



justice for all

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please contact your local clerk of superior court.

This handbook was originally authored in the late 1950s by the Young Lawyers Section of the North Carolina Bar Association. The handbook was updated again in the 1980s. This version was published and updated in 2017 by the North Carolina Judicial Branch Communications Office located at the North Carolina Judicial Center, Raleigh, NC 27607.

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THE PETIT JUROR HANDBOOK



NORTH CAROLINA
JUDICIAL BRANCH



MISSION *of the*
NORTH CAROLINA JUDICIAL BRANCH



TO PROTECT AND PRESERVE THE
RIGHTS AND LIBERTIES OF ALL
THE PEOPLE AS GUARANTEED BY
THE CONSTITUTIONS AND LAWS
OF THE UNITED STATES AND
NORTH CAROLINA BY PROVIDING A
FAIR, INDEPENDENT, AND ACCESSIBLE
FORUM FOR THE JUST, TIMELY,
AND ECONOMICAL RESOLUTION
OF THEIR LEGAL AFFAIRS



by sitting outside the jury deliberation room while the jury is deliberating on a verdict. Jurors should comply with the bailiff's requests while under the supervision of the bailiff.

THE COURT REPORTER

The court reporter records and logs all trial proceedings, and is responsible for preparing a typewritten transcript of the trial if requested by either party.

THE INTERPRETER

If needed, an interpreter is present in the courtroom to interpret word for word for a non-English speaking party or witness. An American Sign Language (ASL) interpreter, caption note taker, etc., may be provided for deaf or hearing impaired jurors.

The State of North Carolina and the personnel of the North Carolina Judicial Branch thank you for serving as a juror. Your performance of this public duty is helping to preserve and strengthen the basic democratic institution of trial by jury and to improve the administration of justice.

THE LAWYERS

During your jury service, you will come in contact with many lawyers. For this reason, you should have an understanding of the standards required of persons engaged in the practice of law.

Lawyers are licensed to practice in North Carolina only after they have passed a bar examination given by the Board of Law Examiners, or by a similar board in another state. Applicants for the bar examination must meet certain moral and educational requirements before being allowed to take the examination. First, they must satisfy the board that they have followed the proper course of study, including many required subjects. Second, they must convince the board that they have a high degree of moral character and integrity. Applicants who meet these requirements then take the two-day bar examinations given every year in Raleigh, and those who pass the examinations are licensed to practice.

Lawyers serve as officers of the court and are subject to all of the orders of the court. The judge will appoint a lawyer, known as a public defender, to defend an accused person in a criminal case if the accused is indigent and is charged with a serious offense. Lawyers may be privately retained in either criminal or civil cases. Public defenders are not provided in civil matters. However, there are several legal aid organizations that provide legal representation to those who are unable to pay for a lawyer of their own choice.

THE COURTROOM CLERK

The clerk sits at a location to one side of the judge. The clerk is an officer of the court and documents what happens in a case, prepares orders made by the court during the trial, and records the verdict at the end of the trial. The clerk also administers the oath or affirmation to jurors and all witnesses before they testify, and marks all exhibits when they are received into evidence.

THE BAILIFF

The bailiff is a deputy sheriff who is charged with keeping order in the courtroom during the trial. The bailiff opens and closes court each day, and attends to the jury

A MESSAGE FROM THE CHIEF JUSTICE OF THE SUPREME COURT OF NORTH CAROLINA

Dear Juror,

On behalf of the North Carolina Judicial Branch, thank you for serving as a juror. While it can be burdensome, jury service is vital to our American system of justice. Unlike many other countries, we place significant judicial decisions into the hands of “We the People,” jurors like you. By serving as a juror, you allow others to have their case decided by a jury of their peers. Your service helps ensure fairness in the judicial process and helps build public trust and confidence in the judicial system.

To help you prepare for this important responsibility, the North Carolina Administrative Office of the Courts has created this handbook as a guide and resource for common questions. We hope you find it helpful. Thank you again for fulfilling this important civic obligation. Because of your sacrificial service, we can meet our constitutional duty to provide justice without favor, denial, or delay.

Sincerely,



A handwritten signature in black ink that reads "Paul Newby". The signature is written in a cursive, flowing style.

Paul Newby, Chief Justice
Supreme Court of North Carolina



justice for all

jury to reach a unanimous decision results in a mistrial (except in civil cases where the parties may agree in advance to a less-than-unanimous verdict). The case must then be tried all over again before a new jury. You should reason your differences with each other, and make a sincere and conscientious effort to agree on a verdict. However, you should never agree to a decision which you believe to be contrary to the truth.

THE JURY'S VERDICT

The result of the jury's deliberations is its verdict, which literally means "truth speaking." In a criminal case, the verdict is usually "Guilty" or "Not Guilty." In a civil case, the jury's verdict takes the form of answers to written questions, called "the issues." These questions are framed in legal language, which the judge explains during the instructions. The foreperson writes the jury's verdict on the sheet containing the issues. The verdict should be reached as a result of deliberation and discussion, and not as a result of mere chance. It is highly improper for the jury to determine its verdict by the toss of a coin or any other haphazard method. The monetary amount determined by the jury is little more than a lottery prize, and not the considered verdict of the jurors, to which the parties are entitled.

OFFICE OF THE JUDGE

Under North Carolina law, the judge has many duties to perform in connection with a trial. The judge is responsible to ensure the trial is conducted in an orderly manner and according to prescribed rules governing the conduct of the parties, their attorneys, and the witnesses they present. It is the judge's responsibility to pass on the qualification of jurors, the objections raised to evidence sought to be introduced, and a host of other questions that may arise concerning the conduct of the trial. The judge must tell the jurors what issues of fact they are to decide. The judge interprets and applies the law governing the case being tried by the jury, leaving the jury to determine the factual questions raised by the trial. It is the job of the jury to resolve all questions raised by conflicting testimony and then determine for itself what witnesses can be believed.

The jury should not expect the judge to comment on the reliability of the witnesses or to express an opinion as to which of the parties should win the case.

the judge as soon as possible. You should remember that your every action is subject to scrutiny, and that it is best to do nothing that may arouse suspicions, however false they may be.

Often during the course of a trial, the testimony will be contradictory about physical facts, such as the layout of a highway intersection, or the location of objects in a room. Whenever advisable, the judge will order a view of the scene in question by all members of the jury. The judge may decide, however, that a view of the scene is misleading to the jury due to circumstances that may have changed since the occurrence of events in question. It is highly improper for you as a juror to visit the scene on your own initiative since you may gain an entirely incorrect impression about the disputed facts.

If you become ill during the course of a trial, you should report your illness to the judge. Likewise, you should tell the judge about any other sudden emergency that may arise. The judge will make such adjustments as are necessary in light of the emergency.

CONDUCT OF THE JURY DURING DELIBERATIONS

As soon as the judge has completed his or her instruction to the jury, the judge will permit the jury to retire from the courtroom to begin its deliberations. In civil cases, one member of the jury will carry the written issues which the jury is to answer to the jury deliberation room.

The first task of the jury is to select a foreperson to preside over the discussions of the jury. An experienced foreperson can ensure the jury's deliberations are orderly and efficient. The foreperson should give every juror an opportunity to express his or her views. At the same time, the foreperson should prevent the discussion from wandering far afield from the case in question. It is generally wise for you as a juror to refrain from taking a hard and fast position about the issues of the case until all members of the jury have had a chance to state their views. You should remember that your task is to arrive at an honest verdict and that the search for truth is entrusted to 12 persons, not merely to one. The work of the jurors and the other court officers is wasted unless the jury takes the time and the trouble to arrive at a fair decision. A jury verdict is a finding in which all 12 jurors concur. Failure of a

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THE PURPOSE OF THIS HANDBOOK

The Sixth Amendment to the United States Constitution and Article I, Section 24, of the North Carolina Constitution provide a person charged with a crime the right to a trial by a jury.

This handbook has been prepared for the benefit of all persons who are called to serve as jurors in the North Carolina General Court of Justice.

The purpose of this handbook is to help you understand why jury service is important in the administration of our courts. Furthermore, it serves to educate you on court procedures and legal phrases. The information in this handbook is not intended to take the place of the judge's instructions in any case. It is a tool that can be used to help educate jurors and aid in the administration of justice in our courts.

determine, and since your sole duty is to determine the facts, jurors do not need to be present. Objections by the lawyers or the rulings of the judge on the objections should not cause the jury to draw inferences for or against either side. A trial is not a contest between the lawyers, but rather a search for truth according to the rule of law.

Closing Arguments

After all witnesses have testified, the lawyers will make their closing arguments to the jury. The purpose of each lawyer's closing argument is to help the jury remember and analyze the evidence and attempt to convince the jury that, under the evidence, the issues or verdict should be answered in favor of his or her client.

Judge's Charge

After the closing arguments, the judge will declare and explain the law arising on the evidence given in the case. You should listen to the judge's charge very carefully and try to understand and remember his or her instructions. The judge must declare the law as it is, and you must find the facts under the law as it is stated. Under your oath, you are not at liberty to substitute your own idea of what the law should be.

CONDUCT OF THE JURY DURING TRIAL OF A CASE

In order to give the parties a fair trial, you should follow certain rules throughout the trial. First of all, you should not be late for court sessions. The trial cannot proceed until all jurors are present. You should reach your decision based on the evidence presented to you in court, and not on other sources of information. Accordingly, you should not discuss the merits of a case on which you are sitting with anyone, not even with a fellow juror, until the jury retires to deliberate. It is improper for you to read newspaper articles about the case, listen to radio or television accounts of the trial, or read social media posts about the trial. You may not discuss, watch, listen, or conduct research regarding the trial through the use of any type of electronic media.

Should anyone try to discuss a pending case with you in person, electronically, or otherwise, you should politely excuse yourself with the explanation that you are serving on the jury. If the person persists, or if he or she tries to influence your decision in any way, you should take the person's name and report the incident to

of the questions asked by the lawyers are not pertinent to the issue which is to be tried. These questions are asked only for the purpose of making certain that jurors selected to try that particular case are impartial and will decide the issues solely on the evidence presented. It may be that a juror is closely related to one of the parties in the case, or may have a business relationship with one of the lawyers, or have some personal knowledge about the case. The juror may subconsciously be biased one way or another regarding the type of case to be tried that would make him or her a less desirable juror for that particular case. The reason the lawyers ask jurors these questions is simply to discover any possible interest or bias that a juror might have in the particular case that is to be tried. If a juror is challenged or excused, whether the reason is stated or not, it should be understood that this action is not a reflection on the juror in any way. After both sides have passed the jury, or satisfied themselves with the 12 jurors who are left, the jurors are then sworn to try that particular case.

THE TRIAL OF A CASE

Opening Statements

After you have been selected to sit on a particular case, the lawyers usually make opening statements. Their purpose is to provide you with a snapshot of the case. You should remember that opening statements are not evidence.

Examination of Witnesses

The witnesses for the State of North Carolina / plaintiff testify first and then the witnesses for the defendant. The lawyer who has called the witness proceeds with direct examination by asking the witness questions to bring out the facts the lawyer wishes to show. When the direct examination is finished, the lawyer on the other side may cross-examine the witness to bring out additional facts or to try to discredit him or her.

During the trial you will hear the lawyers make what are known as “objections.” These objections may appear to you to be rather technical, but it may be the lawyer’s duty to make them. If the judge thinks the objection is well founded he or she will “sustain” it; if the judge does not think it proper he or she will “overrule” it. At times the jury will be excused from the courtroom while objections and motions are being discussed or argued to the judge. These are matters of law for the judge to

WHY TRIAL BY JURY?

Why call citizens away from their affairs to help try lawsuits or determine the innocence or guilt of those accused of crimes in court? Why not have a judge, or several judges, hear and decide all cases? The following quotation will supply some of the answers. The United States Supreme Court, speaking of trial by a jury, said:

“Twelve men of the average community, comprising men of education and men of little education, men of learning and men whose learning consists only in what they have themselves seen and heard, the merchant, the mechanic, the farmer, the laborer; these sit together, consult, apply their separate experience of the affairs of life to the facts proven, and draw a unanimous conclusion. This average judgment thus given it is the great effort of the law to obtain. It is assumed that 12 men know more of the common affairs of life than does one man, that they can draw wiser and safer conclusions from admitted facts thus occurring than can a single judge.” (Sioux City & Pacific Railroad Co. v. Stout, 1874)

CALL TO JURY DUTY

You have been summoned to render an important service as a juror. As a citizen, you enjoy the privileges of citizenship and the protection of your liberties and property by your government. As a juror, you will now serve as an officer of the court for a short time along with the lawyers and judges. As a juror you are a part of our state’s judicial system. Without you, the court could not perform the important work it must do to protect our way of life.

You have been chosen by a completely fair and impartial method of selection. At least every two years, the County Jury Commission in your county prepares a master list of the names of all qualified persons eligible to serve as jurors. These names are taken at random from the list of registered voters and licensed drivers in your county. In North Carolina, you are qualified to serve if you are a citizen of the United States and North Carolina, and a resident of the county in which you have been summoned, you are 18 years of age or older, and you are physically and mentally competent. In addition, you must be able to understand the English language. You cannot have served as a juror anytime during the last two years or have completed a full term of service as a grand juror within the past six years.

A person that has been convicted of or pled guilty to a felony is ineligible to perform jury service unless his or her citizenship rights have been restored. In North Carolina, citizenship rights are automatically restored once the period of supervision, probationary or parole, has ended.

EXCUSE FROM JURY SERVICE

The General Assembly has declared that jury service is a “solemn obligation of all qualified citizens.” No occupation or class of persons is exempt from jury service. In exceptional cases in which jury service would impose a “compelling personal hardship” or service would be contrary to the “public welfare, health, or safety,” a judge or other designated court official in your county may excuse you from jury service or postpone your service to a more convenient time. It is important to note that if you fail to appear for jury service and have no valid excuse, you may be fined up to \$50 by the judge for each time you fail to appear.

TYPES OF CASES

The types of cases which jurors must decide are divided into two general classes: civil and criminal.

In civil cases, parties come to court to resolve disputes between themselves concerning personal and property rights. The party who files an action against another is the plaintiff. The party against whom the action is brought is the defendant.

Typical civil cases deal with a contract which someone claims has been broken, a claim of damages because of negligence, an action for divorce, or other cases involving rights between individuals. It is your job as a juror to ensure that these civil rights, whatever they may be under the law, are upheld and sustained.

In criminal cases, the State, represented by the district attorney, is the prosecutor, and the person charged with a crime is the defendant. In criminal cases, since it is society in general charging an individual with breaking a criminal law, we always refer to society as “The State of North Carolina.” If the charge against this person is proven beyond a reasonable doubt, then you must not hesitate to declare him or her

guilty. The judge will then determine the type of punishment the person will receive. If, however, the guilt of the defendant is not proven beyond a reasonable doubt, then you must be prepared to render a verdict of “Not Guilty.”

GRAND JURY AND PETIT JURY

In North Carolina, there are two basic types of juries that are used in the administration of justice. These two different types of juries perform separate and distinct functions. The two types are the grand jury and the petit jury.

The grand jury is a group of 18 men and / or women who serve on a continuing basis for up to one year. This jury is charged with the responsibility of inquiring into the evidence against persons accused of serious criminal offenses.

This examination by the grand jury determines only whether there is probable cause for charging the accused with the crime and requiring him or her to stand trial in superior court. The grand jury does not decide whether the accused is actually guilty or innocent. If the grand jury finds probable cause, the accused is tried later in superior court.

The familiar jury of 12 persons that determines the guilt or innocence of persons accused of crimes in the superior court is called a “petit jury.” This kind of jury also tries cases involving disputed questions of fact that arise in the trial of all civil actions. The remainder of this handbook deals with the duties of petit jurors, who may be called to serve in civil or criminal cases.

SELECTION OF JURORS

Before you will be permitted to serve as a juror, an oath will be administered to you by the clerk of superior court. You will be asked to swear or affirm that you will truthfully and without prejudice or partiality try all matters in civil or criminal actions which come before you and render true verdicts according to the evidence.

After all of the members of the jury panel have taken this oath, 12 members of the panel will be selected at random and asked to take their seat in the jury box. The judge or the lawyers for each side may ask questions concerning each member’s qualifications to serve as a juror in that case. As a juror, it may seem to you that some