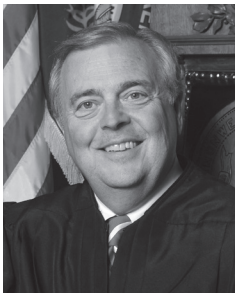
YOU, THE JURY

Juror Handbook



On behalf of the Kentucky Court of Justice, I extend my appreciation for your jury service. Your careful judgment in the legal matters to be brought before you will be of great significance to all participants, whether they be judges, attorneys or litigants.

Your participation in state government, and specifically the judicial process, represents one of the strongest benefits of American democracy.

I hope your experience with the Kentucky court system is a positive one that gives you a sense of accomplishment. Thank you for your valuable time.

John D. Minton, Jr.
Chief Justice of Kentucky

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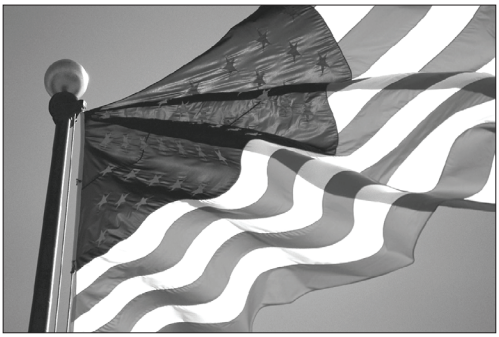
Importance of Jury Service

Jury duty is one of our most important responsibilities as Kentuckians and Americans. This privilege allows us to serve our country, state, community and fellow citizens. It allows us to contribute to our state's judicial system and is a service that should be performed with pride.

Trial by a jury of one's peers is a sacred right of every American and the cornerstone of our judicial system. All who seek their day in court are entitled to a fair hearing and we must ensure they are granted this constitutional right. Your participation as a juror guarantees that this important democratic process continues.

Jurors are required to exercise sound judgment, integrity and complete impartiality in performing this vital duty.



Questions Jurors Often Ask

How are jurors selected for service?

The Kentucky Court of Justice strives to ensure that as many Kentuckians as possible are available for jury service.

In an effort to secure jury pools that truly represent the population, the Chief Justice's Jury Study Commission proposed legislation that was passed as House Bill 781 by the 2002 Kentucky General Assembly. HB 781 became effective July 15, 2002, and expanded the list of individuals who are eligible for jury service.

Master List

The Administrative Office of the Courts (AOC) in Frankfort, which is the administrative arm of the Kentucky Court of Justice, compiles a county-by-county master list of prospective jurors for the entire state. Prior to HB 781, this master list included only individuals over age 18 who were registered to vote or held a valid driver's license.

There were limitations to this master list because individuals often do not update their driver's licenses in a timely manner when they change addresses. And voter rolls generally are not purged until there is concrete evidence that a person is no longer eligible to vote.

HB 781 expanded the master list to include all people filing a Kentucky resident individual tax return, in addition to registered voters and licensed drivers over age 18. It also allows the AOC to purge deceased individuals from the master list by cross-referencing a list provided by the Kentucky Department of Vital Statistics. To maintain accuracy of the master list, the AOC is authorized to obtain updated lists from other state agencies at least annually.

The passage of HB 781 was a significant step in ensuring that jury panels more accurately reflect Kentucky's population. In addition to a wider base of individuals being called to serve as jurors, more current addresses provide a better response to the jury summons.

Jury Summons Process

Circuit Court and District Court judges in need of jurors notify the chief circuit judge (or his or her designee). This jury administrator then requests a list of prospective jurors from the master list maintained by the Administrative Office of the Courts.

The prospective jurors on the list are mailed a summons requiring them to report for jury service at a specified time and place. State law requires that the summons be issued at least 30 days before they are to report for service.

How long will I serve?

By law, a person summonsed to jury duty is required to be available for 30 court days. However, once a jury begins hearing a case, the jury will remain seated for the duration of that case.

Who is qualified to be a juror?

A juror qualification form is enclosed with the jury summons. Prospective jurors are required to fill out the form and return it to the Office of Circuit Court Clerk within five days of receipt. Juror qualification forms serve two purposes:

- They ensure a prospective juror meets the mandatory qualifications for serving on a jury. For example, asking for a birthdate confirms that the person is at least 18, the minimum age required for jury service.

- They streamline the jury selection process, which is often referred to as voir dire. For example, there are some questions that are routinely asked of all jurors by attorneys during voir dire, such as place of employment, prior involvement in lawsuits and prior criminal record.

Giving prospective jurors an opportunity to think about these questions and write their answers ahead of time often yields a more complete response. Please note that the personal information on the form is used to determine whether or not a person is qualified to be a juror. The information on the qualification form is for official court use only.

The chief circuit judge (or his or her designee) will use the information provided on the juror qualification form to determine whether a prospective juror is qualified for jury duty.

To qualify for jury service, a person must:

- ✓ Be 18 years of age or older.
- ✓ Be a United States citizen.
- ✓ Be a resident of the county in which the case is to be tried.
- ✓ Be able to speak and understand English.
- ✓ Not have been convicted of a felony, unless pardoned or had his or her civil rights restored by the governor or other authorized person of the jurisdiction in which he or she was convicted.
- ✓ Not be currently under indictment.
- ✓ Not have served on a jury within the past 24 months.

Should you be disqualified for one or more of these reasons, the judge or the designee will enter the disqualification on the space provided on the juror qualification form. Each disqualified juror will be immediately notified of the disqualification.

What does a grand jury do?

A grand jury determines whether or not to indict, which means to bring a formal, criminal charge against an individual for a felony. Grand jurors do not decide whether a defendant is guilty or not guilty. The grand jury hears evidence and determines if there is sufficient proof to support an indictment and require the accused to stand trial.

One member of the grand jury is elected foreperson of the other jurors. The foreperson is responsible for swearing in all witnesses who come before the grand jury. The commonwealth's attorney examines each witness and advises the jury. No one is to be present in the grand jury

room during the examination except the commonwealth's attorney, a stenographer, the witness and anyone else required, such as a guardian for a child or disabled witness.

After all evidence has been presented, the grand jurors will deliberate and decide whether to return an indictment. Nine of the 12 grand jurors must be in agreement to return an indictment. All indictments must be signed by the jury foreperson, even if he or she personally voted not to return an indictment. If the grand jury votes not to return an indictment, the jury foreperson must report that fact in writing. It is the foreperson's responsibility to report the vote results of the grand jury, whether for or against indictment, to the judge in open court.

What does a petit or trial jury do?

Petit or trial juries hear and decide two kinds of cases – civil and criminal – in District Court or Circuit Court. Juries consist of six jurors in District Court and 12 jurors in Circuit Court.

What is the difference between civil and criminal cases?

Civil cases involve disputes between two or more individuals or corporations and usually involve a judgment awarding monetary damages. The party filing suit is the plaintiff and the party being sued is the defendant. In a civil case, five of six jurors must agree on a verdict at the District Court level and nine of the 12 jurors must agree at the Circuit Court level.

Criminal cases involve charges brought by the commonwealth of Kentucky against a person accused of committing a crime. The commonwealth is represented by a prosecutor. The prosecutor for Circuit Court is the commonwealth's attorney and the prosecutor for District Court is the county attorney.

The petit jury will decide from the evidence and the law whether the defendant is guilty or not guilty. The defendant is presumed innocent and may not be found guilty unless the commonwealth meets its burden of proving to the jury that the defendant is guilty beyond a reasonable doubt. If the commonwealth fails to meet its burden, the jury must find the defendant not guilty. The jury will also fix a suitable

sentence, within the range provided by law, should the defendant be found guilty. In a criminal case, all of the jurors must agree on a verdict of guilty or not guilty and all must agree on the penalty if the defendant is found guilty.

How is a jury panel selected?

To select a petit jury panel, the circuit court clerk draws at least 16 names from the jury list for District Court cases and 32 names for Circuit Court cases.

What is a voir dire examination?

After the jury panel is drawn, each member is administered an oath that he or she will truthfully answer all questions regarding the personal qualifications to sit as a juror. The judge and attorneys involved will ask a series of questions to determine if an individual is qualified to serve as a fair and impartial juror. This process is called voir dire. Voir dire is not meant to pry into an individual's personal background or to discredit a person, but is a means of deciding who will be a proper juror.

Can I be removed from the jury?

If it is determined that a juror is related to either party or a witness involved in the case, he or she may be challenged and "removed for cause" from the jury during the course of the voir dire examination. In criminal cases, jurors may also be excused for forming an opinion concerning the defendant's guilt or innocence before the trial begins.

In addition to those "removed for cause" from consideration as jurors, the plaintiff and the defendant are each allowed a certain number of peremptory challenges – or "strikes" – by which they can remove potential jurors for no stated reason. The number of peremptory challenges allowed each side varies and is dependent upon whether the case is civil or criminal and whether alternate jurors are requested.

The voir dire procedure should reduce the number of potential jurors to the size required to be seated, which is six jurors in District Court and 12 jurors in Circuit Court, plus alternates if requested. After all removals

for cause and peremptory challenges have been exercised, if there are still more than six or 12 acceptable people needed for a jury, the proper number of jurors is randomly selected. The individuals whose numbers are called are then seated as a jury. The remaining people are excused.

When the jury is accepted by both sides, the members are sworn. Each member must set aside personal convictions and emotions and decide the case strictly from the evidence presented and from the instructions of the court.

The Role of a Juror

Jurors must give their undivided attention to the trial.

Listen carefully to all questions, testimony and instructions. A jury's verdict can be based only on the evidence presented in the courtroom.

Jurors must be impartial.

Jurors should avoid verbal or facial expressions that reveal their feelings about the case. It is important for you to form your own opinions once all evidence has been presented.

You should not form or express an opinion about the case or discuss it with other jurors before time for deliberations. Only after jury deliberations begin can jurors discuss the case among themselves.

Jurors must not discuss the case with anyone.

Jurors should avoid conversations with attorneys, parties and witnesses who are involved in the case they have been assigned to decide. Casual greetings are permitted, but conversations could be interpreted as discussions about the case.

During the trial, you should not discuss the case with your family or friends. If anyone approaches you and attempts to talk about the trial, you should report it to the judge immediately.

Jurors must not research the case through the news media.

During the course of the trial, you should not read, listen to or view any newspaper, radio, television or electronic reports of the trial you have been assigned to decide.

Can I be excused from jury service?

With the exception of an emergency, individuals called to serve on a jury should not ask to be excused. Those suffering from an ailment should present a doctor's note or personal letter to the judge explaining his or her situation. Do not have an attorney, employer or third party, other than a physician, act on your behalf.

If you have a permanent medical condition that would prevent you from serving as a juror, you may request exemption from jury duty. To be granted an exemption, you must present sufficient proof that would allow the chief circuit judge to determine you have a permanent medical condition rendering you incapable of serving.

Will my employer excuse me from work?

Employers, by law, must release someone who has been summonsed to jury service from his or her regular work schedule. Employers are not required, however, to compensate individuals for time spent away from regular employment during jury duty. Jurors are compensated $12.50 per day by the state during jury service.

Will there be long periods of waiting?

Jurors are occasionally required to sit through long recesses or waiting periods while the judge and parties related to a case are negotiating. Your time is not being wasted, however, as there are many reasons for such delays. Frequently, plea bargaining agreements are being negotiated. Often a party in a case cannot decide whether to settle his or her case outside of court or take his or her chances with a jury. Many litigants will not settle out of court until jurors are ready to hear a case.

What is the dress code for jurors?

Jurors should wear comfortable clothing that is appropriate for the seriousness and dignity of the courtroom.

Trial of a Case: The Sequence of Events

1. Opening Statements

The first steps in a trial are the opening statements presented by the plaintiff's attorney or the prosecutor and the defense attorney. They outline the proof to be presented to the jury. The opening statements are not to be considered as evidence. Opening statements simply acquaint the jurors with the nature of the case.

2. Examination of Witnesses

After opening statements, the plaintiff's attorney or the prosecutor will present his or her case in the form of evidence. Evidence can be testimony by a trial witness or physical exhibits, such as a gun or photograph. Case presentation begins with direct examination of a witness by the plaintiff's attorney or the prosecutor. Direct examination reveals points important to the case.

The defendant's attorney is allowed to cross-examine any witness called to the stand by the plaintiff's attorney or the prosecutor. The defendant's attorney will attempt to reveal points important to his or her client's side of the case.

Following the defense attorney's cross-examination, the plaintiff's attorney or the prosecutor is permitted to re-examine the witness to clarify statements revealed during the cross-examination by the defendant's attorney.

When the plaintiff's attorney or the prosecutor has finished presenting his or her side of the case, the defendant's case is presented in the same format as the case of the plaintiff or the prosecutor.

During the course of the trial, attorneys may object to certain evidence presented and the judge will either sustain or overrule their objections. The evidence in question cannot be presented if the objection is sustained. It can be presented, however, if the objection is overruled by the judge.

The rulings of the judge on objections do not indicate favoritism toward either attorney. No trial is a popularity contest between lawyers. A trial is a search for truth as prescribed by law.

The judge rules on the questions of law and the jurors are the triers of the facts. Jurors consider only evidence that the judge has permitted and must disregard any evidence that has been ruled inadmissable – or thrown out of consideration – by the judge.

Jurors may address questions to the judge and to the witnesses and may take private notes during the course of the trial.

3. Judge's Instructions

After all witnesses have testified, the judge will instruct the jury on the issues to be decided and the rules of law that apply to the case. The judge will explain the law based on the evidence presented in the case. Listen carefully to the judge's instructions. The judge must declare the law as it is and you must determine the facts under the law as it is presented to you.

You cannot substitute your own opinion of what the law should be. The instructions are in writing and the jury will take them to the jury room when deliberations begin.

The judge cannot indicate to the jury which side he or she favors in a case. The jurors must decide the case for themselves. If you have any questions, ask the judge.

4. Closing Arguments

After the judge has instructed the jury as to the law, the plaintiff's attorney or the prosecutor and the defendant's attorney will give closing arguments to help the jury remember the evidence presented. Both attorneys will attempt to persuade the jury that, based on the evidence, the verdict should favor their client.

5. Jury Room

Jurors select a jury foreman to act as presiding officer before beginning deliberations in the jury room. Every juror should be given an equal opportunity to express his or her views during deliberations. Each juror should keep an open mind when listening to the views of other jurors. Your purpose as a jury is to reach an honest verdict.

Jurors cannot use sources of information from outside the courtroom in deciding their verdict. If a juror knows something favorable or unfavorable concerning the plaintiff or the defendant and discloses it in the jury room, the two parties have no opportunity to defend themselves. The information may be explainable and, whether true or false, may be something that should have no bearing on the outcome of the case in question.

Civil Cases

In Circuit Court civil cases, three-fourths of the jurors (nine of 12) must agree in order to return a verdict. In District Court civil cases, five-sixths of the jurors (five of six) must agree in order to return a verdict.

Criminal Cases

In criminal cases, all jurors must agree in order to reach a verdict. Failure to reach a unanimous decision will result in a mistrial and the case will be retried before a new jury.

Jurors should carefully think through their differences to sincerely attempt to agree on a verdict. However, never agree to a decision that you believe is contrary to the truth simply for the sake of reaching a verdict.

Should jurors decide they have questions about the procedures during deliberations or about the judge's instructions, word should be sent to the judge and the judge may bring the jury back into the courtroom for clarification.

6. Sequestering the Jury

Occasionally, a judge will find it necessary to sequester a jury, which requires keeping a jury overnight. If the judge should order a jury to be sequestered, jurors have the right to notify someone to bring personal necessities. The state will provide for juror dining and lodging expenses when a jury is sequestered.

7. Secrecy After the Trial

While attorneys, litigants or other parties involved in a trial may ask jurors how they arrived at their verdict after the case has been decided, they have no right to such information. Jurors may talk about deliberations after the trial if they wish to, but your verdict cannot be questioned. What occurred in the jury room is secret and confidential.

Important Points to Remember

Fairness Issues

Age, color, disability, gender, national origin, race, religion and the sexual orientation of litigants or witnesses should not be considered by jurors in deliberations. Rather, each member of the jury must weigh the facts presented in the case to reach a knowledgeable and reasonable decision.

Jurors Should Not Be Amateur Detectives

The only evidence you can consider is that presented in the courtroom. Do not carry out independent investigations or visit places involved in the case.

Jurors Must Be Prompt

Do not be late for court sessions. The trial cannot continue until you are present. If you are late, you will waste the time of everyone involved in the case.

When in Doubt, Ask the Judge

If you are unsure of your rights or your duties as a juror, do not hesitate to ask the judge. Do not ask anyone but the judge. If an emergency should arise, consult the judge about it.

Glossary of Legal Terms

Acquittal. The legal and formal certification that a person charged with a crime is not guilty.

Answer. The defendant's response to allegations in a case.

Appeal. The process by which a case is carried from a lower court to a higher one for review.

Bailiff. A court official who maintains courtroom order and jury custody.

Brief. A written or printed document prepared by counsel to file in court, usually setting forth both facts and law in support of his or her case.

Case. Any proceeding, action, cause, suit, lawsuit or controversy initiated through the court system by filing a complaint, petition or indictment.

Charge to the Jury. A judge's instructions to the jury regarding the laws pertaining to the case.

Circuit. A geographical court jurisdiction composed of one or more counties.

Circuit Court. The court of general jurisdiction that hears all civil matters involving more than $5,000. It also has jurisdiction of capital offenses and felonies, divorce, adoption, termination of parental rights, land title matters and contested probate of will cases. Appeals from the Circuit Court are made to the Court of Appeals, with the exception of cases involving the death penalty, life imprisonment or imprisonment for 20 years or more, which go directly to the Supreme Court.

Closing Argument. A summary of evidence presented to the jury by the attorneys involved in a trial.

Complaint (civil). Statements by the plaintiff making claims against the defendant.

Court. A place where justice is administered and where judges are formally engaged in administering justice.

Cross-Examination. Witness is questioned by the opposing side.

Defendant. The person against whom a civil lawsuit is started or a crime is charged.

Deliberation. Jury discussions and consideration of the facts presented prior to reaching a decision or verdict.

Deposition. Testimony taken under oath and outside of the courtroom.

Direct Examination. The witness is first questioned by the side introducing the witness.

District. A geographical court jurisdiction composed of one or more counties.

District Court. The court of limited jurisdiction that handles juvenile matters, city and county ordinances, misdemeanors, violations, traffic offenses, probate of wills, arraignments, felony probable cause hearings, small claims involving $2,500 or less, civil cases involving $5,000 or less, voluntary and involuntary mental commitments and cases relating to domestic violence and abuse. Appeals from District Court are made to the local Circuit Court.

Due Process. A constitutional provision guaranteeing an accused person a fair and impartial trial.

Evidence. Any legally presented information, such as records, documents or testimony by a witness, provided during the course of a trial.

Exhibit. Paper, document or other material object received by the court and offered as evidence during a trial or hearing.

Family Court. Family Court is a division of Circuit Court and hears only cases involving families and children. Its jurisdiction includes dissolution of marriage; spousal support and equitable distribution; child support and visitation; paternity; adoption; domestic violence; dependency, neglect and abuse; termination of parental rights; and runaways and truancy (status offenses). Appeals from Family Court are made to the Court of Appeals.

Felony. A serious criminal offense punishable by imprisonment exceeding one year.

Indictment. A grand jury's written accusation charging that a person or business allegedly committed a crime.

Instructions. Directions given by a judge to the jury regarding the law in a case.

Judge. An elected or appointed official with the authority to hear and decide cases in a court of law.

Jury. People selected as prescribed by the law to render a decision or verdict in a trial.

Law. Rules and principles of conduct supported by the legislature, court decisions or local ordinances.

Litigant. Any person or group engaged in a lawsuit.

Litigation. A legal contest in a court.

Misdemeanor. A less serious criminal offense punishable by a fine or imprisonment not exceeding one year.

Oath. A written or oral pledge to keep a promise to speak the truth.

Objection. A statement by an attorney opposing specific testimony or admission of evidence.

Opening Statement. An outline of anticipated proof presented to the jury by the attorneys in the case.

Overrule. The court's denial of a motion or objection raised to the court.

Parties. Those individuals, corporations or associations who have filed a lawsuit or are defendants in a lawsuit.

Peremptory Challenge. The removal or striking of members from a jury for no stated reason or purpose.

Plaintiff. The person or party filing suit in court against another person or party.

Preliminary Hearing. It is synonymous with "preliminary examination" and is the hearing a judge gives a person charged with a crime to determine whether he or she should be held or jailed.

Probable Cause. A reasonable belief that a crime has or is being committed; the basis for all lawful searches.

Prosecution. The act of pursuing a lawsuit or criminal trial; the prosecution in a criminal suit is the state.

Prosecutor. The public official (commonwealth's attorney or county attorney) who performs the function of trial lawyer for the state or county.

Rebuttal. The introduction of evidence to discredit statements of other witnesses.

Redirect Examination. Follows cross-examination and is exercised by the party who first examined the witness.

Sustain. The court's acceptance of any motion or objection.

Trial. The examination of issues regarding fact and law before the court.

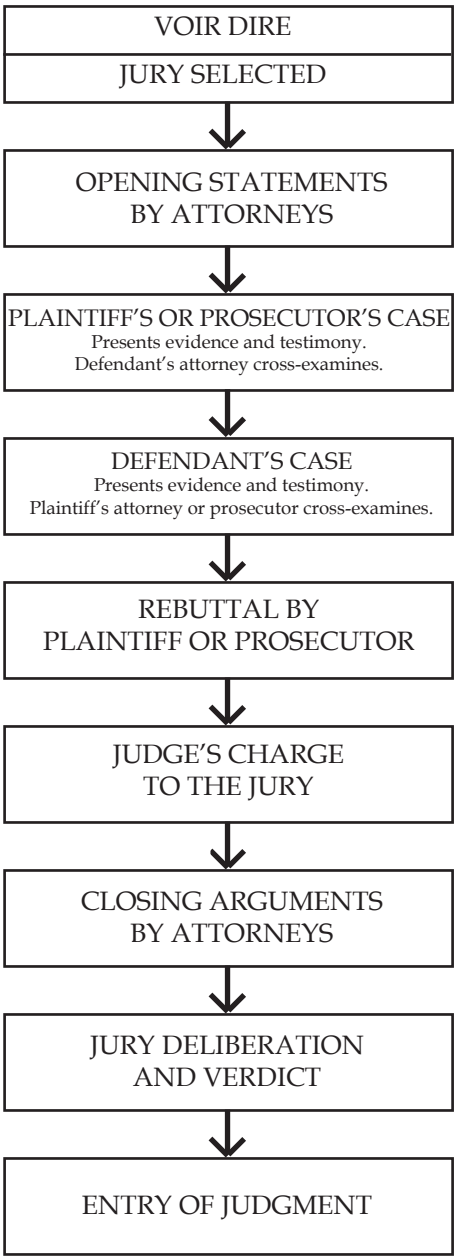
Venire. The group of sworn jurors.

Verdict. The final, formal trial decision made by a jury, read before the court and accepted by the judge.

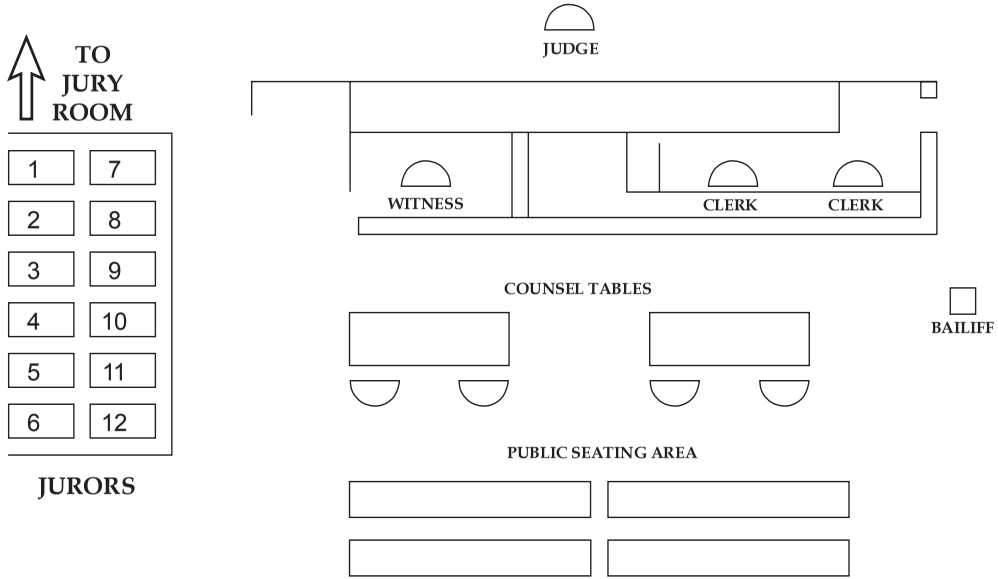
Voir Dire Examination. The preliminary questioning of jurors to establish their qualifications.

Witness. A person subpoenaed to testify under oath who possesses factual knowledge about a case.

Anatomy of a Jury Trial



Sample Layout of a Kentucky Trial Courtroom



Notes

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