

# LACKAWANNA COUNTY JURY SERVICES

## *Juror Rules*

Let us now clear up a few misconceptions you may have about jury duty and alert you to some of the rules of conduct each juror must follow during a trial. Jurors must be present no later than 8:45 o'clock AM each morning unless you are instructed differently. It is important to be on time, since many people are dependent upon your actions. If you serve as a juror, you are acting as an "Officer of the Court." As such, the Court requests that you dress appropriately for the courtroom setting.

As a general rule, your length of service is for *two days* or *one trial*. If you are chosen to serve as a juror on a trial, you will return each day to hear the case until it is completed. The trial may be carried over into the following week, in which case, jurors are usually notified in advance. If your service date is Monday, you may serve that Monday and Tuesday or, until the trial on which you are seated is concluded. If your service date is a Wednesday, you may serve Wednesday and Thursday or, until the trial on which you are seated is concluded. Exceptions to this general rule can and do occur; however, they are rare. Jurors usually can leave the Court House for lunch and usually are not required to remain overnight.

Although the workday for the juror generally ends between 4:00 and 5:00 p.m., there may be occasions when striking of jurors may begin near or continue past that time. A Judge may strike a jury at the end of the day in order to start a trial early the next morning. This late-afternoon striking does not happen often, but it does happen. Because of the press of litigation and heavy case loads, time becomes precious and Judges try to use the available time in the most efficient manner.

## **Juror Conduct**

When serving on a jury, you must exactly follow the rules of conduct which are significant to your continued impartiality. Once you enter the courthouse, even though you are not yet a sworn juror, you must not talk with anyone about any pending case. You may not leave the courthouse unless you are excused by a judge or other court officer; doing so, may result in legal penalties. Once you are sworn as a juror on a specific case panel, you may not talk to anyone about the specific case. This most commonly includes your family, your friends and your fellow jurors. Only when you are sent to the jury room to deliberate can you discuss the case. To protect jurors from someone speaking unintentionally to you about a case, all jurors must wear the juror identification badge in a conspicuous place on their outer clothing. If a person attempts to discuss the case with you, you should refuse to listen, walk away and inform court officers

immediately. In addition, you must avoid listening to radio or television reports or reading newspaper articles about the case.

Also, you must not make an independent investigation or visit any of the places involved in the case. If it is proper or necessary to inspect a scene involved in the case, the Judge will order the jurors, as a group, to visit the scene. Remember, you can only consider evidence presented in court and must not form an opinion until all evidence has been presented, the lawyers have completed their summations, the Judge has instructed you on the law applicable to the case, and then has directed you to retire to the jury room to deliberate upon your verdict.

Other rules of conduct, no less significant than the preceding rules, include listening closely. Since your verdict is based on the evidence given in court, you should hear every question and every answer. If you are not permitted to take notes in the courtroom, then you must rely on your memory to recall the evidence in the case. Remember, you are the sole finders of the facts - the judges of the truthfulness and accuracy of the testimony and evidence.

## **Qualifications/Disqualifications for Jury Duty**

To be qualified for jury duty, the juror must be at least 18 years of age, a citizen of the United States, and a resident of Lackawanna County. There must not be a mental or physical infirmity which would render the juror incapable of efficient jury service and the juror must be able to read, write, speak, and understand the English language. In addition, the juror must not have been convicted of a crime punishable by imprisonment for more than one year (felony or misdemeanor 1 or 2 years) unless a pardon has been granted.

Pennsylvania law allows for exemption from jury duty. Valid exemptions include, but are not limited to: (1) persons in active military service, and (2) persons who demonstrate undue hardship or extreme inconvenience. There is no exemption for age. You can obtain additional information about jury services by going to the following webpage address: [www.lackawannacounty.org/viewdepartment.aspx?deptID=72](http://www.lackawannacounty.org/viewdepartment.aspx?deptID=72) and click on Frequently asked questions at the bottom of the page. If you have any questions regarding exemption from jury duty, please contact Jury Services, between the hours of 9:00 a.m. and 4:00 p.m., by calling (570) 963-6773, extension 7131.

## **Compensation for Jury Duty**

Jurors receive \$9.00 a day for the first three days of service. Beginning on the fourth day, the rate increases to \$25.00 per day. Jurors also receive

mileage of 17 cents per mile round trip from the Courthouse to their local post office for each day of service.

There is no legal requirement that employers must pay you while you are on jury service but they must give you time off to serve. Ask your employer what the company policy says; companies differ. Some employers ask you to supply proof that you were on jury service. Lackawanna County will provide you with a "JUROR LETTER" which verifies your service with the Court.

## **Parking and Entering the Courthouse**

Parking for jury duty is provided at the Scranton Parking Authority garage at the corner of Linden Street and North Washington Avenue. Enter off Linden Street or off North Washington Avenue. Jurors should bring their parking tickets with them to the Courthouse for validation. You must pass through security and a metal detector upon entering the courthouse. Jurors should not bring any of the following items with them to the courthouse: firearms, pellet guns, weapons of any kind, metal scissors, knives, ice picks, nail files, screw drivers, cigarette lighters, box cutters, chemical aerosol sprays, mace and pepper spray. Cellular telephones and laptop computers may be brought to the jury assembly room, but they must be turned off in the courtroom. You may bring a book or magazine to read. Do not bring children with you to jury service. Please make advanced child care arrangements for your day(s) of jury service.

## **Types of Court**

Generally, there are two Courts in Lackawanna County in which jurors serve. One is the Common Pleas Court - Criminal, in which persons are charged with crimes, and the other is Common Pleas Court - Civil, in which parties come to court to have their disputes resolved.

## **Length of Jury Service**

Lackawanna County has adopted a two day or one trial system. If you are not selected to serve on a jury during that period of time, you will be excused by the Court Administration Office. If you are selected, you will serve for the duration of the trial.

## **Frequency of Jury Service**

A person who has served as a juror one (1) or two (2) days will be exempt from jury service for a period of three (3) years.

# **Courtroom Accessibility to the Physically Challenged**

All courtrooms are accessible to people who use wheelchairs. If you have a hearing, sight or mobility concern, please advise the Court Administration Office prior to your service date by calling (570) 963-6773.

## **Courtroom Attire**

Business or casual business attire is appropriate in the courtroom. Jurors may not wear shorts, tank tops or halter tops.

## **The Voir Dire Examination**

In the jury assembly room, if you are selected, your name will be called and you will be assigned to a particular case and courtroom. When the parties and their lawyers are in the courtroom, a panel of thirty-five or more jurors is called. From this group of jurors, twelve will be selected to try the case. Sometimes alternate jurors, in addition to the twelve, may be chosen to take the place of jurors who may become ill during the trial. Jurors are questioned about their qualifications to sit as jurors in the case. This questioning process is called the voir dire. This is an examination conducted by the Judge or the lawyers. A deliberately untruthful answer to any fair question could result in serious punishment to the person making it.

The voir dire examination opens with a short statement about the case. The purpose is to inform the jurors of what the case is about and to identify the parties and their lawyers. Questions are then asked to find out whether anyone on the panel has any personal interest in the case or knows of any reason why he or she cannot make an impartial decision.

Parties on either side may ask that a member of the panel be excused. These requests, or demands, are called challenges.

A person may be challenged for cause if the examination shows he or she might be prejudiced. The Judge will excuse the juror from that case if he or she is satisfied with the reason for the challenge. There is no limit to the number of challenges for cause which either party may make.

The parties also have a right to a certain number of challenges for which no cause is necessary. These are peremptory challenges. The number of such challenges varies according to the charges in a criminal case. The peremptory challenge is a legal right long recognized by law as means of giving both sides some choice in the make-up of a jury. Jurors should clearly

understand that being eliminated from the jury panel by a peremptory challenge is no reflection upon the jurors intelligence, ability or integrity.

Those jurors not selected to serve on that jury panel will return to the Jury Assembly Room to await being sent to other courtrooms or to be dismissed from service.

## Glossary of Terms

**Alternate Jurors** - Additional Juror (s) impaneled in a civil or criminal case to be utilized in case of sickness or disability of another juror; generally in trials with expectedly long duration.

**Arbitrary** - In an unreasonable manner, as fixed or done capriciously or at pleasure, without adequate determining principle.

**Charge to the Jury** - The final address by a judge to the jury before verdict, in which the judge sums up the case, and instructs the jury as to the rules of law which apply to the various issues in the case, and which they must observed.

**Civil Case** - Laws concerned with civil or private rights and remedies, as contrasted with criminal laws.

**Court Clerk** - Officer of the court who may be responsible for filing and docketing pleadings, motions, judgments, etc., issues process, and keeps records of court proceedings. Functions and duties of clerks of courts are usually specified by statute or court rules.

**Court Of Common Pleas** - Courts wherein all civil and criminal actions are begun (except such as are brought before courts of inferior jurisdiction).

**Court Officers** - Individuals who assist in the smooth operation of the court by tending to the needs of not only the presiding judge but of witness and jurors.

**Criminal Case** - An action instituted to punish an infraction of the criminal laws.

**Cross-Examine** - The examination of a witness upon a trial or hearing, or upon taking a deposition, by the party opposed to the one who produced him, upon his evidence given in chief, to test its truth, to further develop it, or for other purposes.

**Defendant** - The person defending or denying; the party against whom relief or recovery is sought in an action or suit or the accused in a criminal case.

**Defense Attorney** - Attorney who files his or her appearance on behalf of a defendant and represents such in civil or criminal case.

**Deliberate** - To weigh, ponder, discuss, regard upon, consider. To examine and consult in order to form an opinion. To weigh in the mind; to consider the reasons for and against; to consider maturely; reflect upon, as to deliberate a question; to weigh the arguments for and against a proposed course of action.

**Deputy Sheriffs** - One appointed to act in the place and stead of the sheriff in the official business of the latter's office.

**District Attorney** - Under the state governments, the prosecuting officer who represents the state in each judicial district.

**Excused for Cause** - With respect to removal from a position, such as a juror for reasons that law and public policy recognize as sufficient warrant for removal. (See Peremptory Strikes below).

**Impartiality** - Favoring neither; disinterested; treating all alike; unbiased; equitable, fair, and just.

**Judge** - An officer so named in his commission, who presides in some court; a public officer, appointed to preside and to administer the law in a court of justice; the chief member of a court and charged with the control of proceedings and the decision of questions of law and discretion.

**Jurisdiction** - Power and authority of a court to hear and determine a judicial proceeding; power to render judgment.

**Juror Summons** - A written order ordering that a person to appear for jury duty.

**Magisterial Courts** - Courts of limited jurisdiction that may be divisions of courts of general jurisdiction, and may have concurrent jurisdiction with other courts. Commonly their jurisdiction is restricted to the handling of small claims, minor offenses or preliminary hearings.

**Magisterial District Judges** - A judicial Magistrate of inferior rank having jurisdiction limited to that prescribed by statute in civil matters and jurisdiction over minor criminal offenses, committing more serious crimes to higher courts.

**Peers** - Equals; those who are man's equal in rank and station.

**Peremptory Strikes** –The right of a party to challenge a juror with out assigning, or being required to assign, a reason for the challenge. (See Excused for cause).

**Plaintiff** - A person who brings in action; the party who complains or sues in a civil action and is so named on the record. In which he/she seeks remedial relief for an injury to rights.

**Presumed Innocent** - A principle that no person may be convicted of a crime unless the government has proved guilt beyond a reasonable doubt. A criminal defendant is presumed to be innocent unless and until the Commonwealth proves otherwise.

**Rules of Conduct** - The model rules of Professional Conduct of the American Bar Association set standards for such matters as client-lawyer relationships, fees, conflict of interest, role of lawyer as council or as advocate, transactions with persons other than clients, responsibilities of law firms and associations, public service, and dissemination of information about legal services. Such Rules replaced the former ABA Code of Professional Responsibility.

**Sequestered** - To separate or isolate; to sequester jurors is to isolate them from contact with the public during the course of a sensational trial.

**Striking of Jurors** - The selecting or nominating of a jury out of the whole number returned as jurors on the panel. It is especially used of the selection of a special jury, where a panel is prepared by the proper office, and the parties, in turn, strike off a certain number of names, until the list is reduced to twelve. A jury thus chosen is called a "struck jury."

**Subjective** - Relating to, or a characteristic that constitutes a subject.

**Summations** - On the trial of an action to a jury, a recapitulation by attorneys and, sometimes, a judge of the evidence adduced, in order to draw the attention of the jury to the salient points at issue. The council for each party has the right to offer a summation of the evidence, if he has adduced any, and the judge sums up the whole in his charge to the jury.

**Testimony** - Evidence given by a competent witness under oath or affirmation; as distinguished from evidence derived from writings and other sources.

**Verdict** - The definitive answer given by the jury to the court concerning the matters of facts committed to the jury for their deliberation and determination.

**Vested** - Fixed; accrued; settled; absolute; complete.

**Voir dire** – From the French, meaning to “speak the truth.” This phrase denotes the preliminary examination which the court and attorneys make of prospective jurors to determine their qualification and suitability to serve as jurors. Peremptory challenges or challenges for cause may result from such examination.