



JUROR' S GUIDE

**Your Role as Juror in the
Colstrip City Court Trial Process**



Dear Juror:

It is a privilege to welcome you as a juror in this court and thank you for your time and willingness to serve your community in this capacity.

The right to a trial by jury is guaranteed under the United States constitution and the Constitution of the State of Montana. The effectiveness of the jury system depends upon the willingness of all citizens to perform their duty as jurors, as well as their ability to be fair and impartial while deciding the facts and applying the law as instructed. Yours is a serious duty, and is of great importance to all those involved.

I believe that you will find jury service interesting and that you will achieve some satisfaction knowing that you made a significant contribution to our justice system, which was created to serve all citizens. It is my hope that this guide will assist you in the proper execution of your role as a juror.

While jury service may sometimes be inconvenient, it is an extremely important civic duty. Without citizens willing to serve as jurors, the American system of justice could not exist.

Again, I thank you for your service as a juror in Colstrip City Court.

Sincerely,

Honorable Gail D. Beckham
Colstrip City Judge

Juror Selection Process:

Jury selection begins when a name is randomly selected from drivers' license numbers by the Clerk of Court of the Sixteenth Judicial District of Rosebud County. Approximately 300 names are selected each fiscal year and provided to the Colstrip City Court. Those individuals are mailed a Jury Notice along with a Juror Questionnaire and Affidavit to Claim Excuse. Once the questionnaires are returned, the Judge reviews them and makes a determination which individuals may be excused, temporarily or permanently. The Court then compiles the master list of eligible jurors for the current fiscal year which runs from July 1st to June 30th. Generally, when a jury trial is scheduled, 25-30 persons are randomly chosen and issued a Juror Summons to appear for jury duty on a given date; a total of six persons are chosen to serve as jurors for that particular case.

Failure to complete and submit your Juror Questionnaire does not remove you from jury duty. Also, you will not be excused for any health or medical condition until the Court receives a signed letter from your doctor.

It is the policy of the Colstrip City Court to grant requests for excusal on an individual basis; this may be for health reasons, which requires a doctor's letter, and in certain hardship cases. It is expected that the prospective jurors will not abuse this policy.

Types of Cases Heard in Colstrip City Court:

As a juror in Colstrip City Court, you will be called to hear either a criminal case (*including traffic*), violation of a city ordinance, or a civil case. All cases are misdemeanor offenses, meaning that the maximum penalty which may be imposed is six months jail and a \$500.00 fine; certain high misdemeanors are punishable by up to one year in jail and a \$5,000.00 fine.

The Rosebud County Attorney prosecutes all related offenses filed in Colstrip City Court. Cases involving a violation of city ordinances are prosecuted by Colstrip City Civil Attorney. In criminal and traffic the City of Colstrip/State of Montana is referred to as the Plaintiff. The

person accused of the crime is the Defendant. In civil cases, the party initiating the lawsuit is referred to as the Plaintiff and the person against whom the suit has been filed is the Defendant.

The Role of the Juror:

- Report on time and be prepared to stay.
- Be well groomed and dressed appropriately. (*T-shirts with derogatory statements or offensive language and "flip flop" type shoes are not considered appropriate attire*)
- Listen carefully to all evidence presented during the trial.
- During deliberations, discuss the evidence with fellow jurors and decide what the facts are, based upon which witnesses and evidence you believe.
- Apply the law, as explained by the judge, to the facts, as determined by you.
- Do not do independent research or investigation.
- Determine the money damages in some civil cases.
- In criminal cases, decide whether the defendant is guilty or not guilty based on your determination on what the facts are and the evidence that supports those facts.
- If necessary, address the Judge as "Your Honor" or "Judge" during court proceedings (*even though you may know him/her personally outside of the court*).
- Arrive at a fair and just verdict.

The Role of the Judge:

- Maintain proper decorum and control of the courtroom.
- Ensure that each party has the opportunity to present his or her case.
- Ensure that the trial process proceeds in a lawful and expedient manner.
- Instruct the jury on the law as it applies to the case.
- Determine a just and proper punishment in accordance with the law

The Role of the Clerk:

- Opens Court and makes sure that all parties return to the courtroom when the Court reconvenes.
- Registers all jurors and makes sure that the jurors and witnesses called submit a signed claim form for payment of their services.
- Calls roll for the jurors and randomly selects potential jurors to sit on the jury the day of trial.
- Administers the oath to jurors and witnesses.
- Takes minutes and assists the Judge with paperwork and court procedure.
- May also serve as the Bailiff

The Role of the Bailiff:

- The Bailiff may be a law enforcement officer or the Court Clerk.
- He/She is responsible for helping to maintain proper order and procedure in the courtroom
- Takes charge of the jury throughout the course of the trial, standing guard outside of the jury room during jury deliberations to make sure that there is no communication between the jury and any of the other parties involved in the case.

The Jury Trial Procedure:

- Roll call of jurors and oath of qualification
- The names of (12) Jurors and (2) alternate Jurors will be randomly drawn as prospective jurors
- Voir Dire of prospective Jurors by the City Prosecutor
- Voir Dire of prospective Jurors by the Defendant / Defense Counsel

- Selection and swearing in of (6) Jurors to decide the case
- Preliminary Jury Instructions given by the Court
- Opening Statement given by the City Prosecutor
- Opening Statement given by the Defense *(May be reserved until after the State has presents its case in chief)*
- Testimony of the State's witnesses
- Opening Statement by the Defense *(if not given earlier)*
- Testimony of the Defense witnesses
- Final Jury Instructions given by the Court
- Closing Argument given by the City Prosecutor
- Closing Argument given by the Defense
- Final Argument / Rebuttal by the City Prosecutor
- Case submitted to the Jury for its deliberation
- Verdict and Dismissal of Jury

Voir Dire:

When jurors report for jury service, they will be interviewed by the prosecutor and the defendant through a process known as "voir dire". This is a French term meaning "to tell the truth".

The purpose of voir dire is to determine whether any views held by a potential jury will hinder his or her ability to act and decide impartially. It is very important that you answer these questions openly and honestly. If for any reason you prefer not to state your answer in open court, you may ask the Judge to discuss the matter in the Judge's chambers.

Juror's Oath:

By taking the Oath of Juror, you swear that you will try the matters at issue and render a true verdict according to the evidence and the law as given. As a juror, you are the judge of all questions of fact. You must act fairly and impartially and are not free to act upon your own personal feelings and emotions.

Alternate Jurors:

In addition to the six jurors selected to try a case, one or more alternates will also be selected. If a juror becomes ill or is unable to fulfill the terms of his or her oath for any reason, he or she will be replaced by an alternate juror.

Juror Conduct:

Once you have been chosen as a trial juror, you will be asked to conduct yourself accordingly.

- You must sit in the same seat in the jury box.
- You need to be on time for court sessions and may not be allowed to leave unless given permission by the Judge.
- You may not discuss the case, even with other jurors, except in the jury room during your deliberation. If any person attempts to talk to you about the case or discusses any issues pertaining to the case with another person in your presence, you will be required to report it to the Judge or Bailiff immediately.
- You may not inspect the scene unless specifically ordered to do so by the Court and you may not conduct your own research. To do so may result in a mistrial.
- You may not listen to radio or television accounts or read articles about the case during the trial; this includes Internet articles and use of a cell phone with internet access. You must not indicate during trial, by exclamations, facial expression, or body language, on how any of the evidence or incidents of trial affects you.
- All of the parties in the case expect that you will remain fair and impartial, and that you will reserve your opinion of any evidence until you have discussed it with your fellow jurors during your deliberation.

- If you are in doubt as to your rights or duties as a juror, please ask the Judge for instruction.
- If any emergency arises affecting your ability to continue your duties as a juror, you should consult the Judge about it.

Conferences Outside of the Hearing of Other Jurors:

From time to time, the Judge and or attorneys may engage in conversations outside of the courtroom and presence of the jury. This occurs when legal or procedural matters must be discussed privately to minimize any confusion and ensure that the jury only hears the facts of the case. When this occurs, you should not draw any conclusions as to what might be said outside of your hearing.

Objections:

During trial, lawyers may make an objection to a question asked or physical evidence (*referred to as an exhibit*) offered by the opposing party. If the Judge believes that the question or evidence is not proper or legally admissible, the objection will be sustained. If the judge believes the party is mistaken in his objection, the objection will be overruled and the testimony or exhibit will be allowed and entered as evidence. Both parties have the right to make an objection and the Judge will rule on it in accordance with the law. Sometimes it may be necessary for the Judge to take a recess in order to properly address the issue and render a decision. As a juror, you should make no inference based on the Judge's decision not to allow the evidence to come in.

Hearing and Seeing Witnesses and Evidence:

As a juror, you will need to pay close attention to each witness who testifies, in order to hear what is said and to observe the witness's actions and demeanor. You must also be able to hear and view any video or audio evidence. If you cannot hear or your view is obstructed, you must notify the Judge immediately. You will be given a pencil and paper to make notes during the trial. You may not remove those notes from the courtroom or share your notes with anyone other

than your fellow jurors, and only during your deliberation. Once you have rendered your verdict, the notes must be handed over to the Bailiff.

Jury Deliberation Process:

After the evidence has been presented and the prosecution and defense rest their case, the Judge will instruct you on the law and give you guidance on what procedures will need to be followed during jury deliberations.

The first thing you and your fellow jurors will be instructed to do is choose a Foreperson, which will be responsible for seeing that each juror is treated with respect and has an opportunity to speak. That Foreperson will also ensure deliberations proceed in a calm, non-confrontational manner; that the jurors do not rush to come to a verdict; and that the verdict returned is fair, impartial and based upon the facts and the judge's instructions. If during the deliberations the jurors have a question, the Foreperson shall write the question, sign it, and present it to the Clerk/Bailiff who will then give it to the Judge.

In criminal cases, a unanimous verdict is required. In all civil actions, four of the six jurors must be in agreement. If ballots are used, the Foreperson will oversee that process.

After the Verdict is Reached

When the jurors have reached a verdict, the Foreperson will sign the verdict form and advise the Clerk/Bailiff. The Judge will call everyone back into the courtroom and the verdict will then be announced. The parties may ask the Judge to poll the jurors as to their individual votes. The jurors are then dismissed, but may stay for sentencing in the event of a guilty verdict.

Once dismissed, jurors are permitted to talk about the case. However, no juror is allowed to disclose what another juror said in the jury room during deliberations.

Commonly Asked Questions:



Who is eligible to serve as a juror?

Anyone who is 18 years of age or older, who is a citizen of Montana and a resident within the city limits of the City of Colstrip and who has not been convicted of a felony is eligible.



What happens if I ignore my summons for jury service?

A jury summons is a court order. If you ignore it, you are subject to arrest and prosecution for Contempt of Court for failure to comply with a court order. The Court may also order that your driving privileges be suspended, which requires a reinstatement fee to restore your privileges. If you are caught driving while suspended, the penalty is a mandatory two days and possible 6 months incarceration in the county jail, a fine of \$500.00, and further suspension of your driving privileges



What if I have a scheduling conflict?

In those cases where your schedule may preclude you from serving as a juror, the Court will try to accommodate you. In the furtherance of justice, however, there will be times when the Court will not be able to accommodate your request. It is important that you do not ignore the summons, but instead call the Court to see what can be done.



Will I be paid for serving as a juror?

Yes. You will receive \$12.00 for reporting for jury duty and if selected to serve on a jury, you will receive an additional \$13.00 the first day and \$25.00 per day thereafter.



What if I am disabled?

If you have a disability that would effect your ability to serve as a juror, you should contact the Court immediately upon receiving your

summons so that appropriate steps may be taken to accommodate your needs.



What if my employer doesn't allow me to serve?

The law prohibits any employer from preventing an employee to serve as a juror. The law also prohibits your employer from depriving you of benefits because of jury service, such as requiring you to use vacation or personal time to serve.



Is my employer required to pay my wages while I serve as a juror?

If you work for the government, your employer must pay you. If you work in the private sector, your employer does not have to pay you.



If I appear for jury service, am I guaranteed to serve as juror?

No. More people are called than actually serve because there is no way to predict exactly the number of jurors needed to serve. This is because there may be some jurors that have to be excused for some unexpected reason.



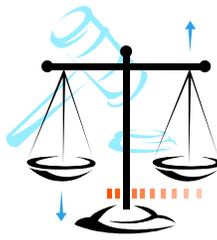
How long do most trials take?

Generally, trials in Colstrip City Court do not last more than a single day. However, that is not always the case.



How often do I have to serve as a juror?

There is no limit on the number of times your name may be drawn for service. However, once Colstrip City Court has called all of the 300 names on the master list at least once, then all of the names are put back in the master list of potential jurors to be drawn as needed.



ADDITIONAL TIPS FOR JURORS:

- Wear clothing that is not restricting, as you may be sitting for long periods of time. It is also advisable to wear layers of clothing, as the temperature in the courtroom may vary depending on the weather.
- If you have any special needs that the Court can assist you with, please notify the Court immediately upon receipt of your Summons.
- Please arrange for child care before reporting for jury duty, rather than waiting to hear if you are going to be called to serve that day.
- Be sure to make all necessary arrangements with your family members and your employer or employees, in anticipation that you will be called and may be in trial the entire day and possibly throughout the evening.
- Make sure that you can commit yourself for more than one day in the unlikely event that the trial does last longer than expected.
- The Colstrip City Court will sequester the jury during their lunch hour and will provide your lunch at no cost to you. Therefore, please inform the Court Clerk immediately upon reporting if you will require a special diet.
- The Court wants your experience to be a pleasant and enjoyable one, as well as educational. Please contact the Court if you have any other questions or there is anything it can do to assist you.
- As a juror, you may park in the front or back parking lots of Colstrip City Hall. Handicap Parking is available in the back of the building.



FINAL COMMENT AND COURT INFORMATION

The purpose of this pamphlet is to help you better understand the jury trial process in Colstrip City Court, to inform you of what you can expect when serving as a juror in this Court and to emphasize the critical role that jurors play in the American justice system.

It should not be considered a substitute for any instructions given to you by the judge during trial.

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Tuesdays and Thursdays
8:00 A.M. to 5:00 P.M.