

Trial Procedure



WHY DO WE HAVE JURY DUTY?

Court cases begin when a party files a document seeking court action to declare or enforce rights guaranteed by law. In some instances a party may have a jury decide the facts of the case and apply the law as instructed by the judge, and thereby decide the case. This process occurs during a jury trial. Thus, jury duty is an important and necessary part of preserving and protecting our rights.



THE TRIAL

The first thing that happens in a jury trial is the selection of a jury. After the jury has been selected and sworn, the trial typically proceeds as follows:

- Each party in the case will have an opportunity to present an opening statement to the jury. The purpose of opening statements is to outline to the jury what each side believes the evidence will establish.
- Following the opening statements, the party bringing the case presents evidence. This party "bears the burden of proof" and must offer evidence to prove their case.
- A party defending against a case may present evidence as well, but is not required to. There may also be rebuttal evidence. When each party has presented their evidence, they "rest."
- The judge will determine what instructions on the law shall be given to the jury. Each attorney has the right to make suggestions and objections.
- The judge will read instructions on the law to the jury. The instructions define the issues the jurors must decide and tell the jurors the law that governs the case. You should listen very carefully to these instructions as it is your sworn duty to follow the law as set forth in the instructions, which are also provided to you in written form.
- The parties may make their closing arguments to summarize the evidence and try to persuade the jury to find in favor of their respective clients.



DELIBERATION

You will go to a jury room to consider the case and reach a verdict. In the jury room you will elect a presiding juror and review the evidence according to the judge's instructions. When the jury reaches a verdict, the jury will notify the bailiff and return to the courtroom.



VERDICT

The judge or the clerk will read the verdict, and the jury may be polled to determine if the verdict accurately reflects each juror's verdict. At the completion of the trial, you will be discharged.

Jury Service: CITIZEN PARTICIPATION IN ADMINISTERING JUSTICE

Both the Idaho and U.S. constitutions guarantee the right to a jury trial. The Idaho courts rely upon jurors performing their duty to ensure that these rights are upheld in Idaho. This call upon your time does not frequently come. No one should avoid fulfilling this obligation except under the most pressing circumstances. Service on a jury is a civic and patriotic obligation which all good citizens should perform. In addition, service on a jury affords you an opportunity to be a part of the judicial process, by which the legal affairs and liberties of your fellow men and women are determined and protected under our form of government. Jurors are asked to perform one of the highest duties of citizenship to our state and our country.



Jury Service

Roles & Responsibilities in a Trial



JUDGE
Presides over the trial with general charge of the proceedings and participants; issues rulings on the laws which apply to the case



CLERK
Assists judge in handling exhibits and keeping the court record of the case



REPORTER
Takes and maintains complete shorthand notes of all proceedings



BAILIFF
Announces opening and closing of court and is responsible for maintaining order and assisting with the jury



ATTORNEYS
Participate as advocates for the parties in the lawsuit by presenting their client's case



PARTIES (LITIGANTS)
The people or entities suing or being sued in a court proceeding. In some instances, the State of Idaho may be a party

Plaintiff
The person who initiates a lawsuit in a civil case and the "State" in a criminal case.

Defendant
The person defending themselves from the lawsuit or case.

Evidence
can be categorized by:

- **Testimony:** *Consists of statements made by witnesses under oath*

- **Direct examination:** *Witnesses answering questions or providing details by the party calling them*

- **Cross examination:** *The act of asking questions of the other party's witnesses, which is a right of each party*

- **Exhibits:** *Physical objects such as photographs and written documents.*

Rules of evidence:
Procedures and guidelines have been developed through the years to ensure fair

How a Jury is Chosen

- 1 Your name is drawn at random from a list of registered voters and additional lists from other sources as deemed appropriate by your county. Those drawn names create the group from which jurors will be selected to hear particular cases.
- 2 A juror summons and qualification form are sent to you. Filling out the qualification form determines if you are legally qualified to serve. The summons and other instructions will provide details on when, where, and how to report for jury duty.
- 3 After you arrive for jury duty, the jury commissioner will direct you to a courtroom. All jurors will be asked to rise and to swear or affirm that they will answer truthfully the questions asked concerning your qualifications to act as a juror in the case.
- 4 As a prospective juror you will be questioned by the judge and the attorneys. This series of questions is called "voir dire." The purpose of voir dire is to determine whether your decision in the case would in any way be influenced by opinions which you hold or by some personal

experience or special knowledge which you may have concerning the subject matter to be tried. The object is to obtain a complete jury who will impartially try the issues upon the evidence presented in the trial, without being influenced by any other factors. Jurors may be excused by the court for legal cause such as a personal or financial relationship with a party. Additionally, each attorney may excuse a limited number of jurors by what are called peremptory challenges. Additionally, one or more alternate jurors may be selected.

- 5 After the jury has been selected, the jurors will be asked to take an oath that they will render a true verdict according to the law as instructed by the judge, and the evidence produced in this case. Then the judge will give initial instructions about how the trial will be conducted, what the case is about, and how the jury will carry out its responsibilities. Your duty as a juror is to listen to the judge, witnesses and lawyers; to deliberate calmly and fairly; and to decide intelligently and justly. Your decision must be made upon the evidence presented to you in court, and the instructions on the law given to you by the judge.

and orderly trials. When a question is asked or an item of evidence is offered which either attorney believes is in violation of these rules, the attorney has a right to object to the question or use of the exhibit. The judge then decides whether the witness will answer the question or whether the item of evidence may be used. Sometimes the jury may be excused from the courtroom while objections are being discussed or for other reasons. Under the law, various matters must be heard out of the presence of the jury.

