

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA



HANDBOOK FOR TRIAL JURORS

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◆ Introduction ◆

The purpose of this handbook is to acquaint trial jurors with the general nature and importance of their role as jurors, as well as to acquaint them with some of the practices and procedures used in the United States District Court for the Central District of California. It also offers some suggestions helpful to jurors in performing this important public service.

Nothing in this handbook is to be regarded by jurors as instruction of the law to be applied in any case on which they serve. The judge will instruct the jury in each separate case as to the law which applies to that case. Jurors must follow only the instructions of law given to them by the trial judge in each particular case.

◆ Importance of Jury Service ◆

Jurors perform a vital role in the American system of justice. The protection of our rights and liberties is largely achieved through the teamwork of judge and jury who, working together in a common effort, put into practice the principles of our great heritage of freedom. The judge determines the laws to be applied in the case while the jury decides the facts. Thus, in a very important way, jurors become a part of the court itself.

Jurors must be men and women possessed of sound judgment, absolute honesty, and a complete sense of fairness. Jurors aid in the maintenance of law and order and uphold justice among their fellow citizens. Their greatest reward is the knowledge that they have discharged this duty faithfully, honorably, and well. In addition to determining and adjusting property rights, jurors may also be asked to decide questions involving a crime for which a person may be fined, placed on probation, or confined in prison.

◆ The Courts ◆

In this country, there are two systems of courts: the state courts and the courts of the federal government which includes the District of Columbia. Congress has divided the country into federal judicial districts, and in each district there is at least one federal court. California is divided into four federal judicial districts: Northern, Southern, Eastern, and Central. This handbook is specifically written for jurors selected to serve in the federal court of the United States District Court for the Central District of California. The California Central District is comprised of three divisions: Western, Southern, and Eastern. The Western Division is located in downtown Los Angeles, the Southern Division is located in the city of Santa Ana, California and the Eastern Division is located in the City of Riverside. The types of cases which can be brought in the federal court have been determined by the United States Congress according to our Federal Constitution and federal laws.

◆Jury Orientation◆

Jurors are given specific instructions regarding jury service when reporting to the Jury Assembly Room for the first time. Jurors are compensated for their services by an attendance fee as authorized by the Judicial Conference, and also receive round trip transportation reimbursement for mileage. Jurors who live over 80 miles (one way) from the courthouse are entitled to a subsistence fee to stay in a local hotel during their service (weekdays only) and are also entitled to a miscellaneous travel expense fee when checking out of the hotel. Hotel receipts are required.

In California Central District, jurors are on call for 30 days; most jurors serve an average of five to eight days. However, the length of actual jury service varies between the different divisions. If, on the reporting date, a juror is not selected to serve on a specific case, that juror will be released. The juror resumes their call-in service beginning the following week.

The day before a juror is to report for service, he or she should call 1-800-327-3296 after 7:00 p.m., or visit the court's website at www.cacd.uscourts.gov after 5:30 p.m. to verify that attendance is necessary for the next morning. Jurors should expect to stay until 5:00 p.m. on the first day of jury duty. Only on the first day of service will jurors be required to appear at 7:45 a.m. When reporting for jury service, jurors must be available to serve for at least four consecutive days. Days that a juror is not available during this thirty day period can be accommodated, provided he or she has not been selected to be on a trial; jury service may be extended accordingly.

Jurors are instructed as to the time to report for duty by the judge if selected for a trial, and are to remain at the courthouse until released by the judge. On most days, however, jurors are asked to appear between 8:30 a.m. and 10:00 a.m. and are excused by 5:00 p.m.

Requests for excusal from jury service must be made in writing to the jury clerk.

Requests for deferrals or excuses will not be heard.

Since federal buildings are smoke-free, jurors who desire to smoke are instructed to do so outside.

Cell phones are permitted in the building. Pay telephones are located on some floors of the courthouse.

Although the courtroom and the jury deliberation room are locked every night, valuables should not be left in either place overnight.

Jurors are protected by federal statute [28 U.S.C. §1875] from being discharged, intimidated or coerced by their employers because of jury attendance at this Court.

◆Criminal and Civil Cases◆

Cases in the United States District Courts are divided into two general classes: criminal cases and civil cases.

Criminal Cases. Criminal cases are those in which individuals or organizations are charged with breaking the criminal laws of the United States. Typical criminal charges in a federal court are those involving violation of the federal income tax laws, narcotics laws, mail theft, and counterfeiting.

The person charged with a violation of the law is the defendant. The charge against the defendant may be brought in two ways: by indictment and by information.

An indictment is a written accusation by a grand jury that charges the defendant with committing an offense against the law. Each offense charged will usually be set forth in a separate count of the indictment.

An information is the name given to a written charge against the defendant filed by the United States Attorney and not by the grand jury. In many cases where the defendant has the right to have a grand jury consider the charges presented, he or she may agree to give up this right and consent to the filing of an information.

After the indictment or information is filed, the defendant appears in open court where the court advises the defendant of the charge and asks whether the defendant pleads “guilty” or “not guilty”. This procedure is called the arraignment.

No trial is needed if the defendant pleads guilty and admits to committing the crime. If the defendant pleads not guilty, he or she will be given a date for trial.

The judge in a criminal case instructs the jury as to the law. The jury determines what are the true facts. On that basis, the jury has to decide whether the defendant is guilty or not guilty as to each offense charged. What happens thereafter is the sole responsibility of the judge. The sentence is not to be considered in any way by the jury in arriving at an impartial verdict as to the guilt or innocence of the defendant.

The jury must separately consider each of the charges against the defendant, after which it may find the person not guilty of any of the charges, guilty of all the charges, or guilty of some of the charges and not guilty of others.

Civil Cases. In civil cases, federal courts have limited jurisdiction, in other words, they have the power to hear only certain types of cases. Typically, federal cases involve: (1) the plaintiff and defendant reside in different states and the amount of damages in question exceeds \$75,000.00, or (2) there is a violation of federal law (for example, an income tax or social security dispute). If one of the defendants is a corporation, there is a special rule for determining

where the corporation “resides”; the corporation must do sufficient business in a particular federal judicial district in order to be subject to the jurisdiction of that district.

Civil suits occur when persons who disagree over their rights and duties come into court to resolve the matter. The court is asked to decide who is right. This depends upon the law, as determined by the judge, and the facts, as decided by the jury.

For example, a case entitled John Smith v. XYZ Company is filed in district court. This means that John Smith is suing the XYZ Company. John Smith is called the plaintiff, the person who begins the case. XYZ Company is the defendant. The plaintiff and the defendant together are referred to as the parties.

The plaintiff states his claim in a paper called the complaint. The defendant replies to the complaint in a paper called the answer. The complaint and the answer are the main pleadings in the case. The points in the pleadings upon which the parties disagree make up the issues of fact and law.

◆The Voir Dire Examination◆

To begin a jury trial, a panel of prospective jurors is called into the courtroom. This panel will include a number of persons from whom a jury will be selected to try the case.

The panel members are sworn to answer questions about their qualifications to sit as jurors in the case. This questioning process is called the voir dire. This is an examination conducted by the judge and sometimes includes participation by the attorneys for the parties. A deliberately untruthful answer to any fair question could result in serious punishment to the person making it.

The voir dire examination opens with a short statement about the case. The purpose is to inform the jurors of the subject matter of the case and to identify the parties and their lawyers.

Questions are then asked to find out whether any individuals on the panel have any personal interest in the case or know of any reason why they cannot render an impartial verdict. The court also wants to know whether any member of the panel is related to or personally acquainted with the parties, their lawyers, or the witnesses who will appear during trial. Other questions will determine whether any panel members have a prejudice or a feeling that might influence them in rendering a verdict. Any juror having knowledge of the case should explain this to the judge.

Parties on either side may ask that a member of the panel be excused from service on a particular jury. These requests are called challenges.

A person may be challenged for cause if the examination shows he or she might be prejudiced. The judge will excuse an individual from the panel if the cause raised in the

challenge is sufficient. There is no limit to the number of challenges for cause which either party may make.

The parties also have a right to a certain number of challenges for which no cause is necessary. These are called peremptory challenges. Each side usually has a predetermined number of peremptory challenges. The peremptory challenge is a legal right long recognized by law as a means of giving both sides some choice in the make-up of a jury. Jurors should clearly understand that being eliminated from the jury panel is no reflection upon their ability or integrity.

Those jurors excused during the voir dire are to return to the jury assembly room. They are available for panels that will be used later that day. For jurors that are selected, when there is a break in the proceeding, they are sometimes instructed to return to the jury room adjacent to the courtroom that is being used for the trial. For the duration of the trial, these jurors are to return to the courtroom as a group. They only go to the jury assembly room when instructed to do so.

In the Western Division (Los Angeles), jurors who are serving in the U.S. Courthouse (Spring Street) report to the jury assembly room for parking validations. Jurors who are serving at the Edward R. Roybal Federal Building are to obtain parking validations from the courtroom deputy. In the Southern Division (Santa Ana), jurors are to present their jury summons or Certification of Jury Service form to the parking attendant for parking validations. In the Eastern Division (Riverside), the Clerk's Office will validate parking only once per day; there is no parking validation for subsequent same day in and out parking.

◆Jury Panels ◆

In civil trials, the jury must consist of six jurors although a judge may determine that more than six should be impaneled. Regardless of the number of jurors selected, all verdicts must be unanimous.

In criminal trials, the jury always consists of twelve jurors. Alternate jurors are selected should the judge determine it appropriate. Alternate jurors in criminal trials do not participate in the deliberation process.

◆The Juror's Solemn Oath ◆

After the voir dire is completed, the jurors selected to hear the case will be sworn in. The courtroom deputy will request the jury panel to stand and to raise their right hand to be sworn to hear the case. The clerk slowly, solemnly, and clearly repeats the oath. The jurors indicate by their responses and raised hand that they take this solemn oath.

Jurors not wishing to take an oath may request to affirm instead of swear.

◆The Eight Stages of Trial◆

The trial proceeds when the jury has been sworn. There are usually eight stages of trial in criminal cases. They are:

- (1) The lawyers present opening statements. Sometimes the opening statements on behalf of one or more parties are omitted.
- (2) The government's counsel calls witnesses and produces evidence to prove its case.
- (3) Defendant's counsel may call witnesses and produce evidence to disprove the government's case and to prove that the defendant is not guilty.
- (4) The government's counsel may call rebuttal witnesses to disprove what was said by the defendant's witnesses.
- (5) Closing arguments are made by the lawyer on each side.
- (6) The judge instructs or charges the jury as to the law.
- (7) The jury retires to deliberate.
- (8) The jury reaches its verdict.

Typically, the stages of trial in a civil case are similar to those of a criminal case with one exception: the plaintiff rather than the government is the party bringing the lawsuit.

During the trial, witnesses called by either side may be cross-examined by the lawyers on the other side.

Throughout the trial, the judge may be asked, in the presence of the jury, to decide questions of law. Usually these questions concern objections to testimony that either side wants to present. Occasionally, the judge may ask jurors to leave the courtroom briefly while the lawyers present their legal arguments for and against such objections. The law requires that the judge decide such questions.

A ruling by the judge does not indicate that the judge is taking sides. He or she is merely saying, in effect, that the law does, or does not, permit that question to be asked.

It is possible that the judge may decide every objection favorably for the plaintiff or the defendant. That does not mean the case should be decided by the jury for the plaintiff or the defendant. The jury should maintain its objectivity and base its verdict strictly upon the testimony and exhibits received in evidence at trial.

◆The Arguments of Counsel ◆

After presentation of the evidence is completed, the lawyers have the opportunity to discuss the evidence in their closing arguments in a logical and comprehensible order. The lawyers fit the different parts of the testimony together and connect the facts. This helps the jurors recall testimony.

It must be remembered that each attorney presents the view of the case that is most favorable to his or her client. Each lawyer's side appears to be right to that lawyer. Each lawyer's statement may be balanced by the statement of the lawyers on the other side.

◆The Charge to the Jury ◆

The charge of a judge to a jury in the District Court is much more than a statement of the rules of law. Sometimes it may contain some of the facts or a summary of the facts. The judge may also point out and explain which facts are in dispute and which facts do not actually matter in the case. The judge also will state the law related to the facts presented to the jury. It is the jury's duty to reach its own conclusion.

◆ The Jury's Verdict ◆

In both civil and criminal cases, it is the jury's duty to decide the facts in accordance with the principles of law stated in the judge's charge to the jury. The decision is to be made on the evidence introduced, such as testimony of witnesses and exhibits. The jury's decision on the facts is usually final.

◆ Courtroom Etiquette ◆

To maintain the decorum of the court, the appropriate dress code is business or casual business attire. Please do not wear tank tops, shorts, jeans, tennis shoes or open-toe footwear. It is suggested you bring a sweater or light jacket. Men must wear shirts with a collar and casual or dress slacks. Ties are not required. Jurors appearing dressed inappropriately will be sent home without pay and their jury service will be extended accordingly.

At no time is food, drink or gum chewing allowed in the courtroom.

A court session begins when the courtroom deputy states that everyone in the courtroom is to rise and come to order. The judge takes his or her place on the bench, and the courtroom deputy announces the opening of court. A similar procedure is used when court adjourns.

Common courtesy and politeness are safe guides as to the way jurors should act. No juror is permitted to read a newspaper or magazine in the courtroom. A juror may not carry on a conversation with another juror in the courtroom during the trial. Jurors are asked to please place pagers and cellphones in the "off" position.

Jurors are treated with consideration. Their comfort and convenience is served whenever possible. Jurors should bring to the attention of the judge any matter affecting their service and should notify the court of any emergencies. In the event of a personal emergency, a juror may send word to the judge through any court personnel, or may ask to see the judge privately.

◆**Conduct of the Jury During the Trial**◆

Jurors should give close attention to the testimony. They are sworn to disregard their prejudices and follow the court's instructions. They must render a verdict according to their best judgment.

Each juror should keep an open mind. Human experience shows that once a person comes to a preliminary conclusion as to a set of facts, they hesitate to change their views. Therefore, it is wise for jurors to not even attempt to make up their mind on the facts of a case until all the evidence has been presented to them and they have been instructed on the law applicable to the case. Similarly, jurors must not discuss the case among themselves until they are in deliberation.

The fact that a lawsuit was begun is not evidence in a case. The opening and closing statements of the lawyers are not evidence. A juror should disregard any statements made by a lawyer in argument that have not been proved by the evidence. A juror should also disregard any statement by a lawyer as to the law of the case if it is not in accordance with the judge's instructions.

Jurors are expected to use all the experience, common sense and common knowledge they possess; they are not to rely on any private source of information. During the trial, jurors should be careful not to discuss the case at home or elsewhere, and must not read about the case in the newspapers. They should avoid radio and television broadcasts that might mention the case. Information that a juror gets from a private source may be biased, inaccurate or irrelevant. Although it may be hard to separate in one's mind the court testimony and reports from other sources, it is only fair that the jury's verdict be based on nothing else but the evidence and law presented to them in court.

If it develops during the trial that a juror learns elsewhere of some fact about the case, he or she should inform the court. The juror should not mention any such matter in the jury room.

Individual jurors should never inspect the scene of an accident or of any event in the case. If an inspection is necessary, the judge will have the jurors go to the scene as a group.

Jurors should not loiter in the corridors or vestibules of the courthouse. Inappropriate contacts may occur there with persons interested in the case. Juror identification badges should be worn at all times, including the lunch break.

If any outsider attempts to talk with a juror about a case on which he or she is sitting, the juror should do the following:

(1) Tell the person it is improper for a juror to discuss the case or receive any information except in the courtroom.

(2) Refuse to listen if the outsider persists.

(3) Report the incident at once to the judge.

Jurors have the duty to report to the judge any improper behavior by any other juror. Jurors also have the duty to inform the judge of any outside communication or improper conduct directed at any other juror by any person.

Jurors on a case should refrain from talking on any subject, even if it is not related to the matter being tried, with any lawyer, witness or party in the case. Such contact may make a new trial necessary.

Some cases may arouse much public discussion. In that event, the jury may be kept together until the verdict is reached. This procedure is used to protect the jurors against outside influences.

◆In the Jury Room ◆

In the California Central District, the jurors elect their foreperson. The foreperson presides over the jury's deliberations and must give every juror a fair opportunity to express his or her views.

Jurors must enter the discussion with open minds. They should freely exchange views. Jurors have a duty to give full consideration to the opinion of their fellow jurors. Jurors should not hesitate to change their opinions if the deliberations have convinced them they were initially wrong. Although jurors have an obligation to reach a verdict whenever possible, no juror is required to give up any opinion which he or she is convinced is correct.

The members of the jury are sworn to pass judgment on the facts in a particular case. They have no concern beyond that case. They violate their oath if they render their decision on the basis of the effect their verdict may have on other situations.

◆After the Trial◆

After the jurors return their verdict and are dismissed by the judge, they return to the jury assembly room to return their badges and to be given final instructions. Whether counsel are permitted to speak with the jurors in civil and criminal cases after the verdict is up to the court. Some judges will allow discussion if the jurors agree and the panel will have completed its service with the trial.

Jurors requesting verification of their completed jury service for their employers must complete the form entitled Certification of Jury Service (J-4) which is distributed during jury orientation or is available from the jury department or the courtroom deputy.

◆Conclusion◆

To decide cases correctly, jurors must be honest and intelligent. Jurors must have integrity and good judgment. To meet their responsibility, jurors must decide the facts and apply the laws impartially. Jurors must not favor the rich or the poor and must treat all men and women, and corporations and individuals alike.

Conscientious jury service brings its own reward in the satisfaction of an important task well done. There is no more valuable work the average citizen can perform in support of our Government than the full and honest service of jury duty.

The judges of the California Central District, and the staff that serves the Court, recognize and appreciate the effort involved by citizens in satisfying their civic responsibility to serve as jurors.