

Petit Jury Transcript

Hello, I'm Rowan Wilson, chief judge of New York State. I'd like to welcome you to jury service and thank you for taking the time to serve your community in such a vitally important way. Through jury service, you will directly participate in the operation of your government and our system of justice. I have served as a juror several times and really enjoyed it, and I am confident that you will find the experience enlightening, empowering, and meaningful.

The jury is the conscience of a community and one of the key checks and balances that promotes freedom and ensures justice. I know that it can seem like an inconvenience, but I invite you to view jury service not merely as an imposition on your busy life, but also as an opportunity to participate directly in the operation of government and ensure that justice is done. Remember that when you serve on a jury, you're not only guaranteeing the rights of others to a fair trial but guaranteeing the same rights for yourself and your family.

For centuries, people throughout the world have yearned for a right that we sometimes take for granted in this country. The right to a trial by jury. A jury that mirrors the diverse ethnic, social, economic, and political perspectives, and values of the community, is best equipped to sit in judgment of our fellow citizens and render a verdict that is fair and consistent with the law. But in this country's early history, and in some instances up until quite recently, that was an unfulfilled promise. Today, the system is far more inclusive and far closer than ever before to fulfilling the promise of our founders, a jury of we the people. Today, everyone is called on regardless of wealth, job, gender identity, religion, or race. No one is exempt from jury service in New York State, not even me. Without you, it would not be possible to choose a jury that is truly representative of the community. Being a juror does not require any particular skills, expertise, or education. It is your job to fairly evaluate the evidence presented in the case. Being a good juror depends on your common sense, careful attention to the evidence and instructions from the court, and dedicated effort to work with your fellow jurors to arrive at a good decision.

From the entire jury pool here today, names are picked at random, and those picked will be questioned by the attorneys, if the litigants have attorneys, and often also by the judge in a process called voir dire, an ancient phrase which roughly translates to mean to say what is true. The process is much the same whether the case is a criminal matter, where the jury will decide whether the accused individual is guilty of a crime, or a civil matter, where the jury will determine if someone has been wronged and should be compensated. Voir dire is an opportunity for the parties and their attorneys to get to know you a little so that they can try to find out if you have any biases or conflicts that might affect your ability to render a fair and just verdict.

If you're excused, don't be offended. It is in no way a reflection of your integrity or whether you could be a fair juror in another case or even in the case for which you were called. Remember, both sides in the case are seeking jurors they feel will be most receptive to their arguments. Jurors can be excused through either a challenge for cause or a peremptory challenge. With a challenge for cause the attorney will have to make a case to the judge, and out of hearing with potential jurors, why an individual might not be able to be fair or might have a conflict. For instance, perhaps it will come out during voir dire that a potential juror is related to or has a personal connection to one of the litigants or witnesses, or has already formed an opinion about the case, or may have a matter that the potential juror wants to discuss privately because it may be embarrassing. If the judge agrees that the individual is

not suitable to serve as a juror on the case, the juror will be excused. Additionally, each attorney will have a set number of peremptory challenges. With a peremptory challenge, the attorneys do not have to give any reason and can simply go with their gut reactions. However, they cannot use peremptory challenges to exclude people for discriminatory reasons.

Are the remaining jurors satisfactory to the people?

Once you're selected as a juror, you'll be sworn to secrecy.

I want to emphasize that in addition to not talking to anyone face to face about this case, you must not communicate with anyone about this case by any other means, such as telephone, text messaging, email, internet chat, chat rooms, blogs, or any social media sites. You're not even allowed to talk to other jurors about this case until I tell you it's okay to do so.

That means you cannot talk to anyone about the case until it's concluded. You cannot read newspaper articles or internet or social media posts about the trial. You cannot watch any of the trial news on television, and you cannot post or comment on any social media platforms about the case while the trial is underway.

Can you render an impartial verdict and base your verdict solely on the evidence in the law?

Yes.

You must come to your conclusions based only on what you hear from the witness stand and see in the exhibits. It is vitally important that your verdict is based solely on the evidence at trial, and that you are not influenced consciously or even subconsciously, by something you may see or hear out of the courtroom. Please do not come to any conclusion until you have seen and heard all the evidence and deliberated with the other jurors.

Will all the jurors please rise and raise your right hand.

Jurors. Do you solemnly swear or affirm that you'll try the case of the people of the state of New York against Joseph Jones, the defendant, in a just and impartial way, with the best of your judgment, in accordance with the law and the evidence?

I do.

Thank you.

Once the trial is underway, the attorneys will have an opportunity to make an opening statement, an outline of what they believe the evidence will show; but what the attorneys say is not evidence and as the case proceeds, you may or may not agree with their arguments.

Members of the jury, I submit to you that the evidence you are about to hear is going to sufficiently prove the people's case beyond a reasonable doubt.

I'm confident that after hearing all of the evidence in this case, you will return a verdict of not guilty.

You, not the attorneys, and not the judge, are the finders of fact. This means that it is your job to determine who was telling the truth and what the facts really are. Once the opening statements are completed, each side will have an opportunity to call witnesses and present evidence; and each side will have an opportunity to question or cross-examine the other side's witnesses.

In a criminal case, the district attorney or prosecutor must prove beyond a reasonable doubt that the accused is guilty. In the United States, a person accused of committing a crime is presumed innocent. Therefore, the defendant, the person charged with a crime, does not have to prove anything at all. If the prosecutor does not prove guilt beyond a reasonable doubt, the defendant is not guilty. In a civil trial where the parties have a dispute that they need the court to resolve, the process is similar. However, the plaintiff, the person bringing the lawsuit, must provide proof under the preponderance of the evidence standard, which is much easier to show than beyond a reasonable doubt. The judge will explain exactly what beyond a reasonable doubt means if your case is a criminal matter, and what preponderance of the evidence means if you hear a civil case.

As the trial proceeds, it is likely that attorneys will object to a certain line of questioning, a comment, or the phrasing of a question. There may be interruptions from time to time when the attorneys meet with the judge. Don't speculate about what the judge and the attorneys may be discussing, or about why there may be interruptions in the trial. It happens in almost all cases, and it is done to make sure that you only hear testimony and review documents that are legally permissible.

What did your friend say to you?

Objection.

Counsel, please approach.

After both sides have presented their cases, they may make closing arguments. Like the opening statements, closing arguments are not evidence and merely represent the attorneys' summary of what they believe the evidence showed. You may agree with the attorney, or you may not. The judge will instruct you as to how the law applies to this case, and you will retire to deliberate. In the privacy of your deliberations, you, the jury, will decide whether a particular witness was being honest, whether the evidence is credible, and the facts of the case.

We, the jury, find the defendant...

All you need to bring into the deliberation room is an open mind, a willingness to reconsider your opinion and your common sense.

As Chief Judge of the state of New York, and on behalf of all the members of the judiciary, we are immensely grateful that you are here and ready to serve. Only with your hard work, and careful attention, can we deliver justice throughout the many courthouses across our great state.

Once again, thank you for doing your part to ensure that we live up to the promise of justice for all.