

Welcome to jury service for the Lenawee County Circuit Court and Family Court.

Jury duty is one of the most serious duties that members of a free society are asked to perform. Our system of self-government could not exist without it.

The right to a jury trial is an ancient tradition and part of our heritage. Through your service, you ensure this right to all in the community.

Thank you in advance for your service to Lenawee County.

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GENERAL INFORMATION

How Your Name Was Selected:

Your name has been randomly selected for jury service by computer, from information provided by the State of Michigan Driver's Licenses and Identification Cards.

How Often You May Serve:

If you have previously served on jury duty, you may be eligible to serve again after one year.

Term of Service:

In the Circuit Court, jurors are on call for a period of two months. You will **not** be required to report every day. Unless otherwise specified, jury service is normally Tuesday through Friday, and a juror will typically report 4 to 5 times during the two-month period. If you are selected to sit and hear a case, you will still be required to continue reporting for the remaining two-month period.

Filling Out the Questionnaire:

Please fill out both sides of the questionnaire and return it to the Lenawee County Clerk within 10 days.

By law, you must return the questionnaire even if you do not consider yourself eligible to serve.

Excusals:

You may be excused for vacation days or appointments. Please indicate those dates on the back of the questionnaire.

You may also be excused from jury service for one of the following circumstances:

- You are not a U.S. citizen.
- You are a full-time student.
- You are in active military service.
- You are 70 years of age or older and do not wish to serve.
- You are not a resident of Lenawee County.
- You have served as a juror within the past 12 months.
- You have been convicted of a felony.
- You have a mental or physical health condition that would prevent you from serving. (**A written statement from your physician is required to be excused**).

When to Report:

Please report on the date and time as directed in your letter, but before reporting, please call the jury number after 5:00 P.M. the night before your scheduled date, as these dates are subject to change. A recorded message will instruct you if you need to appear on that date and time.

Jury Recording Number:

Please call after 5:00 P.M. the night before each scheduled date.

What Should You Wear:

You may dress casually, but please dress appropriately for the courtroom. Persons wearing shorts, tank tops or halter tops will not be permitted in the courtroom.

Checking In:

Please check in with the jury clerk on the 2nd Floor of the Judicial Building, 425 North Main Street, Adrian, Michigan.

Security:

Please allow yourself extra time to pass through a security metal detector at the entrance of the Judicial Building. Cell phones, electronic devices, purses, bags, pocket knives, scissors, or weapons of any type, are not permitted.

Parking:

Parking is free and, except for handicap spaces, jurors may park in any area adjacent to the Judicial Building that is designated as public parking.

Compensation:

Jurors are paid \$15.00 for the first half day, and \$30.00 for the first full day, plus mileage. Thereafter, jurors are paid \$22.50 per half day, and \$45.00 per full day, plus round-trip mileage. Checks are issued at the completion of the jury term.

Employer Notification:

If your employer requires verification of your reporting dates, you may receive a slip for your employer each time you report. After being excused by the judge for the day, please see a clerk in the Office of the Lenawee County Clerk on the 3rd floor to receive a verification letter.

Failure to Report:

If you fail to report for jury duty, or fail to fill out and return the jury questionnaire, you will receive a warning letter and/or telephone call, and it may further result in an order to show cause being issued against you for contempt of court. If an order to show cause is issued, you will be required to appear at a hearing before the judge in which you will have to explain your failure to appear. Persons found guilty of contempt of court may be subject to court fines and/or jail time. Failure to appear at an order to show cause hearing will result in a bench warrant being issued for your arrest.

For Further Questions or Concerns:

Contact the Office of the Lenawee County Clerk at 517-264-4596.

Thank you for your courtesy and cooperation.

INFORMATION HANDBOOK FOR TRIAL JURORS

You have been selected according to law, to act as an officer of this court by serving as a juror. This information is to aid you in performing this important duty.

You are urged to read it with great care.

Respectfully,

Hon. Anna Marie Anzalone
Chief Circuit Judge, 39th Circuit

Hon. Michael R. Olsaver
Circuit Judge

Hon. Catherine A. Sala
Probate and Family Court Judge

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Purpose of this Handbook

The purpose of this information is to explain to you in a general way, the manner in which lawsuits are tried and the part which you, as a juror, will have in seeing that justice is done.

The Importance of Jury Service

The jury is an important part of the court system. In a country where the life, liberty and property of each of us are safe and secure, it is necessary that there be courts of justice in which the disputes that arise between people, can be settled justly and peaceably. It is necessary that persons charged with a crime be fairly and justly tried, that the public safety and welfare are protected on the one hand, and that the private rights and liberties are safeguarded on the other. The law says that both a person who is accused of a crime and the prosecution have the right to a trial, not by one person, but by a jury of twelve impartial persons.

Many citizens are never called to serve as a juror. You may never be called again. As a citizen, it is your duty and your business to serve if it is possible, and it is your business to uphold the laws of your country.

To serve as a juror is an honor. It is also a very interesting experience.

Selection of Jury

A trial begins with jury selection. Names are drawn from the jury panel present, usually 6 for civil cases, and 12 for criminal trials. During jury selection, questions will be asked of the prospective jurors touching upon their qualifications to act as a fair and impartial juror. This is called the voir dire.

You should answer these questions fairly, and if there is any reason why you feel that you should not

serve as a juror, you should make it known. Jurors must be as free as humanly possible from bias, prejudice, or sympathy for either side. Each side in a trial is entitled to jurors who keep open minds until the time comes to decide the case.

During jury selection you may be excused from serving on the jury in one of two ways. First, the judge may excuse you for cause; that is, the judge may decide that there is a valid reason why you cannot, or should not, serve in that case. For example, you may know one of the parties or attorneys, or you may know something about the case, and have formed an opinion about the case, which would prevent you from being fair and impartial.

Second, is called a peremptory challenge. The attorney from one side or the other may excuse you without giving any reason for doing so. The law gives each side the right to excuse a certain number of jurors in this way.

Upholding the Laws

The oath taken by a judge and juror require each of them to accept and apply the law as it is.

Neither one is free to disregard the law because he nor she thinks that the law might better be otherwise.

Laws are made, repealed or changed, by those who are elected to make laws. Judges and jurors do not make the laws, they only apply them. Your responsibility as jurors is to decide what the facts of the case are. Each party will bring in evidence and argument to prove his or her side of the case. Judges and jurors must be patient and careful not to form conclusions until they have heard all of the evidence and arguments, and the jury has received the instructions of the court on the law.

Power and Duty of Judge and Jury

During the trial, the judge decides all disputes about the law and the rules for trying the case. At the close, he or she will instruct you on the law and tell you the principal questions you are to decide. The case is then turned over to the jury. The power and the responsibility move from the bench to the jury room. The jury must decide what the facts are.

They must decide what testimony they will believe. If it is a damage cause, they will fix the amount of the damages, if any, are awarded. If it is a criminal case, they will decide whether the defendant is guilty.

CIVIL JURY CASES

The Parties and Pleadings

A person starting a lawsuit is known as the plaintiff. A person against whom suit is brought is called a defendant. Suit is commenced by service of a summons. The plaintiff's claim and demand are stated in a declaration, or bill of complaint. The defendant's answer is called an answer. If the defendant claims from the plaintiff, such claim is called a counterclaim. If a counterclaim is made, the plaintiff's answer is called a reply. These papers, called the pleadings, have been exchanged between the parties sometime before the trial commences. If a party has more than one claim against the other, each claim may be stated as a cause of action.

Oaths of a Juror in Civil Case

Each juror is required to take a solemn oath (or to affirm) that he or she will "well and truly try the matter in issue and a true verdict render according to the evidence and the law." When you take this oath you become a judge of all questions of fact and are duty-bound to act fairly and impartially.

Opening Statements

The plaintiff's attorney may then make a short opening statement telling you what his or her client, the plaintiff, claims, and will outline the evidence by which he or she expects to prove this claim. The defendant's attorney, before he or she opens their side of the case, will make a similar statement as to what their client claims and the evidence expected to be produced. You should remember that these statements of the attorneys are not evidence, but only explanations of what each side claims, and that claims must be proven by evidence. The conflicting claims constitute the issues.

Witnesses and Evidence

Anything which tends to prove or disprove a claim about the facts is called evidence. Evidence may be something in writing, or it may be an article such as a gun, a photo, or the like, which is called an exhibit. Evidence may also be the statement of a person, which is called testimony. If a witness is absent, his or her testimony may have been taken before trial and reduced to writing. Such testimony is taken under oath and both sides have been given a chance to be present. Such written testimony is called a deposition, and such testimony should be given the same consideration as though it were given in your presence. It may be that a witness has already testified in court under oath and his testimony put on the record, and then put into typewriting. Such testimony is called a transcript. It, too, is entitled to the same weight as though given in your presence.

Examination of Witness

Unless the case can be proved by writings, the plaintiff will call witnesses to testify. The witnesses are sworn (or affirm) to tell the truth, the whole truth, and nothing but the truth. If the attorney has called his client or some disinterested person, the person called is "his or her witness," but if he or she has called the opposite party, the person called is referred to as an adverse witness. An attorney who has called his or her own witness, proceeds with direct examination. In so doing, the attorney asks questions to bring out the facts he or she wishes to show. In any important matter, the attorney is not allowed to "lead" the witness by asking questions in such form as to suggest the answer. The question asked must appear to have some bearing on the case, and the witness shown to know what he or she is talking about. If these, and other rules are not followed, the other attorney may properly object, and if, for any reason, the judge thinks the question improper, the judge rules that the objection is sustained, which means that the question cannot be answered. If the question is proper, the objection is overruled, and the answer is given.

When the direct examination is finished, the attorney on the other side may cross-examine, which means that he or she may ask questions. Since the witness is not "his or her witness," the cross-examining attorney may ask "leading questions." When cross-examination is finished, the first attorney may ask questions on redirect examination to clear up points developed on cross-examination. To keep out improper matter, witnesses are allowed only to answer the questions asked. Both sides may ask questions and find out all he or she knows that is proper. If the witness makes a statement which is not an answer to a question, it may be stricken, that is, you must disregard it entirely.

Hearing and Seeing Witness

Each juror should pay close attention to the witness who is testifying, both to hear what the witness says, and to watch his manner and actions. If you cannot hear plainly, do not hesitate to interrupt and let the judge know that you cannot hear.

Resting the Case

When the plaintiff has put in all his or her evidence, they indicate they are through by "resting" their case. When the defendant is through, he or she also "rests."

Defense and Rebuttal

The defendant calls his or her witnesses and offers his or her evidence when the plaintiff first rests. Then the plaintiff may offer evidence in rebuttal to explain or deny the defendant's evidence.

Motion Directed to Strike Verdict

When an attorney requests a court to take action, it is usually done by making a motion. Thus, the attorney may make a motion to strike out certain testimony because it was not properly received. If the judge orders that testimony be stricken out, the jury should disregard the stricken testimony.

At the close of the plaintiff's case, or at the close of the defendant's case, or at the end of all the evidence, one or both sides may ask the court for a directed verdict. If the undisputed facts show that either one of the parties is entitled to judgment as a matter of law, the judge directs the verdict, because there is nothing for the jury to decide. In such a case, the judge alone is responsible, and the jury must do as the judge directs. Often the judge refuses to grant a motion. This does not mean that the judge thinks the other side is entitled to a verdict. It only means that the jury ought to consider the matter.

Juror's Conduct During Trial

There are certain rules that a juror should follow throughout the trial in order that he may be fair to all sides. These are:

- Jurors should not inspect the scene: It may be that the suit involves some place or thing, such as the scene of an accident, the operation of traffic lights, or the like. If it is thought necessary and proper that the jury should make an inspection, the judge will send the jury in a body, under the charge of the bailiffs. It would be improper for any juror to make an inspection unless ordered by the court. Conditions may have changed. An unauthorized inspection might force a retrial of the case.
- Jurors should not discuss the case with others: During the trial, jurors should not talk about the case with each other, with other persons, or allow other people to talk about it in their presence. If anyone should insist upon talking about the case to you, tell them that you are on the jury and must not listen to them. If they insist, then learn his or her name if you can, and report the matter to the judge at the first opportunity. Do not talk with parties, witnesses or attorneys during a trial.
- Jurors should not listen to radio or read newspaper accounts: In order that the mind of each juror be kept open until all the evidence, argument, and the instructions of the court have been heard, jurors ought not to listen to radio accounts of the trial or read articles about it which may appear in newspapers during the trial.
- Jurors should be prompt: It is most important that jurors should not be late in reporting for jury duty. One juror who is late, wastes the time of all the other jurors, the judge, the attorneys, the witnesses, the parties and the other court employees. An attorney, witness or juror may be fined for contempt of court for being tardy.

Delays During Trial

During the trial, there may be delays for any one of many reasons. Possibly, the judge may be looking up the law on some point which has suddenly come up, the parties may be trying to work out a settlement, or the attorneys may be presenting a point of law to the judge which ought not to be argued in your presence. You may not know the reason for a delay and should not guess at it. Very often, a

delay actually saves time and more quickly brings the case to an end. Be patient.

Guessing at the Judge's Opinion

While a trial is going on, jurors should not try to guess at what the judge thinks about it, or the way he thinks it should be decided. The judge will not intentionally form or express an opinion on questions of fact until all the evidence has been put in, and he or she may not then, express any opinion on the facts. As a rule, it is for the jury to decide what the facts are if there is any dispute about them. The judge's rulings, or the number of the rulings, do not indicate how the judge thinks the case should be decided.

Arguments

After all the evidence has been given, each attorney will make their argument to the jury, giving the reasons why he or she thinks their side should win. If the testimony of witnesses is contrary to each other, the attorney will tell you why they think the witnesses on their side should be believed, rather than those on the other side.

You should listen to these arguments carefully, always remembering that an attorney is giving only his or her side of the case—that what the attorney says is not evidence, but is only a statement of his or her reasons. A juror should not make up his or her mind on anything until he or she has heard all sides and the instructions of the judge.

Instructions

Toward the close of the case, the judge will give you his or her instructions, which will tell you what you are to decide, and will state the law which applies to the case. You should listen to these instructions very carefully and try to understand and remember them. The judge will try to give you all the instructions you need.

Further Instructions and Repeating Testimony

If, in considering the case in your jury room, there is any disagreement among you as to what the judge told you, or as to the meaning of what he or she told you, the jury can ask for further instructions from the judge, in open court.

If the jury disagrees as to what a particular witness said on some matter and wishes to have part of the record read back, you may ask the judge, in writing, that this be done. You should state the name of the witness and the point that you would like covered.

Such instructions can be given and testimony repeated, only when the parties are present, and should only be requested when absolutely necessary.

CONDUCT AND DELIBERATIONS IN THE JURY ROOM

Jury Room

Your first duty upon retiring to the jury room at the close of the case, is to select your foreperson. The foreperson acts as chairperson. It is his or her duty to see that discussion is carried on in sensible and orderly fashion, to see that the issues submitted for your decision are fully and fairly discussed, and that every juror has a chance to say what he or she thinks upon every question. A juror should not hesitate to change his or her mind if he or she decides that his or her opinion was not right, but one who has an opinion on a question, should not change it unless his or her reason and judgment is changed.

Jury Room

Cell phones are not allowed in the jury room.

Your Verdict

In his or her instructions, the judge will tell you the “issues” or questions you are to decide. If there is more than one question, it is usually well to consider them one at a time after such general discussion as the jury thinks proper.

The judge will tell you what the law is for each case so that you may apply the law to the facts as you find them to be. The kind and amount of proof required will be pointed out.

CRIMINAL CASES

In General

With some exceptions which will be pointed out, criminal and civil cases are tried under much the same rules and in much the same manner.

The Charge

The charge or complaint is made in writing called an information. If more than one offense is charged, they may be combined, but they are separately stated, and each charge is called a count. For instance, an information may charge that the defendant, Count 1, robbed the complainant, and Count 2, that he assaulted and beat the complainant.

The Parties

The person charged is the defendant. The person who made the original complaint to the authorities, usually the victim, is called the complainant, complaining witness, or prosecuting witness. The state is the prosecutor, and all crimes are prosecuted in the name of the state. For when a crime is committed, the laws of the state are broken and the offense is against the people of the state. Sometimes the people of the state are named as plaintiff.

Differences From Civil Cases

The principal differences in the manner of trial between civil and criminal cases are these:

13. The parties have more peremptory challenges in a criminal case in selecting the jury.
14. There may be some differences in the method of selecting the jury.
15. The defendant makes no written answer to the charge but announces his plea.
16. More proof is required to find one guilty of a crime than is required to return a verdict in many civil cases. Crime must be proven “beyond all reasonable doubt,” while a verdict may be returned for a claimant in a civil case, if the evidence weighs more heavily in his favor.

If there are other differences of importance the judge will point them out to you in his/her instructions.

Conclusion

The importance of your position as a juror cannot be overstated. We hope you can, and will, serve. We think you will find the service interesting. We believe and expect that you will do your full duty as a citizen and juror.

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