

THIS IS THE LAW

SERVING ON A NORTH CAROLINA JURY

Thomas Jefferson, the author of the Declaration of Independence, once wrote, "I consider trial by jury as the only anchor yet imagined by man, by which a government can be held to the principles of its constitution."

Trial by jury is not a perfect system of obtaining justice; it is simply the best system we have yet been able to devise. Serving on a jury is not only an obligation of every qualified citizen, but also a right and a privilege.

If you are required to serve on a jury, you become, along with the lawyers and the judge, an officer of the court – a part of the judicial system with a most important responsibility to your state and your fellow citizens.

Please keep in mind that the administration of justice is not a process in which shortcuts should be taken simply to speed things up. The determination of truth and the fair and equitable application of the law are matters of grave importance.

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NORTH CAROLINA
BAR ASSOCIATION
SEEKING LIBERTY & JUSTICE

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REPORTING FOR JURY DUTY • When you are summoned to jury duty, you must comply fully with the requirements of the summons. On the date and at the hour stated in your summons, report to the bailiff of the proper court. (In some counties, jurors report to a jury assembly room, managed by the clerk's office.) The bailiff is the sheriff or deputy sheriff assigned to duty in the courtroom. He or she will advise you whether you are reporting to the proper place and will tell you where to sit. The bailiff will be available throughout the court sessions.

QUALIFICATIONS OF JURORS • To qualify to serve as a juror under North Carolina law, a person: (1) must be a citizen of the United States and a resident of the state of North Carolina, (2) must be a resident of the county in which called to serve as a juror, (3) must be at least 18 years of age, (4) must be physically and mentally competent to serve, (5) must be able to hear and understand the English language, (6) must not have been convicted of or pled guilty to a felony unless citizenship has been restored according to law and (7) must not have served as a juror during the preceding two years. In certain sensational cases in which there is a great deal of publicity, you may be required to serve as a juror in a county other than the one in which you live.

GETTING EXCUSED FROM JURY DUTY • Qualified persons age 72 or older may elect not to serve; otherwise, a person may be excused from jury duty on a particular occasion only after requesting to be excused because of special circumstances. No excuse is automatic. A judge will decide each request on its own merits and may defer jury service until a later date. If you have questions about your jury service, contact the clerk of court as soon as possible. In some areas you may be referred to a special "Jury Clerk."

CASES TRIED BY A TRIAL JURY • Cases which come before a trial jury are divided into two general classes: civil and criminal.

Civil cases are those in which the parties come into court to determine and settle their respective rights. The person who brings an action against another is the "plaintiff." The person against whom the action is brought is the "defendant."

Criminal cases are those in which action is brought by the government on behalf of all citi-

zens to try persons charged with the violation of criminal laws. In a criminal case, the state is the "prosecutor" and the person accused of the crime is the "defendant."

THE QUESTIONING OF JURORS • When you report to the court for jury service, you may be asked certain general questions by the judge regarding your qualifications to serve as a juror. After the judge is satisfied that you meet these qualifications, you will then either swear or affirm that you will give all parties a fair trial in any case in which you serve as a juror. Then, when you are called to the jury panel for a particular case, the lawyers in the case have the right to ask additional questions.

If you have never before served as a juror it may seem that some of the questions are very personal, but it is not intended that any question should embarrass or reflect upon a juror in any way. Lawyers have a duty to their clients to ask proper questions to assist them in deciding which jurors to select and to excuse a potential juror if there is reason to do so.

When the required number of jurors have been selected and are in the jury box, the jurors are sworn to try the case. This is called "impaneling" the jury.

THINGS TO REMEMBER DURING THE TRIAL

After you are selected as a juror in a case, there are some rules of conduct you should observe.

- **Be on time** for court sessions.
- **Always sit in the same seat** in the jury box. This enables the judge, the clerk and the lawyers to identify you more easily.
- **Listen to every question and answer.** Since you must base your verdict upon the evidence, it is important you hear every question asked and every answer given.
- **Do not talk about the case**—even to another juror—until the judge instructs that you are permitted to talk about the case. That means you should not talk, email, post on Facebook, tweet or communicate in any other way with anyone about what you hear in the courtroom during the case. You should not permit anyone to talk to you or talk in your presence about the case. If any

person persists in talking to you about it or attempts to influence you as a juror, report that fact to the judge immediately.

- Under the law, lawyers and the parties involved in the case are not allowed to speak to jurors anytime during the trial.
- **Don't be an "amateur detective."** Since the only evidence you may consider is what is presented in court, you are not allowed to make an independent investigation or to visit any of the places involved in the case. Do not research anything on the Internet, do any Google searches, watch or listen to any news reports about the case or in any other way try to gain information other than the evidence and testimony presented in court.
- **Follow the law.** The judge will instruct you on the law that applies to the case you decide. Listen to the law and apply your best judgement.

CONDUCT IN THE JURY ROOM

Your first duty upon retiring at the close of the case is to select your foreperson. It is the foreperson's duty to see that discussion is carried on in a sensible and orderly fashion, to see that the issues submitted for your decision are fully and fairly discussed, and that every juror has a chance to say what he or she thinks about every question. You will consider each of the questions, called issues, presented. When a unanimous decision has been reached, the foreperson will record your decision and present it to the court.

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

If you are selected to serve as a juror, you are eligible to receive a small payment for each day of your service.

NOTE: This pamphlet is published only for general information. Jury instructions may be given to you prior to your being sworn in as a juror. If you are required to serve on a specific jury, the judge presiding in the case will provide additional instructions. In all cases, rely on the information you receive from the judge and other appropriate officers of the court.