



Information for Trial Jurors

THE IMPORTANCE OF YOUR JURY SERVICE

You have been summoned to provide an important service as a juror. You enjoy the privileges of citizenship and the protection of your liberties and property by the government. In return, you have a duty as a citizen to participate in a very important aspect of our democracy: jury duty. As a juror, you will serve as an officer of the court for a short time, along with the attorneys and judge. You will be a part of the judicial system of our state, and your services are as important as those of the judge.

Trial by jury is the foundation of the American judicial system. In a civil case, it is the jury's duty to decide issues of fact in disputes over private rights, such as property rights, contract rights and damages for personal injury. In a criminal case, it is the jurors who people rely upon for the protection of life, liberty and property. Jury service is the fulfillment of a civic obligation. Our system of justice will not work without your participation.

Q: I received a summons. What do I have to do?

A: A summons is an official court document sent to you by a court clerk. When you receive a summons, you are **required** to appear at the court described at the time that is listed on the summons. Failure to report can result in contempt charges and the imposition of a fine and/or community service for the length of the trial on which you would have served.

Q: Where do I go?

A: When reporting for jury duty, you should go to the location listed on your jury summons. Most courthouses have more than one courtroom and more than one judge. The summons will list the address for the courthouse and where in the courthouse you should report. Once you are assigned to a courtroom, staff will be available to direct and assist you.

Q: Some citizens are **not** qualified to be jurors. Who are they?

A: Citizens who are not qualified to be jurors are:

- Justices of the Supreme Court
- Judges of the Court of Criminal Appeals, Court of Civil Appeals or district courts
- Sheriffs or deputy sheriffs
- Municipal or state law enforcement officers employed in any county with a population of 255,000 or more (effective Nov. 1, 2021)
- Federal law enforcement officers (effective Nov. 1, 2021)
- Licensed attorneys engaged in the practice of law
- Persons who have been convicted of any felony or who have served a term of imprisonment in any penitentiary, state or

federal, for the commission of a felony; provided any such citizen convicted, who has been fully restored to their civil rights, shall be eligible to serve as a juror

- Legislators during a session of the Legislature or when involved in state business

People who **may not** be qualified for jury duty **or** certain types of jury duty are:

- Jailers, or municipal or state* law enforcement officers in a county with a population of less than 255,000* shall be eligible to serve on noncriminal actions only.

**Effective Nov. 1, 2021*

Q: Can I be exempt from jury service?

A: Upon their request, a person shall be exempt from services as juror if the person is:

- A member of the armed forces of the United States who is serving on active duty during a time of war or declared hostilities
- A mother who is breastfeeding a baby
- A person who can prove mental or physical disability

Persons who can serve but are not required to serve:

- Persons over 70 years of age
- Persons who have served as a grand or petit juror during the last five years

If you believe you fit into one of the listed categories, instructions on how to request a disqualification will be included with your summons. You will also have to provide the court documentation to prove you are not qualified to be a juror. Even if you are sure you are not qualified, you must follow the listed procedures to notify the court of your disqualified status. Failure to notify the court in the required time frame can result in charges of contempt of court.

Q: Do I get paid for jury duty?

A: Yes, however, your total compensation is determined by the length of the trial and the distance you must travel to get to the courthouse (mileage). Each juror will receive \$20 for each of the first 10 days of jury service. After 10 days, jurors who have had their wages reduced by their employer (hourly employees, employees furloughed for the length of the trial, etc.) may be eligible for up to \$200 a day in replacement wages. Any juror who requests supplemental wages must be prepared to provide proof that they have had their wages reduced.

Q: How is the jury selected?

A: A summons requires that a large group of prospective jurors show up at the courthouse. Initially, you will interact with other

jurors, the court clerk and other personnel assigned by the court clerk, judges, attorneys and bailiffs.

Q: What will they ask me?

A: Jurors can be questioned either by a form sent to them (questionnaire) or directly in person (*voir dire*). Members of a jury will be required to take two oaths: The first one is before you are asked questions (*voir dire*), and the second is before the trial starts. First, you will be sworn to answer truthfully all questions regarding your qualifications to serve on a jury. Then, if you are chosen to participate in a particular case, you will be sworn onto the jury. The second oath requires that you swear to truly try the matter submitted in the case on trial and that you will reach a true verdict according to the law and the evidence presented to you.

You will be required to answer questions asked by the judge and by attorneys from both sides of the case during the *voir dire*. If you have never served as a juror, some of the questions may seem personal, but the questions are not intended to embarrass or reflect upon a juror in any way. Attorneys have a duty to ask these questions in order to help them decide which jurors to choose. A judge will be present during this time to make sure lawyers only ask questions that are allowed by law.

Q: If I am a juror in a criminal trial, will the defendant know who I am?

A: Jury duty is confidential and private. You cannot be required to provide your complete address or telephone number in the presence of the defendant. The list of jurors called to a courtroom that contains personal information is only provided to the attorneys and must be returned to the court once jury selection is completed.

Q: What is the decorum for jury duty?

A: As a juror, you are in a position of responsibility, and you should be fair and impartial at all times. You must follow rules and procedures. Do not talk to the people involved in the lawsuit, their attorneys or any witness in the case. Never discuss the case you are trying with anyone not on the same jury; do not even discuss it with fellow jurors until the judge sends you out to deliberate and reach a verdict in the case. Address all communications to the trial judge. Promptly report any attempt a person makes to approach you regarding the case. Do not make any independent investigation about the facts of the case. Avoid listening to or reading news media coverage of the case. You must also use discretion about your clothing and hygiene. Jurors are expected to be neat and properly dressed.

When hearing or seeing a witness: A juror's job is to determine which party's evidence is more factually correct. Most evidence will come in the form of testimony or exhibits. It is extremely important for a juror to pay close attention to all of a witness's statements and actions. It is only through close attention to everything that is said or done by a witness that a juror can properly carry out their duties.

During trial delays: Unfortunately, delays in trial happen from

time to time. A delay might be due to conferences between the judge and the attorneys at the bench or in the judge's chambers. They often need to discuss legal questions that might be confusing or might wrongly influence members of the jury. The judge may also have to dispose of emergency matters in other cases or call for a delay if a witness is sick. If a delay occurs, you can be sure there is a valid reason, and the judge is aware that you are waiting. Even during a delay, it is important for a juror to maintain the same level of attention and self-control that is maintained when evidence is being presented. It is also important for jurors to remember that, as fellow officers of the court, the judges and attorneys involved in the case are trying to end the delay as soon as possible.

Inspecting the scene: The judge and the parties to the suit may determine there is a "scene" the jury should inspect. If the court decides the jurors need to see the scene, the jury will be accompanied to and from the scene by bailiffs and court personnel. Jurors must *not* make any other trips to the scene. Such an action can result in a mistrial and a waste of judicial resources.

Discussing the case with nonjurors: At no time during the trial should the case be discussed with nonjurors. This is to keep the juror from having their thoughts regarding the case influenced by outside opinions. The ban on discussing the case with nonjurors extends to all family members, friends, acquaintances, etc.

Discussing the case with other jurors: The case should not be discussed with other jurors until both sides have finished or "rested" their cases. Once both parties have finished, the judge will give the jury permission to discuss the case. This process of group discussion is known as deliberation.

Providing information from the trial to anyone: Jurors should not discuss the trial with anyone. While it is important that the jurors' opinions remain untainted, it is also important that the information released regarding the trial is closely monitored by the court.

Listening to media coverage of the trial: Other than not discussing the trial with other people, it is also important jurors avoid any information regarding the trial that does not come from the courtroom. This means jurors should not read articles or watch news-casts about the case. Jurors should also avoid other information regarding the parties of the case.

Communication with parties or parties' attorneys: During a trial, a juror must not have any contact with anyone involved in the case, including attorneys. Any such contact can be grounds to have a mistrial declared. If a juror has a conversation with either party or their attorneys, that juror must report the conversation to the judge immediately.

Being on time: The daily court proceedings cannot begin until all jurors are present. It is important that all jurors be on time in the morning and when returning from lunch and other breaks.

Jurors in the digital age: Constant access to mass communication devices, such as computers, cell phones and the internet, is

rapidly changing how everyone interacts with the world around them. Because of the ease of access, it is even more important for a juror to be careful what they say, text, post or tweet. Even small details should not be shared electronically or otherwise. You may be limited in the use of electronic devices – cell phones, portable digital assistance, etc. – during the course of your duty as a juror. The judge in your case may give you further instructions.

Q: What are the different types of trials?

A: Cases that come before juries are divided into two general classes: civil and criminal. In a civil trial, two parties are in dispute over private rights. In a criminal trial, two parties are in dispute over a criminal charge. The two types of cases are handled in much the same way. In a civil trial, the person who brings the first complaint is called the plaintiff. The person the plaintiff files the complaint against is the defendant. In a criminal trial, a government (local, state or federal) brings the case. When a government makes the complaint, it is referred to as the prosecutor. The person the government makes the complaint against is the defendant.

It is important to keep in mind that both a civil and a criminal trial can result from the same incident. An example would be a drunk driver causing an accident. In the case of a drunk driver, the state would bring a criminal case for driving under the influence (DUI). The person who got hit by the drunk driver can also bring a civil suit for injuries sustained and for property damage resulting from the collision.

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