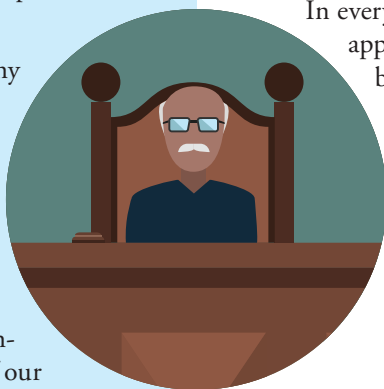


as a group to do so. Any unauthorized inspection may result in a retrial of the case, which is expensive and time-consuming.

If the case is settled or dismissed for any reason prior to the jury's verdict being rendered, jurors have still performed a valuable service by being there as a juror. Jurors can and should be justly proud of their service as a juror and for serving a vital part in our democratic society. Not everyone is allowed the privilege of serving. Please remember the right to a trial by jury is one of our nation's fundamental rights. It can only be preserved if citizens accept the responsibility of jury service.



When in Doubt, Ask the Judge

In every jury trial, the judge will give instructions applicable to that case. The information in this brochure is not intended to take the place of, and must not encroach on, those instructions. If a juror is in doubt about any aspect of jury service, asking the judge or the jury administrator is perfectly appropriate. ■

This pamphlet is based on Kansas law and is published to provide general public information, not specific legal advice. The facts involved in a specific case determine the application of the law.

Lawyer Referral Service

(800) 928-3111

Contact the Kansas Bar Association (KBA) Lawyer Referral Service for the name and contact information of a lawyer with experience in a particular area.

Ask-a-Lawyer

(800) 928-3111

Ask-a-Lawyer will connect you with an attorney who can offer immediate legal advice about your legal problem, for a modest fee of \$2 per minute, billed to your Visa, MasterCard, Discover, or American Express.

Pamphlets

As a public service of the KBA and the lawyers in your community, the following pamphlets are available in limited quantities through the KBA office, 1200 SW Harrison, Topeka, KS 66612-1806; (785) 234-5696.

- A Juror's Rights and Responsibilities
- Aging and the Law
- The Automobile Accident
- Child Custody, Support & Visitation Rights
- A Death in the Family ... What Should I Do?
- Domestic Violence – A Practical Guide for Victims
- Domestic Violence – A Practical Guide to Working with Survivors
- Violencia Domestica – Guia Practica para las Victimas
- Divorce – An IRS Perspective
- Introducing Your Lawyer
- Is a Living Trust for You?
- Joint Tenancy
- Living Wills and the Durable Power of Attorney for Health Care Decisions
- Marriage & Divorce
- Small Claims Court
- Stop, Look, and Check Before Buying a Home
- Ways to Settle Your Dispute
- What is Probate?
- What is so Important About a Will?



A JUROR'S RIGHTS AND RESPONSIBILITIES

- Jury Duty
- Conduct of Trial
- Responsibilities



Prepared as a public service by



Jury Duty

Jury duty is an interesting and important service which you may be summoned to provide by the district court of your county, or by the Federal District Court. Jury service is a citizen's right and responsibility. It is a segment of the law which protects our fundamental rights. Your full cooperation is an important contribution to the fair, efficient administration of justice.

Many people are unfamiliar with courtroom procedures and what is expected of a juror. The following is a short explanation to help you understand your rights and duties should you be summoned for jury duty.

Why a Jury?

A group of people with separate and varied life experiences can usually arrive at a better verdict than a single person with more limited experience. Normally, juries are composed of six or 12 people and alternates.

Types of Trials

There are at least two parties represented in every trial. In civil cases, one party is the plaintiff and the other party is the defendant. These cases often involve property, money or civil rights. In criminal cases, the government is the prosecutor and the defendant is a person who is charged with a crime. In addition to a possible fine, the defendant's life or liberty may also be at stake.

Conduct of Trial

Selection of Jury

The entire group of people summoned for jury service is called a panel. The jury will be selected from the panel. In Kansas State Courts, jury panels may be drawn from two sources: the list of registered voters and a list of drivers' licenses. In Federal Court, only registered voters are used. The selection of each individual is randomly made by a computer.

After a prospective juror's name has been called and the juror is seated in the jury box, the judge may ask certain questions. This process is called voir dire. Af-

ter the judge concludes, each attorney may ask all jurors questions. These questions are not in any way meant to embarrass anyone; they are asked only to check qualifications to sit as a fair and impartial juror in this particular case and nothing more. If a juror feels, for any reason, that he or she cannot sit as a fair and impartial juror, the judge or attorney needs to be told. Even after the questions are concluded by the attorneys for both sides, a juror may still be dismissed without cause, as the law provides certain challenges without stating the cause. These are called peremptory challenges and are not an adverse reflection on anyone being excused.

Opening Statements

After the selection of the jury, the attorneys for both sides explain the positions of their respective clients, what they claim, and what they expect to prove. These opening statements are not evidence but explanations, and the claims made must be proven by competent evidence.

Presentation of Evidence/Examination of Witnesses

Both parties usually attempt to prove their sides of the case through witnesses. The witnesses are examined first by the attorney who called them; this is called direct examination. Then the other attorney may examine the witnesses; this is called cross examination. This can proceed further by redirect or re-cross examination.

Objections made by attorneys are sometimes technical, but they are made in an effort to limit the testimony to what is pertinent to the case. If the judge sustains the objection, the evidence is not proper and should be excluded, and if the judge overrules the objection, the witness may proceed to answer the question asked. If the objection is sustained, jurors must disregard and not consider any answer or inference.

Sometimes during the trial, the jurors are excused so that the attorneys may present an argument to the court concerning an objection or another legal matter. This is done so that the jurors will not be prejudiced by any statements made. Lawyers are within their rights and have a duty to object when evidence that they believe is improper is



offered. Objections being sustained or overruled should not cause a juror to give either side any more favorable or unfavorable consideration.

Final Arguments

The closing argument is first made by the plaintiff's attorney or the prosecution, who will present their version of the case. The defendant's attorney will follow with a summary of their view. Then the plaintiff's attorney has the opportunity to present concluding or rebuttal argument.

Instructions

At the conclusion of the trial, the judge will instruct the jurors as to the law applying to the particular case. Jurors must base their verdict on the judge's instructions as to the law, rather than on their own notions of what the law is, or ought to be.

Jury Deliberations

The jurors, upon being taken to the jury room, will first select a foreperson to preside over the deliberations. The jurors will discuss the evidence and attempt to arrive at a fair and impartial verdict according to the facts as presented from the witness stand, and the law as given to them by the judge's instructions. When they have done this, the jurors will be returned to the courtroom where the verdict is read.

Juror's Responsibilities

When a person receives a jury summons, it is vital to respond. If prospective jurors have any concerns or issues, they should contact the appropriate jury office. Prospective jurors should make advance arrangements for dependent care, transportation, time off work and other issues.

Jurors should never be late, always sit in the same seat and give their attention to the witnesses and the attorneys. The case is important to someone, and that someone could be you someday. Jurors should not talk with anyone about the case, or allow others to talk to them about it, or discuss it in other's presence during the trial and jury deliberations.



Jurors should not use social media to talk about the trial, or express any views while the case is pending.

Jurors must try to avoid and never let TV, radio, newspaper or internet articles on the trial affect any decision. They may be incomplete or biased, and a miscarriage of justice could result. During the trial, do not read, view, or listen to news reports or search the internet relating to the case or trial. If the suit involves some particular place or scene, jurors should not make a personal inspection of the place unless the court orders the jury