AN INTRODUCTION TO THE JURY SYSTEM
Part I

HISTORY
- The jury has its roots in the middle ages. English judges used to assemble a group of knowledgeable people from the location where a crime happened to help identify who committed it.

The jury eventually developed into two types:
- **Grand jury**: an investigative body which determines whether there is enough evidence that a crime has been committed in order to bring an accused to trial.
- **Petit jury**: the group of people who judge the facts presented at trial. This is usually referred to as the trial jury.
- For the rest of this slideshow, we will be learning about the trial jury.

Since before the American Revolution, English and American juries have deliberated in secret.
- Because a jury deliberates secretly, it may return any decision it wants, even a “wrong” one.
  - When a jury refuses to convict a person, despite clear evidence, it is known as “jury nullification.” A juror may not be punished for this.
- At the time of the American Revolution, the power of the jury to refuse to convict was considered to be a very important protection against oppression by the government.

SELECTION OF THE TRIAL JURY

HOW JURIES ARE SELECTED IN THE US
- The government takes names from voter registration lists and motor vehicle registrations, in calling people for jury duty.
- Every person has the legal duty to report for jury duty in response to a *summons* to serve.
  - However, after reporting for service, people can often get out of their jury service if they have a good excuse, such as financial hardship.

*Summons: a legal document requiring someone to come to court.*
**Voir Dire**

- Before the trial starts, prospective jurors are questioned. This process is called "voir dire."

- In federal courts, questioning is usually exclusively done by judges, though the judges often will ask questions suggested by the lawyers.

- In many state courts, lawyers conduct the voir dire.
  - It may be up to the judge to decide whether to conduct the questioning herself, or whether to let the lawyers do it.

- Before the jurors are questioned by the judge and/or the lawyers, they will fill out a questionnaire.

**In Conducting the Voir Dire, the State and the Defense Have Two Goals:**

- **1)** to eliminate all members of the jury panel who have an obvious reason why they might not render an impartial decision in the case.

- **2)** each side wants to eliminate those who they believe would be unfavorable to their side even though no reason is apparent for the potential bias.

**Peremptory Challenges**

- A peremptory challenge can be exercised on any basis the attorney wishes, except that a person cannot be kept off a jury because of his or her race or gender.

  - Note that while the US Supreme Court has held that it is unconstitutional to use peremptory challenges to exclude people from juries due to race or gender, it is very hard to prove what a lawyer’s reasons are for excluding someone.

**In Order to Achieve These Goals**

- Each lawyer is allowed to excuse prospective jurors for "cause." For example, a juror who is related to one of the parties, or has a personal stake in the outcome of the litigation, or has a strong predisposition as to the verdict can be excluded for cause.

  - Each side is allowed a number of “peremptory challenges” — requests to the court to exclude a prospective juror with no reason given.

**Jury Selection in England and Wales**

- Jury selection in England and Wales is similar in many ways to jury selection in the US.

  - As in the US, jurors are selected randomly from public information.

  - As in the US, potential jurors report to the courthouse and wait to be sent out to courtrooms.

  - As in the US, certain people (such as those that have committed crimes) will not be allowed to sit on a jury at all.
The main difference is that in England and Wales, there is no *voir dire* process and the opportunities for challenging jurors are limited.

In the UK, jurors do not fill out the kind of extensive questionnaires that are used in the US.

Also, although a juror may be challenged for cause, peremptory challenges are not allowed anymore.

In sum, jury selection in England is much more random and less prone to manipulation by lawyers than in the US.

However, judges and lawyers have much less information about the potential prejudices of jurors.