

## KEY TERMINOLOGY DURING A TRIAL

**Plaintiff** - A person who brings an action; the party who complains or sues in a personal action and is so named on the record.

**Petit jury** – The ordinary jury of 12 persons (six in certain cases) for the trial of a civil or criminal case. So called to distinguish it from the grand jury, a group of 16 people sworn to hear evidence and determine if it is sufficient to require the accused to stand trial.

**Expert witness** – Testimony given by an “expert” on a matter related to scientific, technical or professional issues related to the trial. Expert witnesses are qualified to speak authoritatively by reason of their special training, skill or familiarity with the subject.

**Rebuttal** – The introduction, at an appropriate time during the trial, of rebutting evidence, showing that the statements of witnesses as to what occurred is not true.

**Redirect examination** – Follows cross-examination by a lawyer and is conducted by the party who first examined the witness.

**Deliberations** – The period after the evidence has been presented when the jury moves to a special room to discuss the evidence and reach a decision or “verdict.”

**Burden of proof** – In the law of evidence, the necessity or duty of affirmatively proving a fact or facts in dispute.

**Polling the jury** – A practice whereby jurors are asked individually whether they agreed and still agree to the verdict.

**Sentencing** – Judges follow the law and Constitution when determining the sentence for someone found guilty of a criminal action. Sentences may include prison, city jail time, a fine, some form of probation or a conditional discharge.

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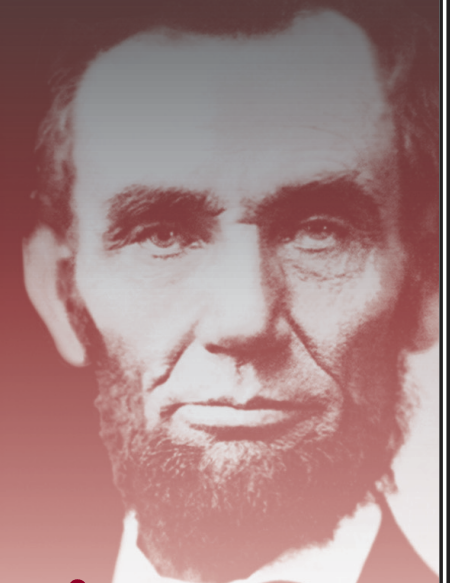
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## Consumer Legal Guide

# Your Guide to Jury Service

Useful information for  
the citizens of Illinois

PRESENTED BY  
THE ILLINOIS JUDGES ASSOCIATION  
AND THE ILLINOIS STATE BAR  
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**ILLINOIS JUDGES  
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The U.S. and Illinois constitutions guarantee that every person charged with criminal or civil wrongdoing, with few exceptions, has the right to a trial by a jury of one's peers. The jury plays a pivotal role in a case: its members are charged with making a fair and impartial decision based on the facts presented during the trial.

This information is intended as a guide to the citizens of Illinois who may be called to jury service. Being a juror presents citizens with the opportunity to take an active role in their government as well as help them experience firsthand how our court system works. It is an important responsibility and an extremely satisfying one for most people.

## FREQUENTLY ASKED QUESTIONS ABOUT JURY SELECTION

### Who may serve as a juror?

To be eligible for jury service, you must be a citizen of the United States, at least 18 years old, a resident of the county, and able to read, write and understand the English language. There are no education or skill requirements, nor do you need to know about the law. Some exemptions for hardship are available. Convicted felons may not be eligible for jury service, depending upon the age and nature of the felony.

### How are citizens selected?

In order to be summoned for jury duty, a citizen must be a registered voter, or have a driver's license, or have either an Illinois Identification Card or an Illinois Disabled Person Identification Card.

### Where do people report for jury service?

You must report to the address indicated on the jury summons at the time stated. In many counties, the night prior to your appearance, you can call the phone number on the summons to verify that you must be present. Once at court, prospective jurors are grouped into panels from which trial juries are selected.

### What happens if you don't report?

If you do not report, you may be held in contempt of court and be fined and/or sent to jail.

### Can jury service be postponed to a more convenient date and time?

If you cannot appear on the summons date, you may ask for a postponement to a more convenient date. Call the number on the summons to explain why you cannot appear.

### How long does the jury selection process take?

In the courtroom, you will be asked to take an oath in which you promise to answer all questions truthfully. Generally, a prospective juror needs only to spend one day in court.

### Is job employment protected?

Yes. Legally, you are protected against employer harassment or from being fired for responding to jury service; however, you must notify your employer in advance that you received the summons. In addition, an employer cannot require a night shift worker to work while such employee is doing jury duty in the daytime.

### Is there a dress code?

There is no formal dress code, but jurors should observe courtroom decorum and dress as they would for an office job. It is advisable to wear layers of clothing since the courtroom may be too warm or cool for some people.

### What items can be brought into the courthouse?

Some courthouses have restrictions on bringing in items such as cellular phones, cameras, laptop computers or other electronic equipment. If you have questions, check in advance with court personnel.

### Who actually decides which citizens will serve as jurors?

Judges make the final decision; however, attorneys are allowed a certain number of

peremptory challenges, meaning that they can, without giving a reason, ask that certain prospective jurors be excused. If you are not accepted as a juror, you should not take the rejection as an attack on your integrity.

## FREQUENTLY ASKED QUESTIONS ABOUT JURY SERVICE

### What type of cases do jurors hear?

There are two types of cases: criminal and civil. In a criminal case, a defendant is charged with a violation of criminal law and has pled "not guilty." The jury then hears all the evidence and decides whether the person is guilty "beyond a reasonable doubt." A civil case is one where a person or group of persons, such as a corporation, sues another for reasons that include personal injury, damage to property or failure to complete a contract. The burden of proof is by a "preponderance," or greater weight, of the evidence.

### What happens during a trial?

Events in a trial usually happen in a particular order: opening statements by the attorneys, presentation of the evidence including testimony and exhibits, closing arguments, jury deliberations in a separate room, and finally, the announcement of the verdict. Once the verdict is announced, the judge will excuse the jurors. During the trial, jurors are expected to listen attentively and take notes if they wish. On some occasions, a jury will be "sequestered," meaning that they must remain with the court without any outside contact. The court provides meals, lodging and will even retrieve the juror's personal items from his or her home.

### Can jurors ask questions during the trial?

Jurors are unable to ask questions of the witnesses or conduct their own independent investigations. Jurors who violate this rule run the risk of causing a mistrial.

### Is it true that jurors cannot discuss the case during the trial?

Jurors cannot discuss the case with anyone until deliberations have ended. This includes family members, lawyers, witnesses, the media and even fellow jurors.

### Can the trial proceed if one of the jurors is late, has an illness or a family emergency?

The delay or absence of even one juror can delay the trial. If you are unable to report, you should inform the court staff as soon as possible.

### How long do trials last?

Every trial is different. Depending on the circumstances, the trial may last from a few days to several weeks or months. The judge will inform members of the jury how long he or she anticipates that the trial will last. As a juror, you should be aware that there are often delays in the proceedings. A judge, for example, may take time to look up the law on a point that has been made. You may want to bring in reading materials.

### Are citizens paid for jury duty?

The county is required to pay citizens a fixed amount for each day they report for jury duty. In addition, the county must pay reasonable travel expenses and actual cost of daycare incurred by the juror during his or her service on jury duty.

**Juror Security:** Jurors must be free to make their decisions without fear of criticism or retaliation. The court will protect jurors both during and, if necessary, after the trial. If you have reason to believe that your safety is in danger, you should promptly inform the court personnel or judge.