



FIRST JUDICIAL
DISTRICT

106 East First Street, Monroe, Michigan 48161



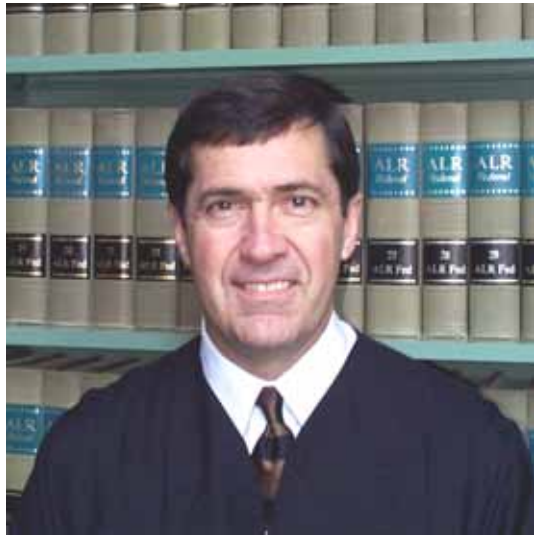
Hon. JACK VITALE
Chief Judge

Hon. TERRENCE P. BRONSON
Judge

Hon. MARK S. BRAUNLICH
Judge



First District Court Clerks Office
(734) 240-7075



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GREETINGS TO OUR NEW JURORS

You have been selected by law to act as an officer of this Court by serving as a juror. This booklet is to aid you in performing this important duty. You are urged to read it carefully.

Jurors perform a vital role in the American system of justice. The protection of our rights and liberties is largely achieved through the team work of the judge, jury and lawyers, who, working together in a common effort, put into practice the principles of our greatest heritage of freedom. The jury is assigned the duty of rendering a decision upon questions of fact involved in the pending case. The trial judge rules upon questions of law. A fair and impartial trial and the rendition of a just verdict depend upon the joint efforts of the jury as arbiters of the facts, the judge as presiding officer and authority on the law, and the lawyers as examiners and advocates.

Efficient jurors are men and women of sound judgment, absolute honesty and a complete sense of fairness. Jury service is a high duty of citizenship. Jurors aid in the maintenance of law and order and uphold justice among their fellow citizens. A juror's greatest reward is the knowledge that each has discharged their duty faithfully, honorably and well. To serve as a juror is an honor, as well as an interesting experience. As a juror, you will gain first-hand knowledge of the functions of an important branch of the government. Jury service will bring you satisfaction and pride in your government and in yourself.

It may be inconvenient for some of you to serve as jurors, it may even cause you financial loss, but the same is true of the men and women in our Armed Services. Unfortunately, this cannot be helped. If citizens are to take part in seeing that justice is done (You owe much to your government and all responsible citizens should acknowledge that debt by willingly serving as

jurors when chosen). Be assured that the Court will at all times, throughout the term, honor any reasonable requests for excusal from jury service, and will cooperate with you to avoid hardship. A citizen who meets the legal qualifications should only ask to be totally excused for the most compelling reasons.

We would appreciate your promptness in appearing on the days and times scheduled for trials. Your courtesy in this regard, will be appreciated by your fellow jurors, as well as litigants, attorneys and the court.

Jury cases set for trial may often be postponed due to sudden illness, death and so forth. Lawyers often waive a jury when assigned for trial. Delays sometime may occur on the day of trial as settlement and/or plea negotiations are still being discussed. Your patience and indulgence are requested.

SIX MAIN STEPS TO A JURY TRIAL Civil or Criminal

1. SELECTION OF JURY....

- A. Challenges
 - 1. Cause
 - 2. Peremptory
 - B. Completion of jury
 - C. Oath
-

2. THE TRIAL....

- A. Opening statements by counsel (not evidence)
 - B. Evidence
 - 1. Testimony of witnesses
 - 2. Exhibits
 - 3. Depositions
 - C. Closing arguments by counsel (not evidence)
-

3. JUDGE'S ADMONITIONS TO THE JURORS DURING TRIAL....

- A. Admonitions to jurors to refrain from discussing case among themselves or with any other persons, or express an opinion thereon until the case is finally submitted to them for a verdict.
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4. THE JUDGE'S INSTRUCTIONS ON THE LAW

- A. Instructions to jurors on the law after completion of testimony and arguments.
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5. DELIBERATIONS BY JURY....

- A. Selects foreperson
 - B. Weighs evidence:
 - 1. Civil case – preponderance of evidence
 - 2. Criminal case – beyond reasonable doubt
-

6. THE VERDICT....

- A. Civil case – 5 of 6 jurors
 - B. Criminal case - unanimous
-

SELECTION OF A JURY

A jury trial begins with the selection of six jurors. The prospective jurors upon reporting to the courtroom are first required to swear that they will answer truthfully all questions that will be asked them about their qualifications to serve as trial jurors in the pending case. The court clerk then calls six jurors to take seats in the jury box. The judge then addresses the jurors, informing them of the names of all litigants and their attorneys

and stating the subject matter of the case. The judge and the attorneys then question the jurors for the purpose of determining whether their minds are free of any bias or prejudice which might interfere with their ability to act as fair and impartial jurors.

The law authorizes the judge and the attorneys to excuse individual jurors from service in a particular case for various reasons. If a lawyer wishes to have a juror excused, the juror may be “CHALLENGED”.

Challenges are of two kinds:

1. FOR CAUSE....

The law sets forth a number of reasons for which a juror may be excused “for cause”. For example, a juror who is related to or employed by one of the parties in the case may be excused for cause. If a legal ground exists, challenges may be exercised.

2. PEREMPTORY....

Each party to an action is allowed a certain number of challenges for which no cause need be stated. These are called peremptory challenges, and they are exercised simply by an attorney indicating to the judge that he/she wishes the particular juror excused. If a juror is excused, this in no way is a reflection upon the individual personally, nor their competency in any way.

It sometimes occurs that a prospective juror will be excused in one case, or in a certain type of case and yet is accepted happily in others. In both civil and criminal cases, each party is entitled to three challenges.

The process of questioning and challenging continues until six persons are accepted as jurors. In them rests the faith and confidence of the judge and the attorneys that they are qualified to decide impartially and intelligently the issues of fact in the cases. When the selection of the jury is completed, the judge orders the clerk to swear the jury to try the case.

The oath you will take as a jury to try the cause is as follows:

“EACH OF YOU DO SOLOMNLly SWEAR (OR AFFIRM) THAT, IN THIS ACTION NOW BEFORE THE COURT, YOU WILL JUSTLY DECIDE THE QUESTIONS SUBMITTED TO YOU, THAT, UNLESS YOU ARE DISCHARGED BY THE COURT FROM FURTHER DELIBERATION, YOU WILL RENDER A TRUE VERDICT, AND THAT YOU WILL RENDER YOUR VERDICT ONLY ON THE EVIDENCE INTRODUCED AND IN ACCORDANCE WITH THE INSTRUCTIONS OF THE COURT, SO HELP YOU GOD”.

This is not to be taken lightly or soon forgotten. By taking your oath you have given your word that you will reach your verdict solely upon evidence received into the record by the court and permitted to remain, and upon the Court’s instructions as to the law. You must not consider any other instructions. As a juror your position will be equally as important as that of the judge in the administration of justice in the case at hand.

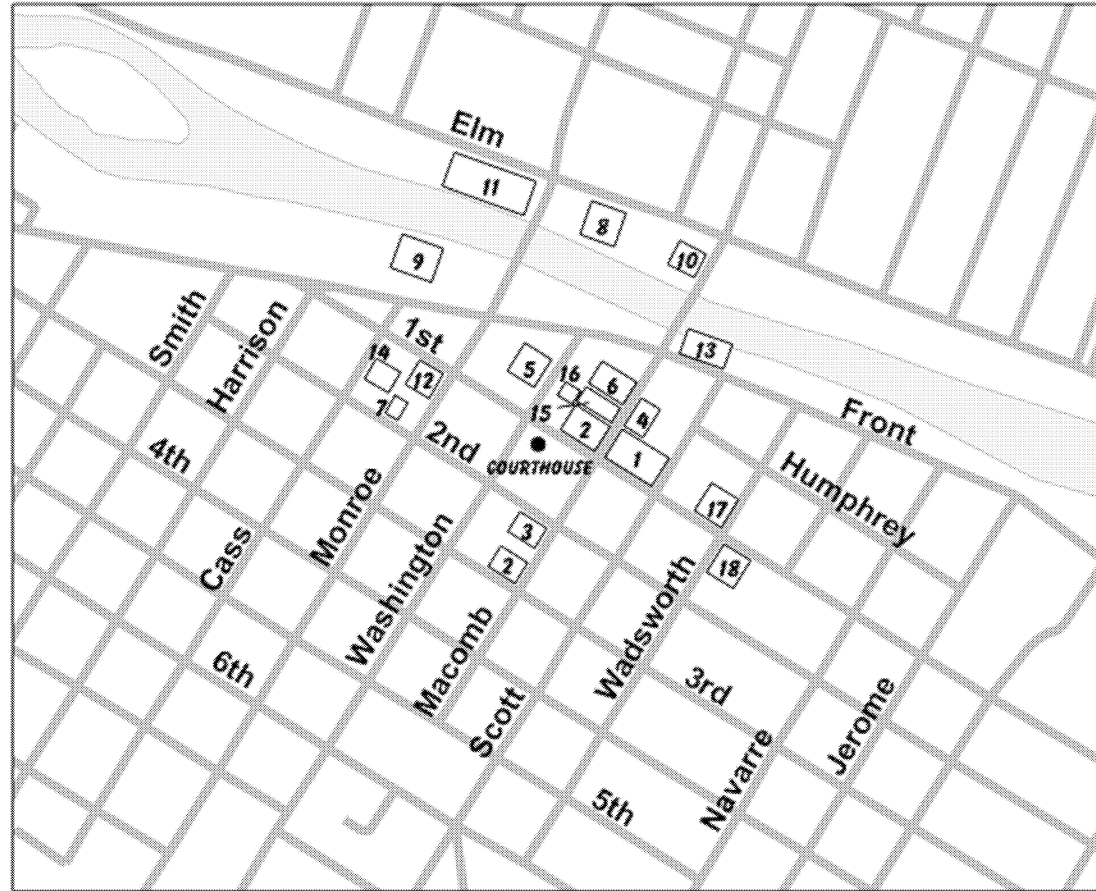
THE VERDICT

As the trial begins, the lawyer for the plaintiff (the party who brought the action) usually will make an opening statement telling you what their client claims and outlining the evidence that plaintiff expects to present to prove his/her case. The defendant’s lawyer, either thereupon or after plaintiff rests, usually will make a similar statement, telling you what defendant claims and what evidence will be produced. These statements of the lawyers are not evidence. Their purpose is to give you the framework, the points of conflict, the issues of the case. Be careful that you do not let them assume the place of evidence in your mind.

Evidence may be in the form of a written document, an object such as a gun or an implement, a photograph or an x-ray or some other tangible thing, in any of which

PARKING

AVAILABILITY



1. County Employee Parking Lot (Seniority Employees Only)
2. County Employee Parking Lot (Seniority Employees Only)
3. County Management Parking Lot (Management Employees Only)
4. Treasurer's, Register of Deeds and Equalization (Employees Only)
5. Privately Owned Lot (Hourly paid parking)
6. Monroe Bank & Trust Lot (Hourly paid parking)
7. Museum Parking Lot (Employees Only)
8. Public Lot (East Elm Avenue)
9. Public Lot (Finzel Lauer)

10. Public Lot (North Macomb Street)
11. Public Lot (St. Mary's)
12. Public Lot - Metered
13. Public Lot - Metered (by Maedel Camera)
14. Public Lot - Metered (Johnson - Phinney)
15. Public Lot - Metered (South Macomb Street)
16. Public Lot - Metered
Stoner Kemmerling Building Lot
(Circuit Court Probation Employees)
17. Missionary Baptist Church Lot
18. Missionary Baptist Church Lot

cases it is called an exhibit. Normally, however, the greater part of the evidence consists of the sworn statements of witnesses. This evidence is called testimony. The testimony of an absent witness may have been taken under oath, with both sides represented or having had the opportunity to be present. Such written testimony is called a deposition, and if read into evidence, should be given the same consideration as would be given the testimony of the same witness spoken from the witness stand.

Pay close attention to each witness as they testify, not only to hear what they say, but also to note their manner and actions. If you cannot hear plainly, interrupt the proceedings by raising a hand.

The trial of every lawsuit is governed by rules laid down by the Supreme Court from experience gained over many, many years. Some of these rules exclude certain evidence because it would unduly prolong the trial, or is not trustworthy or is privileged. An attorney has the right and in some cases even the duty to object to such testimony. In such cases counsel may ask that the jury be excused while matters of law are argued before the court. That is done so that the jury will not be improperly influenced by matter that may arise during such argument and which are not admissible under the rules. Sometimes objectionable evidence gets in the record before the lawyer can object and before the court can rule on the matter. If such evidence, or any other evidence is stricken, the jury must not consider it in any way in arriving at their verdict, and you must do your utmost to prevent it from unconsciously influencing your verdict.

After all evidence has been introduced, counsel on each side may present their final arguments, each attorney giving the theories and reasons why their client should prevail. Where the testimony of witnesses has been conflicting, the attorneys may suggest reasons for believing the witnesses whose testimony has favored their side, rather than those who testified to the contrary.

You should listen to these arguments carefully and consider them thoughtfully.

You are to decide the facts solely upon the testimony given in open court and the exhibits admitted into evidence. This is the most important part of your duty. The testimony reaches you in the presence of both parties in the case under the right of cross examination and under the sanctity of an oath. If you go outside the testimony in reaching your verdict, you violate your oath as a juror and debase the whole process of justice under law. If you use your vote as a juror to reward or to punish, or to show your sympathy or bias, or even to be charitable, you are violating your oath to “render a true verdict according to the law and the evidence”.

You are **NOT** to consider as evidence any statement of counsel unless such statement was made as an admission or stipulation conceding the existence of a fact or facts. The attorney is the advocate for one of the parties and is required to present the best case or defense for the client that can be honestly and reasonably presented. The attorney is entitled to present the views, reasons and conclusions but you are not bound by them. Of course as a juror, you should not make up your mind finally on any issue until you have heard all sides and the instructions of the judge and have discussed the case with the OTHER jurors after having retired for that purpose.

JUDGE’S ADMONITIONS TO JURORS DURING TRIAL

After you have taken the oath as a juror, the judge will admonish you that it is your duty not to converse with or permit any other person to address you on any subject of the trial. Any communication by a juror to any person, including a husband or wife, with respect to the case on which that juror is serving is an act of contempt and may be punished by fine and/or imprisonment. It is also your duty not to form or express an opinion thereon until the case is finally submitted to you for your verdict.

The reasons for the instruction are basic. As previously emphasized in this pamphlet, a case must be decided solely on the evidence received in the courtroom. If you were to discuss the facts of the case or your impressions of it with your family or your friends, or with any person having any connection with the case, you would hear their ideas and thus expose your mind to influence from outside sources. Additionally, the admonition that you should neither form nor express an opinion on the case requires that you keep an open mind until the case is finally submitted to you, and of course before then you are not at liberty even to discuss the matter with the other members of the jury panel. Even an inadvertent violation of the instruction would be a violation of your oath as a juror, and it goes without saying that if you believe that someone purposely has tried to engage you in conversation concerning the case, it would become your duty to report the incident to the judge immediately. A wise policy for you to follow is to avoid even the appearance of an improper discussion. The lawyers understand this rule and you will find that, even at the risk of seeming unfriendly, they will avoid even a casual conversation with you.

By the same principle, it would be a violation of your duty as a juror to conduct any investigation of the case except with all other jurors and under the direction of the judge. As a juror you must not become an amateur detective. For instance, you must not visit the scene of an accident, an alleged crime or any event or transaction involved in the case. If the judge feels that an inspection of a place is necessary or will be helpful, the court will arrange and supervise such inspection.

JUDGE'S INSTRUCTIONS ON THE LAW

At the conclusion of the final arguments by the lawyers, the next step, and a most important one, is taken by the judge. You will be instructed on the law that applies to the case, and you must apply that law to the facts as you find them in arriving at your verdict. You must give

close attention to all instructions.

Bear in mind constantly, that you must be governed by the law as the judge states it to you. It is the Judge's duty to define it for you. Do not attempt to change or ignore the law, even if you disagree. Not even the judge may do that. You are duty-bound under your oath to give full effect to the laws of our State as the judge states them to you.

If the judge should give you any instruction that seems to conflict with or be different from any statement in this pamphlet, you should accept the instruction as correct and be guided by it.

DELIBERATIONS BY JURY

After the judge has instructed you on the law, the clerk of the court will administer an oath to the bailiff, who then will conduct you to the jury room for your deliberation. Your first duty upon retiring to the jury room is to select a foreman. The foreperson acts as the chairperson of the jury, whose duty is to see that discussion is carried on in a free and orderly manner, that the matters and issues that are submitted for your decision are fully and freely discussed, and that every juror is given an opportunity to express their opinion. When it is time for the taking of a ballot, the chairperson will see this is done. Careful consideration, should be exercised in the selection of your foreman so that this individual be well qualified to supervise the discussion.

After you retire to the jury room, you are entitled to have all the exhibits brought to you.

Should you feel that it is necessary to be reinstructed or further instructed on the law or to have certain testimony read to you, you may so inform the judge through the bailiff.

In weighing evidence, an important distinction exists between civil and criminal cases in the degree of proof

required to sustain an allegation. In a criminal case, the defendant to be convicted, must be proved guilty beyond a reasonable doubt and to a moral certainty. In a civil case, the party who has made an affirmative allegation against another must prove that allegation by a preponderance of the evidence to support a finding in favor of those allegations. In each case, the judge will carefully explain to you the degree of proof required to support particular findings, and you should pay the same careful attention to those instructions on this subject as you are required to pay to all other instructions.

Quite often in the jury room differences of opinion arise among the jurors. When this occurs, each juror should express their opinions and reasons. By the process of careful and thorough reasoning, it is generally possible for jurors to reach a verdict. A juror should not hesitate to change their mind where there is a good reason for doing so, but one who has a definite opinion should not abandon that opinion unless conscientiously moved to do so as a result of the deliberations, consideration of the views of the other members of the panel and ones own further thoughts on the matter.

It would be wrong for a juror to refuse to listen to the arguments and opinions of the others, or to deny the right of another juror to express their own opinions. All jurors should deliberate and vote on each issue to be decided. A juror should never vote against their conscience or their own judgment. They should vote only according to their own honest convictions arrived at after a full and free discussion with their fellow jurors.

Trial Dates

The judge will instruct you that in criminal cases a unanimous agreement of all jurors is required, while in civil cases, at least 5 of 6 jurors must agree upon the verdict within a reasonable time. The judge may, after being so advised, order the jury dismissed with the result

that another trial of the case usually follows, with consequent added expense to all parties. It is, therefore, highly desirable that a verdict be rendered if that can be done with the sincere and honest judgment of all the jurors.

In your efforts to reach a verdict, bear in mind constantly that you are to consider only the evidence that was presented to you in the courtroom. You should not guess or speculate, although you may draw reasonable inferences and you must follow the court's instructions, if any, as to presumptions of law. Do not assume that a case is unimportant and that you should not be called upon to give much of your time for its decision. If it were your case, it would be important to you, and you would want it to receive earnest and conscientious consideration, whether your cause might appear great or small to others.

The verdict resulting from your deliberations will not only determine the outcome of the particular case, but also influence the general caliber of justice rendered in our community. Juries in this court have been doing meritorious service. They have set a worthy standard. It is the responsibility of our judges, of you, and of all future jurors to insure the continuance of jury service at that high level.

JURYPAY

First 1/2 day = \$12.50, plus mileage

First whole day = \$25.00, plus mileage

Subsequent 1/2 day = \$20.00 plus mileage

Subsequent Full day = \$40.00 plus mileage

Mileage = \$0.10 per mile.

If you are excused by Noon, you will be paid for a 1/2 day.

You will receive payment for Jury Service by check from the County of Monroe. Please allow 8 to 10 weeks for processing.

JURY TERM

The length of your Jury Term is two months. **You are not required to report daily.** You will be required to report only when there is a Jury Trial scheduled. Your first scheduled trial date is listed in the enclosed letter. Usual In-Court hours are 9:00 a.m. to 4:30 p.m., with Noon recess of about 1.5 hours. For good reason, Court hours may be extended but this would be the exception.

CONFIRMATION OF JURY SERVICE TO EMPLOYER

A confirmation letter for Jury Service, if needed, will be available from the Judge's secretary showing your 1/2 or full day attendance for service and amount of compensation you will receive.

JURY TELEPHONE CALL - IN INFORMATION

To call Toll Free, follow these instructions, as telephone menus have changed:

1. **Toll Free # is (888) 354-5500;** Wait for the Operator to ask if you know your Party's extension.
2. Then dial the 7049 Jury System extension; follow this menu to locate your assigned Judge.

If (734) 240-7049 is a local call for you, Dial it direct and follow the menu to locate your assigned judge.

COURTHOUSE ENTRY

We understand and apologize for the distance many jurors may have to walk from parking areas to the Courthouse. In the past, jurors who were not aware of the Security measures implemented by the County Commissioners would have to return to their vehicles and then walk the distance again. Because of this, we are including this notice with your juror packet.

- Prepare to empty contents of pockets for screening.
- All purses and briefcases must be viewed for weapons screening. Proceed to walk through the metal detector.
- Advise the Security Officer of any items that you may have that would activate the metal detector.
- If metal detection is activated, understand that you will be required to report to the Security Officer.
- Follow all signs and instructions at the various courtrooms and offices.
- You must exit the Courthouse at the same location you entered when you have finished your business.

NO WEAPONS POLICY

For your safety, all persons and property entering the Courthouse are searched for weapons. Weapons found may be seized and subject the possessor to arrest. Please take notice of the following items and any similar items are considered to be weapons and will not be allowed into the Courthouse.

- Firearms of any type
- Knives
- Fingernail Files
- Scissors
- Chemical Weapons (mace or pepper spray)
- Any tool considered a weapon (screwdriver, ect.)
- Clubs or bats
- Any explosive devices

If you attempt entry into the Courthouse with any of the above or similar items, you will be denied entry until the item or items are removed from the building. The County of Monroe will not be responsible for holding any item.

If you have a medical condition that is affected by x-ray or metal detectors, please inform the security officer.

Beepers / Pagers / PDA's / Cellular telephones will be permitted, but must be put on the silent or pulse mode while inside the building.