

## Backbone of America

Those jury duty notices that come in the mail are about as welcome as cancer.

Everyone has an excuse why they cannot or should not be a juror.

Thomas Jefferson, and the U.S. judicial system, beg to differ.

The jury is the backbone of America.

You want democracy?

One of the core values of American citizenship is the right to trial by jury.

Perhaps that's why the State Supreme Court has designated July 2007 as "Juror Appreciation Month" in Michigan, with the theme "Democracy in Action."

In a resolution proclaiming that July is Juror Appreciation Month, the court said that "Michigan courts greatly appreciate the tens of thousands of citizens who annually give their time and talents to serve on juries."

"The right to trial by jury was one of the issues over which the Revolutionary War was fought," said Chief Justice Clifford W. Taylor. "Next to voting, there is no more important duty for citizens of a democracy than to serve on a jury. That is why the court chose July, the month in which we celebrate American independence, to also honor jurors. Jury service is a duty of citizenship, a high privilege, and an opportunity to observe and participate in democracy."

The Bill of Rights and the Constitution protect citizens' rights to trial by jury.

A fair trial is synonymous with a jury trial.

Most juries are made up of 12 randomly selected people.

Jury duty is a civic duty that is considered a privilege. The jurors have the serious and limited responsibility of deciding on the facts of the case.

Jurors do not act as investigators. They have to rely on only the information presented to them by the attorneys.

During trial, both attorneys present evidence to the jury to try and convince them of their client's guilt or innocence. Once the jury hears the case, they deliberate, or decide the case.

Deliberation can last anywhere from 10 minutes to 10 weeks, depending on the case. The decision process is difficult.

A civil or misdemeanor jury has six people, and a civil jury can render a 5-1 verdict. In a criminal case, all 12 jurors must agree on a verdict before they present it to the judge.

### Burden of Proof

In a civil case, a jury must decide the case by the "preponderance" of the evidence. That means a person wins the case if that person's evidence is the most persuasive, even if it is only a little bit stronger than the other person's evidence.

In a criminal case, a jury must find the defendant “not guilty” unless the prosecution proves beyond a reasonable doubt that the defendant is guilty. Sometimes courts try to explain the phrase “beyond a reasonable doubt” in their own words, but its central meaning is just what the words say: the jury can convict a defendant only if the jury is persuaded, beyond any doubt that is reasonable, that the defendant is guilty.

What Every Juror Should Know

Do jurors decide what laws apply to the case before them, and what do those laws mean?

No. The judge decides questions of law, and the jurors decide questions of fact.

Is it OK for a juror to make a decision before hearing all the evidence?

No. A juror should wait until all the evidence has been heard.

Is it OK for a juror to sympathize with the victim or the defendant as the juror makes a decision?

No. The juror’s decision should be based on the facts, not on sympathy.

In deciding whether a person committed a crime, should a juror think about what the punishment is going to be?

No. The possible punishment should not effect the jury’s decision about whether the person is guilty.

Should jurors investigate the facts during breaks in the trial, to find out what really happened?

No. A juror can consider only the evidence presented in the courtroom during trial.

During the trial, can a juror talk about the case with family members or other jurors?

No. It is important that the jurors not discuss the case with anyone, even other jurors, until the judge tells them it is time to decide. And then only with other jurors on the case can a juror discuss the case.

When it’s time for the jury to decide the case, can the jurors ask to see or hear the evidence from the trial one more time?

Yes. If the jurors need to see or hear some of the evidence again, they can ask the judge to let them do so. Jurors are not required to rely on their memories when deciding a case.

How many persons are on a jury?

It depends on what kind of case it is. Serious criminal cases have 12 persons on the jury. Civil cases and less serious criminal cases have 6 persons on the jury.

Must a jury reach a unanimous verdict? Do they all have to agree on the verdict?

It depends upon the type of case. In a criminal case, all of the jurors—either six or 12, depending upon the severity of the crime—must agree on the decision.

Typically, a civil case is decided when five of the six jurors agree. In a small number of civil cases, a simple majority of the jurors (four of six) determine the verdict if the parties have stipulated they will accept this decision.