



JUROR HANDBOOK

THE DELAWARE MUNICIPAL COURT

Justice Center, Second Floor
70 North Union Street
Delaware, Ohio 43015

JUDGE DAVID P. SUNDERMAN
JUDGE MARIANNE T. HEMMETER

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JUROR'S HANDBOOK

DAVID P. SUNDERMAN
Judge

MARIANNE T. HEMMETER
Judge

KEVIN L. PELANDA
Magistrate

Trials by jury have been an important part of the American legal system for over two centuries. They are an integral part of the laws which protect the fundamental rights of all citizens. Jury Service is an important and rewarding service which you are summoned to provide, by the court, for your county. Through your service, the people of Delaware County participate directly in the administration of justice.

How was I chosen for jury service?

Your name has been drawn at random from a list of registered voters in Delaware County. The random selection process is designed to produce a cross section of the community. Men and women over 18 years of age and from all walks of life have an equal opportunity to be called for jury service. Such persons must be U. S. citizens, live and vote in Delaware County, Ohio, and be able to read, hear, and speak the English language. Assisted listening devices are available for the hearing impaired.

How am I informed that I have been chosen as a prospective juror?

You will receive, by regular mail, a summons to serve as a juror, a jury questionnaire, a jury information sheet, a map, and a court security information sheet. The jury summons will state the dates you are required to report for jury service, the date you must return the completed questionnaire to the judges' office, and the jury service number you must call the night before each of your scheduled jury dates for instructions regarding your jury service.

Do I have to respond to the summons to jury service?

Yes. The summons to jury service is an official court summons. If you do not respond or report for jury service without a lawful excuse from the Court, you could be brought before the Court for possible contempt of court proceedings. If found in contempt by the Judge, the Court may impose a fine and/or other punishment as provided by Ohio law.

I received a jury summons but I no longer live in Delaware County. What do I do?

To be eligible to serve in Delaware County, you must reside in Delaware County. If you have moved from Delaware County, please fill out the questionnaire and request for excuse form with your name, new address, the county in which you now reside, and your phone number. Return the questionnaire and the request for excuse in the enclosed self-addressed envelope. You may want to contact the Board of Elections to make sure they know that you have moved outside of Delaware County.

I received a jury summons for a deceased family member. What should I do?

We apologize for any undue hardship this has caused. Please mark the outside of the summons “DECEASED” and return it in the enclosed self-addressed envelope. You may want to contact the Board of Elections to make sure they have been notified that the family member is deceased.

I have been called several times for jury service and yet I know a lot of people who have never been called. Why?

The drawing of prospective jurors each year is a completely RANDOM process. In those random draws, some persons may be chosen multiple times and others may never be chosen..

What is the jury service telephone number?

Since many cases are resolved prior to the time of trial, for your convenience, we ask that you call 740-203-1513 after 5:00 p.m. the day before you are scheduled to serve. You will reach an outgoing message machine which will advise you whether or not you are still required to appear the following morning, and if so, the time to appear (usually at 8:15 a.m.). If the message advises you that there will be jury service, you are to call again the next morning before leaving to report to the Justice Center since the message will be updated if the Court is advised that a jury panel is no longer needed.

Can I check the status of my jury service on-line?

Yes. Our web site is www.municipalcourt.org. Click on juror information, then click on juror confirmation. Follow the same instructions as when using the jury service number.

What if I can't perform jury service right now?

Your term of jury service might disturb your regular pattern of work and other activities. If this disruption causes you genuine hardship, not just inconvenience, it may be possible for you to be excused. If you are not available due to extreme hardship on any of the dates you are scheduled to appear, you may request one postponement by telephoning the Jury Commissioner Office at 740-203-1507. Please understand that Ohio law provides very few exemptions from jury service. Therefore, the Court can only consider cases of extreme hardship for possible excuse from jury service.

You won't be excused because jury service is inconvenient or because you have a busy schedule, but you may be excused for reasons such as a physical ailment. If you have special conflicts on particular days during the term, the Court may excuse you on those days only.

What about my job?

Your employer can't fire, demote, or otherwise penalize you for missing work while performing jury service. Many employers will continue to pay your salary while you are in jury service. Contact your employer to find out what the policy is at your job.

Will I be reimbursed for serving on a jury?

You will receive \$40.00 per day for each day you are required to report and actually are seated on a jury trial. Jurors who appear for jury service but are not seated will receive \$25.00.

How long will I be in jury service?

Jurors are scheduled to appear up to a maximum of five times over the course of a three-week period. Your summons will indicate the exact dates of the month you are scheduled to serve.

What if an unexpected emergency keeps me from coming to the Justice Center while I'm on a jury?

Jurors must be prompt in arriving at the Justice Center. It is very important that all jurors report each day they are told to report and that they be on time. Your absence may delay a trial. If you have an emergency (such as a sudden illness or a death in the family), call the Court immediately at 740-203-1507.

Where do I park?

Free visitor parking is available in the parking lot adjacent to the south of the building at the Delaware Municipal Court, Justice Center at 70 N. Union Street. An official parking pass will be enclosed with your summons.

If the visitor parking lot is full, then free permit parking may be available in the lot next to East Winter Street that has reserved permit parking signs displayed. Make sure you display the parking pass on your car dashboard. If both parking lots are full, then park on the street immediately surrounding the Justice Center at a metered space and display the parking pass on your car dashboard. There is additional parking available in the City Parking Lot on East Winter Street (across from the Strand Theatre) or the City Parking Lot on East William Street (beside the BP gas station). There is no need to put money in the meter if you display your parking pass. Handicap parking is available at the Justice Center.

The parking pass is to be used only on the dates that you are scheduled to be at the Delaware Municipal Court for Jury Service.

What do I do when I arrive at the Justice Center?

In order to provide you with a safe environment within which to perform your civic duties as a juror, appropriate security arrangements have been made. Upon arrival, you will be required to pass through the security control point located at the front door. This control point is equipped much like a security control point found at airports. It includes a walk-through metal detector and an x-ray machine for packages and other tote items. You will then be instructed to proceed to the second floor to check in with the bailiff or jury commissioner. The bailiff or jury commissioner on the second floor will be at a table near the elevator. You must check in with the bailiff or jury commissioner, sign in, receive a juror badge, and then be escorted to the jury assembly room by the jury commissioner. We ask that you remain in the jury assembly room until you are accompanied into the courtroom by the jury commissioner or bailiff.

How will I know what to expect and what to do during my jury service?

In addition to the information in this handbook, the bailiff and the jury commissioner are available to answer any questions or assist you in any way.

What hours will I serve?

You should report to the Justice Center on the dates shown on your jury summons. The jury service number and the on-line jury confirmation will instruct you on the time to report for each jury date. On days that you report for jury service, you can expect to be at the Court during its normal hours. If not selected for a jury, you may be able to leave early. Jurors will be given a lunch break and may be given other breaks during a trial. On occasion, a trial will continue beyond the Court's normal working hours. If this happens, you may need to arrange your schedule to allow you to stay longer. There is a phone in the jury room which you may use to keep your family informed as best as possible plus you can use your cell phones in the jury rooms. Just remember to quiet your cell phones before going back into the courtroom.

Is there anything I can do to make my jury service more comfortable, convenient, and enjoyable?

Certainly! While efforts are made to reduce delay and avoid waiting time, you may have to wait awhile at the Justice Center before you find out whether you have been chosen to actually sit on a jury. So bring a book or other quiet activity. Solve a crossword puzzle, write a letter, or get to know your fellow jurors. Remember that as a juror, you are a vital part of the court system. Part of the job of many court employees, such as the bailiffs and the jury commissioner, is to help make your jury service comfortable and convenient. Don't be afraid to ask them for help.

What should I wear for jury service?

Wear comfortable clothing that enhances the dignity of the Court and emphasizes the seriousness of your responsibility. Shorts, hats, t-shirts, sweat suits, tank tops, or other such informal attire is not considered appropriate in the courtroom.

Are pagers and/or cell phones permitted?

Yes. Pagers and cell phones are permitted in the Justice Center. However, they must be turned off or put on vibrate while in the courtroom.

Will I be allowed to make phone calls while on jury service?

Yes. Phones are available in designated juror areas. Your cell phones can be utilized in those areas also.

Is reading material provided to pass the idle time?

Yes. You may also bring your own reading materials, but you must take them with you when you leave.

Is smoking permitted?

Yes. Smoking is only permitted, however, in outdoor designated juror smoking areas during breaks or lunch.

Who do I contact if I have questions while at the Justice Center for jury service or if I have a special need?

Contact the bailiff on duty in the hall or the jury commissioner while you are waiting in the jury assembly room. Once you are seated as a juror you should contact the bailiff who is working in the courtroom.

Do you provide paperwork that I can show my employer to prove that I reported for jury service?

Yes. When you arrive in the morning and while checking in, advise the hall bailiff or the jury commissioner.

When do I get paid?

Upon **completion of your term of jury service**, the jury commissioner will total your accumulated service and send you a check by the end of the next month following your term of service.

Can I leave the jury room?

Yes. However, you cannot leave without the permission of the bailiff or jury commissioner. The reason for this is to keep you from being influenced by attorneys, witnesses, victims, defendants, etc. with whom you might come in contact around the Justice Center. We provide restrooms and other necessities so that you do not have to leave the jury rooms.

Is it possible that I might report for jury service but not sit on a jury?

Yes. The parties involved in a case generally seek to settle their differences and avoid the expense and time of a trial. Sometimes the case is settled just a few moments before the trial begins. So even though several trials are scheduled for a certain day, the Court doesn't know until that morning how many will actually go to trial. But your time spent waiting is not wasted--your very presence in the Court encourages settlement.

How are jurors chosen to sit on a jury?

When a trial is ready to begin, the bailiff calls the potential jurors into the courtroom. The bailiff asks the prospective jurors to hold up their right hands, and swear or affirm that they will truthfully answer the questions about to be asked of them. The Judge will then tell them the names of the parties and their attorneys and briefly explain the nature of the case. As a prospective juror, you will be questioned by the Judge and the trial attorneys. This process, referred to as *voir dire* (pronounced "vwar deer"), is conducted to determine whether you have opinions or attitudes that would bias you in favor or disfavor of either side in a case. While some questions may be personal in nature, they are not intended to embarrass you even if that becomes the result. They are asked to determine if there is a reason you should not sit on the case. However, if you feel that a particular question is too personal or would tend to cause embarrassment, you may ask the Judge whether you have to answer the question. If the question is one you are required to

answer, arrangements can be made to hear your answer out of the presence of the other jurors.

The Judge will ask if you are related to anyone involved in the case, have any financial or other interest in the outcome of the case, have formed or expressed an opinion, or have any personal bias or prejudice that might affect how you decide the case.

The Judge then will randomly draw eight names for a criminal case or six names for a civil case to be seated in the jury box. The attorneys for each side will ask you some questions. Allowing both sides to participate in selecting the jury gives the parties the opportunity to feel that the jury will be fair and impartial when it decides the case. Being excused from a jury in no way reflects on your character or your competence as a juror, so you should not feel offended or embarrassed if your name is removed.

Jurors may be excused "for cause" which are reasons such as a personal or financial interest in the outcome of the case, a family relationship to a party or counsel, or any other reason that would impair their ability to be fair and impartial. In addition, each side on a case may excuse up to three jurors using what are known as "peremptory challenges" which may be made without any reason. Please understand that any juror who is challenged by a party peremptorily must be excused by the Court. Jurors who are excused for one case may still be eligible to sit on another.

The remaining eight jurors for a criminal case or six jurors for a civil case then swear that they will hear the case before them and give a verdict they believe to be true. Once selected as a juror, you will need to listen closely to the Judge, witnesses, and attorneys, consider the evidence presented, and make an intelligent and just decision based on the evidence presented to you following the instructions of law provided by the Court.

What are alternate jurors?

Sometimes, when the Judge believes that a case is likely to last for more than a day or two, additional jurors will be chosen from those summoned for jury service. They will be questioned and challenged like other prospective jurors. The additional jurors are chosen to avoid having to retry the case should one or more jurors be excused from the jury during the trial for an emergency (such as illness), leaving too few jurors to decide the case. Throughout the trial, all jurors will sit together, paying careful attention to all the evidence. After closing argument, and before the jury retires to the jury room to decide the case, the Judge will excuse the alternate from further service on the case. After the trial is completed, the alternate may call the Court to find out the verdict on the case.

What are my responsibilities now that I'm part of a jury?

In any trial, two kinds of questions will have to be decided at various times. These are questions of law and questions of fact. The Judge decides the questions of law. You decide the questions of fact. After you have decided the questions of fact, you will apply the law to the facts as directed by the Judge at the end of the trial.

What is a "question of law"?

Questions of law involve the determination of what the law is. They may be about procedural matters (what information can be admitted as evidence, what kind of questions can be asked, which witnesses can appear, and what they can testify about). Or they may involve questions of substantive law, which create, define, and regulate the rights of parties.

What is a “question of fact”?

Quite simply, it's deciding what really happened in a case. Don't be surprised if the evidence given by both sides is conflicting or if the testimony given by one witness contradicts another. After all, if everyone was in agreement about what happened and what should be done about it, the dispute probably wouldn't be in court, and a jury probably wouldn't be needed. Your job is to listen to all the testimony, consider all the evidence, and decide what you think really happened.

Who will be in the courtroom? What will they be doing?

A jury trial involves many people. The list below explains who they are and what they'll be doing.

Judge

The Judge presides over the trial, instructs the jury, makes rulings on points of law, and has general charge over the proceedings of the trial and its participants.

Plaintiff (Civil case)

In a civil case, the person who brought the case to Court is called the Plaintiff.

Defendant (Civil case)

The person being sued in a civil case is called the Defendant.

Prosecuting Attorney (Criminal case)

Attorney who is representing the people of the State or local political subdivision.

Defendant (Criminal case)

A person who has been charged with a crime is the Defendant in a criminal case.

Attorneys or Counsel

Attorneys representing the Plaintiff, Defendant, or the government in a criminal case are also referred to as counsel. Depending on who they represent and what court you are in, you may hear them called Counsel for the Plaintiff, Plaintiff's Attorney, Counsel for the Defendant, or Defense Attorney. An attorney representing the government in a criminal case is called the Prosecuting Attorney.

Bailiff

The bailiff opens Court, is responsible for keeping order and maintaining the security of the Court, recording and logging all trial proceedings, and helping the Judge and the jury as needed.

Witnesses

Each side in a trial will probably have a number of witnesses who have information about the dispute. They present testimony under oath concerning what they have seen or know about the facts of the case. Very often, the Judge will ask them to wait outside the courtroom until it is their turn to testify. This is done so they won't hear each other's testimony and be influenced by it.

What happens during a trial?

The trial will begin with opening statements by the attorneys for both sides explaining their client's position and outlining the evidence they expect to present that will support their claims. These statements are not considered evidence but are an introduction to claims which must be proven by the presentation of evidence.

The examination of witnesses and presentation of evidence will begin after opening statements. The witnesses for the Plaintiff are then called and questioned by the Attorney for the Plaintiff and cross-examined by the Attorney for the Defendant. After cross examination, the Plaintiff's attorney may reexamine some of the witnesses. After all the Plaintiff's witnesses have been called and all the Plaintiff's evidence has been presented, the attorney will tell the Judge that the Plaintiff rests.

Witnesses for the Defendant may then be called. This time, the Defendant's attorney questions the witnesses, and the Plaintiff's attorney cross-examines them. When all the Defendant's witnesses and evidence have been presented, the defense will rest. After the Defendant has finished, the Plaintiff has the right to offer testimony in reply.

Attorneys may make objections during the trial in an effort to limit the testimony being presented. Objections are a legal and proper part of the trial process. If the Judge sustains the objection, the evidence or testimony is not proper, and if he overrules the objection, the line of questioning may continue.

Then the attorneys make their closing arguments. The closing arguments let each attorney tell the jury what they think the evidence proves and why their client should win. These closing arguments may help jurors recall many details of the case, but they are not evidence. The Plaintiff's attorney speaks first, followed by the Defendant's attorney. Finally, the Plaintiff's attorney speaks again and closes the case.

The Judge reads the jury instructions to the jury. Then the jury begins its deliberations in the jury deliberation room.

What are jury instructions?

Jury instructions tell the jury what the laws are that govern a particular case. The jurors must accept and follow the law as instructed by the Judge even though they may have a different idea about what the law is or ought to be.

Who awards damages in a civil case?

In a civil case, the jury not only decides on a verdict for one side or the other, but also awards damages. That is, if the jury determines that an award of money should be made, the jury decides how much money should be paid.

How are criminal cases tried?

Criminal cases are very similar to civil cases, except instead of a Plaintiff, there is a Prosecuting Attorney. The Prosecuting Attorney may represent either the State or a City, County, or Town.

Our Court hears Misdemeanor criminal and traffic cases.

Who sets the punishment in criminal cases?

If the jury finds the Defendant guilty in a criminal case, the Judge decides the appropriate punishment.

Why do the attorneys object to certain statements or evidence?

An important part of an attorney's job is to protect the clients' rights during a trial. This includes making sure that the only evidence presented during the trial is evidence that is proper, relevant, and allowed by law. So if evidence is submitted that the attorney feels is improper, or if the attorney feels that the other side is asking questions that are unlawful, the attorney will call out "Objection!" By doing this, the attorney is asking the Judge to rule on whether the law allows that particular piece of evidence or statement or question to be admitted. If the Judge thinks it should be admitted, the Judge will say, "Objection overruled." If the Judge agrees that the evidence in question is improper, the Judge will say, "Objection sustained."

Why is the jury sometimes asked to leave the courtroom in the middle of a trial?

Occasionally the Judge may decide to send the jury from the courtroom in the middle of a trial so that arguments may be presented to the Court concerning an objection, discuss points of law or whether certain evidence can be admitted, or other legal issues. This is done outside the presence of jurors to avoid possible prejudice. At other times, the attorneys may gather near the judge's bench in order to discuss a legal point out of your hearing without having you leave the courtroom. These activities, and the Judge's ruling on objections are required to be done outside of your hearing and, therefore, should not cause you to give either side more favorable consideration. You will be called back to the courtroom when the Judge's decision is made.

What should I do when testimony is stricken from the record?

You must disregard that testimony. Sometimes the jury hears testimony that the Judge later decides they should not have heard. The Judge will tell the jury to consider the case as if they had never heard it. You must follow the Judge's instructions so that the parties in the case may receive a fair trial.

Can I talk to anyone about the trial while it's going on?

No. While a trial is in progress, jurors must not discuss the case with friends, relatives, or trial participants. Do not even discuss the case with your fellow jurors until you begin your deliberations. If you are approached about the case, report the incident to the Bailiff immediately. Jurors must not become involved in independent investigations about the case. When it becomes necessary to inspect a scene, the jury will do so as a group under the court's supervision only. Jurors must be impartial and avoid comments or expressions during the trial which convey their feelings or opinions about the case. When the trial is over, you can discuss it with anyone if you want to, or you may keep silent if you prefer.

Can I watch news reports of the trial or read newspaper accounts of it?

No, not as long as the trial is still going on.

What if I accidentally hear something about the trial outside the courtroom, or if someone contacts me about the trial while it is still going on, or if I realize during the trial that I have some special information that relates to the case?

Ask the bailiff to tell the Judge immediately what has happened. Tell no one about the incident except the bailiff or the Judge.

What if I need a break during the trial?

Jurors are given lunch breaks and may be given other breaks during a trial. If it is absolutely necessary that you take a break for some reason at any other time during the trial, tell the bailiff or the Judge. But note that these requests are highly unusual and should be made only if absolutely necessary.

What happens after the closing arguments?

After the attorneys give their closing arguments, the Judge will instruct the jury concerning the law and its application to the particular case. The Judge is required to give these instructions to you orally, but he will also prepare a written copy of them for you to take with you into the jury room. The jurors will then proceed to the jury room to begin deliberations. "Deliberation" is the process the jury uses to reach its verdict. During deliberations, the jury will discuss evidence and review law and facts.

The jurors must first select a foreperson whose job it is to ensure that the deliberations are orderly and that everybody gets a chance to discuss the case. You will then discuss the evidence and attempt to arrive at a fair and impartial verdict based on the facts presented during the trial and the law as given by the judge in his jury instructions. When deliberations are complete, you will return to the courtroom for the presentation of your verdict.

Will anyone be in the jury room besides the jury?

No. But if you have any questions or need any help, the bailiff will be near by.

What's the first thing we do?

The first thing you should do is elect one member of the jury to preside over the deliberations and be the foreperson. The foreperson sees that everyone has an opportunity to participate and that the discussions remain orderly. The foreperson takes part in deliberations and votes on the verdict along with everyone else.

What if we don't understand the jury instructions?

The Judge will send written copies of the jury instructions to the jury room with you. If you don't understand the instructions, you may ask the Judge to explain them to you. Your questions must be put in writing and then you must ask the bailiff to give them to the Judge. The Judge will discuss the questions with the attorneys before answering them if he/she is able.

How should we conduct our deliberations?

Each juror may have a different opinion at the start of deliberations. To reach a unanimous decision, some jurors may have to change their opinion. You should keep an open mind; listen carefully to other people's opinions, and the reasons for their opinions. You should be prepared to tell the other jurors what you think and why you think it. Be fair and carefully consider what your fellow jurors are saying. Do not let yourself be intimidated into changing your opinion, and do not intimidate anyone else. Change your opinion only if you genuinely agree with what another juror is saying. After a full discussion of the issues, the jury should be able to reach a decision that each juror can agree to with a clear conscience.

Do we all have to agree?

In a criminal trial, every juror must agree on a verdict. In a civil trial, a unanimous verdict is not required.

What should we do after we've reached our verdict?

The foreperson will write down the jury's verdict on a verdict form prepared by the Judge. All jurors must sign it, and then notify the bailiff that a verdict has been reached. The bailiff will notify the Judge, who will call everyone, including the jury, back to the courtroom. The Judge will ask for the jury's verdict and read it out loud.

The Role of the Jury is Essential:

The jury is a critical element in our system of justice. You should be proud of your service as a juror. It is, without a doubt, one of the highest expressions of citizenship. Your participation in the selection of the jury panel is essential, regardless of whether you are actually selected to serve on a case. Whether you ever get to sit on a case or not, the court and the litigants sincerely appreciate your willingness to serve your community.

