



PETIT JURY

A HANDBOOK FOR ILLINOIS JURORS

FURNISHED BY THE ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS

INTRODUCTION

You have been picked to possibly serve on a jury in court. Jury service is an important civic duty and your service is greatly appreciated. As part of your service, you may be selected to be a juror for the trial of a civil or criminal case. This type of juror is known as a "petit" juror.

When you are chosen as a juror, you become a part of the judicial process. This handbook will help explain some of the things that happen in court and the terms that are used during a trial. After you have read this handbook, you should have a general idea of a juror's duties and responsibilities, and a better understanding of how our courts work.

If you have questions that are not answered in this handbook, you may ask the judge presiding over your case. If you are chosen as a juror, the judge will give you instructions about the law. This handbook is not a substitute for those instructions. If the judge says something that is different from what you read in this handbook, you should follow what the judge says.

THE RIGHT TO TRIAL BY JURY

The Illinois Constitution and the United States Constitution guarantee the right to a jury trial in certain cases. The right to a trial by jury is the right to have neutral jurors listen to the facts of the case and reach a decision together.

KINDS OF CASES: CIVIL AND CRIMINAL

Civil Cases

Any person or entity (such as a business, organization, or corporation) that has a legal issue with another person or entity can file a lawsuit to ask the court to decide the issue. Personal injury, medical malpractice, and eviction cases are examples of civil cases.

The person or entity that files the court case is called the plaintiff. The person or entity the case is filed against is called the defendant. The plaintiff and defendant might have lawyers to represent them in court, or they might represent themselves.



Criminal Cases

In a criminal case, the State of Illinois charges the defendant with breaking a criminal law. The prosecutor is the lawyer that represents the People of the State of Illinois. The defendant in a criminal case is the person charged with the crime. The defendant 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 must prove that the defendant is guilty beyond a reasonable doubt. The defendant does not have to prove they are innocent.

HOW A JURY IS CHOSEN

If you receive a summons to serve on a jury, you will go to the local courthouse and appear in front of a judge. During jury selection, you and the other possible jurors will answer questions about yourself. This process is called "voir dire." Your answers help the judge and lawyers decide who will be on the jury. You should be truthful, patient, and cooperative.

Some questions are personal, but they are not meant to embarrass you.

You may be asked whether you have a personal connection to the case, a personal interest in the outcome of the case, or if you are biased in any way. Each party in the case may decide not to pick a certain number of potential jurors without giving a

reason. There are many reasons why someone may not be picked as a juror. You should not be upset if you are not picked be a juror.

After all of the jurors are selected, the judge will ask the jurors to swear to decide the case according to the law and the evidence.

DURING THE TRIAL

Your role as a juror is as important as the role of a judge. 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 jury instructions.

Your duty as a juror is to:

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



Do Not Investigate on Your Own

You must decide the case based on the evidence presented during the trial. You are expected to use your experience, common sense, and common knowledge (facts everyone knows to be true) to help you decide the case. Do not try to find other information about the case. Do not go to any places involved in the case, except under court supervision.

Do Not Talk to the Parties, Witnesses, or Lawyers During Trial

Do not talk to any of the parties, witnesses, or lawyers. Saying something as simple as "good morning" may be misinterpreted. Do not be offended if the parties, witnesses, and lawyers do not speak to you, make eye contact, or engage you in any other way. They have been told not to do so, for the same reason.

Do Not Discuss the Case During Trial

Do not discuss the case with the other jurors until the judge tells you to. After you hear all of the evidence and arguments, the judge will give you instructions. Then you and the other jurors will go to the jury room to discuss the case and reach a decision. During the trial, you may talk with the other jurors about anything that is not connected with the case.

Do not talk about the case with your family, friends, co-workers, or anyone else during the trial. Your decision must be based only on the evidence presented in court. 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 someone asks you to talk about the case during the trial, you should say that the law does not let you. Tell the judge if anyone tries to make you talk about the case after you already said "no." Avoid newspapers, radio, television, and 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 trial is over and the judge releases you from jury service, if you want to.

THE STAGES OF TRIAL

After the 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.
2. 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. 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 allowed 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.

Each party and their lawyers must follow certain rules of evidence. A party can object to a question if they believe it breaks these rules. The judge then decides whether the question breaks the rules. This 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. The judge might ask the jury to leave the courtroom while objections are being talked about, or for other reasons. This is a normal part of the trial process.

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

4. Each party makes **closing arguments**, summarizing the evidence to try to convince the jury to decide in their favor.

5. The judge then gives the jurors instructions about the law. These **jury instructions** will explain the issues you must decide and the law that you must follow. 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 handbook is not a substitute for the judge's instructions. You must disregard anything in this handbook that contradicts the judge's instructions

6. After the jury instructions have been read, you will go to the jury room to consider the case and reach a decision. Your decision is 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.

IN THE JURY ROOM

Your first duty after you hear the case is to select a jury 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. The foreperson will keep the discussion focused, and help the jury reach a 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 and listen to other jurors' opinions with respect. Only the jurors should be present while you are discussing the case. You should not talk with the sheriff's deputy or anyone else about your decision.

You must follow the law, even if you do not agree with it. All jurors must agree on the verdict. Remember, you took an oath to decide the case according to the law and the evidence.

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 follow the instructions on your Jury Summons or contact your local Court Disability Coordinator at least seven (7) days prior to your report date.