**INTO THE JURY POOL**

Today, juries are in the news. Often juries, in highly publicized cases, become the focus of media attention. Would you want to serve on a jury? What do you know about the important role juries serve in our judicial system?

While the media gives attention to a few cases, hundreds of juries are formed every day across the country; more than 150,000 juries a year. Juries are a vital part of our justice system, and they fulfill several important guarantees of the Bill of Rights. The Fifth Amendment states that no one can be tried for a serious crime unless indicted by a grand jury and the Sixth Amendment guarantees a defendant in a criminal case to a trial by jury. Juries also may be selected in civil cases. There are two basic types of juries – grand juries and petit juries.

A grand jury is a group of citizens called together to determine if there is enough evidence to justify accusing certain people of a crime. Grand juries may have as many as 21 to 25 jurors. They call witnesses, investigate, and consider all evidence. They do not hear from defense lawyers, and they do not decide whether or not someone is guilty of a crime. If a majority of grand jurors believe that a crime has been committed and there is a possibility that a certain person committed the crime, they will issue an indictment, formally charging that person with a crime. The level of proof required for a grand jury to issue an indictment is probable cause (more accurately, they must have “probable cause to believe a crime has been committed and the defendant did it”). Essentially the jurors must believe it’s probable the accused committed the crime, they DO NOT have to feel like it’s been proven, nor do they have to be without doubt.

Petit juries are trial juries. Petit jury size ranges from 6 to 12 jurors. In a criminal case, the petit jury decides the guilt or innocence of the person who is on trial. Petit juries listen to testimony and instructions from the judge. At the end of a criminal trial, they determine the verdict. In almost all criminal cases, petit juries must reach a unanimous decision. This means that all jurors must agree on the verdict. Sometimes jurors cannot agree and the result if a “hung jury.” When this happens, a new trial must be held with a new jury. In criminal cases, the level of proof required for a juror of a petit jury to decide the defendant is guilty is “beyond all reasonable doubt.” This means the juror must be absolutely, 100% certain of the defendant’s guilt, based on the evidence & testimony that he/she saw & heard during the trial.

In civil cases, the jury does not always have to reach a unanimous decision. Federal civil cases do require unanimous decisions, but this is not true for all state courts. Almost one-third of states require just a majority vote for civil cases. In PA, civil juries require 83% (5/6, 6/7, or 10/12) of the jurors must agree on civil decisions. In civil cases, petit juries also have a different level of proof; jurors must believe that the plaintiff (the person who is accusing another of a wrongful act) has proven his/her case “by a preponderance of the evidence.” Essentially that means the juror must be at least 51% convinced that the plaintiff is in the right.

Who becomes a juror? In some states, jurors are selected from voter registration lists. In PA (since 2010), jurors are selected from a statewide list of people who vote, pay taxes, drive a car, and/or receive welfare or food stamps. For federal juries, jurors are selected from lists maintained in each district of registered voters, people who hold driver's licenses, and/or people who are receiving (or have received in the past) unemployment benefits. Chances are that sometime in your life you will be called for jury duty. In the past, many people called for jury duty were excused because of their employment or other responsibilities. Today, it is far more difficult to avoid jury service. Judges and the Attorney General of the United States have been called for jury duty.

Jury duty is an important responsibility of American citizenship. Notification of jury duty usually comes in the form of a summons from court. As with any other summons, individuals who receive a jury summons must report to court on the day indicated. Occasionally, they may be excused from jury service for a good reason. Individuals selected for a petit jury form what is called the jury service pool. Petit juries will be selected from members of the jury service pool. Before an actual trial begins, potential jurors will be questioned. Questioning potential jurors is called *voir dire* which is French for “to tell the truth.” The purpose of the *voir dire* is to ensure that the jury will be composed of impartial or fair-minded individuals. Some common questions asked of potential jurors are:

*Have you ever been convicted of a crime?*

*Do you know anyone involved in this case?*

*What do you do for a living?*

*Do you believe that anyone charged with a crime is probably guilty?*

While lawyers may eliminate potential jurors that thy feel would not be favorable to their side of the case, they are limited in how many jurors they may oppose. Usually two or three extra jurors are chosen in case one or more of the selected jurors becomes ill or must be dismissed during the trial.

Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Directions:** Read “Into the Jury Pool,” and answer the questions that follow.

1. How many juries are formed each year?
2. What does the 5th Amendment guarantee?
3. What does the 6th Amendment guarantee?
4. Identify the two types of juries.
5. What is the purpose of a grand jury? How large is a grand jury?
6. How many jurors must agree for a grand jury to hand down an indictment?
7. Identify & explain the level of proof required for grand juries.
8. What is another term used for petit juries?
9. What is required for petit juries to reach a verdict in criminal cases?
10. Identify & explain the level of proof required for petit juries in criminal cases.
11. What is required for petit juries to reach a decision in federal civil cases? In PA civil cases?
12. Identify & explain the level of proof required for petit juries in civil cases.
13. What does “hung jury” mean?
14. List four possible ways of being selected for jury duty.
15. Define and explain *“voir dire.”*