



THIS is the LAW

Serving on a North Carolina Jury

Thomas Jefferson, the author of the Declaration of Independence, once wrote, "I consider trial by jury as the only anchor yet imagined by man, by which a government can be held to the principles of its constitution."

Trial by jury is not a perfect system of obtaining justice; it is simply the best system we have yet been able to devise. Serving on a jury is not only an obligation of every qualified citizen, it is a right and a privilege.

If you are required to serve on a jury, you become, along with the lawyers and the judge, an officer of the court, a part of the judicial system with a most important responsibility to your state and your fellow man.

Please keep in mind that the administration of justice is not a process in which shortcuts should be taken simply to speed up the process. The determination of truth and the fair and equitable application of the law are matters of grave importance.

This pamphlet was prepared as a public service by the Communications Committee and is not intended to be a comprehensive statement of the law. North Carolina laws change frequently and could affect the information in this pamphlet. If you have specific questions with regard to any matters contained in this pamphlet, you are encouraged to consult an attorney. If you need an attorney, please contact the North Carolina Lawyer Referral Service, a nonprofit public service project of the North Carolina Bar Association, toll free: 1-800-662-7660. (Wake County residents call 677-8574.)

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Reporting for Jury Duty

When you are summoned to jury duty, it is important that you comply fully with the requirements of the summons. When you arrive for duty, report to the bailiff of the proper court on the date and at the hour stated in your summons. (In some counties, there is a jury assembly room managed by the clerk's office which is where jurors are to report.) The bailiff is the sheriff or deputy sheriff who is assigned to duty in the courtroom. He will advise you as to whether you are reporting to the proper place and will tell you where to sit in the courtroom. The bailiff will be available throughout the court sessions.

Qualifications of Jurors

Jurors must be qualified in order to serve in North Carolina. Under North Carolina law, a juror: (1) must be a citizen of the United States and of the state of North Carolina, (2) must be a resident of the county in which called to serve as a juror, (3) must be at least 18 years of age, (4) must be physically and mentally competent to serve, (5) must be able to hear and understand the English language, (6) must not have been convicted of or pled guilty to a felony unless citizenship has been restored according to law and (7) must not have served as a juror during the preceding two years. In certain sensational cases where there is a great deal of publicity, you may be required to serve as a juror in a county other than the one in which you live.

Getting Excused From Jury Duty

Qualified persons age 65 or older may elect not to serve; otherwise, a person may be excused from jury duty on a particular occasion only after requesting to be excused because of special circumstances which may apply. No excuse is automatic and a judge will decide each request on its own merits and may defer jury service until a later date. If you have questions about your jury service, contact the clerk of court as soon as possible. In some areas you may be referred to a special "Jury Clerk."

Cases Tried by a Trial Jury

Cases which come before a trial jury are divided into two general classes: civil and criminal.

- Civil cases are those in which the parties come

into court to determine and settle their respective rights. The person who brings an action against another is the "plaintiff." The person against whom the action is brought is the "defendant."

- Criminal cases are those in which action is brought by the government on behalf of all citizens to try persons charged with the violation of criminal laws. In a criminal case, the state is the "prosecutor" and the person accused of the crime is the "defendant."

The Questioning of Jurors

When you report to the court for jury service, you may be asked certain general questions by the judge regarding your qualifications to serve as a juror. After the judge is satisfied that you meet these qualifications, you will then either swear or affirm that you will give all parties a fair trial in any case in which you serve as a juror during the term of court. Then, when you are called to the jury panel for a particular case, the lawyers in the case have the right to ask additional questions.

If you have never before served as a juror it may seem to you that some of the questions are very personal, but it is not intended that any question should embarrass or reflect upon a juror in any way. Lawyers have a duty to their clients to ask proper questions to assist them in deciding which jurors to select and to excuse a potential juror for any reason.

When the jury has been selected and the required number of jurors are in the jury box, the jurors are sworn to try the case. This is called "impaneling" the jury.

Note: This pamphlet is published only for general information. Jury instructions may be given to you prior to your being sworn as a juror. If you are required to serve on a specific jury, the judge presiding in the case will provide additional instructions. In all cases, rely on the information you receive from the judge and other appropriate officers of the court.

Things to Remember During the Trial

After you are selected as a juror in a case, there are some rules of conduct which you should observe.

- Don't be late for court sessions.
- Always sit in the same seat in the jury box. This enables the judge, the clerk and the lawyers to identify you more easily.
- Listen to every question and answer. Since you must base your verdict upon the evidence, you should attempt to hear every question asked and every answer given.
- Don't talk about the case. You should not talk to anyone about the case, not even to another juror until the judge instructs that you are permitted to talk about the case. You should not permit anyone to talk to you or talk in your presence about the case. If any person persists in talking to you about it or attempts to influence you as a juror, you should report that fact to the judge immediately.
- Under the law, lawyers and the parties involved in the case are not allowed to speak to jurors anytime during the trial.
- Don't be an "amateur detective." Since the only evidence you can consider is that presented in court, you are not allowed to make an independent investigation or to visit any of the places involved in the case.

Conduct in the Jury Room

Your first duty upon retiring at the close of the case is to select your foreperson. It is the foreperson's duty to see that discussion is carried on in sensible and orderly fashion, to see that the issues submitted for your decision are fully and fairly discussed, and that every juror has a chance to say what he or she thinks about every question. You will consider each of the questions presented. When a unanimous decision has been reached, the foreperson will record your decision and present it to the court.

The foreperson and each juror should see that discussion in the jury room is never so loud that it can be heard outside. Until a verdict is announced, no outsider should know what goes on in the jury room.