

"I consider trial by jury as the only anchor ever yet imagined by man by which a government can be held to the principles of its constitution."

-- Thomas Jefferson

When it wishes anything done which is really serious, it collects twelve of the ordinary men standing round. The same thing was done, if I remember right, by the Founder of Christianity."

- Gilbert Keith Chesterton, journalist and philosopher

Hello. I'm Shirley Abrahamson, Chief Justice of the Wisconsin Supreme Court. On behalf of the entire Wisconsin court system, welcome and thank you for your service. Serving on a jury is one of the most important duties you can perform as an American citizen. It is also one of the few ways, besides voting, to participate directly in our democracy.

Each year, across Wisconsin, about 70,000 people are called for jury service. Their participation is critical to our justice system, for they safeguard every person's Constitutional right to a trial by a jury of their fellow citizens.

I'm Chief Judge Mike Rosborough of Vernon County. Your rights and responsibilities as a Wisconsin juror are the same whether you have been called to jury duty in a small, rural county like mine or in a large urban center such as Milwaukee, Madison, or Green Bay. My colleagues and I are here today to help you understand what is expected of you during your jury service. You probably have seen courtroom dramas in the movies or on television, and those often are not very accurate. Now you will see how the judicial process really works.

Potential jurors are selected at random by the clerk of the circuit court for each county. The clerk uses Wisconsin drivers license records and, in some counties, supplements these with voter-registration lists and other publicly available lists as permitted by Wisconsin law. Because the selection process must be random, no one may volunteer for jury duty. In order to serve, jurors must be United States citizens, residents of Wisconsin and residents of the county where they are summoned. They must be at least 18 years of age and able to understand the English language.

And you receive the summons at home and you open it up and you go,

"Wow, this is fantastic! I get to do jury service!"

(music)

When I got it, I was a little shocked.

Well, when I first got it, I wasn't very enthused. I've always heard that jury duty was kind of a boring, long day. So when I got the summons, it was a shock to me. But after I, you know, thought about it, I thought, 'You know, it's something – you know, if I got the right trial it could be kind of interesting.'

Without you and citizens like you who take time out of your very busy schedules the system could not work. So when we say we're happy to see you, believe me, we are.

I think it is something that every citizen should get involved with. Because it's not only a civic duty, but you also have a fulfilling feeling once you're done with it.

We know you have many questions and will do our best to answer them.

How many of you are here serving for the very first time?

At this point you are part of what we call the 'jury pool.' If you reported to a jury orientation room, you will now be taken to a courtroom. After orientation, you will hear from the judge, who will tell you when to appear and provide other instructions. Here are a few general rules that apply in almost every court:

If given a juror identification badge, please wear it at all times
Turn off cell phones, beepers and other electronic devices
No food or drink in the courtroom

If you have a special need – perhaps you cannot climb the stairs or must take a medication at a prescribed time, need frequent breaks, or cannot hear well – please let the judge know so that your needs may be accommodated.

Yes, Sir.

I have lower back pain and it's difficult for me to sit for long periods of time without stretching.

Courtroom settings may vary in size and style, but they all have the same features. At the front of the courtroom is what we call the bench, where the judge presides over the trial. The attorneys, also referred to as "counsel,"

represent the parties in a dispute. The parties might be individuals, or they could be the government or a company.

The court clerk is responsible for marking exhibits, keeping track of documents and entering the minutes and notes of the proceedings.

Circuit Court for Milwaukee County...

The bailiff keeps order in the court and escorts the jury.

The court reporter makes a record of everything that is said while the court is in session.

When a trial begins, it's time to select the jury. First, the judge will pose a few general questions to the entire panel. Then the attorneys will have an opportunity to ask more specific questions. Now, these questions may relate to your background, your experiences or your beliefs. These questions may seem quite personal, but do not be embarrassed or offended. There are no right or wrong answers to these questions.

I was called for jury duty several years ago in Dane County. The laws of our state do not exclude any occupation from jury service – not judges, not lawyers, not welders, not homemakers – no one is left out. One of the attorneys in the case eliminated me from the jury; as you have learned, attorneys question the jurors and may ask that certain jurors be dismissed for various reasons. Eliminating jurors is an important part of ensuring a fair trial. I was disappointed not to serve. I wanted to serve. But I was not insulted, just as you should not be if you are challenged and excused.

You may wonder: after all the questions are asked, how do you determine the jury panel? You may notice that the attorneys are passing papers back and forth. You may notice that an attorney will ask that a particular juror be excused. Maybe more than one juror.

The two main types of challenges are called "for cause" and "peremptory". If an attorney challenges a juror for cause, he or she must provide a reason – for example, maybe the juror knows one of the attorneys or the people involved in the case. If the judge agrees, the juror is dismissed. There is no limit to the number of challenges one can make for cause. If an attorney claims a peremptory challenge, the juror is excused and the reason need not be given.

After the jurors have been selected, the judge will further instruct on the case and the rules of conduct.

These rules are very specific and important to the fairness of the process. Do not discuss the case with anyone...not your spouse or family, the court staff or other jurors.

Do not read about or watch news accounts of the trial.

Do not try to conduct your own investigation by looking at the Internet or going to places involved in the case.

Do not consult maps or calendars

If anyone approaches you about the case, do not speak to that person. You must report the incident to the court staff.

Some activities, such as taking notes, may be permitted. The judge will tell you whether note-taking is OK.

JUDGE DAVID HANSHER: There are two types of court cases, criminal and civil. In a criminal case, the State of Wisconsin, represented by the district attorney's office or the attorney general is on one side and the person accused of breaking a state law, called the defendant, is on the other side.

The attorney for the State, called the prosecutor, presents the State's evidence against the defendant. In a civil case, which may involve a disagreement over a contract, a motor-vehicle crash, or some other dispute, the party who begins the lawsuit is called the plaintiff, and the party being sued is called the defendant. The parties might be individuals, groups of people, corporations, or governmental bodies.

Often you will have to wait for the parties to discuss legal issues before the trial begins. These issues must be considered without jurors present. Please understand that our system of justice takes time. You will always be given instructions about what to do next.

Whether criminal or civil, the trial usually begins with the opening statements of the attorneys.

I like to think of the opening statement as the cover on a puzzle box.

The side that brought the case to court goes first. So, in a criminal case, the prosecutor speaks first. The defense attorney may choose to delay the

delivery of an opening statement until after the prosecution has presented its case.

The opening statements are intended to give you a glimpse of what both sides hope to show in the case. These statements by the attorneys must not be considered as fact or evidence. To establish the facts in the case, the attorneys will present evidence. Evidence can be a physical object such as a weapon, a document or a picture. It also can be testimony from a witness.

It is very important that you listen carefully to what the witnesses have to say and how they say it, because you are going to have to determine the truthfulness of their testimony. In the end, you will be called upon to reach your verdict based upon all of the evidence that has been received.

As the trial progresses, one attorney may object to another attorney's statements or questions.

Objection, hearsay.

The hearsay objection is sustained. The witness is instructed...

If the judge agrees, or "sustains" the objection, the witness cannot answer. If the judge disagrees, or "overrules" the objection, the witness is allowed to answer.

So he was passing a green light across from the intersection...

Occasionally, the two attorneys are instructed to approach the bench. That means the judge wants to talk with them privately.

When all the evidence has been presented, the judge will give the jury instructions on what laws apply and what standards should be used in deciding the case. Regardless of what *you* think the law is or should be, your job is to apply the law as the judge explains it to you.

After all of the evidence has been received, the lawyers will have the opportunity to address you once again in what is called the closing argument. The closing argument, just like the opening statement, is not to be treated as fact. The closing argument is the lawyer's summary of the case.

Members of the jury, the duties of the lawyers and the court have now been performed. I have given you the instructions and law that you should use to govern your deliberations. The time has now come for you to leave the courtroom and confer together in the jury room to reach a verdict.

All those who feel the defendant is not guilty, please raise your hands.

When you convene in the jury deliberation room, you should select a presiding juror to organize the discussion. All the jurors sat through the trial and everyone should be given an opportunity to speak. There are no set rules to tell you how to deliberate. There is no single right way to make a decision as a group. It's up to you to decide how you want to go about reviewing the evidence and reaching your verdict. After you look at the evidence from all sides, you should determine whether the jurors agree. Each juror has an equal vote. There is no one way to take the vote. You might vote by raising hands, by a written ballot, or by a voice ballot. In a criminal case, your verdict must be unanimous. All jurors must agree.

Ladies and Gentlemen of the jury, has the jury selected a foreperson?

In a civil case, five-sixths of the jurors must agree, but the judge will ask that you try for a unanimous verdict. The presiding juror should count the votes, fill out the verdict form and give it to the bailiff.

In the case of the State of Wisconsin...

The judge will read the verdict in open court. The attorneys have the right to ask to "poll the jury." The judge will ask each juror how he or she voted. Once you have fulfilled your duty as a juror, the judge will thank you and dismiss the jury from the court.

You do not have to talk to anyone about the verdict, and you should never be harassed about your vote. If the attorneys or anyone else asks about the case, you may choose to speak to them, or you may choose not to. You should report any problems to the judge.

All rise...

I just found it was very interesting to see how all the pieces fit together and to listen to the reasoning of the people as they decided the case.

I thought it was very fulfilling and it was nice meeting other jurors.

If I get served a summons again, I'll -- I'll be back again.

I found jury service to be interesting and deeply satisfying, even though decision-making is difficult. We hope you all will find your jury experiences to be educational and rewarding. We thank you.