



JUROR'S HANDBOOK

PRESENTED BY
INDIANA STATE BAR ASSOCIATION

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INTRODUCTION

You have been chosen to serve as a juror, an important responsibility in our system of justice. Thank you for your time and service.

We understand that the courtroom and legal procedure can feel unfamiliar. Judges and lawyers often use technical language and follow procedures that can be difficult to understand. This booklet is designed to guide you through the process.

Within you will find background information on our legal system, an overview of trial procedure and evidence rules, general expectations for you and your fellow jurors, and definitions of commonly used legal terms.

This booklet is designed for informational purposes only. It does not replace any instructions given to you by the judge.

Please read all sections carefully. If you have any questions about your role or responsibilities, contact the bailiff assigned to your jury.

Thank you for your service,
Indiana State Bar Association

YOUR ROLE AS JUROR

“Jury service is one of the highest duties of citizenship, for by it the citizen participates in the administration of justice between man and man and between government and the individual.”

–Hon. Harlan Stone, former U.S. Chief Justice

Our system of justice is built on the belief that people’s rights are best protected by calling on their fellow citizens to hear and decide their disputes. This right is guaranteed by both our state and federal constitutions.

We understand that serving on a jury requires time away from home, work, and family. But while jury service may come with its inconveniences, your service is vital. As a juror, you are helping to administer justice, maintain our democratic systems, and build trust in your community. You are ensuring that everyone receives their right to a fair trial.

This responsibility should not be taken lightly. You must serve conscientiously and fairly. Set aside personal feelings and focus only on the

evidence provided to you. Avoid excusing yourself unless you have an urgent or compelling reason. Your employer should also not ask you to withdraw from jury service unless they have a valid reason.

You will be compensated for your time. As of July 1, 2023, Indiana jurors are entitled to:

- \$30 per day of actual attendance in court until the jury is selected;
- \$80 per day of actual attendance from the time the jury is selected through the fifth day of trial;
- \$90 per day of actual attendance starting on the sixth day of trial until the jury is dismissed.

Some counties may provide greater compensation. By law, you should receive at least the amount listed above. See Indiana Code § 33-37-10-1 for more information.

By serving honorably and fairly, you will learn more about the judicial branch of government and take an active role in protecting our centuries-old tradition of justice.

TYPES OF CASES

A jury may be called in two kinds of cases: civil and criminal.

A **civil case** is a dispute between two or more people or businesses. It usually, but not always, involves money. The party bringing the case to court is the plaintiff; the party being sued is the defendant. (To help remember the difference: a defendant is *defending* themselves against a plaintiff's claims.)

Civil cases begin when the plaintiff files a complaint with the court. This is a written statement outlining their claims against the person they are suing. The defendant may then file an answer—a written statement that admits, denies, or disputes any of those claims.

As a juror in a civil case, your job is to determine a verdict in favor of either the plaintiff or defendant. You may also be asked to decide how much money, if any, the plaintiff should receive.

A **criminal case** is a dispute brought by the State of Indiana against a person accused of committing a crime. The state, represented by a

prosecutor, is the plaintiff; the person charged with a crime is the defendant.

Criminal cases begin when the defendant is called before the court by an indictment (a formal document describing the criminal charges and the basis of those charges). The defendant may then either plead “guilty” (admitting the charges) or “not guilty” (denying them).

As a juror in a criminal case, your job is to decide whether the defendant is guilty or not guilty of the crime charged. In most criminal cases the judge determines the punishment. However, you may be asked to recommend a sentence in very serious cases, like those involving the death penalty or life without parole.

TRIAL PROCEDURE

Trial procedure is generally the same in both civil and criminal cases. A jury is selected and sworn in. The party having the burden of proof (the plaintiff in civil cases and the prosecution in criminal) then presents their evidence. At the close of their argument, the defendant has an opportunity to present their opposing evidence.

There may be further rounds of evidence admitted based on what is brought up. Once final arguments are made, the jury then deliberates and decides on a verdict.

The lawyers, and sometimes the judge, will question witnesses and introduce exhibits throughout the trial. As a juror, you may also have an opportunity to submit written questions to witnesses. The court will provide a form for you to write down these questions. The judge will then review any questions with the attorneys and decide whether they may be asked.

Jury trials typically follow this format:

1. Jury Selection

2. Preliminary Instructions by the Court

3. Opening Statements*

- a. From the plaintiff's lawyer
- b. From the defendant's lawyer

4. Plaintiff's Evidence

- a. Witnesses for the plaintiff, including:
 - (1) Direct examination by the plaintiff's lawyer; (2) Cross-examination by the defendant's lawyer; (3) Re-direct examination by the plaintiff's lawyer; and (4) Written juror questions (if allowed)

- b. Exhibits for the plaintiff (these may be submitted during the witnesses' questioning)

5. Plaintiff Rests

6. Defendant's Evidence (if they choose)

- a. Witnesses for the defendant, including:
 - (1) Direct examination by the defendant's lawyer;
 - (2) Cross-examination by the plaintiff's lawyer;
 - (3) Re-direct examination by the defendant's lawyer; and
 - (4) Written juror questions (if allowed)
- b. Exhibits for the defendant (these may be submitted during the witnesses' questioning)

7. Defendant Rests

8. [Optional] Plaintiff's Rebuttal Evidence

- a. The plaintiff may introduce only evidence that refutes or contradicts the evidence presented by the defendant. This follows the same process as Step 4.

9. [Optional] Defendant's Surrebuttal Evidence

- a. The defendant may introduce only evidence that refutes or contradicts the rebuttal evidence presented by the plaintiff. This follows the same process as Step 6.

10. Closing Arguments*

- a. From the plaintiff's lawyer
- b. From the defendant's lawyer
- c. Rebuttal from the plaintiff's lawyer

11. Final Instructions by the Court

12. Jury Deliberations

13. Verdict

*The opening statements and closing arguments are optional. If they are not made, do not consider it a sign of weakness or hold it against the party.

JURY SELECTION

The jury is selected at the beginning of the trial. Civil cases usually have six jurors. Criminal cases may have six or twelve. In both cases, a few alternate jurors may also be selected. Alternates attend the full trial but do not participate in jury deliberations unless a participating juror cannot continue or drops out. If that happens, the alternate takes their place.

Your pool of prospective jurors will be narrowed through a process called jury selection. During

this process, the judge and the lawyers may ask you questions to assess whether you can be fair and impartial for this particular case. You must answer truthfully and accurately.

Some jurors will be excused during this process. There are many reasons why—they might have a connection to one of the parties, a business relationship with one of the attorneys, personal knowledge of the case, or a bias toward the type of case being tried.

If you believe you have a reason you should not serve, and it does not come out in your questioning, let the judge and lawyers know.

Lawyers also have the right to excuse a juror for no reason at all. These are called peremptory challenges. Each lawyer has a limited number they can use in each case.

Remember that being excused is not a reflection of your credibility or qualifications. A lawyer might excuse you in one case but consider you well-suited for another. Sometimes a lawyer simply prefers a different juror for that particular trial.

Once the jury has been selected, you will swear or affirm to try the case and give a true verdict according to the law and the evidence.

JUROR CONDUCT

As a juror, it is vitally important that you conduct yourself with fairness, respect, and impartiality throughout the entire trial. This shows respect to all involved and reflects the trust that has been placed in you.

The following expectations will be asked of you:

- **Arrive on time.** Each juror must hear all the evidence, so court cannot proceed until everyone is present. Being late causes delays for everyone and forces the trial to run longer.
- **Sit in the same seat.** This helps the judge, clerk, bailiff, and lawyers identify you more easily.
- **Listen carefully.** You must base your verdict only on the evidence provided, so listening to every question and answer is vital. If you cannot hear something, ask for it to be repeated. If you do not understand a phrase or expression, ask for it to be explained.
- **Do not ask any questions directly to a witness or the lawyers.** If you have questions, raise

your hand after the attorney has asked all of their questions, but before the witness has left the witness stand. The judge will review your question and decide if it can be asked.

- **Avoid distractions.** The court may allow you to take notes. If so, do not let your notetaking distract you from listening to the evidence.
- **Control your emotions.** Do not react to any evidence with facial expressions, gestures, or noises that could suggest how you feel about the case. You are to be fair and impartial until all the evidence is presented.
- **Do not discuss the case.** You may only discuss the case with your fellow jurors at times permitted by the court. Otherwise, do not discuss the case with anyone—not with friends, family, or online. If anyone approaches you and attempts to discuss the case, report it to the judge immediately and privately.
- **Do not seek outside information.** The only evidence you can consider is the evidence presented in court. Do not investigate on your own, talk with witnesses, or visit any places involved. Taking matters into your own hands undermines the trial and risks bypassing safeguards that protect both parties.

- **Do not read or watch media about the case.** Some trials might attract media attention. Avoid all social media, news reports, television broadcasts, podcasts, and/or commentary concerning the case.
- **Do not speak with any lawyers, witnesses, or parties.** Saying “Hello” or “Good morning” is allowed, but avoid any further conversations with the lawyers, witnesses, and parties involved in the case.
- **When in doubt, ask the bailiff.** The bailiff is the court staff member assigned to work with you. If you have any questions about your rights or duties as a juror, or if an emergency situation affecting your service pops up, consult the bailiff.

COURT INSTRUCTIONS

As a juror, you are not expected to know the law. Instead, it is the court’s responsibility to explain the specific rules and laws that apply to the case.

You will receive formal instruction from the judge at two points during the trial:

1. After you have been sworn in—to outline the issue at trial, explain the burden of proof, and guide you on how to evaluate witness credibility and testimony.
2. After the lawyers' closing arguments—to share the rules of law that will guide your deliberations.

To ensure a fair trial and preserve all rights to a later appellate challenge, you must apply the law only as instructed by the judge. Do not speculate as to what you think the law ought to be or bring your own opinion as to what the law is.

EVIDENCE

Your verdict must be based only on the evidence presented at trial. This could include:

- Exhibits admitted into evidence, including photographs, videos, text messages, and written documents
- Witness testimony provided at trial, including answers to a lawyer's questions
- Depositions (witness testimony provided before trial)

- A lawyer's admission that a fact stated by the opposing party is true

Evidence does not include:

- Anything the judge excludes or instructs you to disregard
- Any information about the case gained from external sources (e.g., news, social media, etc.)
- Pleadings (the initial written documents filed by each party)
- A lawyer's statement about what they expect to prove or claim they have proved
- Remarks made about the case from someone not under oath (Sometimes remarks reflecting favorably or unfavorably on the case or someone in the case are made in front of jurors. These statements are not made under oath nor subject to cross-examination. Disregard them.)

Throughout the trial, you will also be allowed to ask questions of the witnesses (after the parties have finished their questioning but before the witness has left the stand). The answers to these questions may be considered as evidence. If your question is not asked, however, you may not consider why it was not asked, nor what the answer might have been.

Lawyers may object to the introduction of any evidence they believe improper, including exhibits offered or questions asked by the opposing party. If the judge agrees that the evidence is improper, they will sustain the objection and exclude the evidence. If the judge determines the evidence is proper, they will overrule the objection and you may consider the question or exhibit as evidence. Do not take sides when an objection is sustained or overruled. A trial is not a contest between lawyers, but a search for justice according to the evidence and law as explained by the court.

Sometimes, lawyers may need to approach the bench and speak privately with the judge. You may even be asked to leave the courtroom while the lawyers argue a point of law. These breaks may feel unnecessary, but they do save time in the end.

Remember that not everyone hears or interprets evidence in the same way. If a lawyer's statement differs from your memory of what the evidence was, rely on your memory.

Above all, do not consider anything outside the evidence presented in court in your deliberations.

REACHING A VERDICT

After both sides have finished presenting their arguments, the judge will give you final instructions and send you to a private room to deliberate. Your first task is to select a foreperson. The foreperson leads the deliberation and, when a decision is reached, signs and delivers the verdict in court.

Once a foreperson has been elected, your job is to follow the judge's instructions and arrive at a verdict (typically in favor of the plaintiff/defendant in a civil case, or guilty/not guilty in a criminal case). In some cases, the judge might also submit an interrogatory, or a list of specific questions that the jury must answer in addition to the verdict.

During deliberations, each juror should have a full and fair opportunity to share their views. Listen carefully and respect each other's opinions. But remember that the juror talking the longest or the loudest may not necessarily be the wisest. State your own thoughts clearly and honestly, based only on the evidence presented in court. Follow the law exactly as the judge explained it. Do not rely on your or others' ideas of what the law should be.

If at any point you need additional instructions or clarification, notify the bailiff and they will report to the judge.

When you and your fellow jurors have reached a verdict, the foreperson will notify the bailiff. The judge will then summon everyone back to the courtroom, where the foreperson will announce the verdict. Except in rare circumstances where the verdict will require an additional phase of trial, this will end your jury service.

LEGAL WORDS & PHRASES

Action, Case, Suit, Lawsuit: These words mean the same thing. They all refer to a legal dispute brought into court for trial.

Affidavit: Written statement made under oath.

Amended Pleading: A pleading (document filed in court by each party) that has been changed.

Answer: A document filed by a defendant, answering the plaintiff's complaints or claims.

Argument: The final conclusion to a lawyer's presentation. After all the evidence on both sides

of a lawsuit is in, the lawyer on each side is permitted to tell the jury what they think the evidence proves and why their side should win.

Bailiff: A court attendant charged with keeping order in the courtroom during a trial. They attend to the jury outside the jury room while the jurors are deliberating on a verdict.

Burden of Proof: A party's obligation to show that all the facts necessary to win a case are presented.

Cause of Action: The legal ground on which a party to a lawsuit bases their claim.

Challenge for Cause: When examining a prospective juror, a lawyer may think the juror is biased or not able to serve for other reasons. The lawyer may then ask the judge to excuse that juror. This process is called challenging for cause.

Civil Case: A non-criminal legal dispute between two or more parties.

Claim: A demand or statement by one party that another party owes them something (e.g., money, property, or, in criminal cases, a punishment).

Clerk: A court staff member responsible for keeping the court's records and reporting all official proceedings and orders.

Complaint or Petition: The document filed by the plaintiff listing their claims against the defendant.

Counterclaim or Cross-complaint: A document filed by the defendant claiming they are entitled to damages or other relief from the plaintiff.

Court Reporter: A person who records the actual proceedings of the trial.

Criminal Case: A court proceeding where a prosecutor charges a person with the commission of a crime.

Cross-examination: The questions that a lawyer asks the other party or a witness called by the opposing side.

Defendant: In a civil case, the person against whom a lawsuit is started. In a criminal case, the person charged with an offense.

Deposition: The testimony of a witness given before trial (either written out in a question-answer format or recorded just as it would have been given in court).

Direct Examination: The questions that the lawyer asks their own client or witnesses.

Directed Verdict/Judgment on the Evidence: After the evidence presented has been heard, the judge may instruct the jury regarding the kind of verdict to return. This is called a “directed verdict” or “judgment on the evidence.”

Exhibits: Items put into evidence, such as pictures, books, letters, documents, and other materials.

Expert Witness: A witness who has special, scientific, or professional training or experience, such as a doctor or professional engineer.

Hung Jury: A jury that has reported it cannot agree on a verdict.

Indictment: A formal accusation against someone suspected of committing a criminal offense.

Issue: A point of controversy or disagreement between parties.

Jury Panel: The entire group of people called as prospective jurors, from which the trial jury is narrowed down to.

Oath: A pledge made with a sense of responsibility to tell the truth.

Opening Statement: Before introducing any evidence, a lawyer is permitted to tell the jury what the case is about and what evidence they expect to bring in to prove their side of the case.

Parties: The plaintiff and the defendant (there can be more than one). They are also called litigants.

Peremptory Challenge: Each lawyer has a right to excuse a specified number of prospective jurors for no reason. The laws of the state, the rules of the court, and the judge determine the number of such challenges.

Petit Jury: A group of six to twelve citizens selected to try a civil or criminal case. Six citizens are generally seated for civil cases and on criminal misdemeanors and lesser felonies, while twelve are seated to hear all other criminal matters.

Plaintiff: The person who starts a lawsuit.

Pleadings: Papers filed in a court by the parties, stating their claims against each other.

Prosecutor: An attorney representing the state in criminal cases.

Record: The word-for-word transcript made by the official court reporter of all the proceedings at the trial.

Rest: A lawyer rests after concluding the evidence they want to introduce at that stage of the trial.

Subpoena: The notice to a witness that they are to appear and testify.

Summons: The notice to the defendant that they have been sued.

Voir Dire: The examination of prospective jurors (Pronounced *vwahr deer*, *vor deer*, or *vor dir*).

CONCLUSION

Serving as a juror is one of the most important responsibilities of citizenship and exemplifies one of the most fundamental principles in our democracy. We hope you now understand and recognize the immense role you have played in our justice system and in our community.

**On behalf of the Indiana State Bar Association,
thank you for your service.**

Reminder: This publication is intended for general informational purposes only. It does not take the place of any instructions given to you by the judge in each case.

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