**NAME:** Margo Martin

**LESSON:** Jury Duty and Jury Selection

**SOURCE:** Activity adapted in part from “Unit 1 Activity, Jury of Your Peers” available at <http://www.glencoe.com/sec/socialstudies/street_law/textbook_activities/unit_web_activities/pdfs/Unit01a_activity.pdf>; “Pick Twelve: An Interactive Jury Game for Secondary Students” available at <http://www.texaslre.org/downloads/jurygame.pdf>;

**TIME ALOTTMENT:** 50 minutes

**MATERIALS:** PowerPoint on Jury Duty and Jury Selection; Hypothetical; prospective juror profiles activity handout; and exit ticket (attached)

1. **Goals**
   1. Introduce the jury system to the students.
   2. Highlight the significance of the jury in the American legal system.
   3. Introduce students to the process of becoming a juror.
2. **Objectives**
   1. **Knowledge:** After this lesson students will be better able to:
      1. Define the words summons, jury pool, voir dire, deliberate and verdict.
      2. Identify the role of the jury in the trial process.
      3. Explain the process by which jurors are selected to serve.
      4. Explain the process by which jurors are selected to be impanelled.
   2. **Skills:** After this lesson students will be better able to:
      1. Identify possible sources of bias against a particular side of a case.
      2. Identify possible biases among the jury pool.
   3. **Attitude:**  After this lesson students will be better able to feel:
      1. Their participation in the jury system is important.
      2. The jury system is in place to protect their rights.
3. **Classroom Methods** 
   1. Accessing Prior Knowledge.

How many students have had their parents serve on juries?

How many students have a drivers’ license or a Washington State ID card? How many students are registered to vote? Did you know that the information gleaned by the State from those things is used to develop the pool of who can be selected for jury duty?

* 1. PowerPoint on Jury Duty
     1. Why we have a jury:
        1. U.S. Constitutional requirement.
           1. Art. III, Sec. 2: “Trial of all crimes… shall be by jury”
           2. Amd. V: “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed.”
           3. Amd. VII: “In suits at common law\*\*, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved.”

\*Suits at common law means: civil suits rather than criminal trials.

\*\*Value in controversy means: the amount that the parties are fighting over.

Questions for thought and analysis: When Amd. VII was passed (along with the rest of the Bill of Rights) do you think that $20 meant what it does today? In 1800, if I brought a suit against my brother because I lent him money to buy a pair of shoes and he didn’t pay me back, could I have a jury hear the case? Could I today?

* + 1. Who or What is a jury?
       1. An impartial body of the defendant’s peers, which acts as the trier of fact\*.

\*Trier of fact: The jury hears the case and decides WHAT happened. They decide whether what the plaintiff or prosecutor says happened, really did. The judge still makes the legal rulings.

Teacher’s note: In Washington criminal trials it is 12 people. (Usually there are also alternates, in case someone gets sick, or a juror must be removed. All jurors hear the case, but only 12 deliberate).

* + 1. Who is a jury member?
       1. A citizen of the U.S., living in the jurisdiction, over 18, and able to communicate in English.

Questions for thought and analysis: Why would it be important that the jury be able to communicate in English? (Because that is the language that the evidence will be presented in). What if the defendant is blind- Is he entitled to a jury that includes at least one blind person? Should he be? Why or why not?

* + 1. What is the jury’s job?
       1. Trier of fact: See and hear the evidence and testimony and deliberate\* to reach a verdict.

Teacher’s Note: In Washington criminal trials, the jury must be unanimous to either convict or acquit. In other states that is not always the case.

\*Deliberate means they must talk to the other jurors.

Teacher’s Note on deliberation: If the jury goes back and draws straws to determine guilt or innocence, that verdict is not valid. If someone finds out that is what happened, the verdict may be overturned because it violates the defendant’s rights.

* + 1. How and when does a person serve on a jury?
       1. When they are summoned\*.

\*Summoned means called to serve on the jury.

Teacher’s note: Potential jurors receive a letter (summons) from the court in the mail, telling them where and when to report for duty).

* + - 1. Jurors usually serve for one week or less, but they may serve longer.

e.g.: OJ Simpson’s criminal trial went on for months, and those jurors had to serve the whole time.

* + - 1. Jurors are compensated for their time, but not a lot.

Teacher’s Notes: Compensation for jurors (in King County) is $10 per day plus a stipend for mileage.

Many employers also pay jurors their wage while they are serving, but employers are not required to do so in Washington.

* + - 1. Jurors may not be fired, or receive detrimental treatment at their jobs for serving on jury duty.
    1. Can potential jurors be excused from service?
       1. Yes. For unusual hardship\*, illness or disability.

\*Unusual hardship means anything which is beyond the average sacrifice

e.g.: A single parent may be excused because of childcare concerns. A low income potential juror may be excused if the financial impact is too significant.

* + - 1. You MUST respond to the summons. Willful failure to respond is a misdemeanor.

Teacher’s Note: A summons will explain how a juror is required to respond. Sometimes a letter will be sufficient to be excused from service.

* 1. Power Point Continues for Juror Selection:

Teacher’s Note: We have talked about how a potential juror gets called by the court to serve, and how a person may be excused from jury duty all together. We are now going to talk about the process by which a member of the jury pool (all potential jurors) gets selected by the attorneys and the judge to serve on a jury for a specific case.

(Note on applicability: The jury selection process is different depending on the jurisdiction, some of the major differences are noted. All general information is true in King and Pierce Counties in Washington.)

* + - 1. What is VOIR DIRE? Voir = latin for “that which is true” Dire = Latin for “to say.” Together the phrase is an adaptation from the Latin oath to tell the truth. (Verum Dicere).
      2. Each side gets to ask questions of the jury pool.

Teacher’s Notes:

The first step is for the jurors to fill out a jury questionnaire. On these forms, the attorneys will ask basic questions which will help them to weed out jurors with serious potential biases.

Often the people removed from this process are those who know someone involved in the case; the attorneys, judge, victim or defendant.

In some courts the judge will read each juror questions submitted by the attorneys ahead of time. In other courts, the attorneys for each side will have a chance to address the jury pool as a whole, and ask jurors their questions directly.

Often, a juror who is uncomfortable relating information in front of the entire pool will be asked questions individually when the rest of the jury pool has been excused from the courtroom.

All questions are asked in order to see if the jurors have any potential biases toward one side of the case or another. If a potential bias is uncovered, the juror may be stricken or removed.

* + 1. Two ways of removing a juror:
       1. For Cause: because they have expressed or otherwise indicated a bias.
       2. Peremptory challenge: for any reason or no reason at all.

Teacher’s Notes:

Peremptory challenges are usually limited in number. The number granted may change based on the State, the jurisdiction or the judge.

Even under the peremptory challenge, a juror may not be stricken because of their race, or their gender. ***Batson v. Kentucky***.

* 1. Begin activity:
     1. Tell the students to read through the scenario individually and think about what information they think might be important to keep in mind if they were questioning jurors during voir dire as the attorney for each side.
     2. When everyone is done reading, divide the class into groups of two. Together, each pair will read the potential juror profiles, and come up with 5 questions they would want to ask all members of the pool as the lawyer for the prosecution, and 5 questions as the lawyer for the defendant.
     3. Have each pair will report their questions to the class as a whole. Compile a list of the questions asked.
     4. If time allows:
        1. Assign half of the pairs to be prosecution, and half to be defense. Ask them to discuss the jury pool list and decide which potential jurors they would want to strike in order to have the best jury for their side.
           1. Remind students that in Washington, a jury is made up of 12 people, and the judge is likely to leave 2 alternates on the panel. This means there must be 14 jurors left after potential jurors are stricken.
           2. Ordinarily a jury pool would be made up of a good deal more than 20 jurors. The number of jurors summoned will depend on the case being tried. i.e.: In a highly publicized case, a very large jury pool may be summoned because of the potential for jurors to be dismissed because of prior knowledge of the case from the media.
           3. Remind students of the ***Batson*** rule: no juror may be stricken solely on the basis of race or gender.
        2. Ask the pairs to share which jurors they decided to strike, and why.
     5. Debrief:

Questions for further thought and analysis: The process of voir dire is intended to keep the jury from deciding the case based on personal biases rather than the facts and evidence presented at trial. Do you think this process will weed out all biased jurors? Why or why not? Do you think that the process helps to keep a trial fair? Why or why not? If you could change the process, how would you do so? Why?

1. **Evaluation**
   1. Give each student their “exit ticket” and explain that they must answer the questions on the sheet and hand it to the teacher on their way out the door for the day. They may use their notes from the class, or help each other, but each student must hand in their ticket before they may leave the classroom.
   2. Alternatively- if time did not allow the second part of the activity to be completed, have students complete the activity as homework and return it during the next class period.

Activity:

Read through the following scenario, keeping in mind that you will be in charge of weeding out the jurors who may possess a bias toward one side or another. Underline what you think may be important to know as the attorney for the State. Circle what you think may be important to know as the attorney for the defendant.

When everyone has finished reading, you will be partnered with a classmate to begin the process of selecting your jury.

Scenario

Jessica Ho is a 22 year old waitress in Seattle. She has been charged with reckless endangerment because she was driving 20 miles over the speed limit in a school zone. Jessica’s friends describe her as a party girl, but she has a long record of community service in Seattle.

On Tuesday, October 23rd at 3:00 in the afternoon, Jessica was driving through the school zone, when she flew around a corner and nearly hit a middle schooler, Michael Jones, who was crossing the street. The child was able to get out of the way, but fell and received minor injuries from jumping out of the way.

Officer Guerrero had seen Jessica speeding down the street, and responded when he saw the near miss. Jessica stopped to be sure the child was ok, and stayed to answer Officer Guerrero’s questions. Officer Guerrero is a sixty-year-old police officer who has served on the force for over twenty years and has a good reputation in the community.

Jury Pool

With your partner, come up with five questions you would want to ask each person in the jury pool as the attorney for the State, and five questions you would want to ask as the jury for the defendant.

Below is the information you know from questionnaires given to the pool, and from sight.

Remember: While race and gender may be easily visible, you may not use them as the basis for removing jurors from your panel.

Juror #1

Female, 76 years old, mother of 4, homemaker

Wearing business clothes, Pacific Islander

Juror #2

Female, 23, no children, college student

Wearing jeans and a button down, African American

Juror #3

Male, 40, father of 2, accountant

Wearing khakis and a polo, White

Juror #4

Male, 35, no children, lawyer

Wearing a suit and tie, Hispanic

Juror #5

Male, 64, father of 1, truck driver

Wearing slacks and a button down, White

Juror #6

Female, 40, mother of 1, waitress

Wearing a skirt and cardigan, African American

Juror #7

Female, 39, no children, dental hygienist

Wearing jeans and a sweater, Southeast Asian

Juror #8

Male, 43, father of 2, soccer coach

Wearing track pants and a warm-up jacket, Hispanic

Juror #9

Female, 46, mother of 5, day care provider

Wearing jeans and a T-shirt, White

Juror #10

Female, 76, mother of 1, retired

Wearing a floor-length skirt and sweater, Asian

Juror #11

Male, 18, no children, mechanic

Wearing jeans and a sweatshirt, African American

Juror #12

Male, 22, father of 2, mail carrier

Wearing slacks and a polo, Middle-eastern

Juror #13

Female, 30, mother of 3, sales clerk

Wearing a jean skirt and a sweatshirt, Pacific Islander

Juror #14

Female, 20, no children, unemployed

Wearing a sun dress, Asian

Juror #15

Male, 34, no children, student

Wearing khakis and a T-shirt, African American

Juror #16

Male, 40, father of 1, taxi driver

Wearing slacks and a blazer, Hispanic

Juror #17

Female, 19, no children, dog walker/nanny

Wearing jeans and a cardigan, African American

Juror #18

Male, 43, father of 1, police officer

Wearing jeans and a button-down shirt

Juror #19

Male, 59, father of 3, teacher

Wearing slacks and a polo

Juror #20

Female, 18, no children, unemployed

Wearing a skirt, tank top and sweatshirt

**Name:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**EXIT TICKET**

Answer the following questions and hand your sheet in on your way out of the classroom. You may use your notes from class. You may work with a partner if you choose.

1. What is a summons?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. What is a juror’s job during the trial?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. When can a case be tried by jury?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. How can a person be excused from jury duty?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. What criteria can NOT be used to remove a juror?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_