appropriate column on the chart. Each one will be used once.

1. Applicable cases involve those accused of a crime, breaking a law
2. Creates the U.S. Supreme Court
3. Establishes the federal court system
4. Establishes the judicial branch of the government
5. Establishes the power of eminent domain—the takings power of the government
6. Examples of applicable cases: car accidents, disputes between corporations for breach of contract, discrimination and employment disputes
7. Gives Congress the power to create and organize lower federal courts
8. Guarantees right to a jury trial only in federal court, not in state court
9. Identifies the people of the United States as ultimately responsible for justice in the country
10. Introduction to the Constitution
11. Jury trial to be in the territory in which the crime was committed
12. Not a source of federal power or individuals' rights
13. Outlines goals of the framers
14. Outlines the function of the judiciary
15. Part of the Bill of Rights
16. Part of the Bill of Rights
17. Part of the Bill of Rights
18. Protects against double jeopardy
19. Provides for juries in certain civil cases
20. Provides for the establishment of impartial juries in criminal cases
21. Requires that a grand jury indictment be made before a criminal trial begins
22. Right against self-incrimination
23. Right to a public trial
24. Right to a speedy trial
25. Right to an impartial jury
26. Right to be confronted by opposing witnesses
27. Right to be informed of the nature of the criminal charges
28. Right to due process of law
29. Right to the assistance of counsel for one's defense.
30. Sets out rights and/or powers
31. Sets out rights and/or powers
32. Sets out rights and/or powers
33. Sets out rights and/or powers
34. Sets provisions for civil trials
35. Sets provisions for criminal trials
36. Trials of all crimes, except in cases of impeachment, shall be by jury

Video Discussion Guide: Jury Service

Video Segment: *A Conversation on the Constitution with Justices Stephen G. Breyer, Sandra Day O'Connor, and Anthony M. Kennedy* – “Jury Service” (10 min. 30 sec.)

Video Segment: *FAQs: Juries* – “The Value of Service” (3 min. 40 sec.)

INTRODUCTION

These two segments are paired to bring attention to the shared responsibility that judges and juries have in our judicial system. By watching and listening to interviews with U.S. Supreme Court Justices, the Chief Judge of the State of New York, legal experts, and former jurors, students will learn about the importance of jury service to American justice and what it will require of them as citizens.

Recommendation: Because both videos are short and can be viewed in less than 15 minutes, it is recommended that they be watched twice with time for discussion in between and at the end. For the first viewing, students focus on the content; for the second viewing, they focus on the meaning conveyed by the tone, cadence, and body language of the speakers.

PURPOSE

Gather information from what is explicitly stated or implicitly conveyed through voice and body language about the importance of jury service related to these groups:

1. jurors (collectively and individually)
2. democracy
3. society
4. the accused
5. the judge
6. justice system

TOPICS

- Importance of juries
- Roles and responsibilities of juries and judges
- Right to trial by jury
- Juror selection
- Juror qualifications
- Benefits of jury service

VOCABULARY

Alexis de Tocqueville	justice
case	law
court	responsibility
democracy	service
citizen	set aside
citizenship	shared powers
civic duty	trial by jury
duty	Supreme Court
facts	United States Constitution
judge	
juror	
jury	

Video Segment: *A Conversation on the Constitution with Justices Stephen G. Breyer, Sandra Day O'Connor, and Anthony M. Kennedy: "Jury Service"* (10 min. 30 sec.)

OVERVIEW

Supreme Court Justices Stephen G. Breyer, Anthony M. Kennedy and Sandra Day O'Connor join high school students to discuss juries and jury trials. In a Q & A format, the Justices ask questions of the students related to the importance of juries, role and responsibilities of juries and judges, right to trial by jury, and juror selection.

DISCUSSION QUESTIONS

1. Why is a jury trial important?

2. Justice Kennedy described a judge's power as "an awful power." According to Merriam-Webster's Online Dictionary, the word "awful" can be defined in these ways:

- (1) inspiring awe
- (2) filled with awe: as
 - a. *obsolete* afraid, terrified
 - b. deeply respectful or reverential
- (3) extremely disagreeable or objectionable
- (4) exceedingly great —used as an intensive

Explain how a judge's power could be described in each of the above ways.

3. When Justice Kennedy said: "We've set aside the statutes that the Congress has enacted," what did he mean?

4. How do a judge and jury work as a team?

5. What does a jury do?

6. Why was the right to a jury trial important to the people who wrote our Constitution?

7. In a constitutional democracy like the United States, where does the power over the people come from?

8. How are people found to serve on a jury?

9. How could a Supreme Court Justice end up on a jury?

10. How has the composition of a jury changed since the Constitution was written?

11. Explain the democratic element found in a jury trial.

12. Juries give average people an opportunity to be part of the government of the United States. What are some ways in which people respond to this opportunity?

13. Why is serving on a jury a serious responsibility?

14. Suppose you're on trial, would you like to see people like you on the jury? Explain.

Video Segment: *A Conversation on the Constitution with Justices Stephen G. Breyer, Sandra Day O'Connor, and Anthony M. Kennedy: "Jury Service"* (10 min. 30 sec.)

OVERVIEW

In this short segment, judges and law professors succinctly explain the important role of juries in a democracy. Former jurors also reflect on their experiences and give advice about serving on a jury.

DISCUSSION QUESTIONS

1. People are called to jury service because they are citizens. What are the assumptions about citizens that make them important for serving on juries?

2. What advice was given by jurors for jurors?

3. Feedback about the experience of former jurors:

4. What does serving on a jury teach us about what it means to live in a democracy?

5. Explain this quote: "The jury, and more especially the civil jury, serves to communicate the spirit of the judges to the minds of all the citizens, and this spirit with the habits which attend it, is the soundest preparation for free institutions." – Alexis de Tocqueville

6. Explain how citizen participation on a jury is both a "duty" and a "service."

7. What did Judge Judith Kaye mean when she said, "They [juries] are the voice of the people in the justice system."

REFLECTION

1. After watching and listening to the speakers on the two videos, what impresses you the most about jury service? Give reasons for your answers.

2. In the first segment, Justice Kennedy said: “Judges love juries. Why?” But how he said it was very important. What could you tell from his tone, cadence, and body language?

Why do judges love juries?

Do you think juries love judges? Why?

To reinforce Justice Kennedy’s point of view, read the following excerpt from an impassioned speech about the importance of juries delivered by William G. Young, U.S. District Court Judge, District of Massachusetts. He gave the speech to an audience of judges and lawyers at the judicial luncheon of The Florida Bar’s Annual Convention in Orlando, Florida, June 28, 2007.

So, let’s talk just a few moments about juries. I am transparent. Here’s the point I am here to make: that the American jury system is the strongest guarantor of judicial independence that we have.

Consider the jury. Consider, first, the structure of our federal government. There are five classes of constitutional offices. Let’s go through them. This is review, but you can handle it.

Article I, sets up the Congress first. Two classes of constitutional offices: the House of Representatives and the Senate. Meant to check each other and to check the other two branches.

Article II, sets up the presidency. A unitary presidency. The only branch of government on duty 24-7. A single president. Also mentioned is the vice president. . . . the president and the backup, the vice president. Those are the only two constitutional officers in the executive branch of government. Everybody else works for the president.

Article III - now you all know Article III - it reads like this: “The judicial power of the United States shall be vested in one Supreme Court and such inferior courts as Congress from time to time may ordain and establish.” And then the next two sentences talk about judges.

So, we are up to four now. “Representatives,” “senators,” “president,” “judges” and then after those two sentences, it says this. Now this is the organization of government. This isn’t in a Bill of Rights. “All criminal cases, except for impeachment, shall be tried by jury.” “Jurors,” in their fact-finding role, are constitutional officers.

The founders, Akhil Amar [professor at Yale University] tells us, could not conceive of a federal judge exercising the jurisdiction of a federal court in criminal matters, unless she [or he] were sitting with jurors, who were to check and temper that judge and, together, they were to check the other two branches of government. So, we embarked on what (Alexis) de Tocqueville called the most stunning experiment in direct democracy ever seen.

Direct democracy, the people themselves ruling directly. The New England town meeting writ large. Has there been, is there, in our form of government, any deeper expression of hope? Hope that the people, themselves, can come to understand the laws and the Constitution, no matter how complex, and then, without bias, can fairly and independently apply that law to the adjudication of particular disputes.

No country, in the history of the world, has turned to jurors more than the United States of America. No country. And look at what has happened. Look at what has happened. The fact that it was necessary to explain the law to real, average people who came in off the streets has worked an extraordinary empowerment on the judiciary of this country. The fact that we share the judicial power with juries has only made judges stronger, so that today the judiciary of the United States is the most independent and most envied judiciary in the world. How so? Very practically, very realistically. Trial judges knew, from the inception of our country, that it was necessary to teach, to explain to others, what the law really meant. And if the essential role of the judiciary was teaching, as all of those of you who are engaged in teaching know so well, you’ve got to understand the subject matter.

Comments:**HOMEWORK: Tales of Two Jurors**

In the American democratic system, the jury, composed of ordinary citizens, partners with the judge to ensure that justice is served. When citizens serve on a jury, they are sworn in and temporarily become an official part of the U.S. government with the power to determine the facts of a case and declare the accused, in a criminal case, innocent or guilty. Serving on a jury is a job that should be taken seriously. Some people do and some do not.

Student Assignment: Read true stories about two very different jurors and be prepared to comment on them in class. Copies are available from the teacher.

Story 1: The “Empowered Juror”

Story 2: The “Extremely Bored Juror”

THINK ABOUT IT

Be thinking about the following issue so you can write a 1-page personal response at the end of the lesson.

Issue: The number of jury trials in the U.S. is declining due to alternative ways of resolving disputes. What would be lost if jury trials were eliminated? Many judges are concerned about the ultimate consequences of this trend. Why should they be? Are you? Support your answer.

Judge William G. Young is one of the very concerned judges. He covered the topic in his jury service speech and also wrote a well-documented version for the Suffolk University Law Review. Here are two versions:

- Summary of the speech
<http://www.floridabar.org/DIVCOM/JN/JNNNews01.nsf/8c9f13012b96736985256aa900624829/5d3d1e61610d7e5c852573150051920d?OpenDocument>
- A longer, footnoted version of the speech appears in the Suffolk University Law Review. It’s titled “Vanishing Trials, Vanishing Juries, Vanishing Constitution.” This article is a sophisticated read that may be appropriate for some students.
http://www.law.suffolk.edu/highlights/stuorgs/lawreview/documents/young_article_final4.pdf

Summoned to Serve: It May Be Your Turn Soon DAY 2

While ordinary citizens are going about their daily lives, federal and state justice systems are at work randomly selecting qualified individuals to serve on juries. One day, after you turn 18, a special “summons” could arrive in your mailbox. A prompt response is ordered by the court, so don’t ignore it. This activity will help you understand how one gets selected to serve on a jury for a federal or state court in your area.

Questions/Tasks	Juror Selection: Federal	Juror Selection: State
1. Identify the court relevant to where you live. Research its juror information for this chart.		
2. What is the minimum age for a serving on a jury?		
3. What are the penalties for ignoring a summons or responding to a questionnaire?		
4. What source lists are authorized to use for selecting names?		
5. What method is used for drawing names?		
6. Are the summons and questionnaire combined in a single document?		

Summoned to Serve: It May Be Your Turn Soon DAY 2

Questions/Tasks	Juror Selection: Federal	Juror Selection: State
7. What pay, if any, does a juror get for service on a jury?		
8. What employment protections are there for jurors?		
9. What excuses may be accepted?		
10. What is the process for getting excused?		
11. How long is the term of service called?		
12. How frequently can one be required to serve?		
13. What is the residency requirement?		

Summoned to Serve: It May Be Your Turn Soon DAY 2

Questions/Tasks	Juror Selection: Federal	Juror Selection: State
14. What is the citizenship requirement?		
15. Explain the language requirement.		
16. What exemptions may be allowed?		
17. What groups are disqualified from serving on a jury?		
18. Are there any special services afforded prospective jurors?		
19. Where can reporting instructions be found?		
20. What are the guidelines for conduct?		
<p>Activity : Make a Flow Chart Design a flow chart that explains either the federal or state process for selecting jurors.</p>		

Summoned to Serve: It May Be Your Turn Soon DAY 2

Resources to Review	Juror Selection: Federal	Juror Selection: State
	<p>Congress requires that each District Court develop a plan for selecting jurors.</p> <ul style="list-style-type: none"> • Sunnylands Seminars 2009: (Disc One) <i>FAQs Juries:</i> “Qualifications and Types of Juries” (2 min. 50 sec.) http://www.annenberglclassroom.org/page/faqs-juries • Court Locator (Interactive Map) http://www.uscourts.gov/court_locator.aspx Select type of court as “District.” Enter your zip code. • Find Your District Court http://www.findlaw.com/10fedgov/judicial/district_courts.html 	<ul style="list-style-type: none"> • Sunnylands Seminars 2009: (Disc One) <i>FAQs Juries:</i> “Qualifications and Types of Juries” (2 min. 50 sec.) http://www.annenberglclassroom.org/page/faqs-juries • State of the States Surveys (NCSC) Select a state using the “Local Court Survey Query” http://www.ncsconline.org/D_Research/cjs/state-survey.html • State Court Organization, 2004 (Report of the Bureau of Justice Statistics) See Tables 39 & 40 http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1204 • State Links for Jury Management http://www.ncsconline.org/wc/courttopics/StateLinks.asp?id=48&topic=JurMan

Twenty Questions: A Survey of Attitudes About Juries DAY 3

Date Taken: _____

Respondent Profile: Age: under 18 18-34 35-44 45-54 55+
 Gender: Male Female

Received a summons: Yes No
Served on a jury: Yes No

	Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree	No Opinion	Don't Know
1. Jury service is a privilege I look forward to fulfilling.*						
2. Jury duty is an important civic duty I should meet even if it is inconvenient.*						
3. Jury duty is a burden to be avoided.*						
4. If I were the accused in a trial, I would want a jury to decide my case, rather than a judge.*						
5. Jurors are treated well by the court system.*						
6. I don't want to stand in judgment of others as a juror.*						
7. Jurors should know something about the law or the legal system to be a good juror.*						
8. Serving on a jury would hurt my income.*						
9. I'm worried about the publicity I might receive if I served on a jury.*						
10. I have confidence in the jury trial process.						
11. Jury service should be optional.						
12. Potential jurors should be evaluated to determine their observation, reasoning, and listening skills.						
13. All adult residents of the United States, not just citizens, should be eligible to serve on juries.						
14. It's impossible for a juror to be impartial.						
15. Any jury that is composed of people who are not like me (e.g., age, ethnicity, background, experience) cannot judge me fairly.						
16. People who have low IQs should not be allowed to serve on juries.						
17. If accused, I'd prefer to negotiate a settlement and avoid having a jury trial altogether.						
18. I mostly hear negative things about serving on a jury.						
19. Juries should be able to declare a person "not guilty" no matter what the law says and no matter what the evidence proves.						
20. I would report for jury service if I received a summons today.						

* Questions used in a Harris poll conducted for the American Bar Association in 2004. Results of the poll are published in this report: "Jury Service: Is Fulfilling Your Civic Duty a Trial?" <http://www.abanet.org/media/releases/juryreport.pdf>

ARTFUL APPRECIATION

Design a poster for Constitution Day, Juror Appreciation Week, or Law Day

(Dates will vary by community.)

Create an artful presentation (e.g., mural, poster, image) and write an accompanying “news release” or “story” to go with it that calls attention to the importance of jury service. Four examples follow:

- 2007 Commemorative stamp image from the United States Postal Service (Read its story at this site.)
<http://www.usps.com/communications/newsroom/2007stamps/>

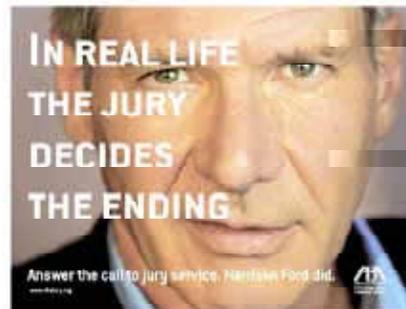


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Note: Educational use of the stamp image is permitted as long as the citation is included.

<http://www.usps.com/rightsandpermissions/fair-use-exceptions.htm>

- American Bar Association Poster
<http://www.abanet.org/jury/moreinfo/jurorkit.html>



Read about its development.

<http://www.abanet.org/media/releases/news050205.html>

- Federal Courthouse Mural
<http://www.michaelfajans.com/hub-courthouse.asp>

“Three Sets of Twelve is a large mural commissioned by the U.S. General Services Administration for the lobby of the new federal courthouse in Seattle. Comprised of three 9-foot by 80-foot panels one above the other on a wall three stories high, the work explores the nature of the jury system by depicting twelve people in their everyday work life and as jurors in a courtroom context.”

See the mural as a masthead for this website:

<http://depts.washington.edu/jurydem/>

- A Local Poster for Juror Appreciation Week

<http://www.justiceinitiatives.org/docs/2008JurorAppreciationWeekPoster.pdf>