

GRAND JUROR'S HANDBOOK

You have been summoned for service as a grand juror in the Commonwealth of Massachusetts. This Handbook is intended to answer some of the most common questions you may have. Additional information is available on our website at www.MAJury.gov

Please read this Handbook carefully so that you will be better prepared to serve as a grand juror. If you are selected to serve, the judge will give you additional instructions. In the event of a conflict, you should always follow the judge's instructions, rather than the more general directions in this Handbook.

(February 2014)

The court system is committed to treating all jurors fairly and respectfully, regardless of race, color, religious creed, national origin, sex, age, ancestry, ability, or sexual orientation. If you feel that you have experienced or witnessed discriminatory treatment during your term of service, please contact us at **1-800-THE-JURY (843-5879)** or at **JurorHelp@jud.state.ma.us**.

FOR MORE INFORMATION

Please visit our website at www.MAJury.gov

Juror Information Line: 1-800-THE-JURY
1-800-843-5879 (within Massachusetts only)
or 617-338-6409 (out-of-state callers only)

After You Serve

When your term as a grand juror is completed:

Unless ordered or authorized by the court, no person has the authority to question you about your work as a grand juror. Unless otherwise ordered or authorized by the court, you must not reveal the names of the other grand jurors, how any juror voted at any point, or any of the discussions or other sensitive matters that occurred during your **secret deliberations**. If anyone should seek information to harass or embarrass you or another grand juror or to seek to learn what occurred in the privacy of your deliberations, you should report this to the court immediately. It is very important that the integrity of our jury system be maintained.

In Case of Emergency

Weather emergencies: Court is rarely cancelled due to weather or other public emergency, but jurors' safety always takes priority. Depending on the circumstances, court cancellations will be announced on the Juror Line phone number listed on your Reminder Notice, on our website at www.MAJury.gov, on the Trial Court website at www.mass.gov/courts, and/or on local radio and television stations.

If you cannot appear for your first day of service: If you cannot report for service as scheduled you can postpone your service on our website at www.MAJury.gov. You will need the Badge Number and PIN from your Summons or Reminder Notice, and your ZIP Code. You can also call us at 1-800-THE-JURY (843-5879) for assistance.

If you need to attend to an emergency while you are at the courthouse: A judge can excuse you from jury service at any time. In an emergency, you may be contacted via the District Attorney's Office. The person in charge of the grand jury will provide this number to you on your first day of service. You should also use this number if you cannot attend on a scheduled meeting day.

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Legal Terms

AFFIDAVIT - a written declaration or statement of facts, made voluntarily, and confirmed by oath or affirmation.

DEFENDANT - the person defending or denying; the accused in a criminal case.

GRAND JURY - a body of citizens whose duties consist of determining whether probable cause exists that a crime has been committed and whether an indictment should be returned against one for such a crime. Its function does not include determination of guilt.

INDICTMENT - an accusation in writing presented by a grand jury, charging that a person has done some act, or been guilty of some omission, which by law is a public offense. An indictment is referred to as a "true bill," and a refusal to indict is called a "no bill." An indictment is only an accusation. Its sole purpose is to identify the defendant's alleged offense, and it is not evidence that the offense charged was committed or that the person charged committed that offense.

PRESENTMENT - the formal delivery of indictments and no bills to a judge in open court session in the presence of all members of the grand jury.

PROBABLE CAUSE - reasonable cause; an apparent state of facts found to exist upon presentation of evidence to members of the grand jury that would lead a reasonably intelligent and prudent person to believe that the accused person has committed the crime charged.

PROSECUTOR - one who commences an investigation by making an affidavit charging a named person with an offense on which a warrant is issued, or an indictment or information is based. The prosecutor may be the Attorney General, Assistant Attorney General, the District Attorney, or an Assistant District Attorney.

**You can complete the Grand
Juror Confirmation Form online at
www.MAJury.gov**

You will need your Badge Number and PIN, located above your name on the Summons, and your ZIP Code. You will be guided through the process.

Discussing the cases before and after your grand jury service: As a sitting grand juror, you must remain fair and impartial at all times. You should not talk to anyone about the cases brought before you, even your family. **The proceedings of the grand jury are confidential and must remain that way, even after your service is completed.** If anyone starts to talk about any of the cases you have considered, you should interrupt and tell them that you are a grand juror and cannot hear any discussion about the case outside the grand jury room. If necessary, tell the prosecutor what happened.

Compensation for the first three days of your grand juror service: Your Massachusetts employer is required by law to pay your regular wages for the first three days of jury service. Know your company's policy before reporting for jury service. Self-employed jurors must compensate themselves for the first three days of service unless they can demonstrate extreme financial hardship to the judge. Travel expenses for employed jurors are not reimbursed.

Reimbursement: Generally, jurors are not reimbursed for expenses. If you are a student or not employed, you may be reimbursed for reasonable out-of-pocket expenses (excluding food) incurred during the first three days of jury service, up to a maximum of \$50 per day. You must request a reimbursement form from the court officer as soon as possible. You may have to explain your expenses to the judge.

Compensation from the fourth day onward: If you are on the grand jury for more than three days, the state will pay you \$50 per day after the third day. Many employers will compensate an employee even after the third day so that the employee will not suffer financial loss because of juror service. It is very important that you complete the Confidential Financial Questionnaire form and bring it with you when you appear. More details about compensation from the fourth day onward will be given to you if you are impaneled on a grand jury.

Proof of service: The Office of Jury Commissioner provides grand juror service certificates to those who have performed grand juror service, generally within one to two weeks. The certificate includes a copy for your employer. You should give your employer this copy of the certificate as soon as you receive it. The certificates are issued on a weekly basis.

Before Going to Court

WHO MUST SERVE

Civic responsibility: Grand jury duty is a civic privilege and obligation that every citizen must perform. Doctors, clergy, homemakers, police officers - even judges and lawyers - must serve when called. The judge may excuse some people based on their individual circumstances, but in general, grand jurors represent a cross section of the community.

Grand jurors must be fair and impartial, and must treat everyone equally regardless of race, color, or creed. A grand jury is a group of 23 persons working as a unit to hear evidence that is presented by the prosecutor. Its function is to consider this evidence, then decide if enough evidence exists to indict (bring a criminal charge against) a person or corporation. The grand jury does not decide the guilt or innocence of the accused. Rather, it decides if there is probable cause to bring the accused to trial. Thus, the grand jury's work is a pre-trial function of the court. No one grand juror's opinion, background, or experience makes him or her more qualified to serve than another. Remember, the grand jury's verdict is a group decision, not the decision of any single person.

Qualifications: All citizens who are 18 and over and who are legal residents of Massachusetts, or who live in the state for six months of the year or more, are eligible for grand jury duty. You may be disqualified if you meet one of the 10 statutory disqualifications found in the "Grand Juror Instructions and Information" brochure you received with your Summons.

Exemptions: There are no exemptions from grand jury service. Massachusetts law requires every qualified citizen between the ages of 18 and 70 to serve. (Those over age 70 may request a disqualification, if desired.) Even residents of other states (such as college students) must serve if they live in Massachusetts for six months of the year or more.

Accessibility: The Trial Court and the Office of Jury Commissioner are committed to making juror service as accessible as possible to the broadest range of eligible jurors. For more information, please visit our website at www.MAjury.gov and click on "Accessibility."

You can also contact us at
JurorHelp@jud.state.ma.us
or at **1-800-THE-JURY (1-800-843-5879)**



GENERAL INFORMATION

Reminder Notice - Directions, Parking, etc.: About 10 days before your date of service, you will receive a Reminder Notice with a map, directions, and information about parking, public transportation and accessibility. **Call the Juror Line the night before your service to confirm that grand jurors are reporting.**

Confidential Juror Questionnaire: On the back of your Reminder Notice you will find the Confidential Juror Questionnaire (CJQ), which you must complete and bring to the courthouse. The CJQ helps the court and the parties decide who is best suited to sit on the grand jury, and takes the place of more detailed individual questioning of jurors. Willful misrepresentation on the CJQ is a crime, so you must be sure to complete the CJQ fully and truthfully. CJQs are collected by the court after impanelment and only the court personnel have access to them. If you are not seated on a grand jury, your CJQ is destroyed.

Confidential Financial Questionnaire: In the "Grand Juror Instructions and Information" brochure you received with your summons you will find the Confidential Financial Questionnaire (CFQ), which you must complete and bring to the courthouse. The CFQ helps the court decide on your compensation for grand jury service from the fourth day of service on. Please see the section in this Handbook entitled Compensation, and the CFQ itself.

When to report, length of service: Check your summons or Reminder Notice to find out what time you must report for service (usually 9:00 a.m.). The grand jury sits for a term of three (3) months. However, the number of days you must report each week varies greatly from county to county, depending on the needs of the court. The prosecutor will instruct you more precisely on your first day of service. Grand jurors may report for service for a few hours each day, or else for one to three days each week, during the 3 month session. On other days, grand jurors are not required to attend. The term of your service may be extended beyond the 3 month period if it is necessary to finish hearing a particular matter.

Cancellations: Sometimes, the needs of the court will change after the jurors have already been summoned to appear. You may receive a cancellation notice in the mail a few days or even weeks before your service. If your service is cancelled, you should report to work if you are employed. Only those who are actually required to appear at the courthouse receive credit for serving, and are then disqualified for three years. We regret the inconvenience to jurors who make plans to serve and are then cancelled.

Employment issues: Your Massachusetts employer is required to pay your salary for the first three days of service, and cannot unreasonably interfere with your jury service. You cannot be fired or penalized for going to jury duty, and you cannot be required to work a night shift during jury service. If you have questions or problems related to your work, call the Office of Jury Commissioner at **1-800-THE-JURY (843-5879)** and ask for the Legal Department.

At the Courthouse

Hours: If you are impaneled on a grand jury, the court will determine the scheduled hours your particular grand jury will meet. The exact time is printed on your summons and reminder notice, and can be found on our website at www.MAjury.gov under "Juror Courthouse Information." You will be dismissed from the courthouse as soon as possible after the court knows with certainty that jurors are no longer needed.

What to bring: You should bring your completed Confidential Juror Questionnaire (found on the back of your Reminder Notice, and on our website), your completed Confidential Financial Questionnaire (found in the "Grand Juror Instructions and Information" brochure you received with your summons, and on our website), and your Summons or Reminder Notice. Because you may have to wait before being sent to a courtroom, you may want to bring reading materials, work, or something else to occupy your time. You should also bring a bottle of water and money for snacks and lunch, or you can carry these food items with you.

What not to bring: You will have to pass through a security checkpoint to enter the courthouse, and certain items are prohibited at some courthouses. Call the courthouse to find out if cell phones, laptops, cameras, knitting needles, or similar items are permitted in the jury pool at that court. Weapons are not allowed. You cannot bring children or pets with you to jury service (although certified service animals are allowed).

What to wear: Jurors consider serious matters of great importance to the parties, and their clothing and attitude should reflect an appreciation of the serious nature of the cases. While business attire is not required on the first day, you should dress respectfully in clean, neat attire suitable for court.

For more information about Grand Jury Service, please visit our informational website at:

www.MAjury.gov

Hardships: Remember that you have the right to request a deferment of your service to a date that is convenient for you up to a year from the date you were originally summoned. Prospective grand jurors may request deferment of their service to either January, April, July, or October, as most grand juries are convened only during those months. You should try to resolve any hardships by picking a date that will minimize any inconvenience and allow you to meet your civic obligation. You will also have an opportunity to speak to a judge before being impaneled on a grand jury. If you have a hardship that prevents you from serving, you can explain it to the judge and ask to be excused.

Only a judge can excuse you from jury duty: If you have a problem that must be resolved before you are considered for impanelment (such as an urgent medical issue), tell the court officials when you arrive. If you are in the rare situation where coming to the courthouse is itself a severe hardship, explain your circumstances in writing and mail your request to us at Office of Jury Commissioner, 560 Harrison Avenue, Boston, MA 02118.

If You Are Impaneled

How the grand jury operates: On the first day of service, a large group of prospective grand jurors will appear at a designated courthouse as scheduled. From this group, a total of 23 persons will be chosen to form the grand jury. Alternates may be selected in case a grand juror must be replaced due to illness or emergency. The grand jury elects its own foreperson and clerk to assist in the proceedings. The grand jury will hear evidence presented by the prosecutor. The judge and the prosecutor will explain the proceedings in greater detail. The judge and prosecutor will also explain your responsibilities if you are selected to sit on a grand jury. The members of the grand jury evaluate the evidence and work together to determine if there is enough to indict someone for a crime. The prosecutor will guide the conduct of the proceedings, calling witnesses and presenting evidence.

Do not communicate with anyone about the grand jury proceedings, even with your fellow jurors or your family. Do not use online social media to share or read information about the proceedings of the grand jury. Do not look for information about any of the cases outside the courtroom, or use the internet to do research about the cases or the people involved in them.

