

INTRODUCTION

You have been picked to possibly serve on a jury in court. This service is an important civic duty and your service is greatly appreciated. As part of your service, you may be selected to hear the trial of a civil or criminal case. When you are chosen as a juror, you become a part of the judicial process. This booklet will help explain some of the things that happen in court and the terms that are used during a trial.

The judge will give you instructions about the law. This booklet is not a substitute for those instructions. If the judge says something that is different from what you read in here, you should trust what the judge has to say.

THE RIGHT TO TRIAL BY JURY

The Illinois Constitution and the United States Constitution guarantees the right to a jury trial. When a court case goes to trial, it means that the sides to the case are disputing the facts or the law, or both. The right to a trial by jury is the right to have neutral jurors listen to the facts in question. Once the jurors listen to all of the facts, then, the jurors will meet and reach a decision together.

KINDS OF CASES: CIVIL AND CRIMINAL

Civil

Civil cases: Any person or entity (such as a business, an organization, a corporation, etc.) unable to resolve a legal issue with another may ask the court to decide the issue. The person or entity bringing the dispute to court is called the plaintiff. The person or entity the plaintiff has filed the lawsuit against is called the defendant. The parties in a civil case do not have a right to be represented in court by lawyers. The plaintiff and defendant might have lawyers to represent them in court, or they could represent themselves.

The plaintiff starts the court case by writing a complaint which lists the claims against the defendant. Then, the defendant files a written answer responding to the plaintiff's claims. The complaint and answer include the issues to be decided. A defendant may present another claim against the plaintiff or any other defendant in the same case. This means that civil cases might involve

parties with claims against each other. It also means that civil cases might involve more than two parties.

Criminal

Criminal cases: The State of Illinois charges the defendant with breaking a criminal law. The defendant denies the charges by telling the judge they are not guilty. The jury then decides whether the defendant is guilty or not beyond a reasonable doubt. The State's Attorney represents the People of the State of Illinois and prosecutes criminal cases. The defendant in a criminal case has the right to be represented by a lawyer. The defendant's lawyer protects the defendant's rights and interests during the trial.

The State has to prove the defendant is guilty beyond a reasonable doubt during the case. The defendant does not have to prove they are innocent.

HOW A JURY IS CHOSEN

You become a part of the judicial process of this state when you are chosen to be on a jury. If you are chosen to be on a jury, you are called a "juror." Your services as a juror are as important as the services a judge performs. You are required to serve honestly and carefully. You must base your decision on the evidence presented in court, and on the law the judge explains to you in the instructions. You, and all the other possible jurors, will be asked to rise and swear to answer all questions you are asked truthfully. Your answers help the Court decide who to pick to be on the jury. You should be patient and cooperative. Some questions are personal, but they are not meant to embarrass you in any way.

You may be asked whether you have a personal connection to the case, a personal interest in the case's outcome, or if you are biased in any way. The law lets each party in the case decide not to pick a certain number of potential jurors without giving a reason. You should not be upset if you are not picked to be a juror. The jury should be made up of fair and unbiased people who will listen well and decide based only on the evidence and the judge's instructions.

After both sides of the case choose who will be on the jury, the judge asks all jurors to stand and swear to decide the case according to the law and the evidence.

Your duty as a juror is to:

- listen to the judge, witnesses, each side to the case and their lawyers (if they have one),
- deliberate calmly, and
- decide fairly.

All evidence will be given to you during the trial.

JURY CONDUCT DURING TRIAL

Don't Investigate on Your Own

The judge and lawyers expect you, and all of the jurors, to use their experience, common sense, and common knowledge (facts everyone knows to be true) to help you decide the case. You should not try to find other information about the case. You should never go to any places involved in the case, except under Court supervision.

Don't Talk to the Parties, Witnesses or Lawyers During Trial

Do not talk to any of the parties, witnesses, or lawyers (called "trial participants") about anything. What you say to a trial participant may be as simple as "good morning" but because someone may see you talking and cannot hear what is being said your conversation may be misinterpreted. Don't say anything to avoid any misunderstandings.

Don't Discuss the Case During Trial

You cannot discuss the case with other jurors until you hear all of the evidence, the arguments, and the judge's instructions. After this, you and the other jurors will go to the jury room to discuss the case and reach a decision.

You may talk with other jurors about anything that is not connected with the case, except when you are in court and the trial is going on.

You can't talk about the case with your family, friends, or anyone else during the trial, because your decision should only be based on the evidence. Your friends, relatives, or others could have opinions or comments about the case, but those opinions and comments are not evidence in the case.

If you are asked to talk about the case by anyone outside the courtroom, you should say that the law does not let you. You must tell the judge if anyone tries to make you talk about the case after you already said "no". YOU SHOULD AVOID NEWSPAPERS, RADIO AND TELEVISION, OR INFORMATION ON THE INTERNET OR SOCIAL MEDIA about the case. These stories may be one-sided or incomplete and are not evidence.

You can discuss the case with lawyers, investigators or anyone else after the judge releases you from jury service. No one should ask you about the case until the judge releases you from jury duty. After the trial is over, you can also tell anyone that you do not want to talk about the case.

THE STAGES OF TRIAL

After lawyers select the jury, and the judge swears you in as a juror, the trial usually goes as follows:

1. The plaintiff in a civil case, or the State of Illinois in a criminal case, makes an opening statement. The defendant then makes an opening statement. Opening statements are not evidence. The opening statement gives the jury a general idea of what the case is about. It tells the jury what each side's evidence will be and what their arguments are.

A Handbook for Illinois Jurors

P E T I T J U R Y



It is your responsibility to follow the law, even if you do not agree with it. The judge decides the law. The jury determines the facts. To reach a verdict, all jurors must agree. Remember, you took an oath to decide the case according to the law and the evidence. While you are deciding the case, no one else, besides the other jurors, should be present. You should not talk with the sheriff's deputy or anyone else about your decision.

JUSTICE UNDER LAW

After you have read this booklet, you should have a general idea of the juror's duties and responsibilities, and a better understanding of how our courts do their work.

When you finish your service as a juror and participate in the justice process, we hope you have a higher opinion of our legal system. By being a juror, you have undertaken a serious responsibility in a conscientious manner.

DISABILITIES

Access to jury service is available to all persons, as required by the Americans with Disabilities Act (ADA) of 1990. If you are a person with a disability and are in need of accommodations, please contact your local Court Disability Coordinator at least seven (7) days prior to your report date.

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- Each party makes closing arguments, summarizing the evidence to try to convince the jury to decide in their favor. Closing arguments are not evidence and statements not based on the evidence should be disregarded. The plaintiff or the State of Illinois has the burden of proof.
- The judge then reads instructions about the law to the jury. These instructions will explain the issues you must decide and the law that you have to apply to the case. You should listen to these instructions carefully, because it is your sworn duty to follow them. You will have a written copy of these instructions in the jury room. Remember, this booklet is not a substitute for the judge's instructions. You must disregard anything in this booklet that contradicts the judge's instructions
- After the instructions have been read, you will go to the jury room to consider the case and reach a decision. Your decision will be called the "verdict."

THE JUDGE

The judge's role is to make sure a trial is fair and orderly, but the judge cannot tell you what decision to make. The judge will rule on objections and motions made by either side. The judge will also manage the schedule of the trial. The judge does not tell you what to decide, neither by instructions of the law nor by any ruling or remark. The judge, will however, through instructions, provide you guidance on how to make your decision.

CONDUCT IN THE JURY ROOM

Your first duty after you hear the case is to select a foreperson. The foreperson acts as chairperson of the jury and has a duty to make sure that the jury's discussions are orderly, and that every juror has a chance to say what they think. A good foreperson can keep the discussion focused and can help the jury reach a timely and legitimate decision.

Your discussion in the jury room should not be so loud that it can be heard outside the room. You must decide with an open mind, listen with respect to other jurors' opinions, feel free to share your thoughts and opinions about the case, and be willing to change your mind when logic tells you to do so.

- After the opening statements, the plaintiff in a civil case, or the State of Illinois in a criminal case, presents evidence. Then the defendant may choose to present evidence. Evidence falls into two classes -- testimony and exhibits. EXHIBITS are physical objects such as photographs and written documents. TESTIMONY consists of statements made by witnesses under oath. Each side is allowed to call witnesses to testify and ask them questions, which is known as "direct examination." Each side also has a right to ask questions of the other side's witnesses which is known as "cross-examination." Jurors are not permitted to question witnesses, unless the judge gives them permission.

Because you must base your decision on the evidence, you should listen closely to every question asked and every answer given. Tell the judge if you do not hear some of the testimony. You can take notes if the judge tells you it is okay.

Rules of evidence have been developed through the years so that we can have fair and orderly trials. Each party can object to a question if they believe it breaks these rules. The judge then decides whether the question breaks the rules. A ruling by the judge does not mean the judge is taking sides. The judge is just deciding whether the law lets the question be asked and answered. You should not change your mind about the case because of any objections. At times, the judge might ask the jury to leave the courtroom while objections are being talked about, or for other reasons.

The law requires that certain issues in a case should be heard when the jury is not in the courtroom. When the judge asks you and the other jurors to leave the courtroom for these reasons, you should not feel that your time is being wasted. It is just a part of the trial process.

- The parties "rest" when they have finished presenting all their evidence.