



Jury Duty

by John D. Whitaker

Sometimes democracy can be inconvenient. Yes, I know we are all busy but the truth is that if you have ever believed that your vote doesn't count you should sit on a jury. In my experience, there is nothing more important to our system than tapping the collective wisdom of 12 ordinary members of our community to find justice. So today I want to talk a little about what happens when you get selected to be on jury duty.

Each year the Secretary of State delivers a list of the names of 1,500 county residents who are selected from the list of registered voters and people from Natrona County who have Wyoming driver's licenses. The clerk picks 750 names from this list and they become the base jury list for the first term of court. The remaining 750 become the base list for the second term of court. The first term runs from March through August, and the second term runs from September through February. The base list is a group of citizens who are obligated to serve as jurors if called by the court. Several days before a jury trial starts, the court directs the clerk of court to randomly select a specific number of jurors from the base list and these jurors become part of the jury panel. They are ordered by the court to show up for the trial. It is not a good idea to ignore this invitation. If you fail to show up without a reasonable excuse, you can be arrested and subject to penalty for contempt of court. Jurors are paid \$30 per day for their service.

Before the trial starts, the attorneys for both sides are given the opportunity to ask questions of the potential jurors to determine if there is any reason why they should not be selected. Jurors over the age of 72 may be excused if they wish. The most obvious reasons that may disqualify a juror include mental or physical infirmity, felony convictions, necessary care of dependent children, or when the juror may suffer some material injury or damage to property entrusted to him. In most cases, the court will not excuse you for trivial reasons or for hardship or inconvenience to your business. The lawyers will ask questions of each juror to evaluate their potential for each case. If



you do not get selected to sit on the jury, it does not mean that you are not a fair person. Jury selection is not an exact science and the decision to pick one juror over another is usually based upon a variety of factors. Employment history is important, as is prior experience with law enforcement, or injuries similar to those at issue in the case to be decided. Relationships the juror may have to parties of the case, the lawyers or expected witnesses are also important factors. I was born and raised in Casper and it is very unusual for me to look at a jury panel and not find people like my high school science teacher, or my son's high school science teacher. Each potential juror presents special challenges in picking a jury. Sometimes the process is about as scientific as flipping a coin.

After the jury is selected the case begins. Some courts will allow the jurors to take notes and ask written questions of each witness after the lawyers are finished with their examinations. After the case has been presented, the judge will read jury instructions. The jury instructions generally tell the jury how to deliberate and inform them as to the applicable law. After the case is submitted to the jury they are instructed to select a foreman and to proceed to decide the case. They are given a verdict form to fill out. This is where your vote really does count. As a member of the community you have the power to decide the case with the other members of the jury. Generally, the verdict must be unanimous.

After they reach a verdict the jury tells the clerk they have a verdict and the parties, their lawyers and the court reconvene and the jury gives its verdict to the judge. He reads the verdict and then directs the clerk to read the verdict to the parties. You can watch this on TV a hundred times without emotion, but watching a real jury render a decision is about as high drama as you can find.

As a juror you are not expected to leave your experiences and knowledge on the courthouse steps. You are asked to speak, think and act for the community. This is a big responsibility, but I can't think of a better way to experience real democracy at a meaningful level.

The Wyoming State Bar does not certify any lawyer as a specialist or expert. Anyone considering a lawyer should independently investigate the lawyer's credentials and ability, and not rely upon advertisements or self-proclaimed expertise. This informative column is brought to you by John Whitaker who practices personal injury and criminal law throughout Wyoming. He can be reached at JDWTL@aol.com or by calling his office in Casper at 265-6204.