

Answers to
Common
Questions



SELECTED TO SERVE Jury Service in Utah



UTAH STATE COURTS MISSION STATEMENT

The mission of the Utah State Courts is to provide an open, fair, efficient and independent system for the advancement of justice under the law.

Letter from Chief Justice Matthew B. Durrant

Dear Utah Citizen:

As a juror, you play an essential role in America's justice system. Your role is based on the tenets of a free society found in the Utah and U.S. Constitutions.

Citizens have the right to a fair trial and jurors ensure this right is upheld. Jury service is a chance to participate in the democratic process, as well as an opportunity to learn more about how the judicial system works. Though jury service may at first seem inconvenient, afterwards jurors typically say they've enjoyed being part of the process.

This booklet will provide an overview of what you can expect if selected to serve on a jury. Additional information on jury service is available on the Utah State Court's website at www.utcourts.gov.

Thank you for serving!

Sincerely,
Honorable Matthew B. Durrant
Chief Justice, Utah Supreme Court

Jury Service in Utah

This handbook is divided into three sections. Section I answers questions about being called to jury service and arrangements that need to be made to perform that service. Section II explains the jury selection process, and Section III answers questions about the role jurors play during the trial.

Section I. How Jury Service Operates

How was I chosen?

Your name was chosen at random from driver's license and voter registration lists.

How frequently might I have to serve?

You cannot be required to attend court for more than one day, except as necessary to complete service in a trial. You cannot be required to serve on, or report for, more than one jury trial in a two-year period. After that, whether you are called again depends on whether your name is randomly selected.

What if my boss doesn't want me to serve?

The law makes it clear that you must be excused from your job for jury service. You cannot be fired, demoted, or disciplined in any way for performing this public duty. Your employer faces civil and criminal penalties for violations. (Utah Code Section 78B-1-116)



Will I be paid for jury service?

You will be paid \$18.50 for the first day of service and \$49 for each subsequent day of service. Some employers are willing to pay their workers at the normal rate during jury service, and

the workers then turn over the jury fee to the employer. If you have to drive more than 50 miles to the courthouse, the court will pay you \$1 for each four-mile increment over 50 miles, one-way.

Can I be excused from jury service?

Judges can excuse you for public necessity, undue hardship, or if you are incapable of jury service. Clerks can sometimes, but not always, accommodate your schedule. Everyone is inconvenienced to some degree by jury service, but for the system to work, people from all walks of life must be willing to serve. Those who refuse to complete the juror questionnaire or refuse to appear when called to serve are subject to fines and jail time for contempt of court.

Once I qualify for jury service, how long am I eligible?

The terms for jury service vary depending on your county. Salt Lake County-one month; Davis, Utah, and Weber counties-three months; Other counties-six months

You are subject to being summoned for jury service at any time during the term, until you actually attend court. After that, you cannot be summoned again for at least two years.

What happens after I am qualified for jury service?

Sometime during the term, you are likely to be notified by the court that you are “on call” for jury service. The court will let you know how to keep in touch. Some courts have a call-in system, where potential jurors call in each evening to see if they will be needed at the courthouse the next day.

You need to let your employer or teachers know when you are “on call” for jury service. **Do not take time off from work or school until you have actually been instructed to come to the courthouse.** The court cannot issue a letter stating that you have served if you were never called.

How do I prepare for jury service?

Be sure to arrive at the courthouse on time. A latecomer can hold up a trial involving scores of people. Instructions from the court will tell you where to park and where to report in the building. Please wear appropriate attire—most courts prohibit shorts or tank tops.

Who do I call if I have more questions?

The court will list a number on the jury service notice that you can call for additional information. The court's website also has a list of telephone numbers: www.utcourts.gov. Follow the link for juror information.

Section II. After you Arrive at the Courthouse – The Jury Selection Process

What determines whether I will serve on a jury?

Once you arrive at the courthouse, you will be directed to a jury assembly room or courtroom. Sometimes a case will settle out of court right before trial. For these or other reasons you might not be needed for the jury after all. When this happens, you will be dismissed for the day; however, this counts as jury service and you cannot be called for two years.

If you're assigned to a trial, you will be escorted to the courtroom, and the selection process will begin. First, the judge will make a short statement describing the case, and identifying the parties to the case and their lawyers. During this process, the judge, and sometimes the lawyer for each side, will ask you questions, which you are required to answer truthfully. The questions are aimed at finding out if any jurors have a personal interest in the case or if there is some other reason why they could not render an impartial verdict.

Why are potential jurors sometimes asked personal questions during the juror selection process?

In some cases, you may be asked questions about your background that may make you uncomfortable. The court does not wish to invade your privacy, but sometimes it is necessary for the court to know these facts to ensure a fair trial. If you are uncomfortable about answering a question, you can ask to discuss it privately with the judge and lawyers or other parties in the case.

What are Challenges?

A “challenge” is the process by which a lawyer asks that a juror be excused. There are two types of challenges:

- Challenges for cause – Here the lawyer claims that the juror might not be able to render an impartial verdict. For example, a lawyer asks to excuse a juror from an auto theft trial because the juror’s car has recently been stolen. The judge may grant or deny a challenge for cause. There is no limit to the number of challenges for cause that a party can make, but there must be a reason for the challenge.
- Peremptory challenges – Each side has a limited number of challenges for which no reason need be given. These peremptory challenges give both sides some choice in the makeup of the jury.



Does failure to be chosen for a jury mean I did something wrong in the selection process?

Not at all. The fact that a person is not chosen for a jury is no reflection on that person’s integrity or worthiness to serve.

Section III. The Trial Process

How long will the trial be?

The judge will give you an estimate of how long the trial will be. Most trials last one to two days.

Will I have to be sequestered?

Being sequestered (kept away from all outside contacts) is extremely rare, even in high-profile cases.

What is my job as a juror?

As a juror, you are the fact finder. You must listen carefully to the evidence presented by each side, and use your life experience and common sense to make a decision. It is very important to keep an open mind while all the evidence is being presented. Making your mind up before all the evidence is presented could result in a failure to reach a fair and impartial verdict.



How is a trial conducted?

- The trial usually begins with opening statements from each side. These are summaries reviewing what each side intends to prove during its presentation of the case. (These statements are not evidence.)
- Each side then presents its case with witnesses and other evidence.
- Witnesses called by one side are subject to cross-examination by the other side.
- The judge delivers instructions to the jury regarding the relevant law.
- Each side makes closing arguments.
- The jury deliberates.
- The jury reaches and announces its verdict.

What is happening when a lawyer objects to a question asked by the other side?

The judge may be asked to decide questions of law. Usually these questions involve objections to testimony that the defense or prosecuting attorney wants to present. By law, it is the judge's job to decide such questions. A ruling by the judge does not indicate that he or she is taking sides. The judge is determining that the law does or does not permit a question to be asked.

Why will the jurors sometimes be asked to leave while the judge talks to the lawyers?

Sometimes the judge will have jurors leave the courtroom while lawyers make arguments about a point of law. Jurors are not to speculate about what was discussed, but instead to base their reasoning only on the evidence presented to them.

At what point can I discuss the trial with others?

It is important that you not discuss the trial with anyone (even fellow jurors) until the jury deliberates. In a multi-day trial, you must not discuss the case with family, friends, or anyone else. If someone approaches you in the courthouse or elsewhere and tries to discuss the trial with you, leave immediately and report the incident to the judge. The bailiff can deliver any written messages you wish to convey to the judge.

Jurors must make their decision on the basis of the evidence presented at the trial, and not on the basis of any outside information about the case. For this reason, jurors are prohibited from reading, watching, or listening to any media accounts of the trial, from visiting the scene of the events, and from trying to discover any information about the case on their own, such as over the Internet. You may not use any Internet chat room, blog, or web site such as Facebook, My Space, LinkedIn, You Tube, or Twitter to obtain or share information about the case.

What happens when jury service is completed?

After the jury returns to the courtroom and announces its verdict, the judge will dismiss the jury. At that point, you may freely discuss the case, but you are not required to discuss the case with anyone. One or more of the lawyers in the case and/or the media may want to discuss the verdict or the deliberations with you. You may talk to them if you wish, but are not required to do so.

During jury deliberations, fellow jurors may reveal personal and private information. Respect the privacy of other jurors and do not reveal these confidences to others.

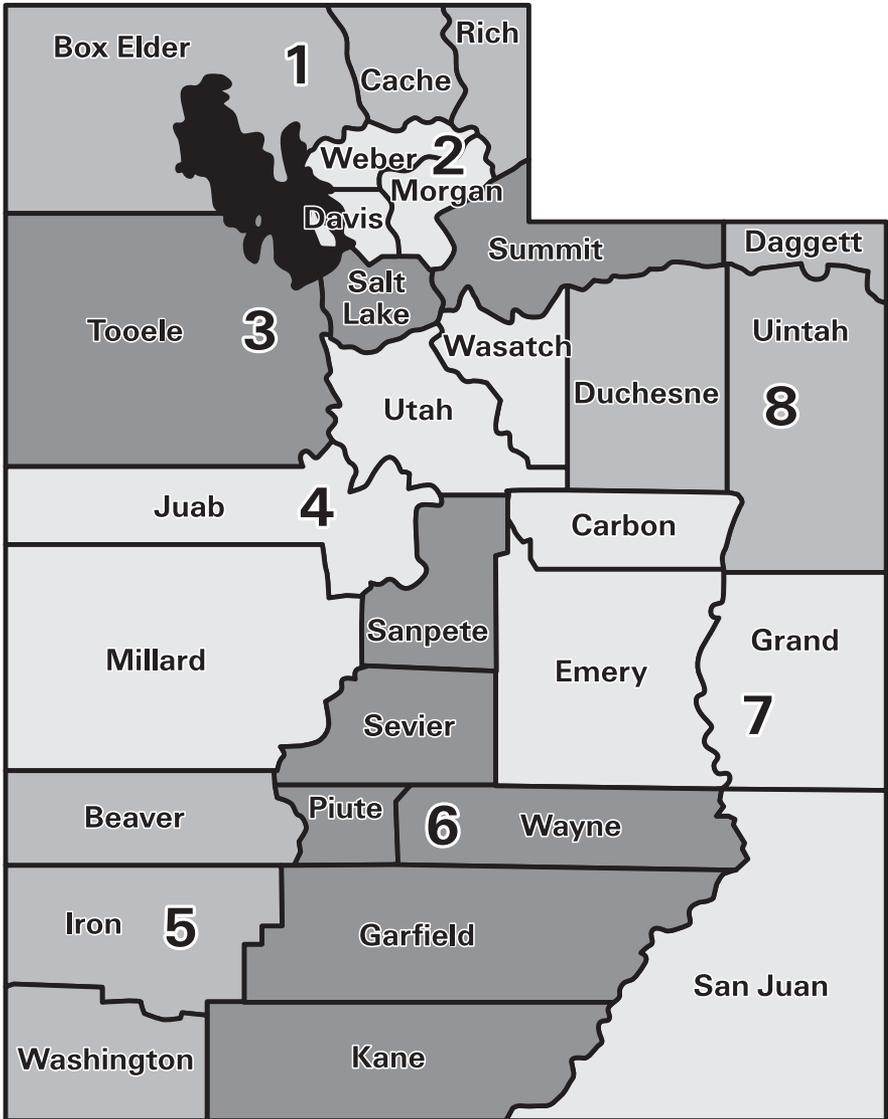
Will I be able to evaluate the performance of the judge?

At the end of some trials, jurors will be asked to complete a questionnaire to evaluate the performance of the judge. These questionnaires are part of the judicial performance evaluation program, aimed at improving the administration of justice in Utah.

This brochure contains general guidelines. In your particular district, procedures might be somewhat different. The judge or jury service personnel at your court will explain any changes in procedures.



Judicial Locator Map





Administrative Office of the Courts

(801) 578-3800

www.utcourts.gov

450 South State Street

Salt Lake City, Utah 84114-0241