

# LawClips

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Topic for the Month:

## Our Jury System

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Legal Solutions That Fit.

**Historical Roots to Jury System:** Originally traced to England, the right to a trial by jury was considered one of the best securities of the rights of the people. It had widespread support from our forefathers including Thomas Jefferson who said:

"I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution" (1788).

The right to trial by jury was considered so important that it was placed in the Constitution with such other rights as the right to practice a religion, freedom of speech and right to bear arms. The importance of a trial by jury is clear when you look back in time. Consider the 1692 Salem witch trials. After convicting 19 defendants to death for practicing witchcraft, 52 consecutive trials result in acquittals or hung juries, though in direct opposition to the judge's instructions. Fully informed jurors finally embraced reason in spite of political hysteria.

**How Is a Jury Selected?** Typically a person is chosen randomly from the Wisconsin Department of Transportation's list of people with motor vehicle licenses or identification cards that live in the county where the case is to be tried. Some counties use additional source lists. The court and attorneys then conduct voir dire of the jury panel. The term voir dire means to speak the truth. Voir dire is where the court and counsel question jurors to find out whether each prospective juror is capable of being fair and impartial in their deliberations. When the required number of jurors has been chosen, (6 or 12) the jury panel is sworn to fairly and impartially decide the case at issue.

**What is the Role of a Jury?** A jury is a group of 12 citizens at least 18 years of age who decide disputed issues of fact. The disputed issues of fact can be as simple as who is at fault for an accident or as complex as the guilt of a person who has committed a crime. Jurors are not required to research the law involved in a case. Rather, the judge will instruct them on the law which applies to the case.



**Are Jurors Compensated?** Yes. A juror is paid \$16 per full day of service as a juror. A mileage reimbursement to and from the courthouse is also included. An employer is not allowed to prevent an employee from serving on a jury. However, the employer is not required to pay lost wages. A juror cannot be fired, disciplined or lose seniority because of jury duty.

**What is a Foreperson?** The foreperson is an individual who is selected by the members of the jury to act as the moderator and discussion leader. As the jury votes on each question on the verdict, the foreperson will generally fill in the verdict.

**What is the Verdict?** The verdict is a questionnaire that is completed by the jury. It can be lengthy consisting of numerous questions or it can be as brief as whether the defendant is guilty or not guilty. Once a verdict is agreed upon, the jury proceeds back into the court room and the foreperson presents the verdict to the judge. Once the judge has completed reading the verdict, he or she will formally discharge the jury. Jury duty has now ended.

**Is the Right to a Jury Trial That Important?** Yes. Next to serving the country in the armed forces, serving on the jury is the single most important civic duty placed on a citizen. Some organizations have questioned the need for the jury trial system. Yet no better system in over 200 years has been found. The right to a jury trial is a fundamental and constitutional right which must be protected and preserved.



**Join us at the Green Bay Botanical Garden:** As a token of appreciation to past clients, existing clients and friends of our firm, we are giving away a limited number of tickets to the 10th annual WPS GARDEN OF LIGHTS at the Green Bay Botanical Garden.

This is a great holiday event for the entire family, which runs from **November 24 - December 17 (Fridays, Saturdays and Sundays) 5 p.m. - 9 p.m. with Holiday viewing on December 22, 23, 29 & 30.** To find out more about this appreciation program, just call either Attorney Bob Janssen or Attorney Steve Hitzeman.

  
WPS Garden of Lights