



# JURY DUTY FACT SHEET



Jury duty, also referred to as jury service, is a civic duty where a citizen is chosen at random to assist in a legal proceeding that may be either civil or criminal. Each juror is responsible for determining the facts that are of dispute in a certain case. To serve as a juror, you must meet various qualifications; such as: you must be at least eighteen (18), you must be a U.S. citizen, you must be a resident in the county where the case will be tried, and you must be able to speak, and understand, English. Alternatively, if you are a convicted felon who has not had your civil rights restored or pardoned, or if you have a mental illness conflicting with your ability to ascertain the facts of the case and adjudicate it accordingly, you may not serve as a juror.

Once chosen, it is important that you read the documents, also known as the jury summons, carefully. These documents will establish the date and time which you are expected to be at the court house to assist the court in an impending trial. Upon arrival you will be escorted to the court room for jury selection. Although you have been summoned to perform jury duty on that specific day, it does not mean that you will end up being a juror. Many people will show up to perform their jury duty on the same day as you. Only some, between six (6) and twelve (12), will actually serve as jurors.

After all potential jurors are assembled, the court will engage in a process called “voir dire” and “striking the jury.” Prior to your arrival as a juror, both the plaintiff (the persons filing a grievance or complaint) and the defendant (the person refuting the grievance or complaint) will have submitted certain questions to the judge. These questions are to ascertain any potential bias you or your fellow jurors might have in the impending case. Typically, the judge or attorney will ask the questions to determine any bias affecting impartiality, and each potential juror must answer truthfully. Answers to these questions will vary widely and may lead to follow-up questions by the judge, the plaintiff, or the defendant. The voir dire process is one designed to ensure that those persons ultimately selected to be the finders of fact in the upcoming case possess no bias and are capable of being impartial; ensuring a fair trial. After voir dire and any follow up questions the judge or either party may have, potential jurors will be “struck,” meaning excused, from jury duty. The plaintiff and defendant will take turns dismissing jury members until they reach the requisite number of jurors.

At trial, the selected jury members will be responsible for determining facts that are of issue in the case. Trial will begin with the plaintiff’s side. First, there will be opening statements. Next, the plaintiff will put on the evidence they wish you, the jury, to consider in making your determination. Typically, the plaintiff’s case will involve the introduction of witnesses, who may have firsthand knowledge of the situation, and any evidence useful in determining the likelihood that some event has, or has not, occurred.

The defense can also ask questions of any witness called by the plaintiff. At the end of the plaintiff's case, the plaintiff will "rest," meaning that it has no more evidence to show the jury. At this point, the defense will put on its case; introducing any witnesses or evidence they wish you to consider in making a determination. Similarly, the plaintiff will have the opportunity to ask witnesses their own questions to determine their credibility. When the defense has no more evidence that they would like to introduce to you, they will also rest. At this time, the plaintiff, and then the defendant, will make a "closing argument;" summarizing the evidence they have shown you that supports their position. Often you will have been able to take notes of the testimony you heard from the different witnesses and any evidence admitted will be allowed to accompany you back in the jury room.

Following closing arguments, but before you begin your deliberations, both the plaintiff and the defendant will have gone over "jury instructions" that the judge will read to you prior to dismissing you to the jury room. These instructions will outline what is at issue and what is required of you in making a decision. For instance, if participating in a civil case, the judge will define the elements of the cause of action, what is being sued on or for, the level of certainty you are required to reach in deciding one way or another, such as "preponderance of the evidence." Alternatively, if participating in a criminal case, the judge will outline the elements of the cause of action, or the crime, and require you to be certain, "beyond a reasonable doubt," that the act happened in order to find the defendant guilty. After jury instructions, the judge will instruct the jury to appoint a "foreman" or "forewoman," also known as a spokesperson, who will speak on the jurors' behalf. Next, the judge will instruct the jurors on how to fill out the verdict sheet, and then dismiss the jury to their room for deliberations.

During deliberations, the jury instructions are required to be followed in coming to a verdict, or a decision. There is no time constraint in the amount of time a jury is permitted to deliberate; it may be an hour or it may be days. Once a verdict is reached, the elected spokesperson will either read the decision, or hand the verdict sheet to the bailiff who will hand the sheet to the judge to be read. However, not every trial results in a unanimous jury, an event where all jurors agree on a decision. The jury may be a "hung jury" in which case a unanimous decision was not reached by the jurors. Consequently, a mistrial will be entered and the case will need to be re-tried at a later date with different jurors. After the decision is read, depending on the case being civil or criminal, a follow up hearing, such as sentencing in a criminal case, will be scheduled, and the jury members will be dismissed. In Georgia, the statute states that no person will be required to serve as a juror for more than four weeks in any one year. However, if the case and deliberations extend past that four week time period, the jury members will be dismissed as soon as the case is decided.

Multiple reasons exist for which persons might be excused from jury duty. These reasons include instances where persons selected are necessary to their work in public health, safety, or good order; instances where persons selected have permanent mental or physical disabilities; where a person selected is enrolled in school full time during their examination period; any person selected who is an active caregiver to a child six

(6) years or younger with no reasonable substitute; any primary teacher in a home study group who, during their summoned duty, is required to be teaching and there is no reasonable alternative; any person who is seventy (70) years of age or older; any service member, active duty or reserve, of the armed forces or national guard on military duty, including their spouse, may request to be excused from jury duty; or instances where any person who shows, for good cause, why they should be exempt. For military persons, or their spouses, before you PCS, make sure you inform the DMV, or ascertain through them the appropriate authority, that you will be moving. Typically, the DMV provides a list of citizens relied upon for jury selection. This will help avoid a jury summons being sent to an old address and any potential trouble you might get in, discussed below, for not appearing for jury duty as a result of your PCS.

If a person is summoned to jury duty and fails to appear to perform their duty, Georgia provides that they may be punished by contempt of court. Contempt of court may lead to a warrant being put out for the furor's arrest and may be punished at the discretion of the judge; typically the punishment is one of either a fine or jail time.

If you receive a jury summons, don't ignore it! Follow the directions to obtain an excusal if you cannot attend. And an extra tip – give yourself plenty of time to get to court that first day. Remember, there will be lots of potential jurors looking for parking spaces by the courthouse, all at the same time. We recommend getting there early to find the right room and relieve some of that juror stress. Jury duty is an important citizen function. Thank you for your (juror) service!



Office of the Staff Judge Advocate  
Legal Assistance Office  
6930 Morrison Avenue  
Bldg 130  
Fort Benning, GA 31905  
706-545-3281