

**OFFICE OF JURY COMMISSIONER
FOR THE COMMONWEALTH OF MASSACHUSETTS**

**JUROR ORIENTATION VIDEO
TRANSCRIPT**

Begin Transcript.

Title Card: JURY SERVICE: YOUR RIGHT, YOUR RESPONSIBILITY

**Title Card: PRESENTED BY THE OFFICE OF JURY COMMISSIONER AND
SUFFOLK UNIVERSITY**

CHIEF JUSTICE: Hello, I'm Ralph Gants, the Chief Justice of the Massachusetts Supreme Judicial Court. I'd like to welcome you to jury service and thank you for being here today. A trial by a jury of your peers is a fundamental right guaranteed by both the United States Constitution and the Massachusetts Constitution. By serving here today, you are advancing the cause of justice, whether by hearing evidence and reaching a verdict in a criminal or civil case, or by standing ready to do so if needed. We could not do justice in this courthouse without you.

I expect that when you received your jury notice in the mail, your first reaction was probably not that you had been given an opportunity enjoyed by few around the world to administer justice. But now that you are here, I ask you to think for a moment about the unusual service we are asking you to provide. We are among the few nations that place our trust in the good judgement and common sense of our citizens - each of you - to find the facts, apply the law and reach a verdict.

Every day, in every courthouse in Massachusetts, we seek to create a place where every person, no matter who they are or how much money they have or don't have, receives a fair and impartial trial. Whether we accomplish that goal will depend in large part upon you.

In my eleven years as a trial judge and fourteen as a trial lawyer, I was extraordinarily impressed by the fairness, diligence, and thoughtfulness of juries. Juries truly demonstrate, in the words of Abraham Lincoln, “the better angel of our nature,” and serve as a living example of government of the people, by the people, and for the people. On behalf of the court and the Commonwealth, I thank you for your time and for your service.

Title Card: A BRIEF HISTORY

NARRATOR #1: The concept of “trial by jury” as we know it today originated with the Magna Carta in 1215, and developed in its modern form in the 1600s in England. Trial by jury was a treasured right brought to the New World in 1620 by the Pilgrims in Plymouth and by the Puritans who settled the Massachusetts Bay Colony.

The right to be judged by members of the community – a “jury of one’s peers” – was so important to the colonists that Thomas Jefferson included it in the Declaration of Independence in 1776. The colonists complained in the Declaration that the Crown deprived them, “in many cases, of the benefits of trial by jury.”

The Massachusetts Constitution, authored by our own John Adams in 1780, guaranteed all persons the right to a trial by jury in both civil and criminal cases.

Our state constitution is the oldest constitution in the world that has been in continuous use since it was adopted. It was a model for the United States Constitution, which reiterated the right to trial by jury, as did the Bill of Rights.

While trial by jury has been a cherished principle throughout our history, the composition of juries has changed over time. Today, juries reflect the wonderful diversity of our community. However, that wasn’t always the case.

The first African-Americans to sit on a jury anywhere in the United States did so right here in Massachusetts in 1860, just before the Civil War.

On the other hand, despite persistent efforts, women did not become eligible for jury service in Massachusetts until 1950, a full thirty years after they won the right to vote.

JUDGE #1: There was a desire to make jury service more equitable, fairer, and most importantly, to truly develop a cross section of the community that would sit in judgment on the issues to be presented to them.

NARRATOR #1: As recently as the 1980’s, whole categories of citizens were exempted from service including legislators, parents of young children, clergy, teachers, firefighters, lawyers, and many others. As a result, juries were not necessarily very representative of the community.

Also, those who were eligible had to serve for thirty days and often served as jurors on multiple trials.

But, in 1982, a new law changed all that. The One Day or One Trial System eliminated all exemptions and made everyone eligible to serve. Once again, Massachusetts was at the forefront of improving the jury system, and was the first to adopt the One Day or One Trial Law statewide. The Commonwealth's juries now truly represent a cross-section of the community.

Employers are now required to pay employees for their first three days of juror service, and the Commonwealth pays a stipend from the fourth day on.

These improvements increased the pool of available jurors and made jury service less burdensome for everyone.

NARRATOR #2: Today, our juries are diverse in every way and they all have the right to participate in the administration of justice in the courtroom. Jurors represent all ethnicities and backgrounds. They work in every field and range in age from students to retirees. They come from all walks of life with their own unique points of view.

As diverse as a group of jurors may be, when they arrive at the courthouse they will work as one to take an active role in our government. It's a role that should never be taken for granted.

JUDGE #1: Well, what I like to tell people is that you really have two duties as a citizen: one is to vote and the other is to serve as a juror if called. Your duty as a citizen to vote is important: you are one of several thousand, hundreds of thousands, or even millions of people who vote. As a juror, if called and if asked to serve, you are one of twelve. You have an extraordinary responsibility as one of twelve citizens to make a judgment that will affect the lives or the property of other individuals within the community.

Title Card: THE JURY PROCESS

NARRATOR #2: As a citizen and someone who lives here in our Commonwealth, you have been randomly selected to serve as a juror.

“Randomness” means that anyone who is eligible for jury service has an equal chance of being summoned, whether they've served before or not. This is why you might be called several times before your neighbor is summoned – it's like getting “heads” three times in a row on the flip of a coin.

Under our One Day or One Trial System, you will serve for one day, or for the length of one trial, unless the court orders otherwise. Many people complete their service in one day, and most are done in three days or fewer. Once you finish your service, you won't be called to serve again for at least another three years.

JUDGE #2: Some jurors worry that they won't do a good job, or they're concerned about serving on jury duty, but most of the jurors that I've spoken to acknowledge after they've served that it's one of the most empowering, fascinating and rewarding experiences of their lives. Once they sit in that jury box, they rise to the occasion.

JUROR: It's a part of being a U.S. citizen to be on jury duty, like you're part of the justice system, which is good.

JUROR: I was excited for this. It was my first time ever getting jury duty, so it was a nice experience, you know. It was something I always... kind of when I turned eighteen, I was looking forward to the day when I would actually get it in the mail.

JUROR: It's an important duty that we all as citizens should do. And it's important to be a part of that.

JUROR: It was fascinating, and I'm very glad to have had the experience.

NARRATOR #2: While you are checking in and going through the juror orientation, the judges, parties, and others are working elsewhere in the courthouse, getting everything ready to start the trial. The court officers will do their best to keep you informed about what's going on.

Although you may have to wait for some period of time while the cases are being readied, the court is committed to bringing you to the courtroom as soon as possible or releasing you from service once it's known for sure if a jury will be needed today.

When you arrive in the courtroom you will see some of the people who have a role in the trial process.

The judge directs all the proceedings, decides what evidence is admissible, and explains the important legal principles to the jury.

The court clerk assists the judge, administers oaths to witnesses and controls the exhibits admitted during the trial.

The court stenographer keeps a record of what is said during the trial. Some courtrooms use digital recording systems instead of stenographers for this purpose.

And, the court officers maintain security, and escort and assist the jurors.

Title Card: IMPANELMENT

NARRATOR #2: Before a trial can start, a jury must be impaneled. As a prospective juror, you will be brought into the courtroom where the judge will tell you about the case and introduce the parties. The judge will ask a short series of questions related to the case at hand.

You will get a chance to speak to the judge if you have concerns about your ability to serve on a particular case. And following that, attorneys for each party may ask that certain jurors be excused.

ATTORNEY: So after the judge questions the potential jurors, an attorney, like me, may ask additional questions. The intent is to give both sides a chance to participate in the selection of the jury.

JUDGE #2: Jurors should never take it personally if they are not selected for a jury trial. It has nothing to do with character, it has nothing to do with educational level. It basically concerns the constitutional right that everyone has in order to select a fair jury. Oftentimes, a juror who is excused from jury duty in one case will then be sent to another courtroom so that they can then serve on another jury.

NARRATOR #2: Jurors who are not seated will be returned to the jury pool. The court is very mindful of the jurors' time and prospective jurors will be released for the day as soon as the court is sure they will not be needed for another impanelment.

Title Card: THE TRIAL

NARRATOR #2: Once a jury has been selected the trial can begin.

Jury members must remain impartial and open-minded throughout the trial. At the trial, the judge will give you detailed instructions about your duties.

Here are important rules that must be followed in all cases:

- During the trial, you may not discuss any aspect of the case with anyone, including family, friends, or trial participants. Don't even discuss the case with your fellow jurors until the judge tells you to deliberate.
- Do not read or listen to any news reports about the trial. Exposure to publicity during the trial could result in a mistrial, requiring the case to be tried again at a later date.

So what kind of trial might you hear? There are the two types of jury trials – Criminal and Civil.

In a criminal trial, the Commonwealth brings charges against one or more defendants.

CLERK: Commonwealth versus Tyrone.

NARRATOR #2: The Commonwealth accuses the defendant of committing a crime. A prosecuting attorney represents the Commonwealth and presents evidence in an attempt to prove that the defendant is guilty of the offense as charged.

JUDGE #3: In a criminal trial, the prosecution has the burden of proof. The burden of proof is to prove the case beyond a reasonable doubt that the defendant is guilty of the charges that the prosecution has brought.

NARRATOR #2: The defendant has the right to be represented by an attorney, but is not obligated to testify. In every criminal trial, the accused is presumed to be innocent. The burden of proof is on solely on the Commonwealth, meaning the Commonwealth must prove the defendant guilty of every element of the crime beyond a reasonable doubt.

A civil trial involves a dispute between two or more parties. It's a lawsuit. The party that starts the case by making a claim is called the plaintiff. The person or organization the plaintiff sues is called the defendant.

The plaintiff may make a claim for money or "damages". For instance, the plaintiff could sue the defendant by claiming the defendant violated the terms of a contract or for injuries resulting from a motor vehicle accident.

JUDGE #3: In a civil trial, the jury just has to believe that it is "more likely than not" that the charge brought by the plaintiff against the defendant is true. That's "by preponderance of the evidence."

Title Card: THE TRIAL PROCESS

NARRATOR #2: Jury trials usually begin with opening statements from one or both parties. An opening statement is a preview of the trial, when each side tells the jury what it expects to prove.

During the trial, the lawyers present witnesses for examination and cross-examination. They may also present physical exhibits.

Of course, evidence is an important part of any trial. However, certain evidence may be considered inadmissible.

JUDGE #1: The judge's role in the courtroom is to ensure that the jury hears evidence that is relevant and important to the issues at hand and that the jury decide the case solely on the basis of that evidence. It's therefore important that the juries not do any outside investigation, do any outside internet research, or communicate with anyone about the issues in the case so that they do not receive any information that may be prejudicial or irrelevant to the case itself.

JUROR: It's one of the fundamental pieces of being a juror. You can't share information outside the jury pool and you can't bring information from outside in.

NARRATOR #2: When you see the attorneys for the parties approach the judge's bench, it's often to discuss whether a certain piece of evidence is admissible or to discuss other legal matters. They may also be discussing logistics, such as when to break for the day.

At the end of the trial, the parties present closing arguments.

After closing arguments, the judge will give a "charge," or instruction, to the jury. The charge defines the law in the case that the jurors will use in reaching a verdict.

Our jury system relies on you to use your common sense and life experiences as you consider the evidence and work collectively with your fellow jurors to reach a decision. No one individual is better suited than another to serve as a juror. Together, you and your fellow jurors serve as the voice of the community as you resolve the dispute before you.

During deliberations, jurors meet together to review the evidence and determine the facts. Everyone has a chance to be heard. Then they apply the principles of law the judge has given them to those facts. In this way, a jury reaches its verdict.

JUROR: If I forget a point, there's bound to be another juror who remembers it. Or if one is going... has an opinion, a strong opinion, there may be other evidence that changes that opinion. So we're all there to back each other up and to remind each other what we heard in the courtroom.

NARRATOR #2: Today, some of you may not be chosen to hear a case. But your presence here is still vitally important because it may cause some cases to be resolved without the need for a trial.

JURY POOL OFFICER: Jurors, I just want to thank you for being here today.

NARRATOR #2: By being here, ready to serve, you've done your part to preserve our constitutional right to a trial by jury.

After the trial, you will go back to the business of everyday life. Hopefully, you will have a renewed sense of the importance of the jury system to our rights and freedoms as citizens.

JUDGE #2: It's critical for our criminal justice system, it's critical for everyone to realize that this is one of the few opportunities that we have to exercise one of the constitutional rights granted to us by our Constitution. Other than voting, serving on jury duty has to be one of the most empowering experiences that any one of us can experience.

JUROR: There's also that participatory feeling you get by contributing to, you know, the justice system in the U.S. You get to see it from the very beginning, not until the end, but close to it, so that's really important. You get to see one of the important parts of the government functioning.

JUROR: And here in America, if you're a citizen, you're going to go on jury duty. It's like, it's a fulfillment!

JUROR: It actually makes me feel proud to be able to contribute in this way. And it doesn't take much time.

JUROR: I've just always kind of been intrigued by it, and, you know, this is my way, you know, of doing a small part, you know, to make sure that the system works right.

JUROR: I think it's the right process. And I'm happy to actually, to play a role in it.

JUDGE #3: I have been called for jury service three times, and I have served three times. It is an extraordinary experience and I recommend it to everyone.

JUROR: If I had to do it again, I would do it again in a second. It was really worth it, it was very interesting, I really enjoyed it.

JUROR: From what I've seen, the system works. And I would do it again if asked.

JUROR: I would absolutely do it again.

JUROR: I will definitely serve again if I'm asked to.

JUROR: I would do it again. I would do it again - no doubt about it.

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