

## Wisconsin Court System Jury Video

**Chief Justice Annette Kingsland Ziegler:** Hello. I am Annette Ziegler, Chief Justice of the Wisconsin Supreme Court. I am pleased to welcome you on behalf of the Wisconsin Court System. Thank you for serving as a juror. Juries are a cornerstone of our democracy and as a juror you play a direct role in ensuring our justice system works as intended both under the Wisconsin Constitution and United States Constitution. We appreciate your contribution and the support you may have received from family, friends, and employers to enable you to be here today.

**Narrator:** Each year, across Wisconsin, about 65,000 people are called for jury service. Their participation is critical to our justice system, for they safeguard every person's constitutional right to a trial by a jury of their fellow citizens.

**Judge Juan Colás:** Your rights and responsibilities as a Wisconsin juror are the same whether you have been called to jury duty in a small, rural county or in a large urban center. My colleagues and I are here today to help you understand what is expected of you during your jury service. You have probably seen courtroom dramas in the movies or on television and those are often not very accurate. Now you will see how the judicial process really works.

**Narrator:** Potential jurors are selected at random by the clerk of the circuit court for each county. To compile a list of prospective jurors, the clerk uses Wisconsin's driver's license records. Because the selection process must be random, no one may volunteer for jury duty. In order to serve, jurors must be United States citizens, Wisconsin residents, and residents of the county where they are summoned. They must be at least 18-years-old and able to understand the English language.

**Narrator:** We know you have many questions and will do our best to answer them.

At this point you are part of what we call the "jury pool." Following juror orientation, you may be taken to a courtroom where the judge will speak to you. The judge will tell you when to appear and provide other instructions. Here are a few general rules that apply in almost every court:

- If given a juror identification badge, please wear it at all times.
- Turn off cell phones and other electronic devices.
- There is no food or drink in the courtroom.
- If you have a special need – perhaps you cannot climb stairs or must take medication at a prescribed time, need frequent breaks, or cannot hear well – please let the judge know so that your needs may be accommodated.

**Narrator:** Courtroom settings may vary in size and style, but they all have the same features. At the front of the courtroom is what we call the bench, where the judge presides over the trial. The attorneys, also referred to as "counsel," represent the parties in a dispute. The parties might be individuals, or they could be the government, or a company. The court clerk is responsible for marking exhibits, keeping track of documents, and entering the minutes and notes of the proceedings. The bailiff keeps order in

the court and escorts the jury. The court reporter makes a record of everything that is said while the court is in session.

**Judge Maxine White:** When a trial begins, it's time to select the jury. First, the judge will pose a few general questions to the entire panel. Then the attorneys will have an opportunity to ask more specific questions. These questions may relate to your background, your experiences, or your beliefs. These questions may seem quite personal, but do not be embarrassed or offended. There are no right or wrong answers to these questions.

**Judge Ramona Gonzalez:** You may wonder after all the questions are asked, how do you determine the jury panel? You may notice that the attorneys are passing papers back and forth. You may notice that an attorney will ask that a particular juror be excused; maybe more than one juror. The two main types of challenges are called "for cause" and "peremptory." If an attorney challenges a juror for cause, he or she must provide a reason. For example, maybe the juror knows one of the attorneys or the people involved in the case. If the judge agrees, the juror is dismissed. There is no limit to the number of challenges one can use for cause. If an attorney claims a peremptory challenge, the juror is excused and the reason need not be given.

**Judge William Hanrahan:** The laws of our state do not exclude any occupation from jury service; no one is left out. The attorneys in the case will question the jurors and may ask that certain jurors be dismissed for various reasons. Eliminating jurors is an important part of ensuring a fair trial. While it may be disappointing to not be chosen to serve, you should not be insulted if you are challenged and excused.

**Narrator:** After the jurors have been selected, the judge will further instruct on the case and the rules of conduct. These rules are very specific and important to the fairness of the process:

- Do not discuss the case with anyone; not your spouse or family, the court staff, or other jurors.
- Do not read about or watch news accounts of the trial.
- Do not try to conduct your own investigation by looking at social media or the internet, or going to places involved in the case.
- Do not consult maps or calendars.
- If anyone approaches you about the case, do not speak to that person. If someone does approach you, you must report that incident to the court staff.

**Judge Carl Ashley:** There are two types of court cases, criminal and civil. In a criminal case, the State of Wisconsin, represented by the district attorney's office or the attorney general, is on one side, and the person accused of committing the offense, called the defendant, is on the other side. The defendant may be represented by an attorney. The attorney for the State, called the prosecutor, presents the evidence for the State. In a civil proceeding, which may be a disagreement over a contract, a motor-vehicle crash, or some other dispute, the party who starts the lawsuit is called the plaintiff, and the party being sued is called the defendant. The parties may be individuals, groups of people, corporations, or governmental bodies.

**Narrator:** Often you will have to wait for the parties to discuss legal issues before the trial begins. These issues must be considered without jurors present. Please understand that our system of justice takes time. You will always be given instructions about what to do next. Whether criminal or civil, the trial

usually begins with the opening statements of the attorneys. The side that brought the case to court goes first. So, in a criminal case, the prosecutor speaks first. The defense attorney may choose to delay the delivery of an opening statement until after the prosecution has presented its case.

**Narrator:** The opening statements are intended to give you a glimpse of what both sides hope to show in the case. These statements by the attorneys must not be considered as fact or evidence. To establish the facts in the case, the attorneys will present evidence. Evidence can be a physical object such as a weapon, a document, or a picture. It also can be testimony from a witness.

**Judge Emily Mueller:** It is very important that you listen carefully to what the witnesses have to say and how they say it, because you are going to have to determine the truthfulness of their testimony. In the end, you will be called upon to reach your verdict based upon all of the evidence that has been received. As the trial progresses, one attorney may object to another attorney's statements or questions. If the judge agrees, or "sustains" the objection, the witness cannot answer. If the judge disagrees, or "overrules" the objection, the witness is allowed to answer.

**Judge Emily Mueller:** Occasionally, the two attorneys are instructed to approach the bench. That means the judge wants to talk with them privately. When all the evidence has been presented, the judge will give the jury instructions on what laws apply and what standards should be used in deciding the case. Regardless of what you think the law is or should be, your job is to apply the law as the judge explains it to you. After all of the evidence has been received, the lawyers will have the opportunity to address you once again in what is called the closing argument. The closing argument, just like the opening statement, is not to be treated as fact. The closing argument is the lawyer's summary of the case.

**Narrator:** When you convene in the jury deliberation room, you should select a presiding juror to organize the discussion. All the jurors sat through the trial and everyone should be given an opportunity to speak. There are no set rules to tell you how to deliberate. There is no single right way to make a decision as a group. It's up to you to decide how you want to go about reviewing the evidence and reaching your verdict. As you look at the evidence from all sides, you should determine whether the jurors agree. Each juror has an equal vote. There is no one way to take the vote. You might vote by raising hands, by a written ballot, or by a voice ballot.

**Narrator:** In a criminal case, your verdict must be unanimous. All jurors must agree. In a civil case, five-sixths of the jurors must agree, but the judge will ask that you try for a unanimous verdict. The presiding juror should count the votes, fill out the verdict form, and give it to the bailiff or clerk. The judge will read the verdict in open court. The attorneys will have the right to ask to "poll the jury." The judge will ask each juror how he or she voted. Once you have fulfilled your duty as a juror, the judge will thank you and dismiss the jury from the court.

**Narrator:** You do not have to talk to anyone about the verdict, and you should never be harassed about your vote. After the trial, if the attorneys or anyone else asks about the case, you may choose to speak to them, or you may choose not to. It is up to you. You should report any problems to the judge.

**Chief Justice Annette Kingsland Ziegler:** Jury service can be very interesting. Even though decision-making is difficult, we hope you will find your jury experience to be educational and rewarding and we thank you for your time.