



# JUROR'S GUIDE

Your role in the  
Whitefish Municipal Court  
trial process

Dear Juror:

It is my privilege to welcome you as a juror in this Court and to thank you for your willingness to serve.

The right to a trial by jury is guaranteed by the United States Constitution and by the Constitution of the State of Montana. The effectiveness of the jury system depends upon the willingness of citizens to serve, as well as their ability to be fair and impartial while deciding the facts and applying the law. Yours is a serious duty and it is of great importance to those involved.

I believe that you will find jury service interesting and that you will complete it satisfied, knowing that you have made a significant contribution to the justice system. It is our hope that this guide will assist you in the proper execution of your role.

Again, I thank you for your service in the Whitefish Municipal Court.

Sincerely,

Caitlin Overland  
Municipal Judge

## **JUROR SELECTION**

Jury selection begins when a panel of 2,500 individuals (whose names are randomly selected by the Clerk of Court of the Eleventh Judicial District Court from voter registration lists, drivers' license numbers, and personal identification cards) is provided to the Whitefish Municipal Court. Those individuals are then mailed a Jury Notice, Questionnaire and Affidavit for Excuse.

Once all of the questionnaires have been returned and reviewed by the Judge to excuse those who qualify per MCA §3-15-313, the final list of eligible jurors is maintained in a computerized database called FullCourt Jury. It is from this database that a jury panel for a trial is drawn.

When a trial is set, a jury panel of at least 30, sometimes more, prospective trial jurors is randomly chosen through the FullCourt Jury program. A summons is mailed to each juror selected to serve on a given date. Eventually, through a process called voir dire, six of those jurors (and possibly one alternate juror), will be chosen and sworn in to serve on the trial jury.

It is the policy of the Whitefish Municipal Court to grant requests for excusal for certain hardship cases. It is expected that the prospective jurors will not abuse this policy.

## **TYPES OF CASES HEARD IN THE WHITEFISH MUNICIPAL COURT**

As a juror in the Whitefish Municipal Court, you will hear either criminal or civil cases.

In criminal cases, a deputy city attorney, acting on behalf of the citizens of Whitefish, will prosecute the case against the individual accused of a crime. The deputy city attorney is called the prosecutor, while the person accused of the crime is referred to as the defendant.

In civil cases, an individual will bring suit against another individual or against the City of Whitefish. In these cases, the party initiating the lawsuit is referred to as the plaintiff, and the party defending the suit is the defendant.

## **THE ROLES OF JURORS AND JUDGES**

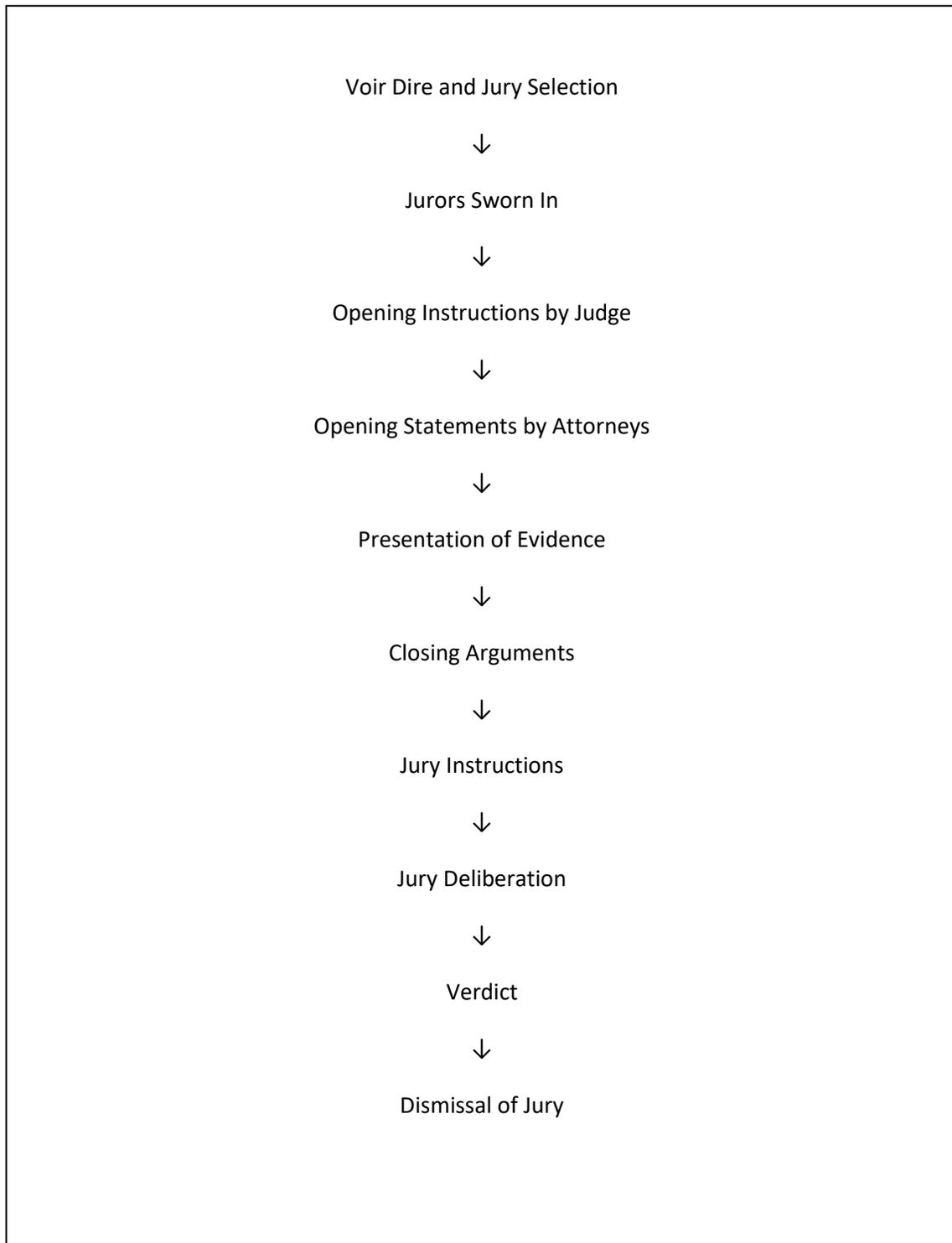
### **JUROR:**

- Listen carefully to all evidence presented during the trial.
- During deliberations, discuss the evidence with fellow jurors and decide what the facts are, based upon which witnesses and evidence you believe.
- Apply the Law, as explained by the judge, to the facts, as determined by you.
- Do no independent research or investigation.
- Determine the money damages in some civil cases.
- In criminal cases, decide whether the defendant is guilty or not guilty.
- Arrive at a verdict.

## JUDGE:

- Make sure that each party has the opportunity to present his or her case.
- Make sure that the trial process proceeds in a proper manner.
- Instruct the jury on the applicable law.
- Determine the punishment if found guilty.

## THE JURY TRIAL PROCESS



## **VOIR DIRE**

When jurors report for jury service, they will be interviewed by the prosecutor and the defendant through a process known as “voir dire”. This is a French term which means “to tell the truth”.

The purpose of voir dire is to find out whether any views held by a potential juror will hinder his or her ability to act impartially. It is very important that you answer these questions openly and honestly.

## **JUROR OATH**

By taking the Oath of Juror, you swear that you will try the matters at issue and render a true verdict according to the evidence that is given and the law. As a juror, you will become a judge of all questions of fact, and must act fairly and impartially and not act upon your own feelings and emotions.

## **ALTERNATE JURORS**

In addition to the six jurors selected to try a case, one or more alternates may also be selected. If a juror becomes ill or is unable to fulfill the terms of his or her oath, he or she will be replaced by an alternate juror. Alternate jurors must be present during all testimony and view all evidence. Once the case is given to the jury for deliberation, alternate jurors are then dismissed.

## **JUROR CONDUCT**

Once you have been selected as a trial juror, you will be asked to conduct yourself accordingly.

As a juror:

- No cell phone use is allowed at any time. No cell phone use is allowed during the trial, breaks, meals or deliberations. Please turn your cell phone off.
- You must sit in the same seat in the jury box.
- You will need to be on time for Court sessions.
- You may not discuss the case, even with the other jurors, except in the jury room after the case has finally been submitted and jury deliberations have begun. If any person attempts to talk to you about the case or discusses the case with another person in your presence, report it to the judge immediately.
- You may not inspect the scene unless ordered to do so by the Court or conduct your own research. To do so may result in a mistrial.
- You may not listen to radio or television accounts or read articles about the case (including internet articles).
- You must not indicate during trial, by exclamations or facial expressions, how any evidence or incident of trial affects you.
- If you are in doubt as to your rights or duties as a juror, ask the judge for instruction.
- If an emergency arises affecting your jury service, consult the judge.

## **CONFERENCES OUTSIDE OF THE HEARING OF JURORS**

From time to time, the judge and/or attorneys may engage in conversations outside of the hearing of the jury. This occurs when legal or procedural matters must be discussed and are done privately to minimize confusion and ensure that the jury only hears the facts of the case. When this occurs, you should not draw any conclusions as to what might be said outside of your hearing.

## **OBJECTIONS**

During a trial, lawyers may make objections to a question asked or an exhibit offered by the other side. If the judge believes that the evidence being offered is not proper, the objection will be sustained. If the judge believes the lawyer is mistaken in the objection, the objection will be overruled. Each attorney has the right to make an objection, and the matter will be decided according to the law. As a juror, you should not draw inferences of any character for or against either party.

## **HEARING AND SEEING WITNESSES AND EVIDENCE**

As a juror, you will need to pay close attention to each witness who testifies, both to hear what is said and to observe his or her manner and actions. You will also need to be able to hear and view any video or audio evidence. If you cannot hear or if your view is obstructed, notify the judge immediately.

## **JURY DELIBERATION PROCESS**

Once all evidence has been presented and the prosecution and defense rest, you will be instructed on the law and given guidance on what procedures will need to be followed in jury deliberations. One of the first things that a jury will do during deliberations is to choose a foreperson. That foreperson should make sure that each juror has a chance to speak, that each juror's opinion is treated with respect, that the jury does not rush to come to a verdict and that the verdict returned is fair, impartial and based upon the facts of the case. If ballots are used, he or she will oversee that process. The foreperson will sign any written requests made of the judge and the written verdicts.

In criminal cases, a unanimous verdict is required. In all civil actions, four of the six jurors must be in agreement.

## **AFTER THE VERDICT IS REACHED**

Once the jury reaches a verdict, the foreperson informs the bailiff who, in turn, will inform the Court. The judge will call everyone back into the courtroom. The verdict is then announced. The parties may poll the jurors as to their individual votes. The jury is then dismissed. Individual jurors may choose to leave the courtroom at this time or, if a guilty verdict is found, may stay for the sentencing.

Once dismissed, jurors are permitted to talk about the case but are not required to do so. No juror, however, is allowed to disclose what another juror said in the jury room.

## COMMONLY ASKED QUESTIONS

### 1. Who is eligible to serve as a juror?

- a. Anyone who is 18 years of age or older, a citizen of Montana, a resident within the city limits of Whitefish and who has not been convicted of a felony is eligible.

### 2. What happens if I ignore my summons for jury service?

- a. A jury summons is a Court Order. If you ignore it, you are subject to arrest and prosecution.

### 3. What if I have a scheduling conflict?

- a. In those cases when your schedule may preclude you from serving as a juror, the Court will try to accommodate you. In the furtherance of justice, however, there will be times when the Court cannot accommodate such a request. It is important that you do not ignore the summons, but instead call the Court to see what can be done.

### 4. Will I be paid for serving as a juror?

- a. Yes. You will receive \$12.00 for reporting for jury duty. If selected to serve on a jury, you will receive an additional \$13.00 for the first day and \$25.00 per day thereafter.

### 5. What if I am disabled?

- a. If you have a disability, please contact the Court Administrator in advance of the trial date so that appropriate steps may be taken to accommodate your needs.

### 6. What if my employer doesn't allow me to serve?

- a. The law prohibits any employer from preventing an employee to serve as a juror. The law also prohibits an employer from depriving an employee of benefits because of jury service, such as requiring you to use vacation or personal time to serve.

### 7. Is my employer required to pay me while I serve as a juror?

- a. If you work for the government, your employer must pay you. If you work in the private sector, your employer does not have to pay you.

### 8. Is it possible to appear for jury service and not sit on a jury?

- a. Yes. More people are summoned to a trial than actually serve because it is the defendant's right to be tried in front of a fair and impartial jury panel. That is why prospective jurors are questioned through the process of voir dire.

### 9. How long do most trials take?

- a. Most trials in the Whitefish Municipal Court last a single day.

### 10. How often do I have to serve as a juror?

- a. There is no limit on the number of times your name may be drawn for service. Once you have served as a trial juror, however, you may request to have your name removed from the jury pool list for the remainder of the calendar year.

## CONCLUSION

While jury service may sometimes be inconvenient, it is an extremely important civic duty. Without citizens willing to serve as jurors, the American system of justice would not exist.

## TIPS FOR JURORS

- Bring a book or magazine to read or something to do to pass the time while waiting.
- Wear clothing that is not restricting, as you will be sitting for long periods. It is also advisable to wear layers of clothing, as the temperature in the courtroom does vary depending on the weather.

## ADDITIONAL INFORMATION

### Court Address and Telephone Numbers:

Whitefish Municipal Court  
275 Flathead Avenue  
Whitefish, MT 59937  
(406) 863-2440, fax (406) 863-1259

### Parking

As a juror, you may park in the parking lot of the Emergency Services Center.

*(The purpose of this pamphlet is to help you better understand the jury trial process in the Whitefish Municipal Court, to inform you of what you can expect when serving as a juror, and to emphasize the critical role that jurors play in the American justice system. It is not a substitute for instructions given by the judge at trial.)*