

Welcome to jury service. Your help is needed to answer important questions of fact. The judge, attorneys, and parties need you to determine facts which are in dispute. You may find the work difficult and possibly not as exciting as you would expect. We realize that your daily life is interrupted; we appreciate your help in this important process.

Most jurors find being a juror to be a positive experience—they have the opportunity to learn about our legal system and serve their community. The court staff will try to make you comfortable.

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## CIVIC RESPONSIBILITY

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Jury service is an important civic responsibility. You are directly involved in making the justice system work. Your effort helps preserve the right to a fair trial by a jury comprised of fellow citizens.

These rights were not easily achieved, nor kept without conflict. The right to a jury trial was firmly established and carefully preserved in the Constitutions of the United States and Ohio.

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## JUROR'S OATH

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As a prospective juror, you will be asked to take an oath—to swear or affirm to truthfully answer any questions about your qualifications to serve as a juror in this particular trial.

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## CIVIL CASE

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### PLEADINGS

A civil case begins when the plaintiff files a written complaint with the court. In response, the defendant files a written answer. These papers are known as pleadings—they establish the issues in

dispute. Pleadings are not evidence, but merely allegations of the parties.

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## CRIMINAL CASE

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### THE GOVERNMENT AS A PARTY

A criminal case involves the State of Ohio (or a municipality) as plaintiff against the defendant. Representing the state, the prosecuting attorney alleges that a law has been broken. Crimes are identified in the Ohio Revised Code or in local ordinances. Since crimes are considered to be against society as a whole, the government is responsible for enforcement.

The prosecutor must prove every element of an alleged crime. A “not guilty” plea denies all the material allegations which are listed in the indictment or charge.

Jurors may not discuss or consider the subject of punishment. By law, if the defendant is found guilty, the judge must determine the appropriate punishment.

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## TRIAL PROCESS

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### JURY SELECTION

The judge and attorneys for the parties will ask you questions. These questions are not designed to pry into your personal affairs, but to discover if you have any knowledge of the case, a preconceived opinion that you cannot put aside, or if you have had any experience that might cause you to identify yourself with one of the parties. The questions are necessary to assure the parties a fair and impartial jury. Although you are qualified to serve as a juror, something might disqualify you in a particular case.

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*“Jury service is an important civic responsibility.”*

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The attorney for each side may challenge a prospective juror for cause and also may peremptorily (without a specific cause) challenge a juror. These challenges do not reflect on your ability or honesty. It only suggests that a party feels something in your personal background or responses might make it difficult for you to decide in favor of that party. The court will instruct you on the law as it applies to challenges of jurors.

### EVIDENCE

After jury selection and opening statements, the plaintiff presents evidence; then the defendant may present evidence. The plaintiff may then offer additional evidence to explain or refute the defendant’s evidence. Most evidence is presented by the oral testimony of a witness under oath. Each attorney calls the witness and begins direct examination; then the opposing attorney proceeds with cross-examination. After cross-examination, the first attorney may ask more questions on redirect examination.

The judge exercises control over the questioning of witnesses and the presentation of evidence to ensure a fair trial.

Evidence consists of witness testimony, exhibits, facts agreed upon by counsel, and facts the court requires you to accept. It does not include pleadings, opening statements, attorneys’ arguments, or testimony which has been stricken from the record.

The judge is responsible for admitting evidence into the trial for your consideration. You are responsible for deciding what is to be believed. Do

not speculate as to why the judge sustained, explained, or overruled an objection; nor infer probable answers from suggestions made in questions left unanswered. In evaluating testimony, apply tests of truthfulness you apply in your daily life. Witnesses need not be believed simply because they are under oath. You may believe or disbelieve all or any part of testimony given by any witness.

### INSTRUCTIONS

At the conclusion of the evidence and final arguments, the judge instructs the jury as to the questions which it is to decide and the law to be applied to the evidence presented.

### VERDICT

The jury then returns to the jury room to deliberate—to decide the facts based on evidence presented and to apply the law as instructed by the judge. A fair verdict is of primary importance to both parties. In Ohio, civil cases require a vote of at least three-fourths of the jury to reach a verdict. The jury in a criminal trial must find a defendant “guilty” or “not guilty” by a unanimous vote.

As jurors, you determine the facts which are in dispute. Errors in law can be corrected by the trial judge, or by the court of appeals, but a jury’s error of fact may never be corrected. You have a serious responsibility.

### JUROR’S CONDUCT

While a case is being tried, you may not talk about it among yourselves, or with others, nor should you listen to outside conversations regarding the case. You may not mingle with lawyers or witnesses during a recess, nor accept such favors as a ride home from witnesses, parties, or attorneys. If any interested party approaches you or other jurors, immediately report this communication to the judge. Each juror must retain impartiality.

### JURY DELIBERATIONS

After the judge gives the final instructions, the jury returns to the jury room. Your first task is to select a foreperson to conduct proceedings. Then, in an orderly fashion, discuss the issues until they are well and fairly understood. Contribute your views to every question. After a free exchange of ideas, you should not hesitate to change your original opinions should you feel convinced that another view is better. The foreperson directs the taking of ballots and delivers the final jury verdict to the court at the conclusion of the trial.

### JUROR COMPENSATION

Jurors are compensated for their service. Compensation varies among counties and is set by the Board of County Commissioners. The fee which you receive pays little more than out-of-pocket expense; it does not reflect the value of the service you perform.

### CAUTION

This pamphlet is to help you understand your job as a juror. It is not intended to advise you about the law. This is the judge’s job, and the law can be different in each case. If you need help with a point of law—please ask the court.

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## JURY SERVICE A CITIZENS GUIDE

