

A Handbook for Illinois Jurors

Furnished by The Administrative Office of the Illinois Courts

Introduction

You have been summoned as a prospective juror in the circuit court to render interesting and important service. Your name was drawn by lot from the combined lists of registered voters, licensed drivers, and holders of Illinois Identification Cards and Illinois Disabled Person Identification Cards who reside in this county. All of those so drawn constitute the group from which jurors will be selected to hear particular cases.

The purpose of this booklet is to help you understand the things that happen and the terms that are used during a trial.

In each case on which you act as a juror, the judge will give you instructions as to the law in that case. This booklet is not a substitute for those instructions given you by the judge. You are to disregard anything which is in conflict with the judge's instructions.

The Right to Trial by Jury

The right of trial by jury is guaranteed by the Illinois Constitution and by the United States Constitution. This is the right to have the facts in controversy determined by a unanimous verdict of impartial jurors acting under the direction of the judge.

Kinds of Cases -- Civil and Criminal

Civil

Any person unable to resolve a legal dispute with another is entitled to ask that it be decided in court -- these are CIVIL cases. The person who brings the action is called the plaintiff, and the person against whom the action is brought is called the defendant. The plaintiff starts the action by stating his or her claim against the defendant in a written complaint. The defendant disputes the claim by filing a written answer. The complaint and answer constitute the basic pleadings in the case. The points in the pleadings upon which the parties disagree are the issues to be decided.

If any defendant has a claim against the plaintiff or any other defendant, he or she may present it in the same case. Thus, a civil case might involve parties who have claims against each other and might involve more than two parties.

Criminal

In a criminal case, the State of Illinois charges the defendant with a violation of a criminal law. The defendant denies the charge by pleading not guilty. The jury will then decide whether the defendant has been proven guilty as charged.

The State's Attorney or his or her assistants prosecute criminal cases on behalf of the People of the State of Illinois.

The defendant in a criminal case has the right to be represented by an attorney. The Defense Attorney has the duty to advance and protect the defendant's rights and interest at all stages of the trial.

The State has the burden of proving the guilt of the defendant beyond a reasonable doubt and this burden remains on the State throughout the case. The defendant is not required to prove his or her innocence.

A defendant is presumed to be innocent of the charge against him or her. This presumption remains with him or her throughout every stage of the trial and during your deliberations on the verdict, and is not overcome unless, from all the evidence in the case, you are convinced beyond a reasonable doubt that the defendant is guilty.

How a Jury is Chosen

When you are chosen as a juror, you become a part of the judicial process of this state. Your services as a juror are as important as those of the judge. You are obligated to perform these services honestly and conscientiously, without fear or favor. You must base your verdict on the evidence as you will hear it in court and on the law as the judge will instruct you.

The entire group of jurors will be asked to rise and to swear or affirm to answer truthfully all questions asked of you concerning your qualifications to act as a juror in the case.

As a prospective juror you will be questioned. The answers to these questions enable the Court and the lawyers to decide which jurors to select. You should be patient and cooperative. It may seem to you that some of the questions are personal, but it is not intended that any question should embarrass or reflect upon a juror in any way. Each juror may be asked whether he or she has a personal interest in the outcome of the case, has preconceived opinions about it or is prejudiced in any way. The law permits each attorney to excuse a certain number of jurors without giving reasons. You should not be offended if you are excused from sitting as a juror.

The jury is to be composed of fair and impartial persons who will listen attentively and decide the case only upon the evidence and instructions of the Court.

After the jury has been selected, the jurors will be asked to rise and to swear or affirm to well and truly try the matters at issue and render a true verdict according to the law and the evidence.

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. All of the evidence available to allow you to make a decision will be disclosed to you during the trial.

Jury Conduct During Trial

Don't Make An Independent Investigation

Jurors are expected to use the experience, common sense, and common knowledge they possess, but are not to rely upon private sources of information. It follows, therefore, that you should never inspect the scene of any occurrence involved in the case except under supervision of the Court.

Don't Talk To Participants During Trial

Do not talk to any of the parties, witnesses, or the attorneys about anything. It may be what you say to a trial participant is a simple "good morning" or some remark about the weather, but your conversation may be misinterpreted by someone who may see you talking but cannot hear what is being said. To avoid misunderstandings, therefore, say nothing.

Don't Discuss The Case During Trial

Jurors are not to discuss the case among themselves until they have heard all of the evidence, the arguments of the attorneys, and the Court's instructions. After this you will go to the jury room to discuss the case and reach your verdict. You may, of course, converse with your fellow jurors about anything not connected with the case when the Court is not in session.

During the trial you must not discuss the case with your family, friends or others. The reason for this is plain. You must base your verdict only upon evidence. The opinions or comments that friends, relatives, or other outsiders

may offer are not proper evidence in the case. So, if you are asked to discuss the case by persons outside the courtroom, you should simply say that the law does not permit you to do so. If anyone persists in discussing the case or tries to influence you in any manner, it is your legal duty to report this to the judge immediately. **YOU SHOULD AVOID NEWSPAPERS OR RADIO AND TELEVISION BROADCASTS** which may feature accounts of the trial or information about someone participating in it. These may be one-sided or incomplete and are not evidence.

After you have been released from all service as a juror you may, but are not required to, discuss the case with lawyers, investigators or other persons. It is not proper for an attorney or his or her representative to make inquiry of you until such time as you have been finally excused. If you prefer not to discuss the case, you should so state to the person inquiring.

The Stages of Trial

After the jury has been selected and sworn, the trial of a case proceeds generally as follows:

1. An opening statement is made by the attorney for the plaintiff. The attorney for the defendant may then make an opening statement.

The purpose of opening statements is to outline to the jury what each side contends the evidence will establish. A general idea of what the case is about is thus presented to the jury. Opening statements are not evidence.

2. Following the opening statements, the attorney for the plaintiff presents evidence. Thereafter, the defendant may, or may not choose to, present evidence as he or she sees fit.

Evidence falls into two classes -- testimony and exhibits. **TESTIMONY** consists of statements made by witnesses under oath. **EXHIBITS** are physical objects such as photographs and written documents. The examination of witnesses by the party calling them is "direct examination." Each party has a right to ask questions of the other party's witnesses; this is "cross-examination." Jurors are not permitted to question witnesses, unless granted specific authorization by the judge.

Since you must base your verdict on the evidence, you should hear every question asked and the answer given. If you do not hear some of the testimony for any reason -- advise the Court. You are entitled to take notes in accordance with the directions given you by the judge.

Rules of evidence have been developed through the years so that we may have fair and orderly trials. When a question is asked which either attorney believes is in violation of these rules, he or she has a right to object to the question. The judge then decides whether the question is to be answered by the witness. A ruling by the judge does not mean he or she is taking sides. The judge is deciding that the law does, or does not, permit the question to be asked and answered. Jurors should not be prejudiced for or against one side of the case because of objections made by an attorney. At times 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. When a trial is necessarily interrupted for these reasons, you should not feel that your time is being wasted.

3. When all parties have presented their evidence, they "rest."
4. At this time the Court and the attorneys will prepare instructions as to the law which are to be given to you.
5. Closing arguments are then made by the attorneys, in which they summarize the evidence and try to persuade the jury to find in favor of their respective clients. Closing arguments are not evidence and any statement made by the attorneys which is not based on the evidence should be disregarded. The plaintiff has the burden of proof and therefore has the right to open and close the argument.

6. The judge then reads instructions of law to the jury in which he or she defines the issues the jurors must decide and tells them the law that governs the case. You should listen very carefully to these instructions, bearing in mind that it is your sworn duty to follow them. These written instructions will be taken to the jury room for your use.
7. After the instructions have been read you will go to the jury room to consider the case and reach a verdict.

The Judge

The role of the judge is to ensure a fair and orderly trial. Neither by the instructions of law nor by any ruling or remark does the Court mean to indicate any opinion as to the facts or as to what your verdict should be.

Conduct in the Jury Room

Your first duty upon retiring at the close of the case is to select a foreperson. He or she acts as chairperson. It is his or her duty to see that the discussion is carried on in an orderly fashion and that every juror has a chance to say what he or she thinks. A good foreperson can keep the discussion in due bounds, can save much time and can secure efficient results.

Discussion in the jury room should never be so loud that it can be heard outside the room.

Jurors should deliberate with open minds, give respectful consideration to the opinions of fellow jurors, freely exchange views or opinions concerning the case and not be hesitant to change their minds when reason and logic so dictate. Even if a juror does not agree with the law the judge has stated, he or she is still obligated to follow that law. The judge decides the law. The jury determines the facts.

To reach a verdict, all jurors must agree. Remember, it is your solemn oath to decide the case according to the law and the evidence. While you are deliberating no one else should be present. You should not communicate with the bailiff or anyone else concerning your verdict.

Justice Under Law

After you have read this booklet, you should have a general idea of the duties and responsibilities of a juror and a better understanding of the way in which our Courts do their work.

When you have completed your service as a juror, it is hoped you will have a higher opinion of the privilege enjoyed by the free citizens of our country to participate in the administration of justice. In serving as a juror, you know that you have discharged a serious responsibility in a conscientious manner.