

## OUTLINE FOR LAW WEEK FOR HIGH SCHOOLS - March 15-19, 2010

**TOPIC:** The American Jury - We the People in Action

**MATERIALS-Attached for your review.**

- A. Background Material entitled “A Jury Service Project of the American Bar Association, Young Lawyers Division”
- B. The Jury in the United States - Quiz and Answer Sheet
- C. Oath for Prospective Jurors
- D. Sample Voir Dire Questions
- E. Uniform Jury Handbook - Frequently Asked Questions about Jury Service
- F. Landmark Rulings on the Jury
- G. Suggested Handout for Students - “The Jury in the United States.”
- H. Jury Summons

### INTRODUCTION

This year, the Sonoma County Bar Association, in association with the Sonoma County Office of Education (“SCOE”), will present Law Week 2010. The theme this year is “The American Jury - We the People in Action”, celebrating the critical function and role of juries in our judicial process. This theme reminds us that trial by jury was one of the rights Americans fought for in seeking our independence. The Founders saw juries as a cornerstone of freedom, a way for the people to resist the tyranny of an unjust government. Trial by jury is guaranteed by the Fifth, Sixth and Seventh Amendments.<sup>1, 2, 3</sup>

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<sup>1</sup>The Fifth Amendment provides: “No person shall be held to answer for a capital, or otherwise infamous crime, unless on presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

<sup>2</sup>The Sixth Amendment provides: “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district where in the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.”

The jury is the embodiment of democracy. We entrust juries - small bodies of ordinary men and women – with decisions that involve the liberties and property of defendants. In doing so, we confirm our faith in the ability of people to make just and wise decisions, and that is the very definition of democracy.

### **WHY JURIES MATTER**

- Nearly a million Americans serve on a jury each year
- About five times that number show up to their local courthouse to report for jury duty
- Jurors decide between guilt and innocence, liability and non-liability
- The decisions that jurors make affect millions of lives everyday and have a profound impact on our economy and our society
- Few activities in our civic life provide such a direct contact with our democracy as does jury service

### **PROCEDURE/INSTRUCTION: Teachers**

1. Teachers will be assigned 2 legal professionals (i.e. 2 attorneys or 1 attorney and 1 Judicial Officer). The legal professionals have been directed to contact teachers prior to presentation.
2. Teachers are encouraged to review presentation materials identified above with students prior to presentation to facilitate meaningful discussion.

### **PROCEDURE/INSTRUCTION: Attorneys/Judicial Officers**

1. Each attorney/judicial officer will be assigned a classroom at a specific high school. The majority of the classes will be Seniors. The attorney/judicial officer should initiate direct contact, via telephone or email, with the teacher prior to the presentation for additional instructions (i.e. location, specific time etc.)
2. Attorney/judicial officer should read the materials provided prior to the presentation.

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<sup>3</sup>The Seventh Amendment provides: “In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States than according to the rules of the common law.

3. Attorney/judicial officer will have approximately 1 to 1 1/2 hour to make presentation and to facilitate discussions, depending on which classroom that is assigned.
4. **The attorney or judicial officer should offer an introduction to the history of juries, choosing a jury, jury instructions, and deliberations. Students should obtain an understanding of the importance of juries, and the duty and responsibility to participate in the judicial process.**
5. Attorneys/judicial officer may also consider spending some time discussing the legal profession and their careers.

**SUGGESTIONS FOR CLASSROOM INTERACTION:** The presenters should make the presentation in any manner they deem appropriate after discussion with the Teachers. *The following ideas are provided as guidance only. Feel free to use all, a combination, or none in your presentation. Past presenters have stated that some time spent in an interactive scenario with the students, as opposed to pure lecture, had the best results!*

**1. Suggested Introduction.**

Begin the class by introducing yourself to the students. As you do so, remember when you were this age and what you might like to know about other people. Be sure to provide a brief explanation of why you are in the classroom on this particular day. You might consider saying the following in your own words:

“This week, students throughout Sonoma County are celebrating law day. I believe it is very special because I work in the legal field and am proud of the work I do. It is also important because it allows us to stop and think about our country and the freedoms we all share. It is also special because this day provides us with an opportunity to talk about the laws that protect us and provide us this very special freedom.”

Establish a focus for your activity by asking the students to describe what they think of when they hear the word “jury.” Allow for several responses. Explain that today you will be discussing with them what it means to be a juror.

2. Review **History of Jury** (*See, Attachment A and F*)
3. Review Administrative Process (*See, Attachments E and G*)
  - Review how Superior Court subpoenas prospective jurors
  - How jurors names are called from jury pool.
  - Jury Oath (*See, Attachment C*)
  - Limitations for being excused to serve as juror, i.e. Hardships
  - Review Voir Dire process (*See, Attachment D*)

- Case Process (Opening Statements, Testimony and Physical Evidence, Closing statements, Jury Instructions)
  - Deliberations (Selecting a Foreperson, Verdict Form)
  - Verdict
4. Give Students attached **Quiz** and Discuss Answers (*See*, Attachment B)
  
  5. Hand out **Jury Summons** and explore what it means, what a citizen's responsibility is when it arrives in the mail, etc... (*See*, Attachment H)
  
  6. Present a **factual scenario to frame a case/issue** that students can quickly become familiar with, such as:
    - A contemporary legal case ie. A minor student goes to a party where he/she is served alcohol then drives a vehicle. On the way home he/she gets into an accident, and is sued for injuries caused in the accident by a passenger or 3<sup>rd</sup> party. The suit is brought against the adult host and minor driver for negligence.
    - A Fairytale such as Goldilocks and the Three Bears to set up a criminal legal case for breaking and entering, burglary, theft, etc..

Then, using those facts as a framework, divide the class into **separate juries**, voir dire the students, (*See*, Attachment D), then have each group perform as a jury ie. choose a foreperson, discuss, and then reach a verdict on issues of guilt/innocent, liability and/or amount of damages that should be awarded.

7. Using a factual scenario from #6 above, after breaking the students into juries, choose certain students to be a “**jury personality character**” during the deliberations ie. apathetic juror, disagreeable juror, take-charge juror, etc.. Then discuss the difficulties encountered in getting 12 separate persons from very diverse backgrounds to agree on guilt/innocence, liability, and case economics.

#### 8. Suggested Closing

“The jury system is by no means broken. Every day, juries across America render fair and just verdicts and keep the wheels of justice moving. In the abstract, most Americans strongly support the jury system and are eager to participate. Yet, in practice we find that response rates are too low in many jurisdictions, and most agree that some measures can be taken to make the experience of serving on a jury less cumbersome to the individual called to serve. We need to remind the public of the importance of jury service as a high calling of citizenship and an important way to participate in the way our government functions. A summons to jury service is not an invitation to participate in a market research exercise. It is a fundamental tool of our democracy that has a real and direct effect on people's lives.”