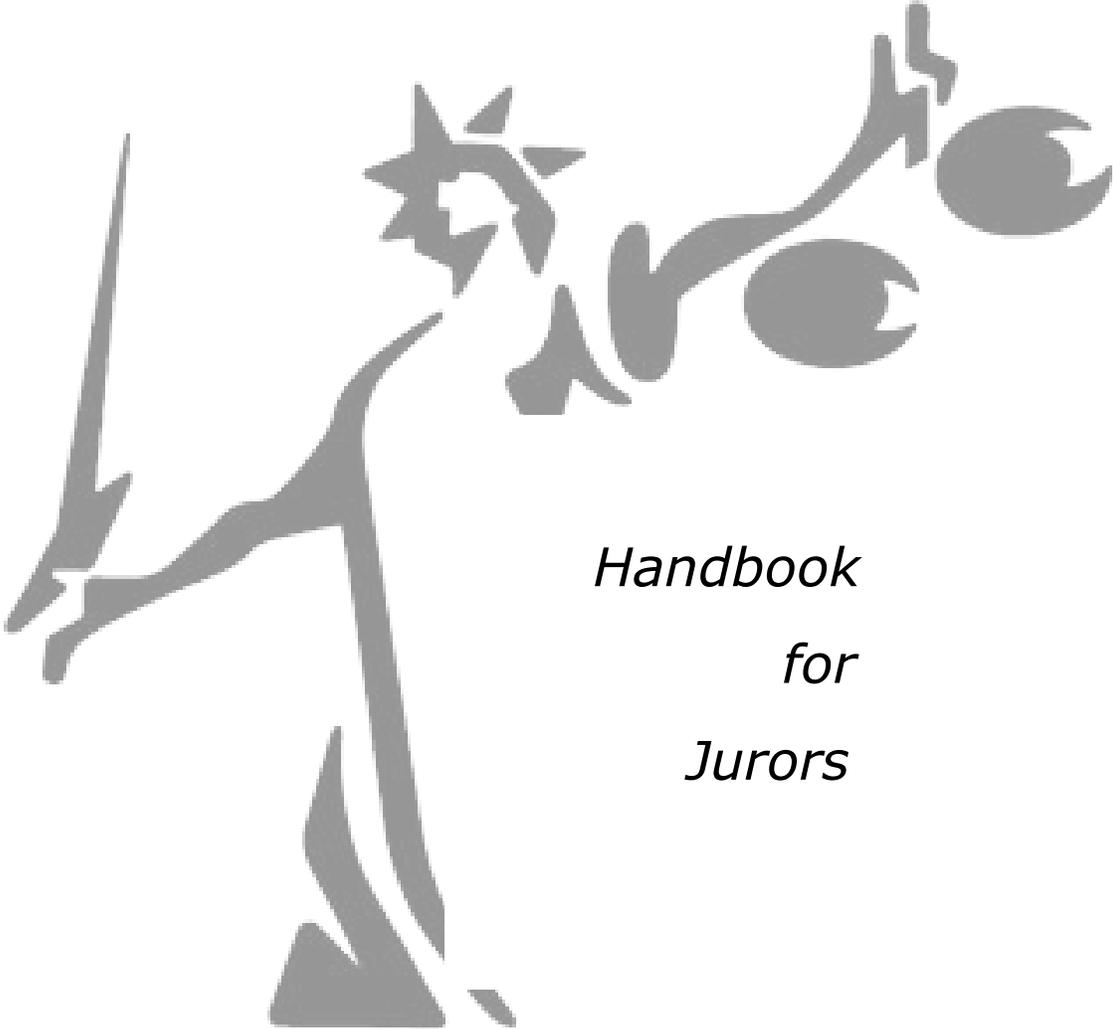


MCKEAN COUNTY COURT OF COMMON PLEAS



*Handbook
for
Jurors*

**COURT OF COMMON PLEAS
MCKEAN COUNTY
FORTY- EIGHTH JUDICIAL DISTRICT
SMETHPORT, PENNSYLVANIA**

**Honorable John H. Pavlock,
President Judge**

**Honorable Christopher G. Hauser,
Judge**

**Honorable John M. Cleland,
Senior Judge**

**Honorable John H. Yoder,
Senior Judge**

McKEAN COUNTY COURT OF COMMON PLEAS

Juror's Handbook

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WELCOME TO THE MCKEAN COUNTY COURT OF COMMON PLEAS

Following America's struggle for independence, the founding fathers realized the need to guard the citizens of our new nation against the abuses of power by the government. Accordingly, a system of checks and balances was introduced to prevent any arbitrary acts by any of the branches of government. Thus trial by jury was guaranteed so that all final decisions on disputes involving liberty or property rested with the citizens rather than with a government official.

EARLY ENGLISH SYSTEM

But trial by a jury of impartial citizens was not always the case in Anglo-Saxon justice. The early English system was a jury of witnesses. People from the vicinity of the crime testified before the court about the action of the accused person. After hearing the evidence, the same witnesses decided the verdict. However, on June 15, 1215, the Magna Carta provided that "no free man shall be taken or imprisoned or outlawed or exiled or in anywise destroyed, save by the lawful judgment of his peers."

This important right was carried to America by the settlers and has survived over 200 years through the many harsh and changing periods of our nation. This right is guaranteed by our Federal Constitution as well as by our State Constitution. Trial by jury is reaffirmed no less than three times in the U.S. Constitution. One example is the 6th Amendment which states, "the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed."

DUTY OF EVERY CITIZEN

The service you will be performing as jurors in this Court is the cornerstone of our judicial system. It is a vital duty of every citizen, an absolute essential to our form of democratic society. Without it, our system of justice could be ruled by oppression or engulfed in anarchy. Fulfilling your obligation as a juror ensures your fellow citizens of a fair decision regarding their property rights, or their life and liberty.

The process of selecting jurors began many months ago when a computer randomly chose your name from a combined list of voter registration records, property assessment records and driver registrations. Some people were exempted by law from this duty and others were excused because of serious illness.

For many of you, serving as a juror is an inconvenience and a sacrifice. However, the success of the jury system depends upon your willingness to serve. Your contribution is important not only to the community but also to you personally, since our form of society is only as strong as its system of justice. Your participation as a juror will leave you with firsthand knowledge of the judicial branch of government. You will find most trials extremely interesting and will feel gratified to have taken part in a real-life drama of great significance to your fellow man. You should take pride in helping to preserve and strengthen our system of justice.

JUROR CONDUCT

Let us now clear up a few misconceptions you may have about jury duty and alert you to some of the rules of conduct each juror must follow during a trial. Court usually begins at 9:00 A.M. and adjourns upon the discretion of the trial judge each day. However, jurors must be present no later than 8:30 A.M. each morning unless you are instructed differently. It is important to be on time since many people are dependent upon your actions. If you are selected to serve as a trial juror, your jury service will be for the length of that trial. Most trials take between one and three days to complete. Some last longer. Because of this, **DO NOT** make any appointments or commitments that would interfere with you serving on a trial that may take up to five (5) days to complete. If you are **NOT** selected as a trial juror, your length of service will be one (1) day. Jurors usually are not required to remain overnight.

When serving on a jury, you must follow the rules of conduct which are significant to your continued impartiality. You must not talk with anyone about the case. This includes your family, your friends and your fellow jurors. Only when you are sent to the jury room to deliberate can you discuss the case. To protect jurors from someone speaking unintentionally to you about a case, all jurors must wear the juror identification badge in a conspicuous place on their outer clothing. If a person attempts to discuss the case with you, you should refuse to listen, walk away and inform the court officers immediately. In addition, you must avoid listening to radio, reading newspaper articles or searching for information on the internet about the case.

Also, you must not make an independent investigation or visit any of the places involved in the case. If it is proper or necessary to inspect a scene involved in the

case, the Judge will order the jurors, as a group, to visit the scene. Remember, you can only consider evidence presented in court, and must not form an opinion until all evidence has been presented.

Other rules of conduct, no less significant than the preceding rules, include listening attentively. Since your verdict is based on the evidence given in court, you should hear every question and every answer. Remember, you are the sole finders of the facts - the judges of the truthfulness and accuracy of the testimony and evidence.

SEQUESTRATION

A jury is occasionally sequestered, that is kept separated from the public, for the duration of a trial when the Judge deems the action necessary because of the nature of the trial. If sequestered, the jurors will have an opportunity to communicate with their families through court personnel, and arrangements will be made to have their clothing and personal articles delivered to them. Following your term of service, you will be compensated at the current daily rate for jury service plus a travel allowance.

A COURTROOM SCENE

Let us review a typical courtroom scene to familiarize you with the people, the strange language and the actions, which may seem mystifying. Seated on the bench is the Judge. The Judge is a highly educated and experienced attorney who is responsible for the conduct of the trial according to the laws of the Commonwealth. The Judge makes all decisions on questions of law, usually

relating to objections to evidence or testimony. At the end of the case, the Judge makes what is known as the “charge” to the jury, which explains the law to be followed in the case.

Facing the Judge are the principal parties in the lawsuit with their attorneys. Seated closest to the jury box is the District Attorney, who represents the Commonwealth in a criminal case, or the plaintiff’s attorney and the plaintiff in a civil case. In a criminal case, a person is being charged by the State with violation of a law. In a civil case, the plaintiff has filed suit to resolve or settle a private dispute or claim with another party. Next to the prosecuting or plaintiff’s attorney is the defendant and his attorney-the defense attorney. The defendant is the person charged with an offense in a criminal case or the party being sued in a civil case.

Other people involved in the courtroom setting include the Deputy Sheriffs, who are present during all criminal trials; and the tipstaves, who assist the Judge, jurors and attorneys to make the trial function smoothly. Sitting in front of the witness box is the court reporter who makes a certified word-for-word record of all that transpires at the trial. The court clerk, who sits immediately in front of the Judge’s bench, swears in jurors and all witnesses and is responsible for all the papers filed during a trial, as well as orders made by the court and the verdict at the end of the trial.

Finally, there are the jurors. Your work is as important to the court proceedings as that of the Judge who presides. It is necessary for the Judge and jury to cooperate in a common effort to assure the delivery of justice.

VOIR DIRE

If a defendant in a suit chooses a trial by jury, your role begins in *voir dire*, which is the questioning of the jurors. Under Pennsylvania law, 12 jurors are picked to decide a criminal case. In McKean County we also pick 12 jurors to decide a civil case. Alternate jurors may be chosen to serve with and as part of the jury to avoid unnecessary delays or expenses in the event of the incapacity of a juror.

The Court Clerk has a master list of every name on the panel of jurors in the courtroom, and a copy of that list is given to each lawyer (District Attorney and defense attorney in a criminal case and the plaintiff's attorney and defendant's attorney in a civil case).

The Judge will give the names of the parties and their attorneys and will briefly summarize the nature of the case. This is the first information the jury receives concerning the case, which is not evidence, of course, but is given to you merely as background. The *voir dire* will then begin. The Judge will then ask you as a group, certain questions before the striking begins. In some special cases, jurors may be questioned individually, as they usually are in homicide cases. In civil cases the attorneys will ask the questions.

These questions may seem quite personal. However, this examination is not meant to embarrass you or reflect upon your character or intelligence. Rather, the purpose is to find out if you have any views which might improperly influence you as a juror. Remember the proper selection of a jury is dependent upon the candidness of your responses.

The lawyers will turn around and look at the jurors very intently and then decide whether or not to strike or remove any particular name. As you will note, the lawyers cannot pick any particular juror but may only strike any juror and not give any reason, as it is a peremptory challenge. If it is a challenge for cause, then the reason must be given, and the Court will excuse that juror if the objection is proper.

CHALLENGES

Your role as a juror thus can be challenged. Each attorney has an unlimited number of challenges for cause, and each attorney is entitled to a certain number of peremptory challenges, (strikes) depending on the nature of the case. A juror may be challenged for cause, if, for instance, the questioning shows the person has a special knowledge of the case, is personally acquainted with one of the parties or lawyers, or has prejudged the case. The Judge then will excuse the juror from service on that particular case. Challenged peremptorily, a juror is excused but no reason need be given by the lawyer.

Following this process of questioning, the panel is reduced in size to the trial jurors and alternates, if chosen. Those chosen will be asked to take a seat in the jury box. Then the clerk will swear in the jury to try the case, as in the following example:

Clerk: You and each of you do solemnly swear by Almighty God, or do declare and affirm, that you will well and truly try the issue joined between the Commonwealth of Pennsylvania and the defendant, and a true verdict render according to the evidence so help you God, or so you do affirm.

Answer: I do.

THE TRIAL

What occurs during the trial is described in a general way. Initially, the District Attorney, or the plaintiff's attorney, may make an opening statement to outline the case against the defendant. The defendant's attorney then may make a statement outlining the defense immediately thereafter, or may postpone it until later in the trial. Remember, the opening statements are not evidence, but only an outline of the case.

The District Attorney in a criminal case then presents evidence to the jury for examination. The District Attorney may call witnesses to testify and may offer exhibits such as documents or physical objects as evidence. However, the defendant has a right to cross-examine witnesses in order to test the truthfulness and accuracy of the testimony.

At the close of the Commonwealth's case, the defendant may offer evidence. Under the law, every defendant is presumed innocent. The burden is on the Commonwealth to prove the defendant guilty beyond a reasonable doubt. If the defense does call witnesses, the District Attorney may cross-examine those witnesses.

Likewise in a civil case, the plaintiff introduces the evidence to the jury first, and when finished the defendant may present any evidence.

OBJECTIONS

During the trial, one of the lawyers may object to a question posed, or an exhibit offered, by the opposing counsel. It is then the Judge's responsibility to decide if the question or exhibit is proper for you to hear or see. It is a question of law, and many times it is decided at a sidebar conference. Here the Judge meets with the attorneys out of hearing of the jury. Jurors should not be concerned with these sidebar conferences, and the ruling by the Judge on the objection does not indicate he/she is taking a side in the case. The Judge is merely saying to all parties that the law does or does not permit the question or exhibit to be introduced in the case as evidence. The reasoning of the Judge is based upon rules of evidence, which may be difficult for the juror to understand. But these rules are the result of hundreds of years of experience in the trial of cases.

After all witnesses have been called and all evidence has been presented, both sides may then address the jury. This is called the final or closing argument. In the final argument each counsel will urge you to reach a conclusion favorable to the party he or she represents. Remember, arguments of counsel are not evidence. The final stage of the trial is the charge to the jury by the Judge. No one is allowed to enter or leave during the charge. At this time the Judge, as an impartial party, explains to the jury the rules of law, which apply to the case you have heard. You must accept and follow the law exactly as the Judge explains it to you.

Additionally, the Judge points out the basic issues in the controversy. You must pay close attention to the Judge's instructions. This is the last word you will hear before you retire to reach an important verdict. You are now ready to deliberate intelligently and reach a fair verdict in the case.

DELIBERATIONS

The initial concern of the jury is to select one of the members of the jury as a spokesperson. This juror is called the foreman or forelady. This selection should be relatively quick, since the foreperson has no more authority or vote in the discussion than any other juror. The foreperson announces the verdict in open court. Each juror should participate with an open mind, and without fear of freely expressing and exchanging his or her views. You should respect and consider the opinions of your fellow jurors, which appear reasonable.

But remember, in judging the credibility and weight of the evidence, you should use your understanding of human nature and your common sense. Observe each witness giving testimony. Be alert for anything in the witness' words, demeanor or behavior on the witness stand, or for anything in the other evidence in the case which might help you to judge the truthfulness, accuracy and weight of the testimony. You also should consider carefully the statements and arguments of counsel. It is proper to be guided by them if the statements and arguments are supported by the law and the evidence, and appeal to your reason and judgment.

Finally, you are ready to decide the verdict. As soon as the verdict is reached, the jury's foreperson tells the court officer the jury is prepared to render that decision. You must not tell the court officer or anyone else the decision until the Judge requests it from you in open court. The foreperson then delivers the verdict for the jury.

You now have completed your jury service and have participated directly in the administration of justice. Your verdict has not only affected the parties involved in

the case, but also has preserved and continued a vital ingredient in the American way of life.

If you serve on a jury, your time probably will go rapidly, and your attention will be alert. However, some called as jurors may not be chosen to serve on a panel and may feel inconvenienced. But, in fact, their time is not wasted. The fact that you are ready to hear a case often results in the settlement of a case, saving the court time and money. In addition, many more jurors are called than actually serve because of the challenges.

JUSTICE AND FAIRNESS

The Judges of this court thank each of you for contributing your time for jury duty, which is one of the most important duties a citizen can perform for this nation. Many other systems have been tried throughout the world, but our system is the one believed most likely to accomplish justice and fairness. Trial by an impartial jury of citizens from the community is the cornerstone of the American judicial system by which our people judge and settle all controversies. It guarantees that no person or government will dictate his/her opinion to others. It guarantees that all final decisions involving our liberty and property rest in the capable hands of the honorable men and women of the community who serve as jurors.

INCLEMENT WEATHER

A message regarding delays or cancellations of jury service may be obtained by calling: 814-887-3205. For other information, call the Jury Commission at 814-887-5571 ext. 3202.

JUROR'S CREED

(Adopted by the Pennsylvania Bar Association)

I am a juror, I accept the position not only as an honor, but as my solemn duty.

I will remember the men who died to give us, and retain for us, the right of trial by jury, and I will reflect upon the fate of those people whose government gives them no such right.

I will act with realization that the success of the jury system depends upon the willingness of men and women of integrity and intelligence to accept jury service, and upon the fidelity with which they discharge that responsibility.

I will be ruled by the law as given me by the Judge.

I will listen attentively to all the evidence, the arguments of counsel, and the Judge's instructions, and will thoughtfully and impartially weigh the issues.

During the trial I will not discuss the case with others nor permit others to discuss it with me; neither will I read about it in the newspapers, nor listen to broadcasts about it.

While hearing a case I will keep an open mind until the case is finally submitted to the jury.

I will observe legal procedure not as red tape, but as a device developed through thousands of years for the protection of the people.

I will consider all the evidence fully and fairly, uninfluenced by friendship, sympathy, bias or prejudice.

I will work with my fellow jurors in a spirit of tolerance and understanding and will endeavor to bring the deliberations of the whole jury to a true and honest verdict.