

# A Juror's Guide

## Welcome to jury service!

Your job as a juror is to listen to all the evidence presented at trial, then "decide the facts"-- decide what really happened. The judge's job is to "decide the law" -- make decisions on legal issues that come up during the trial. All must do their job well if our system of trial by jury is to work.

You do not need special knowledge or ability to do your job. It is enough that you keep an open mind, use common sense, concentrate on the evidence presented, and be fair and honest in your deliberations.

Remember: Don't be influenced by sympathy or prejudice. It is vital that you be impartial with regard to all testimony and ideas presented at the trial.

We hope you find your experience as a juror interesting and satisfying. Thanks for your willingness to serve!

Prepared by the Superior Court Judges' Association and the District & Municipal Court Judges' Association of the State of Washington

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## How was I chosen?

First, your name was selected at random from voter registration and driver's license and "identocard" records. Cheney Municipal Court sends questionnaires to citizens within the 99004 Zip Code. If you moved to somewhere within Spokane County, you are still eligible to serve at the court in Cheney.

Next your answers to the juror questionnaire were evaluated to make sure you were eligible for jury service. Juror questionnaires should be filled out and returned to the court timely.

To be eligible, you must be at least 18 years of age, a citizen of the United States, a resident of the county in which you are to serve as a juror, and you must be able to communicate in English. If you have ever been convicted of a felony, you must have had your civil rights restored. Those eligible may be excused from jury service if they have illnesses that would interfere with their ability to do a good job, would suffer great hardship if required to serve, or are unable to serve for other legitimate reasons.

If you received a summons, you were chosen because you are eligible and able to serve. You are now part of the "jury pool" -- a group of citizens from which trial juries are chosen.

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### **How long will I serve?**

Your name will remain on the active jury pool list for twelve months. You may be summoned by mail anytime within that twelve month period and given 30 days notice.

The court has established that most trials will last one to two days. In rare occasions the trial will last longer and the judge will advise the jurors at the beginning of the trial of how many days the trial is expected to last. The judge may vary daily working hours to accommodate witnesses who have special travel or schedule problems.

You may be struck by how much waiting you have to do. During trial, you may have to wait in the jury room while the judge and the lawyers settle questions of law.

Judges and other courtroom personnel will do everything they can to minimize the waiting both before and during trial. Your understanding is appreciated.

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### **Do I have to respond to the jury summons?**

Washington Law, RCW 2.36.170 states "A person summoned for jury service who intentionally fails to appear as directed shall be guilty of a misdemeanor." Please respond to your summons, you are an important part of the judicial system that cannot function without citizens willing to serve as jurors.

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### **How much will I get paid?**

Washington Law, RCW 2.36.150 states "jurors may receive no less than \$10.00 for each day's attendance." You are also eligible for mileage reimbursement.

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### **Can I be excused from serving?**

Washington law says "no person may be excused from jury service by the court except upon showing of undue hardship, extreme inconvenience, public necessity, or any reason deemed sufficient by the court". You may also be excused if you have served on some other jury in the past twelve months.

Requests to be excused must be in writing and must include a brief statement explaining your reason for needing to be excused. Requests can be made to the Jury Coordinator by [email](#), mail or in person at the court office located at 611 2<sup>nd</sup> St, Cheney, WA 99004.

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### **What about my job?**

Washington law says employers , "shall provide an employee with sufficient leave of absence from employment when that employee is summoned" for jury duty. It also says employers, "shall not deprive an employee of employment or threaten, coerce, or harass an employee or deny an employee promotional opportunities" for serving as a juror. It does *not* say your employer has to pay you while you serve.

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## **What if I have an emergency?**

Because your absence could delay a trial, it is important that you report each day you are required to. If a real emergency occurs -- a sudden illness, accident or death in the family -- tell the court staff immediately so that the trial can be scheduled around you.

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## **If I'm physically challenged....?**

Judges and employees of Washington courts are committed to making jury service accessible to everyone. Though some courthouses are outdated and do not meet modern, American Disability Act standards, attempts to accommodate all jurors will be made. Remember: If you have a hearing, sight or mobility problem, ask a member of the court staff for help.

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## **Might I be called but not sit on a jury?**

Yes. Sometimes parties in a case settle their differences only moments before the trial is scheduled to begin. In such instances you will be excused with the thanks of the court.

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## **What's next?**

In the courtroom, the judge will tell you about the case, then introduce the lawyers and others who are involved in it. You will also take an oath, in which you will promise to answer all questions truthfully.

After you're sworn in, the judge and the lawyers will question you and other members of the panel to find out if you have any knowledge about the case, any personal interest in it, or any feelings that might make it hard for you to be impartial. This questioning process is called *voir dire*, which means "to speak the truth."

Though some of the questions may seem personal, you should answer them completely and honestly.

If you are uncomfortable answering them, tell the judge and he/she may ask them privately.

Remember: Questions are not asked to embarrass you. They are intended to make sure members of the jury have no opinions or past experiences which might prevent them from making an impartial decision.

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## **Can I go home during the trial?**

Usually. But in extremely rare cases, you may be "sequestered" during the trial or during jury deliberations. This is done to assure that jurors don't hear or see something about the case that wasn't mentioned in court.

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## **What should I wear?**

Dress comfortably. Suits, ties and other, more formal wear are not necessary. But don't get too informal - beach wear, shorts, halter or tank tops are not appropriate in court. Hats may not be allowed unless worn for religious purposes.

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## What types of cases may I hear?

Jury cases are either *criminal* or *civil*. *Cheney Municipal Court hears only criminal cases.*

A criminal case is brought by the state, or a city or county against one or more persons accused of committing a crime. In these cases, the state, city, or county is the *plaintiff*; and the accused person is the *defendant*. The defendant is informed of the charge, or charges called a *complaint* or *information*.

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## What happens during a trial?

Events in a trial usually happen in a particular order, though the order may be changed by the judge. Here's the usual order of events:

**Step 1: Selection of the jury**

**Step 2: Opening statements**

**Step 3: Presentation of evidence**

**Step 4: Jury instructions**

**Step 5: Closing arguments**

**Step 6: Jury deliberations**

**Step 7: Announcement of the verdict**

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## Some do's and don'ts

### **During trial:**

1. **DO** arrive on time and **DO** return promptly after breaks and lunch. The trial cannot proceed until all jurors are present.
2. **DO** pay close attention. If you cannot hear what is being said, raise your hand and let the judge know.
3. **DO** keep an open mind all through the trial.
4. **DO** listen carefully to the instructions read by the judge. Remember, it is your duty to accept what the judge says about the law to be applied to the case.
5. **DON'T** try to guess what the judge thinks about the case. Remember that rulings from the bench do not reflect the judge's personal views.
6. **DON'T** talk about the case, or issues raised by the case with *anyone*--including other jurors--while the trial is going on, and **DON'T** let others talk about the case in your presence, even family members. If someone insists on talking to you or another juror about the case, please report the matter to a court employee. These rules are designed to help you keep an open mind during the trial.
7. **DON'T** talk to the lawyers, parties, or witnesses about *anything*. This will avoid the impression that something unfair is going on.

8. **DON'T** try to uncover evidence on your own. Never, for example, go to the scene of an event that was part of the case you are hearing. You must decide the case *only* on the basis of evidence admitted in court.

9. **DON'T** let yourself get information about the case from the news media or any other outside source. Even if news reports are accurate and complete, they cannot substitute for your own impressions about the case. If you accidentally hear outside information about the case during trial, tell a member of the court staff in private.

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**During deliberation:**

1. **DO** work out differences between yourself and other jurors through complete and fair discussions of the evidence and of the judge's instructions. **DON'T** lose your temper, try to bully or refuse to listen to the opinions of other jurors.

2. **DON'T** mark or write on exhibits or otherwise change or injure them.

3. **DON'T** try to guess what might happen if the case you have heard is appealed. Appellate courts deal only with legal questions--they will not change your verdict if you decided the facts based on proper evidence and instructions.

4. **DON'T** draw straws, flip coins or otherwise arrive at your verdict by chance, or the decision will be illegal. It is also improper for a jury to determine damage awards by averaging the amounts calculated by each individual juror.

5. **DON'T** talk to *anyone* about your deliberations or about the verdict until the judge discharges the jury. After discharge, you may discuss the verdict and the deliberations with anyone, including the media, the lawyers, or your family. But **DON'T** feel obligated to do so -- no juror can be forced to talk without a court order.