

Facts for Jurors

The following information is provided by Kathy D. Page, Clerk of Superior & Juvenile Courts of Dade County, for the benefit of persons summoned for jury service. If you have additional questions, please contact my office at **706-657-4778** or send them to kathy.page@gsccca.org.

Your Role as a Juror

Trial by jury is one of the constitutional rights that we enjoy as citizens of the republic in which we are blessed to live. Unlike in many other countries, all persons in the United States are entitled to be judged by a jury of their peers when charged with criminal wrongdoing or when having civil issues that need to be decided in a court of law.

Your presence for jury service is invaluable. Whether or not, you are selected to serve as a trial juror during your term of service, you are making an invaluable contribution by your presence, availability and willingness to serve.

When selected to serve as a juror, you become an active participant in the administration of justice. You should view this responsibility as one of the most important duties that you will ever be called upon to serve in your lifetime. It is an honor and a responsibility which has been made possible as the result of the sacrifice of millions of Americans who have fought and died to preserve our system of justice.

On behalf of the judges, attorneys, parties and other court officials of Dade County, thank you for your willingness to perform this very, very important civic duty. You have no reason to believe that anyone can do a better job than you. As has been the case for thousands of jurors before you, the verdict is yours!

Dress Code Guidelines for Superior Court

Forbidden Clothing and Items Are As Follows:

- Tee Shirts or sweat shirts with any picture or writing.
- Tank Tops, midriffs and undershirts worn as outer shirts.
- Mesh or other “see through” material.
- Shorts, cut-off jeans, mini skirts, sweat pants.
- All pants must be pulled up to the waist with no underwear visible.

- Sunglasses (unless a doctor's note is delivered to the bailiff at the time of entry).
- Hats or caps
- Radios, cell phones, pagers, beepers, or weapons of any type.
- Food, drinks alcoholic beverages, cigarettes or drugs.

Courts that Conduct Jury Trials

Dade County's Superior Court has jurisdiction over all felony (serious) criminal cases and misdemeanor (non-felony) cases, exclusive jurisdiction over cases involving title to land, divorce, child custody, adoption, equity and construction of wills.

Types of Cases

As a juror, you may be required to serve on civil and/or criminal cases.

Civil - A civil case involves a disagreement between two or more private individuals, corporations, or entities that have asked the court to resolve the matter in dispute. Some examples of civil cases are divorce, breach of contract or personal injury. A civil case is filed on behalf of a party that seeks relief. Normally, a party filing a civil suit seeks an award of monetary damages to compensate the plaintiff for a loss or injury. The party initiating the suit is called the PLAINTIFF and the party being sued is called the DEFENDANT.

Criminal - A criminal case is an issue between the state and one or more individuals and is based upon the occurrence of an alleged violation of a state statute enacted for the benefit of the public. The court is asked to punish the offender. Examples of criminal cases are murder, burglary, shoplifting and operating a vehicle under the influence of alcohol or drugs. In a criminal case the action is brought in the name and on behalf of the people of the State of Georgia as plaintiff against the person accused of committing a crime, who is the DEFENDANT. The district attorney is the prosecuting attorney in superior court. Jurors decide guilty or innocence in a criminal case and are not responsible for imposing punishment, except in a capital punishment (death penalty) trial.

How You Become a Juror

If the Dade County Jury Commission deems that you are eligible for jury service, your name is placed in the county's master jury pool stored on a computer program. Names of potential jurors are randomly selected by the computer-based jury selection program for specific selection dates. Once selected, you will receive from the Clerk's office, a jury summons commanding your appearance for service.

The summons provides the following information; the court in which you will serve, the date and time of jury selection, where you are to report for service, and a form for providing identifying information about yourself. You should return Form 2 of the summons to the Clerk's office within 10 days after you receive the summons.

Deferrals and Excusals

As indicated above, all persons summoned for jury service must report on the date and time stated in the jury summons. You may ask for a deferral or excusal from jury service if the following circumstances exist (as provided by O.C.G.A. 15-12-1):

1. You will be engaged in work necessary to the public health, safety, or good order during the time you have been summoned for jury service established for your jury duty;
2. You are a full-time student and enrolled and taking classes or exams at a college, university, vocational school, or other postsecondary school;
3. You are the primary caregiver having active care and custody of a child six years of age or younger and have no reasonably available alternative child care;
4. You are on active-duty military status;
5. You are 70 years of age or older and no longer desire to serve on jury duty;
6. You show "other good cause" why you should be exempt from jury duty.

Requests for deferral or excusal from jury service must be made in writing to the Clerk of Court. *If you are granted a deferral by the Judge, you will be re-summoned for service during the next term of court. You are not excused from jury duty.*

Excusal from Jury Service - You may be excused from jury service if:

1. You are not a citizen of the United States;
2. You are not a resident of Dade County;
3. You are a convicted felon whose civil rights have not been restored as the result of a pardon;
4. You are permanently physically or mentally ill and have a doctor or psychiatrist provide the clerk an affidavit requesting your excusal from jury service for this purpose.

Requests for excusal from jury service must be made in writing to the Clerk of Court. *When an excusal is granted, you will not be called for jury duty again; however,*

as a result of the jury revision proves, you may receive additional jury qualification questionnaires to confirm that your status as person ineligible for jury duty still exists.

Reporting for Service

All persons summoned for jury service must report on the date and time stated on the summons unless deferred or excused. Failure to do so may subject you to the contempt powers of the court (a fine, incarceration and /or both). Report to the Dade County Courthouse. Security officers are stationed at the main entrance of the courthouse, where they will check you using metal detection devices to ensure that you and others entering the courthouse are not bringing any weapons into the facility. Please do not bring cell phones and/or pagers or newspapers in to the building, since the security officers will take them from you and hold them until you leave the courthouse. The security officers will direct you to the appropriate courtroom. Parking is generally at a premium, so you should arrive at least thirty minutes prior to court time if you want to find a parking space close to the courthouse.

Oaths

By law, you and all other potential jurors must take a general oath, as follows:

“You shall well and truly try each case submitted to you during the present term and a true verdict give, according to the law as given you in charge and the opinion you entertain of the evidence produced to you, to the best of your skill and knowledge, without favor or affection to either party, provided you are not discharged from the consideration of the case submitted. So help you God.”

Panels

Before going through the selection process, you and other jurors may be divided into panels. The clerk and judge will explain the process to you. When your panel is called, you and others will participate in an examination process called “*voir dire*” (a French phrase meaning “to speak the truth”). Before doing so, you will take the *voir dire* oath for each case in which a jury is selected. The *voir dire* oath is: “You shall give true answers to all questions as may be asked by the court or its authority, including all questions, asked by the parties or their attorneys, concerning your qualifications as jurors in the case of _____(herein state the case). So help you God.”

Attorneys use *voir dire* to become better acquainted with jurors. They will ask you questions about your background, general beliefs and feelings. They will also want to know whether you know anything about the case or parties involved in the case and, if you do, if what you know will prevent you from being a fair and impartial juror if you are selected. You will be disqualified as juror if you are related closely to any person involved in a case.

Employee-Employer Information

Since jury service is a mandated civic duty, it is very important that employers support employees who are called for jury service. Individuals, businesses and corporations benefit from and are protected by the courts and thus, the ongoing support of the private sector is a necessary component of the jury system. Civil litigation commonly involves business-related disputes (including actions concerning contracts, wrongful termination, product defects, environmental issues, malpractice, intellectual fraud and personal injury).

As an employer, you are required by law to allow an employee time off from work to serve on jury duty. O.C.G.A. 34-1-3 prohibits discrimination against an employee for his or her attendance at a judicial proceeding in response to a court order or process, which includes jury summonses. An employee is entitled to pay while serving as a juror. In 1989, Georgia's attorney general interpreted state law pertaining jurors, stating that an employer must pay an employee's salary when the employee misses work due to jury duty. (See 1989 Op. Att'y Gen. 89-55).

Length of Service

Jury trials normally last one week. Jurors may be selected for service on more than one case, with the dates for actual trials occurring several days.

Reimbursement

You will be reimbursed \$30.00 for each day that you report for jury service. The reimbursement is for expenses you incur while service as a juror. Additionally, a certificate of service will be provided for each day you serve. You may provide the certificate to your employer as proof of your service.

Conduct

During and after jury selection and during the trial:

- You must always be on time. Tardiness causes delay to the court, attorneys, parties, witnesses and other jurors.
- During a recess or breaks, you must not talk to anyone concerning the case. Wear the juror identification badge provided to you by the clerk at all times during your service. If anyone tries to talk with you about the case in which you are serving as a juror, you warn them that you are a juror and that you can not discuss the case and, if they continue to try to talk with you about the case, you should report their attempt to the court, the bailiff(s), the clerk or

the sheriff. Also, you should not read any newspaper articles or listen or watch any televised news programs concerning the case(s) for which you have been selected for service as a juror.

- Careful attention should be paid to the judge, attorneys and witnesses. If you can not hear what is being said, you should bring that fact to the judge's attention.
- When a court session begins and the judge enters the courtroom, everyone in the courtroom should rise as instructed by the attending bailiffs.

Trial by jury is one of the constitutional rights that we enjoy as citizens of the United States of America in which we are blessed to live.

The jury process is important and vital to the court's function. Jury duty is a responsibility that all qualified citizens must share as the final check and balance of the American system of government.