

# Hand Book for Jurors

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## Introduction

The judge of the 37th Judicial District Court, the Caldwell Parish Clerk of Court, and their staff welcome and congratulate you as a fellow participant in the administration of justice.

You are now involved in the right to a trial by a jury of one's peers, a cornerstone of American justice. By serving as a juror, you will be a judge and you will assist in perpetuating a system that is fair and provides the same opportunity to all American citizens.

Efforts have been made to expedite the cases set for trial during your jury service; however, many matters must be disposed of before the jury is called. Witnesses may need to be located, motions may be filed by attorneys, and a myriad of other things may happen which require some delay before the jury panel may be summoned to the courtroom.

These circumstances may cause you to wait for extended periods of time. The judge requests your patience and assures you that all will be done to make your jury service as short and efficient as possible.

## How Jurors are Selected

The names of all licensed drivers, electric company patrons and registered voters of Caldwell Parish are placed into the Clerk of Court computer once a year. The computer first eliminates duplicate names, and then uses random selection to select the names of people who will receive a subpoena for jury duty.

## **Qualifications**

Louisiana law provides that certain qualifications must be met in order for a person to be eligible to serve on a jury. These requirements are that a prospective juror:

- Must be a citizen of the United States and Louisiana, and must have resided in Caldwell parish for at least one year before service;
- Must be at least eighteen years of age;
- Must be able to read, write and speak the English language;
- Must not have a mental or physical infirmity which makes service impossible;
- Must not be under indictment for a felony, nor convicted of a felony for which he/she has not been pardoned.

If you do not meet all of these requirements, contact the office of the Judge to be excused. Also, if jury service would result in undue or extreme inconvenience or hardship, you may contact the office of the Judge to request a postponement or excuse.

## **Exemptions**

Effective April 28, 1994, the Louisiana Supreme Court has amended its rules so as to effectively eliminate all group and occupational exemptions from jury service. Persons who may claim an exemption from jury service are:

- Persons who have served on a jury in the 37th Judicial District within the last two years;
- Persons who are 70 years of age or older.

If you are in either of these categories, you may claim an exemption from jury service; however, if you wish to serve, you may do so. If you do elect to claim one of these exemptions, the Clerk of Court will assist you in presenting the necessary proof.

## **Your Role as a Juror**

You are to report to the Caldwell Parish Courthouse at the time and date stated on your subpoena. You will report to the main courtroom located on the second floor of the Courthouse. The assigned Judge will determine if you are qualified to serve on the jury.

The Judge will then question prospective jurors. You must not leave this area until instructed to do so.

When you are in the courtroom, you are asked to conduct yourself in a respectful manner. You should be alert, courteous and honest about your feelings and opinions on issues.

Should you be selected as a juror, it is imperative that you are attentive at all times. The Judge presiding over that court will give instructions and orders that you must follow.

If you have any problem (such as not being able to hear a witness), have an urgent question or request, you may ask the Bailiff to notify the Judge, who will then handle your request.

After you have heard all the evidence and each attorney has summed up his case, the Judge will instruct you on the law that applies to the facts you will consider. You will then be escorted to the Jury Deliberation Room where you and your fellow jurors will deliberate.

## **Sequence of a Trial**

The Judge will tell you the names of the parties, the lawyers who will represent each, and the nature of the legal action.

You will then be questioned by the attorneys and court to insure that you can be impartial and objective about the issues in the case. This is called *Voir Dire*. Each attorney may challenge "for cause." This means that for some reason (your occupation, your opinion on certain issues, your knowledge of the case, etc.), it might be unfair to ask you to be impartial in the case at hand, and the Judge may excuse you from service in this particular trial. Each attorney also is allowed by law a limited number of "preemptory challenges". This means the attorney may ask the court to excuse some prospective jurors without stating any reason. (If you are challenged, please keep in mind that this request is not a reflection of your ability or integrity. The attorney is merely using a right given to his client by law).

At the end of *Voir Dire* examination a number of people will be seated to form the Jury, and the trial begins. (In some cases it may be a "six-man" jury, in others it may be a "twelve-man" jury).

The plaintiff's attorney (in civil cases) or the District Attorney (in criminal cases) will make an opening statement telling you what he intends to prove. The attorney for the defense may also make an opening statement.

After the opening statements, the side bringing the suit, (i.e., the plaintiff or the D.A.), will present its evidence with witnesses, documents or other exhibits. Then the other side will be afforded the opportunity to (when one party is through) questioning one witness, the other attorney may cross-examine. There are special rules of law governing what may be asked of a witness, how the witness may respond, and what the Jury may properly consider as evidence. From time to time, an attorney may "object" to some testimony or procedure. The Judge may ask the lawyers to approach the bench to discuss the matter, or you may be taken to the jury deliberation room so that it may be debated outside your hearing. In either case, the Judge will rule on all questions of law, and will tell you how the law requires you to treat a particular situation.

When both sides have presented their evidence and defenses, each attorney will sum up his case. He tells what he believes the evidence shows and why it favors his side. Of course these presentations by the lawyers are not evidence.

After the closing arguments, the judge will instruct you on your duties as a juror. She will also instruct you as to the law in this particular case, what verdicts can be rendered and the consequences of each verdict. You and your fellow jurors will then be escorted to the Jury Room for deliberation.

At this time, you will select one juror to be the foreperson. This person will preside over your deliberating, and will bring the verdict into court. In many cases one of the parties will ask, or the Court will order, the Jury be polled. This means the court will ask each juror individually if this is his or her own verdict. The Judge may order their verdict to be read in open court or on a secret ballot viewed by the Judge and attorneys. Thereafter, the Clerk of Court is ordered to seal the ballots in the records.

The judge presiding over the case will then thank you and dismiss you.

### **Petit and Grand Juries**

A Petit jury will hear and decide criminal cases after a person is charged with a crime.

Criminal cases are brought by the state against persons accused of committing a crime. In these cases, the state is the plaintiff, and the accused person is the defendant. Criminal trials can involve traffic, misdemeanor, felony, and capital (death penalty) cases.

A grand jury does not decide a case. Rather it has broad powers to investigate a wide range of criminal offenses and to examine the performance of public officials and public institutions. As such, a Grand Jury may charge a person with a crime who may be tried before a Petit jury. Its deliberations are conducted in secret, in conjunction with the State Attorney or a designated assistant state attorney.

### **Payment for Jury Duty**

Jurors will receive \$25.00 per day, plus mileage and applicable ferry fees for jury service.

### **Length of Service**

The first day of service is normally limited to jury selection for trials held during the week. Jurors selected to serve on cases will be asked to return and serve on the dates of that trial. Most trials last several days.

### **Dress Attire**

Proper dress attire is required. Shorts, men's hats, muscle shirts, halters (mid-drifts), and other inappropriate dress are not allowed. Cell phones are not allowed on the second floor of the courthouse.

### **Definitions**

**Bailiffs** - The official in each courtroom who attends to the security and comforts of the judges, jurors, and the court in general.

**Bench** - The seat occupied by judges in court.

**Bill of Information** - A formal charge of violation of a criminal statute made against a person by the District Attorney and filed with the Clerk of Court.

**Challenge** - During the selection of a particular jury (see voir dire), attorneys for either side may wish to suggest to the court that certain individuals be excused from service for this particular jury. There are two types of challenges. (A) A challenge for cause is made when an attorney believes that an individual being challenged is in some way not appropriate for a particular case. For example, a person who was recently a party to a personal injury suit or who is a relative of the attorneys or parties in the present suit, may find it difficult or impossible to be completely objective. The decision as to the validity of a challenge for cause is made by the judge. (B) The law allows each side in a case a limited number of preemptory challenges which it may exercise if it so chooses. The judge automatically grants preemptory challenges.

**Chambers** - The private room or office of a judge.

**Civil law** - Civil trials, as distinguished from criminal trials, deal with disputes between individuals, corporations, and/or other private entities or public entities such as the City, Parish or State, in which no violation of a specific criminal law is charged.

**Criminal law** - That law dealing with actions or omissions which have been identified by a legislative body as being contrary to the public interest, and to which criminal penalties have been attached.

**Cross-examination** - Examination of a witness by the party opposed to the one who produced him, in order to further develop and to test the truth of his testimony.

**Defendant** - In a civil action, the party against whom suit is brought; the party who is being sued. In a criminal case, the defendant is the person who is charged with violation of a criminal statute.

**Direct-examination** - The first examination of a witness by the party on whose behalf he is called.

**Expert witness** - A person qualified to speak authoritatively on a certain subject on the basis of skill, training or experience. The court is responsible for determining the qualifications of an expert witness to testify in a particular case. An expert witness may offer opinions as well as observations within his field of expertise.

**Grand Jury** - A special jury which serves during each session of criminal court as a body to inquire into complaints and accusations of violations of criminal laws. Grand Juries may hear testimony and receive evidence, and may bring charges in the form of an indictment against

individuals. A Grand Jury does not find innocence or guilt; it simply determines whether or not sufficient evidence exists to bring formal charges before the court.

**Indictment** - A formal accusation, by a Grand Jury, that a person has violated one or more specific criminal statutes. The charge is presented to a court.

**Instructions** - The directions given by the judge to the jury concerning the law which applies in the case at hand, and the manner in which the jury is to apply it to the facts as they find them.

**Intervener** - A person who voluntarily enters an action or other proceeding, with the permission of the court.

**Jury pool** - A randomly chosen group of individuals from which individual jury panels are chosen.

**Jury term** - The length of time for which a citizen serves in a jury pool.

**Motion** - A formal request to the court by an attorney for a specific action by the court. Example: "Your Honor, defense moves the last testimony be stricken from the record."

**Objection** - In a trial, a lawyer may object (or raise an objection) to a procedure or action in the trial (such as an attempt to introduce certain evidence or to elicit certain testimony) which that lawyer feels should not be permitted under the rules of law which govern the conduct of trials. The Judge will make a decision as to whether or not the objection is to be sustained or overruled.

**Panel** - A specific group of prospective jurors from which the jury for a particular case will be chosen. The jury pool is for convenience divided up into panels, which are sent to each court room as the need arises.

**Petit Jury** - A jury of individuals who determine the facts and render a verdict thereon in a particular criminal trial.

**Plaintiff** - In a civil action, the person who brings a Petition to the court; the party who initiates the action by filing suit.

**Plea** - A defendant's statement, answering the charges against him, or showing why he should not answer.

**Settlement** - An agreement by which parties having disputed matters between them reach an agreement which concludes the dispute without going to trial.

**Statute** - A written law, enacted by a legislative body (city council, state legislature, U.S. Congress)

**Verdict** - The formal decision of the jury. In a criminal case, the decision relates to the guilt or innocence of the defendant. In a civil suit, the decision is whether or not the plaintiff has proved his case against the defendant, and may also include findings as to the amount of damage suffered.

**Voir Dire** - A prospective juror, prior to being sworn to serve in a trial, is questioned by the judge and the attorneys in that case in order to determine whether he/she is competent and qualified to hear the particular case.

**Witness** - A person who testifies under oath to what he has seen, heard, or otherwise observed, and whose statement is received as part of the evidence in the case.

## **Personnel & Their Functions in Court**

**Judge** - An officer who is elected to preside and to administer the law in a court of justice.

**District Attorney (D.A.)** - The chief prosecuting officer, elected by the people of the parish, who represents the state in criminal trials. The District Attorney may also appoint an Assistant District Attorney to act in his behalf should he be unable to be present at trial.

**Plaintiff** - The party who complains or sues in a civil action.

**Defendant** - The party summoned to answer a charge or complaint in civil or criminal law; the party against whom an action or suit is filed.

**Lawyer (Attorney, Counsel)** - The legal representative of a party in a trial.

**Bailiff** - An administrative officer of the court who attends to the needs of the judge, jurors, witnesses, and court.

**Court Reporter** - A person responsible for taking and transcribing official presentations of facts, evidence, and legal procedures in a trial.

**Minute Clerk** - A deputy clerk of court who administers the oath to jurors and witnesses and whose duty is to receive the evidence as it is introduced.

## **Instructions to all Jurors**

You have been qualified as a prospective juror in a pending case. It is imperative that you follow the listed instructions:

1. Please arrive at the courthouse no later than 15 minutes prior to the time court is to begin. This is done in order to facilitate a roll call at the designated court time so that court can commence promptly.
2. Please do not discuss any facts that you hear about the case amongst the other prospective jurors during the time that you are waiting for the selection process.

3. Please do not try to discover any of the facts of this case as all evidence that you will need to decide this case will be presented to you in the courtroom. It may be a good idea for you to bring some reading material during the period of time that you will be waiting during the selection process; however, please do not bring any legal materials or any materials that contain information about the current trial.
4. The bailiffs are there for your assistance, and should any problem arise during this trial, please ask the bailiff for assistance with this matter.
5. During the course of the trial, you may see or hear news accounts concerning this trial. You are not to listen or attempt to obtain any information from these new accounts.
6. During the course of the jury selection and trial, you may come into contact with some of the attorneys handling the case. They are under court order not to carry on a conversation with you.
7. Please do not start a conversation with any of the attorneys, parties or witnesses involved in this case. This is done to eliminate any appearance of wrongdoing.