

HANDBOOK FOR JURORS: *A Concise Summary*

For more detailed information on jury service, please refer to the clerk of court's website: **www.stbclerk.com**.

This handbook is designed to complement the clerk of court's jury service web site and the video presented in the jury assembly room.

Please do not remove this booklet from the jury assembly room.

34TH JUDICIAL DISTRICT COURT

Clerk of Court Randy S. Nunez

Sheriff James J. Pohlmann

District Attorney Perry Nicosia

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INTRODUCTION

The 34th Judicial District Court welcomes you as a major player in the administration of justice. The right to a trial by a jury of one's peers is the cornerstone of American justice.

The Court knows that your time is valuable and that you are setting aside many important tasks in order to do your civic duty. We hope that your jury service nonetheless will be an enjoyable and rewarding experience.

Before you arrived this morning, we took every possible step to ensure that the cases set for trial during your service are ready to proceed. However, today's crowded dockets sometimes cause unavoidable delay. You may be called upon to wait, sometimes for considerable periods, before being escorted to a courtroom from the jury assembly room. Rest assured that the Court will do everything possible to minimize this problem. We appreciate your patience.

In the jury lounge there are various facilities: television, tables, reading materials, etc. Vending machines contain snacks and soft drinks. Water and coffee are available as well. If you must leave the lounge, please inform the jury clerk of your destination. Please do not loiter in the hallway on this floor

HOW JURORS ARE SELECTED

The names of all licensed drivers, registered voters, and income tax payers in St. Bernard Parish are placed into the computer system operated by the clerk of court. The names of deceased individuals are removed from lists provided by the La. Bureau of Vital Statistics. These listings are updated once a year for address changes, name additions, and name deletions. The computer runs a comparison to eliminate duplicate names and then selects names at random of those who will be summoned for jury duty.

ARE YOU QUALIFIED?

Louisiana law provides that a person must satisfy certain qualifications to be eligible to serve on a jury. A juror:

1. Must be a citizen of the United States and Louisiana and must have resided in St. Bernard Parish for at least one year immediately preceding jury service;
2. Must be at least 18 years old;
3. Must be sufficiently able to read, write and speak the English language;
4. Must not be under interdiction or incapable of serving as a juror because of a mental or physical infirmity, provided that no person shall be deemed incompetent solely because of the loss of hearing in any degree;
5. Must not be under indictment for a felony, nor convicted of a felony for which a pardon has not been granted.

If you do not meet all of these requirements, you should notify the Clerk of Court immediately in writing directed to the aforesaid mailing address, fax number or e-mail address. If you become aware of your disqualification after you arrive at the courthouse, notify the jury room personnel at the front desk of your disqualification.

SEQUENCE OF A TRIAL

After reporting to the jury assembly room, you may be assigned to a panel and sent to a courtroom. There, the judge will tell you the names of the litigants, the lawyers who will represent each, and the nature of the case.

You then will be questioned by the attorneys and the judge to ensure that you are qualified and can be impartial. This process is called “voir dire.” If, for some reason (your occupation, your opinion on certain issues, your knowledge of the case, etc.), it might be improper to seat you as a juror, the judge may excuse you from service. This is excusal “for cause.”

Each attorney may, as well, exercise a limited number of “peremptory challenges.” That is, an attorney may request the court to excuse a prospective juror for no apparent reason.

Please do not take any challenge personally. Challenges for cause and peremptory challenges are merely ingredients of trial strategy.

After voir dire, the jury is seated and the trial begins.

To ensure fairness, jurors must follow certain rules. During the trial, you may not discuss the case with other jurors or with any other person, not even members of your family. You should not allow anyone to talk about the case in your presence. Should anyone insist upon discussing the case, tell him that you are a member of the jury and must not hear any comments about it. If he persists in talking, determine his name, if possible, and quickly report the situation to the judge.

The Trial Begins

The plaintiff’s attorney (in civil cases) or the district attorney (in criminal cases) will make an opening statement telling the jury what he/she intends to prove. The attorney for the defense may also make an opening statement. THESE STATEMENTS ARE NOT EVIDENCE, only blueprints of the lawyers’ cases. In arriving at a verdict, you may consider only the testimony and evidence that is introduced during the trial.

After the opening statements, the plaintiff (or the D.A.) will present its case using witnesses’ testimony, various documents, or other exhibits. When that party finishes questioning a witness, the defense attorney may cross-examine. There are special rules of law governing what may be asked of a witness, how the witness may respond, and what the jury may properly consider as evidence. From time to time, an attorney may “object” to some testimony or procedure. The judge may ask the lawyers to approach the bench to discuss the matter, or he/she may allow them to debate openly. In either case, the judge will rule on questions of law and evidence and will tell you how the law requires you to treat a particular situation.

The defense then presents its case under the above format.

After both sides have presented their cases, each attorney makes a closing argument.

Like the opening statement, the closing argument is not evidence; and it may not be considered as such. It is simply the summation of the case and the lawyer’s claim of what he/she feels he has proved and what the other side has failed to prove.

After the closing arguments, the judge will instruct you as to the law that you will apply to the facts established at trial, what verdicts can be rendered, and the consequences of each verdict. You and your fellow jurors then will be escorted to the jury room for deliberation.

There, you will select one juror as the foreperson, who will preside over the deliberations and bring the verdict into court.

Don't be afraid to speak out as you and your fellow jurors deliberate. At the same time, respect the opinions of others when they seem reasonable. If your fellow jurors can show you that your viewpoint isn't sound, yield gracefully. But if you honestly believe that your position is stronger, hold firm. The jury concept is based upon the assumption that jurors will arrive at a decision after full and frank discussion and calm, unbiased reasoning.

When you have reached a verdict in accordance with the court's instructions, you should so notify the bailiff. However, you are not to disclose your decision to the bailiff or to anyone else. The bailiff then will notify the judge, who will make the appropriate arrangements to receive the verdict. The foreperson will, after the judge so directs, read the verdict in open court.

One of the parties may ask, or the Court may order, that the jury be polled, in which case the clerk will ask each juror individually if this is his or her own verdict.

The judge then will thank you for your invaluable service and dismiss you.

EXEMPTIONS

One may choose to claim an exemption from jury duty only if:

1. He/she served as a grand or petit juror or in a central jury pool less than two years before the service date on the summons.
2. He/she is at least 70 years old as of the service date on the summons.

No exemption is automatic. One must assert it by contacting the jury commission by mail, fax, phone, or e-mail. The address and numbers are as follows:

Clerk of Court - Parish of St. Bernard

1101 W. St. Bernard Highway

Chalmette, La. 70043

Phone: (504) 271-3434

If a person has failed to claim an exemption before reporting for jury service, he/she may do so in the jury assembly room on the service date, unless he has already been assigned to a jury panel.

CONCLUSION: A PARTING MESSAGE FROM THE CLERK

For many, jury service is a rewarding experience. But for some, it can be intimidating, frustrating, and even emotionally disturbing. For everyone, this call to duty is an interruption of the normal rhythm of life. It causes inconvenience, disruption of family life and/or work routines, and, sometimes, financial loss.

Despite all of this, I hope that you regard this crucial service to the community as time well spent. The court and I profoundly appreciate your invaluable contribution to the justice system.

Kindest regards and best wishes,

Randy S. Nunez

St. Bernard Parish Clerk of Court

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