

THE AMERICAN JURY

This year more than 5 million American citizens will be called to serve on a jury in their community. They will be taking part in one of our oldest and most powerful democratic traditions. Thomas Jefferson described the right to "trial by juries impartially selected" as the best of all safeguards of liberty and property.

Today, the privilege of serving as a juror is as valuable as it was two centuries ago when it was included in our Bill of Rights.

A Historical Perspective On The Jury



“Trial by jury is part of that bright constellation which has gone before us and guided our steps through an age of revolution and reformation.”

- Thomas Jefferson (1801)

“The jury system has come to stand for all we mean by English justice, because so long as a case has to be scrutinized by twelve honest men (and women), defendant and plaintiff alike have a safeguard from arbitrary perversion of the law.”

- Sir Winston Churchill (1956)

“Twelve jurors know more of the common affairs of life than does one man, and they can draw wiser and safer conclusions than a single judge.”

- U.S. Supreme Court Justice Ward Hunt (1873)

We The People For The People.

What's all the fuss about a few relatively obscure provisions tacked onto the Constitution over 200 years ago?

The American patriots who fought for independence from Great Britain were ready to lay down their lives for the principles they believed in. These included freedom of speech and religion, and the right to trial by jury.

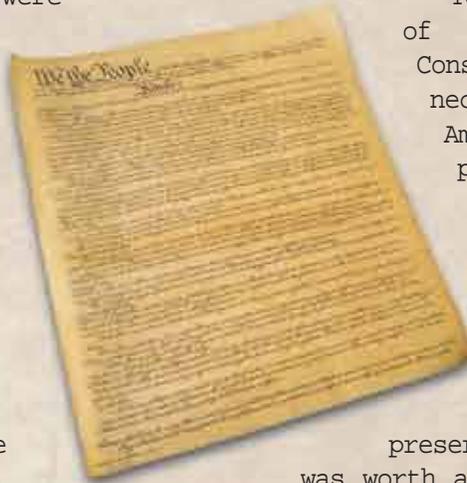
The leaders of the American Revolution were outraged when colonists taken to court for violating the hated Stamp Act and Navigation Acts were denied the age-old English right to trial by jury. In the Declaration of Independence, Jefferson cited "depriving us, in many cases, of the benefits of trial by jury" as one of the major grievances leading to rebellion.

In 1787 the members of the first Congress insisted on preserving this right in our

Constitution to make sure that future generations would be judged by their neighbors -- representatives of the people - not by the government.

Ten Amendments, known as the Bill of Rights, were added to the Constitution and ratified by the last necessary state in 1791. The Sixth Amendment states that in a criminal prosecution an accused person has the right "to a speedy and public trial by an impartial jury." The Seventh Amendment stated that in all civil cases where the "value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved." (Although twenty dollars was worth a good deal more in 1791 than it is now, it was a sum well within the range of ordinary people.)

Article I, Section 5 of the Wisconsin State Constitution adopted in 1848 guarantees the right of trial by jury would remain inviolate to all Wisconsin citizens.



The Modern Jury.

Today's juries are very different from the ones known to Jefferson and the framers of the Constitution. Verdicts need not always be unanimous, nor must juries always have twelve members. Some may have six members. And of course jury service is no longer solely a male privilege.

In the 18th and 19th centuries, women participated only in "jury of matrons" - a group called to inquire into the alleged pregnancy of a female prisoner. As late as 1941, the Supreme Court ruled that excluding all women, except members of the League of Women Voters, from federal jury lists was

constitutional - an opinion that would be unthinkable today.

Racial discrimination in the jury selection process was made a criminal offense in the Civil Rights Act of 1875. But the practice of excluding minorities from juries persisted. In some Southern states, jury lists were compiled only from voter registrations at a time when blacks were not permitted to vote. Recent court rulings on jury selection,



including those by the Supreme Court, have taken a firm stand against any vestiges of discrimination on the basis of race, ethnicity, gender, or economic status.

Serving on a Jury Is Easier Than You May Think

Be part of this great tradition



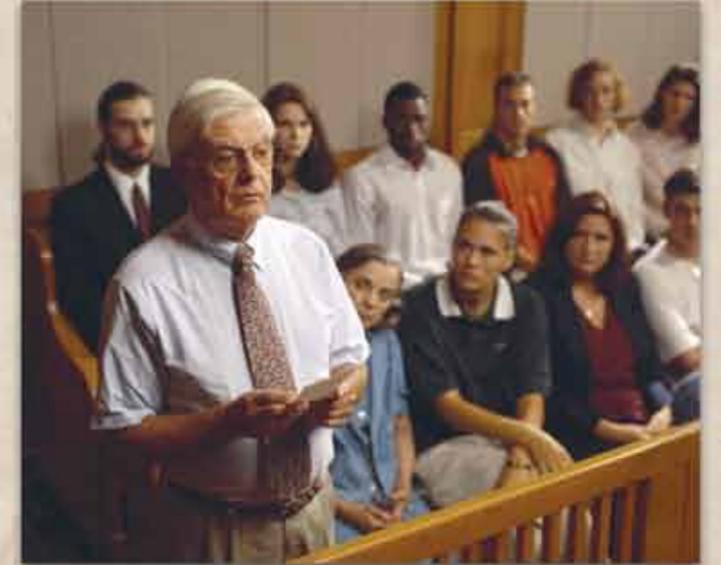
"How am I supposed to make sense of a case that is complicated or involves technical matters?"

Research studies confirm the opinion of judges, lawyers and jurors themselves that juries are conscientious, fair and open-minded in weighing the evidence and coming to a just decision, even in complicated cases. Thomas Jefferson thought that "the common sense of twelve honest men gives a still better chance of just decision" than any other method of trial.

else (the defendant). Juries decide if the plaintiff is entitled to compensation, and how much it should be. Civil cases comprise a wide range of everyday legal disputes such as injuries in an automobile accident, libel and slander, negligence, the safety of consumer products, disputes involving contracts, and arguments about property boundaries.

"The wisdom of our sages and the blood of our heroes has been devoted to the attainment of trial by jury."

– Thomas Jefferson



FREQUENT QUESTIONS

"How was I selected?"

Counties in Wisconsin may use voter registration rolls, telephone directories, lists of utility customers, driver's licenses, even lists of people who receive government assistance. Names are selected at random.

It is important that juries represent everyone who lives in the community.

"Of course I'm proud of our jury system, but taking the time to be a juror is too inconvenient."

A surprising number of companies and government bodies pay their employees during the time they are on jury duty. The Wisconsin statutes require that counties pay jurors for each day they serve, and reimburse them for mileage expenses.

"You hear about trials that last for months. How can I commit myself for that kind of time?"

Long trials, although they often receive a great deal of publicity, are rare. Most cases are completed in a few days.

CRIMINAL TRIALS AND CIVIL TRIALS

As a juror you may be chosen for a criminal or civil case. In both kinds of cases the role of the jury is the same: to decide, based on an impartial weighing of the evidence, the facts of the case. Jurors in civil cases also decide what is fair compensation for an injury.

In a criminal case, the government in its role of maintaining law and order, prosecutes someone accused of violation the public safety. Most of us think of criminal cases as those involving violence - such as murder, assault, rape, or robbery. But they also include fraud, drug offenses, racketeering, perjury (lying under oath), and other wrongdoing seen as a threat to society. The penalty in a criminal case is frequently a jail sentence.

In a civil case, commonly called a lawsuit, private citizens or businesses use the court system to resolve disputes between them. The individual or corporation who brings the suit (the plaintiff) usually asks to be compensated for harm caused by someone

JUROR GUIDELINES

As a juror you are expected to conduct yourself in such a way that no one may question your impartiality and integrity. Here are some basic rules to follow:

1. Listen carefully and observe.
2. Keep an open mind.
Do not form hasty conclusions or opinions. Each party has spent considerable time and money in preparing their case. You would want others to allow you to fully explain your arguments on a subject; allow the parties that same courtesy.
3. Do not discuss the case.
During the trial, you should not talk about the case to anyone, including other jurors.
4. Do not read, view or listen to media accounts.
Newspaper, radio or television reports might present a biased or unbalanced view of the case.

5. Do not talk with anyone related to the case.
You should not talk at all to the lawyers, parties, witnesses, or anyone connected to the case. This might be perceived as an attempt to influence your verdict.
6. Do not investigate the case on your own.
If the judge determines that an inspection of the scene or premises involved in a case is appropriate, the judge will arrange for the jury as a whole to make this inspection
7. Report any problems to the court.
If you become aware of anything that causes you concern, whether inside or outside the courtroom, the judge should be made aware of it. Report your concern to the bailiff or court clerk outside of the hearing of other jurors.
8. Report emergencies to the court.
If an emergency or illness affects your service, inform the bailiff or court clerk.
9. Be on time for court.