

JUROR HANDBOOK



**FOURTH JUDICIAL DISTRICT COURT
ELKO COUNTY, NEVADA**

INTRODUCTION

Congratulations! You have been selected to render an important service as a juror. As a citizen, you are a partner and shareholder in the State of Nevada and the United States of America. You have enjoyed the privileges of citizenship, and now, for a short time, you will be part of a team of judge and jury who, working together in a common effort, put into practice the principles of our great heritage of freedom.

Jurors are men and women of honesty, sound judgment, and a complete sense of fairness. Jurors aid in the maintenance of law and order and uphold justice. Their greatest reward is their knowledge that they have discharged this duty faithfully, honorably and well. In addition to determining contract and property rights and awarding damages where proper, jurors may be also asked to answer questions involving a crime which is punishable by time in prison or even by forfeiture of life. In a very real sense, therefore, the people, as well as the accused, must rely upon the jury for the protection of life, liberty or property.

To serve as a juror is an honor as well as a very interesting experience. Service will bring you satisfaction and pride in your government and yourself. Service may bring some minor sacrifices but it is a sacrifice that touches everyone and for that reason is not a basis to avoid jury duty.



THE COURTS

Nevada has two principal court systems - those of the **federal** government and those of the state. The **state** courts include the Nevada Supreme Court, the District Court, the Justice Court, and the Municipal Court. This handbook is designed for use by jurors in the Fourth Judicial District Court, a state court. The

types of cases which are brought to the District Court are set by the Legislature with the limits laid down in our Constitution.

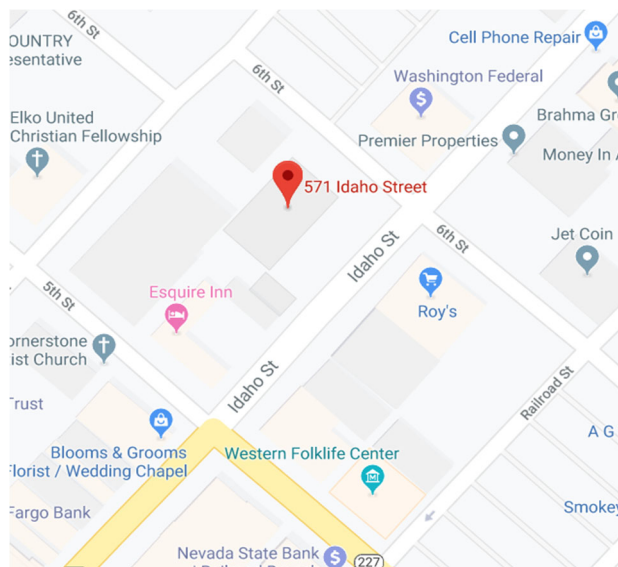
Cases which come into the District Court are divided into two general classes, civil and criminal.

Civil - A civil case is generally a case for money damages. The party suing is called the plaintiff and the party being sued is called the defendant. In a civil case, the person suing another for damages does so by laying out their claims in a written "Complaint." The person being sued, if they dispute the claims, does so by filing an "Answer."

Criminal - In a criminal case, the action is brought in the name of the State of Nevada as "Plaintiff" against the person charged with the crime that is the "Defendant."

GENERAL INFORMATION

The Fourth Judicial District Court is located at 571 Idaho Street on the second floor of the Elko County Court House in Elko, Nevada.



1. **Parking** – There is public parking around the Court house and across the street from the County Complex.
2. **Payment** - If you are sworn in as a trial juror and seated on the jury then you are entitled to a fee of \$40 per day.

3. **Length of service** - You are expected to report to the courthouse at approximately 8:30 a.m. with the trial days ending around 5:00 p.m. Most trials are only expected to run from 3 - 5 days.

How Jurors are Selected?

The Fourth Judicial District Court receives a list of users from the voter registration and Department of Motor Vehicle Records. This list is inputted into our jury management system. In anticipation for an upcoming jury trial, the system will randomly select names of potential jurors. The Jury Commissioner's Office mails a summons to those potential jurors to appear for jury service.

Exemptions

The State of Nevada offers the following exemptions: 1) employees of the Legislature, or the Legislative Counsel Bureau, *only while the legislature is in session*; 2) any person who has a fictitious address; 3) any police officer as defined in NRS 617.135; and 4) person 70 years of age or older.



Are you Qualified?

In order to serve as a juror you must be a United States citizen, a resident of Elko County, and if you have been convicted of a felony, you must have had your civil rights restored. If you do not meet these requirements, please notify the jury office staff or court personnel immediately.

How is the Trial Jury Chosen?



Generally, approximately 60 prospective jurors in a civil case and 120 prospective jurors in a criminal case are taken into the courtroom. This is called the "jury panel." A jury panel is composed of a group of citizens summoned for jury duty. The first step in a jury trial is to select from the jury panel the number of jurors required to try the case, usually eight for a civil case and twelve for a criminal case, plus alternate jurors.

At this time, all prospective jurors will be asked to swear or affirm that they will well and truly answer the questions put to them touching upon their qualifications to sit as a fair and impartial juror in that case. The Clerk will call the names of the prospective jurors who will then be seated in the jury box. The Judge and attorneys will briefly describe to the prospective jurors the general nature of the case.

The jury panel is then questioned by the judge and the attorneys to insure that you can be fair and impartial to the parties and about the issues in the case. Usually the judge will direct questions to all of the jurors at the same time, asking if they know any of the people in the lawsuit, if they have any knowledge of the lawsuit or other information which would be of interest to both sides. The attorneys will then take turns asking questions of each individual prospective juror separately, to determine whether each individual prospective juror is qualified to act as an impartial judge of the facts.

This procedure is called a “voir dire” examination. The questions are designed to permit the attorneys to become more generally acquainted with the prospective juror’s backgrounds and their general beliefs with respect to the particular people and questions involved in the case. If, during this questioning, a juror or the attorney indicates that the prospective juror is not legally qualified to sit as a juror in this particular case, the attorney may ask the judge to excuse that juror “for cause.” If the judge is satisfied that the particular juror cannot act impartially and without prejudice to the rights of the party on whose behalf the challenge is made, then the judge may excuse the juror.

After all the prospective jurors have been questioned and there are no longer any challenges for cause, attorneys on each side may exercise a number of “peremptory challenges.” Each attorney is allowed a certain number of “peremptory challenges” depending on the nature of the case. This means that each side may excuse a certain number of jurors without stating any cause. If you are challenged for cause or as a peremptory challenge you should not take it as a reflection of your integrity. The attorney is merely using a right given to them by law to insure that they have attained a panel of jurors who they believe will judge the case based on the facts and not on personal feelings for, or against, a party or type of case.

An attorney or the judge may ask a juror many questions that may seem unnecessary. However, all questions should be answered fairly and honestly.



During the trial you will get to know a great deal about the personalities of some of the attorneys and witnesses. However, it is only through this voir dire process that the attorneys get to know anything about you. They are as interested in your background and personality – what kind of person you are – as they are in anything else. Don't be embarrassed. Be open and frank – **BE YOURSELF!**

The process of questioning and challenging continues until the proper number of jurors and alternates are chosen. With them rests the faith and confidence of the Judge and attorneys that they are qualified to decide fairly and impartially the issues of facts in the case. When the selection process is completed, the Judge asks the Clerk to swear in the jury to try the case and the trial begins.

Your Role as a Juror

In the event that you are seated as a juror, you will be asked to take an oath to try the case impartially and render a true verdict according to the law and evidence. The oath you will take as a juror is as follows;

Do you and each of you promise and affirm that you will well and truly try this case, now pending before this Court, and a true verdict render according to the evidence given, under the pains and penalties of perjury?

This oath is not to be taken lightly or easily forgotten. By taking your oath



you have given your word that you will reach your verdict solely on the evidence received into the record by the Court and upon the Court's instructions as to the law. You **must not** consider any other evidence. You **must not** consider any other instructions. As a juror, your position is as important as the judge in the administration of justices in the case at hand.

When you take this oath you become a judge of the facts and are required to act fairly and impartially. You may not act upon your feelings and emotions; you are obligated to use your sound reasoning and sincere judgment based upon the evidence admitted in the trial and the legal instructions given to you by the judge.

In order to be fair to both sides, there are certain rules you must follow. During the trial, you may not talk about the case with other jurors or with any other person, including your spouse or members of your family. You should not allow any other person to talk about this case in your presence. Should anyone insist upon talking about the case within your hearing, tell that person you are a juror and should not hear any comments about the case. If that person continues, inform the bailiff immediately. You are not allowed to read any newspaper account of the trial. You cannot conduct any independent investigation of the scene or conduct any independent experiment. You may not conduct any internet search or investigation about the case or parties. You cannot discuss your jury service or the trial on Facebook, Twitter or any other social network site.

Sequence of a Trial

After the jury is sworn in, the attorney for the plaintiff (or the District Attorney) will give an “Opening Statement” outlining the evidence that they will be presenting during the trial. The defendant’s attorney may choose to make a similar statement. These statements are not evidence. Be careful that you do not let them assume the importance of evidence in your mind.

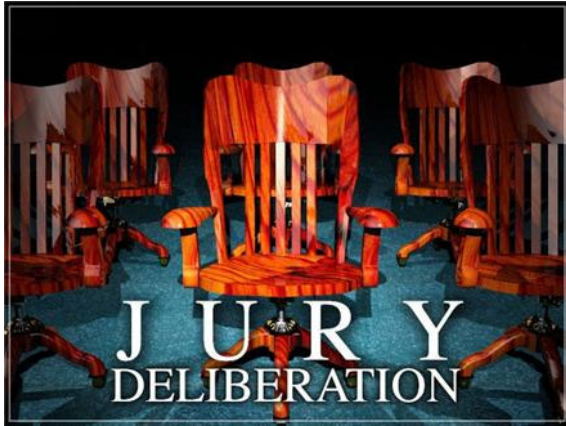
When opening statements have been concluded, the party bringing the suit will present its evidence. Evidence may be in the form of a written document, an object like a gun or other implement, a photograph, an X-ray or other tangible item. These are called “exhibits” and are presented at the appropriate time by either side during the trial.



Most of the evidence to be considered, however, is in the form of the sworn statements of the witnesses. This is called “testimony.” The testimony of an absent witness may have been taken before trial and reduced to writing. Such testimony was taken under oath with both sides represented or presented with the opportunity to be present. Such written testimony is called “deposition,” and, if read into evidence, should be given the same consideration as the testimony of the witnesses at trial.

Pay close attention to each piece of evidence presented and to each witness when he or she testifies. If you cannot hear clearly, raise your hand and ask the judge to have the witness speak louder. After all the evidence has been introduced, each attorney will present their final arguments, both sides giving reasons why

their clients should prevail. These are called “Closing Arguments.” The party who brought the suit is allowed to give a rebuttal argument. This is because they have the burden of proof, that is, they must prove their case.



Where the testimony has been conflicting, the attorneys may suggest reasons for believing the testimony of the witness that favors their side of the case rather than those that testified to the contrary. You should listen to these arguments carefully and consider them thoughtfully. Keep in mind, though, that these arguments of counsel are **not** evidence. After closing arguments, the judge will instruct you as to the law in this

particular case and what verdicts can be rendered. You and your fellow jurors will then retire to the Jury Room to begin deliberations.

Conferences at Sidebar or Outside the Presence of the Jury

Occasionally, the attorneys may ask to approach the Judge’s bench or the Judge may excuse the jury from the courtroom so that a point of law or an objection can be argued. In either case, the jury should not feel slighted or attempt



to guess what is being said. Nor should the jury feel resentment toward the attorney who requests that the jury be removed. Conferences are often held at the bench to avoid the inconvenience of having the jury file in and out of the courtroom again and again, and to prevent the jury from being confused about technical legal matters. If the jury is excused from the room, it is usually to avoid

having the jury hear legal matters which concerns only the attorneys and the Judge. Often the reasons for these conferences are explained to you by the Judge. This time is spent considering legal arguments and simplifying issues, entering into stipulations and covering delicate areas so that nothing goes wrong in the trial. The conferences allow time to consider close legal points which if considered quickly and erroneously may lead to a mistrial, an appeal and retrial. While this may seem a waste of your time at the moment, obviously a case that doesn’t have to be tried saves time in the long run – time for courts and jurors.

The Use of Interpreters

There are many people who have limited English language skills. It is not uncommon for witnesses and parties to have been born in Asia, Central and South America, Eastern Europe and Africa. In certain circumstances, an Interpreter will be employed to assist the court so that everyone can fully and equally participate in our American system of Justice. These court-certified Interpreters have passed stringent tests before they are permitted to assist the parties in court. You should not be influenced one way or the other if any participant relies upon the service of an Interpreter. They are there to assure equal access to justice for all who come before the court.

Judges Instructions on the Law

At the conclusion of the testimony, the next step and the most important one, is taken by the Judge. The Judge will instruct you on the law that applies to the case, ***and you must apply the law to the facts as you may find them in arriving at your verdict in the case.***

Deliberations of the Jury

After the Judge has instructed you as to the law, the clerk will swear in the bailiff who will escort you to the jury room for your deliberations. Your first duty will be to select a foreperson who will preside over your deliberations and sign the verdict. It is the foreperson's duty to see that the deliberations are conducted in a free and respectful manner, that the matters submitted for decision are fully and freely discussed, and that the jurors are given an opportunity to express themselves. The foreperson will oversee the balloting of the jury and sign the verdict to which the jury agrees and take it back into the courtroom.

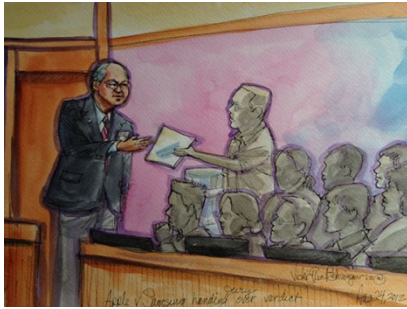


Quite often in the jury room, differences of opinion arise amongst the jurors. This is natural. When this occurs, jurors should express their individual opinions and reasons for them. As a result of these discussions, the opinions of some jurors may indeed be changed. A juror should not hesitate to change an opinion if

convinced it is erroneous. However, a juror should not feel pressured to vote in any certain way, just because a majority of the jurors, or any one of them, favors such a decision. It would be wrong for a juror not to listen to the opinions and arguments of the other jurors, or to deny the right of the other jurors to express their own opinions. All jurors should deliberate and vote on all the issues presented to them after they have had a free and complete discussion with their fellow jurors.

The Verdict

In a civil case, the Judge will tell you how many jurors must agree in order to reach a verdict. In a criminal case, the Judge will instruct you that the unanimous agreement of all twelve jurors is required. If a jury cannot reach a verdict in a reasonable time, the Judge may declare a mistrial and dismiss the Jury.



In your efforts to reach a verdict, keep in mind that you can only consider the evidence that was presented to you in the courtroom. Do not assume that the case is unimportant. If this was your case, it would be important to you, and you would want it to

receive courteous and conscientious consideration, whether your cause might appear to be great or small to others.

Rules for Juror Conduct During a Trial



Don't Be Late for Court Sessions

Please arrive for court early. Each juror must hear all evidence; if you are late the judge must delay the start of the court session. One juror who is late wastes the time of all the other jurors as well as the time set aside for the trial.

Always Sit in the Same Seat in the Jury Box

This enables the judge, the court clerk and the attorneys to identify you more easily.

Don't Jump to Conclusions

You are not to form any opinions on any matter in the case until it has been finally submitted to you for your deliberations.

Don't Talk About the Case

While you are a juror you should not talk to your fellow jurors or anyone else about the case, or permit anyone to talk to you about it until you retire to the jury room for deliberations. If any person persists in talking to you about it, or attempts to influence you as a juror, you should inform the bailiff immediately. Attorneys know the impropriety of talking to you and do not want to jeopardize their case by allowing jurors to talk to them. So, if an attorney or judge seems to ignore you, you should not take it personally, but simply that they are observing the proper rules of conduct.

Don't Be an Amateur Detective

You are not allowed to make an independent investigation or visit any places involved in the case. If it is necessary for you to inspect a property or a place, arrangements will be made for the jury to visit as a group with the judge, the attorneys and the parties involved. Do not conduct any Internet search of the facts of the case, the parties or any witnesses.

Control Your Emotions

You should not indicate by exclamation, facial expression or other body language, how any evidence or incident of the trial affects you. You are judges, judges of the facts. You must comport yourself with the dignity of the court and give to each party your best effort to remain fair and impartial as you listen to the testimony and the evidence.

Dress Code

Your attire should reflect the dignity of the courtroom. Please do not wear shorts, sweats, hats, tank tops, flip flops or t-shirts with printed statements. Temperatures in the courtroom may fluctuate so please dress accordingly. Please check with the Jury Commissioner if you have any questions.



Internet Access, Social Media and Communication Devices

Today, almost everyone uses a cell phone and has access to the Internet. However, during your time as a juror, it is important that you based your deliberations on the information, evidence and arguments of counsel that are presented in the courtroom and not on any other source. Therefore, while you are serving as a juror, you may not conduct any Internet search of any party, witness or evidence in the trial. You may not discuss your service as a juror on any social media sites such as Facebook, LinkedIn or other social media site. The bailiff will take your cell phone during your deliberations. Of course, after your deliberations, you will be free to discuss your jury service with whomever you wish and on any social media site.

Definition of Words and Phrases¹

Action, Case, Lawsuit - These words mean the same thing. They refer to a legal dispute brought into Court for a trial in civil cases.

Answer - The pleading in which the defendant in a civil case answers the Complaint and claims of the Plaintiff.

Bailiff - The individual, who assists the Court by opening and closing court sessions, calling witnesses, supervises jurors and maintains courtroom order and security.

Bench - The office or position of a judge. The seat occupied by the judge in a courtroom.

¹ Some definitions and phrases have been paraphrased from www.blackslawdictionary.com

Challenge - During jury selection prospective jurors may be excused from service on that particular trial. There are two types of challenges. A challenge for cause is made when an attorney believes that the individual being challenged is in some way not properly qualified to serve on a particular case. An example might be a person who was recently involved in the same type of case, personal injury, or if you are a relative or friend to a person in the party, or one of the attorneys may find it difficult for you to be completely objective about the present case. The second type of challenge is a peremptory challenge. The law provides that the attorney of either side may demand that a set number of prospective jurors be excused, without being required to give a reason for the demand. The judge must excuse the juror designated.

Chambers - The private office of the judge

Civil Case - A lawsuit is called a civil case when it is between people in their private capacity or relations. Generally it results in the giving or denying of monetary damages.

Closing Statement - After all the evidence is in, the attorneys on each side are permitted to sum up the case and tell the jury what that attorney thinks the evidence proves and why their side should win.

Complaint - The first document filed with the court in a civil case in which the plaintiff sets forth the claims against the defendant.

Court Clerk - The clerk is seated next to the judge, and is responsible for maintaining the evidence introduced at the trial, to swear in witnesses, and take minutes of the trial.

Criminal Case - A criminal case is between the State of Nevada on one side and a person or corporation on the other.

Cross-examination - Examination of a witness by the opposing party.

Defendant - In a civil case it is the party against whom the suit is brought. In a criminal case it is the person charged with the criminal offense.

Deposition - An examination of a witness taken outside of court. The testimony may be read at the trial.

Direct-examination - Examination of a witness by the party on whose behalf the witness is called.

Evidence - The documents, statements or physical objects admissible at trial.

Expert Witness - A person qualified to speak authoritatively on a certain subject on the basis of a skill, training or experience. The Court is responsible for determining the qualifications of an expert witness.

Exhibit - Articles formally introduced as evidence, such as documents or physical objects.

Grand Jury - A special jury that inquires into complaints and accusations of violations of criminal laws. Grand Juries hear testimony and receive evidence and may bring charges in the form of an Indictment against individuals.

Indictment - A formal accusation by the Grand Jury charging a person with the commission of a crime. The charge is presented to the Court.

Information - A criminal charge brought by the District Attorney. The charge must be stated in writing and given to the defendant at their first court appearance.

Jury Instructions - The rules of law that apply to the case at hand and which the jury must follow in their deliberations in deciding the factual issues submitted to them.

Jury Panel - The total number of prospective jurors from which the trial jury of 8 or 12 is chosen.

Motion - A formal request made by an attorney to the judge to obtain an order, ruling, or direction.

Objection - An attorney may object to a procedure or action in the trial, which that attorney feels should not be permitted under the rules of law that govern the conduct of trials. The judge will make a decision as to whether or not the objection is to be sustained (approved) or overruled (not allowed).

Opening Statement - Before introducing any evidence for each side of the case, each attorney is permitted to tell the jury what the case is about and what evidence they expect the testimony to show. These are called opening statements.

Parties - The plaintiff(s) and defendant(s) in the case - they may also be called litigants in a civil case.

Passed for Cause - These are expressions used by attorneys after examining prospective jurors. They indicate that the attorneys do not intend to challenge the prospective juror on any claim for implied or actual bias.

Peremptory Challenge - See Challenge.

Plaintiff - A person who starts a civil lawsuit, or in a criminal case, the State of Nevada.

Pleadings - The parties in a case must file papers with the court such as a "complaint", "answer", stating their claims, denials or defenses. These are called pleadings.

Record - This refers to the pleadings, the exhibits, and the word-for-word record made by the court reporter of all the proceedings of the trial.

Rest - This is the legal term that means the attorney does not wish to presents further evidence at that stage of the trial.

Subpoena/Summons - A document issued by the Court giving a person, evidence or documents notice to appear.

Verdict - The formal decision of the jury. In a criminal case, the decision relates to the guilt or innocence of the defendant. In a civil suit, the decision is whether or not the plaintiff has proved his case against the defendant and may also include findings as to the amount of damage suffered.

Voir Dire - Prospective jurors are questioned by the judge and the attorneys in order to determine if any juror is biased and/or cannot deal with the issues fairly, or if there is cause not to allow a juror to serve (knowledge of facts, acquaintanceship with parties, witnesses or attorneys, occupation or experiences). Some jurors will be excused for cause and others in peremptory challenges.

Witness - A person who testifies under oath in trial with first-hand knowledge or expert evidence.

Thank you for your service as a juror. The Judge of the Fourth Judicial District Court hopes you find your service to be an interesting and rewarding experience. If you have any questions or if there is anything with which we can be of assistance, please do not hesitate to contact one of our court staff. Again, thank you for participating in this great Constitutional right we call Trial by Jury.