

JUROR'S GUIDE^[1]

A quick reference to your role in the trial process in Pennsylvania.

The right to a trial by jury is guaranteed by the United States and Pennsylvania Constitutions. The effectiveness of the jury system depends upon citizens' willingness to serve as well as jurors' ability to be fair and impartial while deciding the facts and applying the law.

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COURTS

Courts of Common Pleas are Pennsylvania's general trial courts. These courts are organized into judicial districts, generally following the geographic boundaries of the State's counties. In most judicial districts, juries hear a wide range of cases.

Courts of Common Pleas: Are the primary trial courts with original jurisdiction in most serious criminal and civil cases. Jurors serve in these cases.

Superior Court of Pennsylvania: Hears most criminal and civil appeals from the Courts of Common Pleas.

Commonwealth Court of Pennsylvania: Hears cases where the government is a party.

Supreme Court of Pennsylvania: Is the highest judicial authority in the State.

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JURY SELECTION

How are jurors selected? Jury selection process in Mifflin County begins when a name is randomly selected from the per-capita tax records. Those selected to participate are sent a summons which is a court order stating the required time and place to appear. The information contained on the juror questionnaire is confidential except for disclosures made during the jury selection process and is not given to anyone except the Judge, the Judge's Clerk, the parties and the lawyers. After a jury is selected, all copies of the questionnaire are returned to the Clerk and destroyed. Original questionnaires are kept sealed until completion of service as a juror, at which time the originals are also destroyed, unless otherwise ordered by the court. Because the questionnaire is part of the jury selection process, any false statement in your answer is subject to the penalties of law.

The jury pool is composed of those people summoned to appear on a particular day. Juries are selected from the jury pool.

In criminal cases, the jury is made up of 12 jurors except in rare cases of the parties agreeing to fewer. In civil cases, the jury can consist of as few as six jurors or as many as twelve. Alternate jurors may also be chosen to avoid unnecessary delays or expense in the event of the incapacity of a juror.

What kinds of cases will I hear as a juror? Jurors hear either criminal or civil cases. In criminal cases, the district attorney acting on behalf of the citizens of Pennsylvania prosecutes a case against an individual or an entity accused of a crime. The district attorney is also referred to as the prosecutor. The person or entity accused of the crime is referred to as the defendant.

In civil cases, an individual, entity or governmental agency brings a suit against another individual, entity or governmental agency. The party initiating the lawsuit is referred to as the plaintiff and the party defending the suit is the defendant.

What is voir dire? Voir dire is a French term that refers to the preliminary examination of an individual's qualifications to be a juror. Voir dire is sometimes conducted by the Judge and sometimes by the lawyers. The purpose is to find out whether any views held by the potential juror hinder his or her ability to act impartially. Therefore, it is very important to answer these questions honestly.

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ROLE OF THE JUROR

- * Listen carefully to all evidence presented during the trial.
- * During deliberations, discuss the evidence with fellow jurors and decide what the facts are based upon which witnesses and evidence you believe.
- * Apply the law, as explained by the Judge, to the facts as determined by you.
- * Do no independent research or investigation.
- * Determine the money damages in some civil cases.
- * In criminal cases, decide whether the defendant is guilty or not guilty.
- * Arrive at a verdict.

ROLE OF THE JUDGE

- * Make sure all parties have a fair opportunity to present their case.
- * Make sure the trial process proceeds in a proper manner.

- * Instruct the jury on the applicable law.
- * Decide the punishment in most criminal cases.

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TRIAL PROCESS

- * Jury Selection
- * Jury Sworn In
- * Opening Instructions by Judge
- * Opening Statements by Attorneys
- * Presentation of Evidence
- * Closing Arguments
- * Judge's Final Instructions
- * Deliberation by Jury
- * Verdict
- * Dismissal of Jury

JURY DELIBERATIONS

The Judge explains the law and provides guidance on procedures to be followed in jury deliberations. One of the first things the jury does during deliberations is to choose a foreperson. The foreperson should make sure that each juror has a chance to speak; that each juror's opinion is treated with respect; that the jury does not rush to come to a verdict; that jurors carefully listen to one another and that they return a fair and impartial verdict based upon the facts of the case.

In criminal cases, a unanimous jury is required to find the defendant guilty. In civil cases, five-sixths of the jurors must be in agreement.

Once a jury reaches a verdict, the foreperson informs the court the jury has reached a verdict and the Judge calls everyone back to the courtroom. The verdict will then be announced. After the verdict is announced and recorded, the jury has completed its duties and is discharged.

After discharge, jurors are permitted, but not required, to talk about the case. Jurors are not permitted, however, to disclose what another juror said in the jury room. If anyone attempts to communicate with a juror regarding his or her role as a juror in a way that one feels is improper, the juror should report the incident to the court as soon as possible.

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COMMONLY ASKED QUESTIONS

Who is eligible to serve? Anyone 18 years of age or older who is a United States citizen and resident of the county and who has not been convicted of a crime punishable by imprisonment for more than one year and has not been granted a pardon or amnesty therefor.

What happens if I ignore my summons for jury service? A jury summons is a court order. If you ignore it, you are subject to arrest and prosecution.

May I communicate with the court and schedule a more convenient time to serve? In many cases, the court will do what it can to accommodate you. Call the court office (717-248-4613) and ask. Don't simply ignore the summons.

Will I be paid for serving as a juror? Yes, \$9.00 per day for the first three days and \$25.00 per day thereafter. These fees are set by the State legislature. The County of Mifflin pays mileage to jurors for transportation to and from the courthouse.

What if my employer doesn't allow me to serve? The law prohibits any employer from preventing an employee to serve as a juror. The law also prohibits an employer from depriving a juror of benefits because of jury service, such as requiring you to use vacation time to serve.

Is my employer required to pay me while I serve as a juror? If you work for the government, your employer must pay you. If you work in the private sector, your employer does not have to pay you. However, many employers recognize the importance of jury service and compensate their employees accordingly.

Is it possible to appear for jury service and not sit on a jury? Yes. More people are called than actually serve because it is not always possible to estimate accurately the number of jurors who will be needed to serve each day.

How long will I serve? Criminal trials do not usually last longer than one or two days. Generally, civil trials do not last longer than three to four days. However, some trials last longer.

May I go home at the end of the day? Jurors almost always go home at the end of the day. Sequestration is a term used to describe jurors staying at a local hotel at the county's expense during the trial. Sequestration rarely occurs.

Are accommodations available if I have a disability? The Court of Common Pleas of Mifflin County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact the court office (717-248-4613). All arrangements must be made at least 72 hours prior to any hearing or business before the court.

What happens if I am late and cannot get to court before the time the trial starts? Telephone the court office (717-248-4613) as soon as possible.

How often do I have to serve as a juror? There is no limit on the number of times your name may be drawn for service. In Pennsylvania, however, anyone who has served on a trial as a juror fewer than three days does not need to serve again for one year. Anyone who has served three days or more does not have to serve again for three years. If drawn and you wish to serve again before the expiration of those time periods, you may. In Mifflin County, anyone who has served as a juror for one day does not have to serve again for three years. They need only report their prior service date and their desire to be excused to the court office if called upon a second time within the three-year period.

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TIPS

Bring something to read to pass the time spent waiting.

Get directions to the courthouse in advance.

If you will be driving, parking is available in the public lot at the Mifflin County Library and on a first-come, first-served basis on the North Wayne Street side of the Courthouse Annex Building (formerly ACS World).

Please dress appropriately but comfortably. T-shirts, athletic apparel, shorts, tank tops and flip-flop sandals are not permitted.

Pagers and cellular telephones must be turned off prior to entering the courtroom.

All requests for excusal must be made in writing and returned to the court office, along with the completed questionnaire, by the due date on the summons/notice. If requests are sought for medical reasons, a doctor's excuse must be obtained and sent to the Judge along with the excusal request and completed questionnaire.

In the event of inclement winter weather, please tune to one of the following radio stations: WMRF/WIEZ/WLAK, WKVA, WCHX/WVNW, or call 717-248-4613 the evening before jury selection or jury trial for possible cancellation notice.

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CONCLUSION

While jury service may sometimes be inconvenient, it is an extremely important civic duty. Without citizens willing to serve as jurors, our system of justice would not exist. Many jurors find the experience to be educational and rewarding.

The purpose of this information is to help you better understand the Pennsylvania courts, inform you of what you can expect when serving as a juror and emphasize the critical role jurors play in our justice system. It is not a substitute for the instructions given by the Judge during trial.

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[1] Pennsylvania Bar Association, “Juror’s Guide.”