

# The Minnesota jury system- Your share in justice

The right to a jury trial is a fundamental one in our legal system. In the words of Sir William Blackstone, the eminent 18th century English legal scholar, the trial by jury is “. . .the grand bulwark of our liberties. . .the most transcendent privilege which any subject can enjoy or wish for.” The right of the defendant to fair legal process includes having his or her fate determined by “a jury of peers,” meaning representative members of the community. However, this right is dependent on those citizens who participate in the process.

Jury service provides citizens with one of the few opportunities to actively participate in the workings of their government. To participate effectively, students must understand the role of the jury in the legal system. This lesson introduces students to the role of a jury in the trial process. It is a companion lesson to the video “*Your Share in Justice - Jury Service in Minnesota*” produced by the Minnesota Supreme Court. It is possible for the teacher to conduct the same discussion without the video by relying on the information in the **TEACHER BACKGROUND: Jury System in Minnesota**.

## Students will:

1. Understand the duties of jury service as an active form of citizenship.
2. Understand the role of a jury in the trial process.

**Materials needed:** (Optional) Video, “*Your Share in Justice - Jury Service in Minnesota*.”

**Time needed:** 1 class period

**Grade level:** Grades 7-12

## Procedure:

1. Ask your students to imagine that their parents have received a summons to report for jury service. What questions would they have about being on a jury? Brainstorm questions and list on board. Sample questions may include:

How are people selected for jury service? Who picks them? Why are large numbers of people called for jury service and some never actually hear a case? What types of juries are there? How many people actually sit on a trial jury? How are they selected?

What is the job of a juror? Do they get paid? Should a juror prepare? What do they actually do during a trial? How do they make their decisions?  
Why is the jury system important? How does it make the legal process fair?

## Procedure cont.

2. Ask students to discover answers to the previously generated questions while viewing the video “*Your Share in Justice - Jury Service in Minnesota.*” This ten minute video has been produced by the Minnesota Supreme Court to familiarize all citizens with the jury system. The tape will discuss the importance of juries in our judicial system, jury selection, voir dire examinations, steps in a trial, and jury deliberation. Other information on juries is provided in the **TEACHER HANDOUT: Jury System in Minnesota.**
3. After viewing the video, ask questions such as the following:
  - A. What should a person know before serving on a jury? Why is it most important for a juror to have the ability to be fair and use good common sense?
  - B. What is a voir dire examination of jurors? What is the difference between striking “*for cause*” and a “*peremptory*” challenge? Why did defense counsel excuse Ms. Lewis for cause? (She had been a victim of a theft crime and the case to be tried was a burglary.) Do you think Ms. Lewis could have been a fair and impartial juror?
  - C. What instructions are given to the jury at the beginning of the trial? How are these instructions unique to a criminal case?
  - D. Why are jury members asked not to discuss the case until time for deliberation? Is this a good rule? Explain.
  - E. Summarize the steps in a trial. What should jury members listen for and observe during witness testimony? What other types of evidence is considered by a jury? What is a jury member instructed to do if an objection is sustained? (Disregard the question) How can this be done?
  - F. How does a jury reach a decision? How many members must agree to the verdict in a criminal case? Civil case? Why are jury deliberations done in private? Should they be?
  - G. Why is it important for citizens to do “their share” by serving on a jury? What happens to justice and the legal process if representatives of the community don’t participate? If you were on trial, what attitudes would you want jury members to have?
  - H. What are the personal costs to individuals when they perform jury service? (loss of time at work, cost of babysitter, etc.) What are the personal benefits? (civic duty, knowledge about legal system, etc.) Do the benefits outweigh the costs? Would your answer change if jurors did not receive payment?
  - I. Who do you think would decide the defendant’s fate if there was no jury system in the U.S.? How would that be more or less fair than a jury system?
4. Check to see that student generated questions were answered. For unanswered questions, students may want to interview adults who have served on juries.
5. In pairs, have students develop guidelines on jury service that they could share with the parent who had been summoned to serve. Sample titles could include: “Ten Facts All Jurors Should Know,” “Tips for Jurors,” “Make the Most of Your Day in the Jury Box,” or “Jury Service: Penalty or Privilege.”

## Procedure cont.

6. Follow-up lessons in this book include **Voir Dire Process** and **You Decide: A Jury Simulation**. Both of these lessons expand on the burglary case introduced in the video yet can be done independent of the video.

## TEACHER BACKGROUND: Jury System in Minnesota

### *Right to a Jury Trial*

The right to a jury trial is a fundamental right provided in the U.S. Constitution and binding on the states through the Fourteenth Amendment.

Article III, Section 2, clause 3 of the Constitution provides that the “trial of all Crimes, except in Cases of Impeachment, shall be by Jury. . .” The Sixth Amendment reinforces this right by stating that “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. . .” The Seventh Amendment preserves the right of trial by jury in civil suits.

The Minnesota Constitution, Article I, Section 4 guarantees a jury trial in the state court system.

The importance of trial by jury in our legal system is summarized by the U.S. Supreme Court:

*“Twelve men and women of the average of the community, comprising persons of little education, persons of learning and persons whose learning consists only in what they have themselves seen and heard; the merchant, the mechanic, the farmer, the laborer; these sit together, consult, apply their separate experience of the affairs of life to the facts proven and draw a unanimous conclusion. This average judgment thus given it, is the great effort of the law to obtain. It is assumed that twelve persons know more of the common affairs of life than does one person, that they can draw wiser and safer conclusions from admitted facts thus occurring, than can a single judge.”*

### *Qualifications for Jury Service in Minnesota Courts*

A person is qualified for jury service if he or she is 18 years old or over; if he or she is a citizen of the United States and a resident of Minnesota and the court’s district. A person must also be able to read or speak English and be physically and mentally capable of rendering jury service.

A person is ineligible for jury service if he or she has not completed sentence or parole after a felony conviction, has already served on a jury within the last four years, or is a judge, court commissioner, referee, hearing officer, attorney or member of the Legislature, (Minn. Stat. 593.41). Recent advisory guidelines adopted by the Minnesota Supreme Court recommend judges should be the only occupational group exempted.

Persons cannot be excluded from jury service on the basis of race, national origin, gender, religious belief or income. (Minn. Stat. 593.32) Age and occupation are recommended additions to this list by the Minnesota Supreme Court’s advisory guidelines.

An eligible juror may be excused from jury service by the judge or jury commissioner if their ability to perform jury duties is impaired or performing such duties would be a continuing hardship to them or to members of the public. Jury service can more easily be deferred or postponed for reasonably short periods of time as permitted by a jury commissioner.

### *Jury Selection*

Names of potential jurors are drawn at random from a jury source list compiled from voter registration and drivers license lists. The jury source list is intended to represent a fair cross-section of the community, (Minn. Stat. 593.36). The random selection process can be done manually or by computer but must provide each eligible and available person with an equal probability of being selected.

## TEACHER BACKGROUND: Jury System in Minnesota cont.

### *Jury Selection cont.*

Citizens selected for jury service and qualified to serve form a jury panel. Several types of trial juries may be chosen from the jury panel.

### *Types of Juries*

Citizens may serve on several types of juries in the Minnesota court system. A **Grand Jury** may be called at the request of the county attorney for the purpose of issuing an indictment or formal charge in a criminal case. A grand jury has 16-23 jurors and 12 jurors must agree in finding an indictment.

A criminal jury will consist of twelve persons if the sentence for the crime charged is more than one year of confinement (felony). A jury of six persons will serve if the penalty is one year or less of confinement. All criminal cases require a unanimous jury decision in reaching a verdict.

A jury in a civil case consists of six persons. Verdicts in civil cases should be unanimous, except that a civil jury may return a verdict, after six hours of deliberation, with which five of the six jurors agree.

### *Choosing a Trial Jury*

Voir Dire (pronounced vwar deer) refers to the jury selection process for a particular trial. The goal is to select a fair and impartial jury through the elimination of jurors who may be prejudiced. During voir dire examinations, jurors are questioned first by the judge, then by each attorney. If a juror is even distantly related to the complainant or the accused, has previously sued the defendant in an unrelated civil matter, has been otherwise connected with either party in some business transaction, or cannot be fair and impartial for other reasons, he or she may be challenged for bias or “*cause*.”

In addition, the respective attorneys may exclude jurors they do not want, without having to show that the jurors are disqualified through cause. The attorney does this through a “*peremptory*” challenge. However, the number of peremptory challenges available to each attorney is limited. The defense attorney is limited to five of these challenges; fifteen peremptory challenges are allowed in a case where the sentence of life imprisonment is possible. The prosecuting attorney is allowed three and nine peremptory challenges, respectively.

### *Role of the Jury*

The jury has the responsibility of deciding the facts at issue in a trial. For example, did Bill really drive through a red stoplight and cause the accident? The jurors will listen to the lawyer’s opening statements, direct and cross examination of witnesses, and the closing arguments of each side. They must listen and observe closely the testimony presented. After the judge instructs the jury as to the law and the issues of fact to be reached, they retire to consider the verdict.

During deliberations jurors will consider, examine, and weigh all the evidence in the case with the sole power to decide disputed questions of fact and to put their conclusions in a verdict. In a criminal case, a jury will be *sequestered* or separated from the public during its deliberations. If the case is particularly sensational, the jury may be sequestered for the length of the trial.

**TEACHER BACKGROUND: Jury System in Minnesota cont.**

***Miscellaneous Information***

Jury service will usually last for 10 court days unless it takes longer to complete a particular trial. Jurors are reimbursed for travel expenses and are paid at a rate of \$15.00 per day (although an increase in this rate has been recommended). Jurors are allowed to take notes during the trial. They are not allowed to talk to anyone about the case. The judge will instruct the jury as to the types of questions they may ask during the trial and deliberations.

**Sources:**

- Minnesota Statutes 593.01 - 593.50.
- Rules of Civil Procedure for Minnesota District Courts
- Minnesota Rules of Criminal Procedure.
- *"Minnesota Standards Relating to Jury Use and Management,"* Adopted by order of the Minnesota Supreme Court as Advisory guidelines for Management of Jury Systems within the State of Minnesota (September, 1989).
- *"And Justice for All,"* A Handbook for Jurors, Minnesota State Bar Association.