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**SERVING  
ON A MARYLAND  
TRIAL JURY**

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MARYLAND JUDICIARY  
JURY USE AND MANAGEMENT COMMITTEE  
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## **PART I. TRIAL JURY BASICS**

### ***The job of a trial juror.***

A trial jury listens to evidence in a courtroom, and decides the guilt or innocence of the defendant in a criminal case, and the liability and damages of the parties in a civil case.

### ***Number of trial jurors.***

A trial jury is generally made up of 12 people for criminal cases and 6 for civil cases.

### ***Types of cases.***

Trials are either civil or criminal. As a trial juror, you may hear either kind of case.

- ***Civil cases*** are disputes between private individuals, corporations, governments, government agencies, or other organizations. Usually, the party that brings the suit (the plaintiff) asks for money damages for some wrong alleged to have been done by the defendant.

- ***Criminal cases*** are brought by the State against one or more people accused of committing a crime(s). The person accused of the crime is the defendant. The State must prove "beyond a reasonable doubt" that the defendant committed the alleged crime(s).

### ***Length of trial.***

Most trials last one to two days. But a trial can last up to several weeks, and on rare occasions, several months, depending on its complexity. The judge will tell you at the beginning of the trial how long it is likely to last.

### ***Multi-day trials.***

If a trial lasts more than one day:

- Before you leave for the day, the judge will tell you what to do the next day, including when and where to report. Be on time – the case cannot resume until all jurors are present and seated.

- In virtually all cases in Maryland, you will be allowed to go home for the evening.

- During jury selection, you will have a chance to tell the judge whether you can accommodate the requirements of a multi-day trial.

### ***Sequestration.***

In a very rare case, a court may consider having a "sequestered" jury (one where the jurors are kept separate from the public and provided lodging at night).

- If the court is considering sequestration, this will be explained during the jury selection process.

- You will have a chance in jury selection to tell the judge whether you can accommodate the requirements of being sequestered.

- If you are sequestered and have to spend the night, your lodging and dinner expenses are paid by the court.

***Alternate jurors.***

Sometimes a juror has to be removed from the jury (“is excused”) before the end of the trial, for example, if the juror becomes ill. To avoid having to retry the case, extra or “alternate” jurors are selected to hear the case with the jury.

- Any alternate juror who does not become a member of the jury during the trial is excused when the jury begins deliberations.
- Each alternate juror must comply with the same requirements placed on other jurors.

***Foreperson.***

Each jury has a foreperson who presides over jury deliberations. The foreperson’s duties include announcing the verdict in the courtroom. The foreperson is appointed by the judge.

***Delays.***

Even though the court makes every effort to avoid delays, they do occur. This may happen because of a conference between the judge and lawyers to discuss legal questions, last-minute settlement discussions, a witness’ illness, or because the judge had to hear an emergency matter in another case.

If a delay occurs, there is a valid reason for it and the judge knows that you are waiting.

***Talking about your jury service.***

You don’t have to talk to anyone about your jury service. Sometimes the lawyers or media may seek you out after a trial, but you are not obligated to talk to them or anyone else.

If you decide to talk about your jury experience, be respectful of the views and opinions of your fellow jurors. Please do not identify any particular juror in your discussions.

## PART II. TRIAL PROCESS

### ***Steps in a trial.***

Trials usually follow a particular order, though the order may be changed by the judge. The steps are:

- Step 1:** Jury selection.
- Step 2:** Opening statements.
- Step 3:** Presentation of the evidence.
- Step 4:** Jury instructions.
- Step 5:** Closing arguments.
- Step 6:** Jury deliberations and verdict.

**Step 1: *Jury selection.*** Jury selection generally follows these steps:

**First**, the judge greets you, tells you about the case, and introduces the lawyers and others involved in the case. You take an oath, promising to answer all questions truthfully.

**Second**, you and the other prospective jurors are asked questions.

- These questions tell the judge and lawyers if you have any knowledge of the case, a personal interest in the outcome, or any interest in the case that might make it hard to be impartial. So even if they seem personal, they are not asked to embarrass you. Please answer the questions completely and honestly.
- If you are uncomfortable answering a question, tell the judge, and you may be allowed to give your response in front of the judge and out of the hearing of other jurors.
- This process was traditionally known as “voir dire”, a French expression, meaning “to see, to say”.
- If you believe that there is some reason why you cannot serve as a juror in the case, and you do not state it during the questions, bring it to the attention of the judge before the end of jury selection.

**Third**, based on the questions and answers, the judge and the lawyers will determine who will serve on the jury.

- Some people will be removed (or “challenged”) and will not sit on the jury.

- There are two kinds of challenges: challenges for cause and peremptory challenges.
- Challenge “for cause” happens when the judge concludes that there is reason to believe that a prospective juror might not be able to evaluate the case fairly.
- Examples of reasons for a challenge for cause: being a relative or close friend of a party (or attorney) in the case when this relationship would hinder the prospective juror’s ability to reach a decision based solely on the evidence; or hearing about the case through an outside source (such as the newspaper or television) to the point where rendering a fair and impartial determination would be impossible.
- Each side is allowed to remove a certain number of prospective jurors without having a reason for doing so. These are “peremptory challenges”.
- Please do not be offended if you are challenged. This is not personal, and your integrity and honesty are not in question. In fact, you may be selected to serve as a juror on another case.
- The people who will sit (or “be impaneled”) as the jury in the case, including any alternates, are called from the qualified jurors who remain after all the challenges are completed.

**Fourth**, the jury is sworn in and the case can begin.

- If you are not selected for the jury, you will either be dismissed by the judge (and can leave for the day), or be instructed by the judge to return to the jury assembly area.

**Step 2: Opening statements.**

These are statements made by the lawyers for each side to the jury. Opening statements are meant to give the jury a picture of what that side will present during the trial. As the judge will tell you, opening statements are not evidence in the case.

**Step 3: Presentation of the evidence.**

Evidence is presented after the opening statements. It is presented by witnesses or exhibits.

- The plaintiff - in a criminal case, the State’s Attorney - goes first. The defense presents its case when the plaintiff/State’s Attorney is finished.
- The first questioning of a party’s witness by that party’s attorney is “direct examination”. After direct examination is done, the attorney representing the other party may question the witness. This is “cross examination”. After a party has presented all its witnesses, it will “rest”.

Keep these points in mind about taking notes and asking questions:

**Taking notes.** You may take notes *only* if the judge tells you that you can. If you are allowed to take notes:

- You will be given notepads and a pencil or pen. The court will collect the notepads at the end of each day. Notepads are collected and destroyed at the end of the trial.

- Your notes are for your personal use only; do not share your notes with other jurors or anybody else.

**Asking questions.** The trial judge will determine how any questions from the jury will be handled or whether any questions will be allowed in a particular trial.

**Step 4: Jury instructions.**

The judge will give the jury its instructions after all the evidence has been presented.

- The judge instructs you on the law that applies to the case and explains the procedures you will follow in reaching a verdict.
- The judge will tell you that the *only* evidence the jury can consider in reaching a decision is the evidence presented at the trial.

**Step 5: Closing arguments.**

After all the evidence has been submitted and the judge instructs the jury, the attorneys will make closing arguments.

- The attorney for each party speaks to the jury, arguing that party's position as it relates to the evidence and the judge's instructions.
- Like opening statements, closing arguments are not evidence.

**Step 6: Jury deliberations and verdict.**

**Deliberations.** Once the judge has given the instructions and closing arguments have been made, you and the other members of the jury will retire to the jury room to make a decision or "deliberate".

- The foreperson presides over the deliberations.
- You and the other jury members reach a decision by discussing the evidence presented during the trial, and only that evidence, in the light of the judge's instructions.

Keep these points in mind about deliberations:

**Unanimity.** Unless the judge tells you otherwise, the jury's verdict must be unanimous. This means that all jurors must agree on the verdict.

**Some guidelines.** Everyone's input is needed during deliberations. Your discussions will go more smoothly if everyone remembers some simple guidelines:

- Express your viewpoint freely, completely and politely. Don't be shy and don't be intimidated.

- Listen with an open mind to what others say. You don't have to agree, but you do have to listen.

- Your view may change as the discussion continues. You may, for example, begin deliberations with one conclusion and come to a different conclusion after you listen to others.

- While jurors must try to come to an agreement, no juror is required to agree with another.

- A juror who listens to others, participates in the discussion, and is convinced that he or she is correct, has fulfilled the duty of a juror.

**Sending a note.** If the jury has a question during deliberations (for example, about the instructions or a matter of law) or needs to have testimony reread, a note may be sent to the judge through the bailiff.

***Verdict.***

When the jury has reached a verdict, the foreperson notifies the bailiff, who tells the judge.

The foreperson announces the verdict to the court. The jurors are then asked whether they agree with the verdict. The jury may be:

- “Polled”, asked individually if they agree with the verdict, or
- “Hearkened”, asked as a group whether they agree with the verdict.

The judge or courtroom clerk will lead you through the process.