

Thirteenth Judicial District Jury Handbook
(Valencia, Cibola, and Sandoval Counties)

Jury Panel: #

You must call the CODE-A-PHONE every weekend after 5:00 p.m.
to receive instructions regarding your panel number.

Jury Number:

500-865-4639, extension # 4

TABLE OF CONTENTS

PAGE

I.	JUSTICE BY JURY	3
II.	HOW YOU WERE SELECTED.....	3
III.	FUNCTIONS OF JURORS	3
IV.	JUROR RESPONSIBILITIES	4
V.	TYPE OF CASES	4
VI.	HOW THE JURY IS SELECTED	4
VII.	THE STAGES OF A TRIAL	5
VIII.	TIME SPENT WAITING	6
IX.	WHAT IS EVIDENCE	6
X.	OBJECTIONS TO EVIDENCE	6
XI.	CONDUCT OF JURORS DURING TRIAL	7
XII.	CONDUCT IN THE JURY ROOM	8
XIII.	QUESTIONS DURING DELIBERATION	9
XIV.	VERDICT OF JURORS	9
XV.	JUROR INFORMATION	9

XVI. JURY MESSAGE/CODE A PHONE11

XVII. COMPENSATION 11

XIII. ABSENCES 12

XIX. CONCLUSIONS 13

**XX. SOME TERMS YOU WILL HEAR IN COURT
AND THEIR MEANINGS..... 13**

JUSTICE BY JURY:

YOU HAVE BEEN SUMMONED to render an important service as a juror. You as a juror, serve as an OFFICER OF THE COURT, along with lawyers and the judges. As a juror, you are a part of the judicial system of our state.

TRIAL BY JURY has long been one of the cornerstones of judicial administration. The right has survived through the centuries as a vigorous and necessary force in the lives of free people.

THE DECISIONS OF THE JURY affect the property rights, and even the life and the liberty of those whose cases come before it. Those chosen for Jury Service should take pride in performing this most important duty.

THE PROPER AND EFFICIENT FUNCTIONING OF THE JURY SYSTEM requires that each juror exercise intelligence, integrity, sound judgment, and complete impartiality in the performance of his/her duty.

IN EACH CASE in which you serve as a juror, the judge will give you instructions as to the law applicable to the case. It is the judge's duty to instruct you correctly on the law in each case. It is your duty to base your verdict upon the evidence as you hear it in court, and upon the law as contained in the instructions of the judge.

THE PURPOSE OF THIS BOOKLET is to help you understand the proceedings in the cases in which you will take part, and to enable you to do your part in administering justice.

THE INFORMATION IN THIS HANDBOOK is NOT intended to take the place of the instructions given by the judge in any case. In the event of conflict, the Judge's instructions will prevail.

HOW YOU WERE SELECTED:

THOSE OF YOU WHO ARE HERE have been selected in the following manner. The laws of the State of New Mexico require that a list of REGISTERED VOTERS and DRIVER'S LICENSE HOLDERS from each county be merged to form a master Jury base so that a RANDOM SELECTION of Jurors can be made.

EVERY SIX MONTHS, thereafter, a number of potential jurors, sufficient to accommodate the needs of the court, is selected, again at random, from the master jury list and summoned to the County Courthouse as you have been in this instance.

THERE ARE STATUTORY EXEMPTIONS FROM JURY DUTY, and only extreme hardship cases are excused at the discretion of the judge assigned to impanel the jury. Those persons found qualified will be given reporting instructions and assigned to a particular panel.

FUNCTION OF JURORS:

JURORS JUDGE THE FACTS in both criminal and civil cases. In a criminal case a jury determines the guilt or innocence of a person accused of committing a criminal offense. In a civil case a jury determines disputes involving money, property and other things of value.

JUROR RESPONSIBILITIES:

MEMBERS SELECTED MUST NOT HAVE PERSONAL KNOWLEDGE regarding the facts of the particular case which might influence their decision. In order to reach this objective, the judge or attorneys question the jurors concerning their family relationship with or their personal knowledge of the parties or the attorneys and their personal knowledge of the facts of the case. This is called the "voir dire", meaning "to tell the truth". If the relationship or knowledge would tend to influence the juror's decision in the case, the juror is disqualified from serving in the case.

THE QUALIFICATION OF JURORS is one of the most important aspects of any trial, thus making the honest and forthright answers to the questions of the judge and attorneys unusually important. Jurors may be selected or rejected for many and various reasons, none of which reflects upon the individual juror. Jurors should not take it as a personal insult if they are not selected to serve. In the event that the questions asked by the judge or attorneys become offensive, a juror may request permission of the court to refuse to answer.

ONCE A JURY HAS BEEN SELECTED, each juror selected is required to take an oath or affirmation that he will return a verdict according to the law and evidence as presented in court.

TYPES OF CASES:

IN GENERAL, juries decide three kinds of cases:
CIVIL, CRIMINAL and CHILDREN.

CRIMINAL and CHILDREN'S COURT CASES are brought by the State of New Mexico against an individual charged with a crime.

This individual is not guilty until the jury unanimously makes that determination.

CIVIL CASES vary somewhat from criminal cases in that the dispute is between individuals, business organizations or governmental entities, such as the state, a county or a municipality. Ordinarily, one party, called the plaintiff, will be making a claim for damages against another party called the defendant. In some instances, the defendant will also make a claim for damages against the plaintiff, called a counterclaim. A third party, called a third-party defendant, may also be a party in the action and damages or other relief may be requested from this party. In civil cases the jury determines the amount of money or other damages to be awarded.

IN CIVIL, CRIMINAL AND CHILDREN COURT CASES after the evidence has been presented, an explanation of the law applicable to the case and other instructions to the jury are given. This is usually followed by closing arguments or statements by the attorneys. The jury is then asked to deliberate and reach a verdict in the manner described by the judge.

HOW THE JURY IS SELECTED:

THE FIRST STEP IN A TRIAL BY JURY is to select from the regular panel the "trial panel" of either six or twelve jurors. The number is pre-determined by jury demands filed by the parties. At the judge's discretion, alternate jurors may be selected for a particular trial to fill emergency vacancies on the trial panel.

THE JUDGE WILL BRIEFLY EXPLAIN to the regular panel the general nature of the case to be tried, the names of the parties involved and their attorneys. Questions are then directed to the jurors by the judge and the attorneys to determine their qualifications to sit fairly and impartially in the trial of the specific case at issue. The basic information submitted by the jurors on their questionnaires is available to the attorneys prior to trial time. Jurors may be excused from the panel "for cause" if the judge is satisfied, for any reason, that the juror cannot sit fairly or impartially, or on a "peremptory challenge" allowed from the attorney without assigning any cause. The "peremptory challenge" allows both sides some choice in the makeup of a jury and is no reflection on the ability or integrity of the juror so challenged.

AFTER ALL CHALLENGES HAVE BEEN EXERCISED, the first twelve (or six) jurors found qualified will constitute the trial panel and will be administered the Jurors Oath by the court.

JURORS NOT SELECTED on the trial panel will be excused and given additional instructions.

THE STAGES OF A TRIAL:

AFTER THE TRIAL JURY HAS BEEN SELECTED AND SWORN, the trial of a case proceeds in the following general stages:

1. AN OPENING STATEMENT IS MADE, first by the attorney for the plaintiff or the state, then by the attorney for the defendant. The purpose of this opening statement is to outline to the jury the factual situation involved in the particular case and what each side contends it will establish by the evidence to follow. A general idea of what the case is about is thus presented to the jury.
2. THE PLAINTIFF CALLS WITNESSES AND EXAMINES THEM, in an attempt to prove his/her claims. This is called DIRECT EXAMINATION. The defendant has the right to CROSS-EXAMINE witnesses. When the plaintiff has presented all his/her witnesses, he/she "rests".
3. THE DEFENDANT CALLS WITNESSES to dispute the plaintiff's claims and to establish any claims that he/she may be making against the plaintiff. When the attorneys are through asking questions of these witnesses, the defendant "rests".
4. THE PLAINTIFF THEN HAS AN OPPORTUNITY TO BRING BACK WITNESSES who have testified, or bring in other witnesses, in order to refute any new matter raised by the defendant's witnesses.
5. THE JUDGE THEN GIVES INSTRUCTIONS TO THE JURY. In these instructions, the issues are defined and the jurors are instructed on the law that governs the case.
6. THE ATTORNEYS FOR THE PARTIES then make CLOSING ARGUMENTS, in which they sum up the evidence and testimony and try to persuade the jury to find in favor of their respective parties.
7. WHEN THE CLOSING ARGUMENTS ARE COMPLETED, the jurors retire as a body to the Jury Room to consider the case and reach a verdict.

TIME SPENT WAITING:

MUCH OF THE JURORS' TIME IS SPENT WAITING to try a case or waiting while the judge and the attorneys are taking up legal matters outside the hearing of the jury, rather than in actually hearing evidence or arguments in a trial. This may seem to be a waste of time. Actually it is not, since the consideration of such legal matters is a necessary part of orderly trial procedures and of a fair determination of the rights of the persons involved or to save time later on in the proceedings. Sometimes, the judge may be called upon to consider emergency matters.

CONFLICTS IN SCHEDULES (WITNESSES) may sometimes develop which result in delays. The courts are constantly searching for and implementing new ways to eliminate or avoid jurors having to spend unnecessary waiting time.

THE COURTS WILL APPRECIATE ANY SUGGESTIONS ON HOW THE PROCESS MAY BE IMPROVED.

WHAT IS EVIDENCE:

EVIDENCE is usually presented in the courtroom by question and answer. The attorneys or a party will question the witnesses and the answers become the evidence which you consider.

AT TIMES, the judge will prohibit a witness from answering to prevent the jury from hearing improper evidence. The attorneys may object to certain evidence and the judge will then decide if the evidence may be presented to the jury. The jury should not consider as evidence any statement made by a witness or an attorney which the judge has ruled to be improper evidence.

IN LISTENING TO TESTIMONY, the jury should consider whether or not a witness is truthful. It is important that a jury's decision or verdict not be based upon false evidence.

EVIDENCE may take the form of physical exhibits, such as documents, photographs, bullets, or a scarred face. Answers to questions asked by the attorneys or by the judge is evidence as is the sworn testimony in written form of a witness who cannot appear personally in court. These will be read by the parties or attorneys and are just as important as other evidence.

THERE ARE, HOWEVER, MANY THINGS THAT MUST NOT BE CONSIDERED AS EVIDENCE. For instance, what an attorney says or claims to have proven is not evidence. Nor is testimony that the jury has heard but that the judge has ordered stricken from the record. The jury must treat all such testimony as though it had never been given. Similarly, matters that an attorney offers to prove, but that the judge will not allow to be presented, are not to be considered as evidence.

A JUROR IS NOT TO CONSIDER ANY INFORMATION ABOUT THE WITNESSES, PARTIES, OR ATTORNEYS OR ANYTHING CONNECTED WITH THE CASE OTHER THAN THE EVIDENCE SEEN AND HEARD IN THE COURTROOM.

OBJECTIONS TO EVIDENCE:

DURING THE COURSE OF A TRIAL, the attorneys for both sides may make objections to

questions asked, or evidence offered, by the other side. A trial is carried on within set rules of procedure, and an attorney is entitled to object to questions he/she believes to be improper. For example, an attorney may ask a question of a witness in such a manner as to suggest the answer he is seeking. This is called a LEADING QUESTION. Such a question is not proper on direct examination but is perfectly in order when the opposing attorney cross-examines the same witness.

IF THE JUDGE CONSIDERS THE QUESTION IMPROPER OR THE EVIDENCE INADMISSIBLE, the objection will be SUSTAINED. Otherwise, it will be OVERRULED. This ruling does not indicate that the judge favors one side or one attorney over the other. The jury should not draw any such inference from this ruling. Even though the Judge decides every objection in favor of one side, it does not imply that this side is entitled to win the case. The rulings simply reflect the judge's belief as to whether the questions asked are in proper form or deal with the issues the jury must decide.

CONDUCT OF JURORS DURING TRIAL:

ALL JURORS ARE REQUIRED TO ARRIVE AT THE TIME SCHEDULED FOR THE CASE TO BEGIN. Since each juror must hear all the evidence, tardiness causes delay and inconvenience to the judge, the attorneys, the parties, the witnesses and other jurors.

WHEN A COURT SESSION BEGINS and the judge enters the room, everyone in the courtroom rises.

A JUROR MUST SIT IN THE SAME SEAT IN THE JURY BOX THROUGHOUT THE TRIAL. This enables the judge, the clerk, and the attorneys to identify him/her easily.

JURORS REMAIN SEATED throughout the proceedings in court except when requested by the bailiff to stand.

THE ATTITUDE AND CONDUCT OF EACH JUROR throughout the trial is equally as important as that of the judge, parties, attorneys and witnesses. Because the jury has the important duty of deciding the true facts and applying those facts to the law applicable to the particular case, it is important that each jury understand the facts and apply the applicable law in order to reach a proper result.

JURORS MUST REMAIN ALERT THROUGHOUT THE TRIAL. IF A JUROR IS UNABLE TO HEAR OR SEE THE EVIDENCE PRESENTED, IT IS THE JUROR'S DUTY TO MAKE THIS KNOWN TO THE JUDGE SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.

JURORS MAY NOT DISCUSS THE CASE with anyone including the other jurors and if anyone attempts to discuss the case with a juror, it is the juror's duty to report this to the judge through the bailiff. Discussions concerning the evidence, witnesses or any aspect of the case with family members or friends is prohibited.

JURORS MUST AVOID NEWS ACCOUNTS OF THE TRIAL, whether they be on radio or television or in the newspaper or other written publication.

JURORS MAY NOT INSPECT THE SCENE of the occurrence which is the subject of the trial unless the judge specifically makes provision for a view of the scene. THIS IS IMPORTANT because the place where the incident occurred may be entirely changed from what it was at the time of the occurrence.

ONLY IN RARE CASES are members of the jury kept away from their homes continuously during the trial. They can leave to go home at night, but they cannot discuss the case with anyone, not even a member of their family. YOU MAY SPEND THE NOON RECESS AT YOUR DISCRETION EXCEPT WHEN YOU ARE DELIBERATING. It is then mandatory that you attend meals with other members of your panel, with an officer of the Court present.

IN CERTAIN JURY TRIALS, the judge might allow the jurors to take notes. This is normally not allowed, unless you are advised differently by the Judge.

JURORS SHOULD DRESS COMFORTABLY AND CONSERVATIVELY befitting the dignity of the Court. Men are not required to wear coat and tie.

CONDUCT IN THE JURY ROOM:

AFTER THE JUDGE HAS PROVIDED THE JURY WITH THE LAW APPLICABLE TO THE CASE, it is the juror's sworn duty to follow the law as explained by the judge and apply it to the facts presented in court.

THE MANNER IN WHICH THE JURY DELIBERATES in the jury room is completely within the jury's control. The jurors should first select a FOREPERSON. Once a foreperson of the jury is selected by the jurors, it is advisable that the foreperson act as chairperson for the procedural guidance of the jury during its deliberations. The foreperson has only one vote and should not be permitted to influence the other jurors any more than any other juror.

IT IS THE FOREPERSON'S DUTY to see that the jury's deliberations are conducted in an orderly manner and to see that the issues submitted for the jury's consideration are fully and fairly discussed and that all jurors have a chance to say what they think upon every question. When ballots should be taken the foreperson should see that this is done, and should sign any written request made of the judge.

THE FOREPERSON'S RESPONSIBILITY is to keep the discussions within the bounds of evidence.

EACH JUROR'S VOTE SHOULD REFLECT THE JUROR'S OPINION. NO JUROR SHOULD PERMIT HIMSELF/HERSELF TO BE PRESSURED OR PUSHED INTO A DECISION. EACH JUROR SHOULD CAREFULLY CONSIDER THE OPINIONS AND REASONS OF OTHER JURORS AND AVOID A STUBBORN ATTITUDE IN ORDER TO PROVE A POINT.

JURORS SHOULD LISTEN CAREFULLY to the views of the other members of the jury and consider them with an open mind. THE FINAL VOTE SHOULD, HOWEVER, REPRESENT THE OPINION OF EACH JUROR. As a result of the discussion with fellow jurors, their opinion may have changed from that which they first held. Jurors should not hesitate to change their minds if they decide that their opinion was not right, but they should not change it unless their REASON AND JUDGMENT ARE CHANGED.

JURORS must never shirk their responsibility and must never permit any decision to be reached by chance or toss of a coin. Jurors shall discard all prejudices and sympathies. Jurors must be courageous and must honor their responsibilities. Jurors must remain calm during the deliberations, and tell other jurors what they believe and why and how they formed such beliefs.

A JUROR may not agree with the law as explained by the judge in the instructions to the jury.

Any disagreement as to the law should have no effect on the decision of the juror. The jury is not deciding the law, but is determining the true facts. The juror's duty is to carefully listen to the judge, witnesses and lawyers, to deliberate, and deliberate calmly and fairly, and to decide intelligently and justly.

QUESTIONS DURING DELIBERATION:

JURORS' QUESTIONS that cannot be resolved among the jurors may be submitted by a note to the judge setting forth the question. The note should be folded so that it cannot be seen by anyone. It is delivered to the bailiff for delivery to the judge. Jurors should make every effort possible to resolve all questions among themselves in order to avoid any outside influence from anyone including the judge.

VERDICT OF JURORS:

IN CRIMINAL CASES, the agreement of all jurors is required to reach a verdict.

IN CIVIL CASES, if the jury consists of twelve persons, ten or more must concur in a verdict. If the jury consists of six persons, five or more must concur in a verdict.

AFTER A VERDICT IS REACHED BY A JURY, the foreperson should notify the bailiff that the jury is ready to report to the judge.

YOUR DUTY AS A JUROR is to CAREFULLY LISTEN TO THE JUDGE, WITNESSES, AND THE ATTORNEYS, TO DELIBERATE CALMLY AND FAIRLY, AND TO DECIDE INTELLIGENTLY AND JUSTLY. All that you need to know to do this will be disclosed to you during the trial. Keep in mind at all times the oath you have taken and remember that you are discharging a vital duty to your country and to your fellow citizens.

JUROR INFORMATION:

WELCOME TO JURY DUTY! DURING YOUR TIME AS A JUROR YOU WILL SERVE AS AN OFFICER OF THE COURT, ALONG WITH THE ATTORNEYS AND THE JUDGE. AS A JUROR, YOU ARE PART OF THE JUDICIAL SYSTEM OF THE STATE OF NEW MEXICO.

LISTED BELOW IS SOME HELPFUL INFORMATION THAT MAY EASE YOUR APPREHENSION DURING JURY SERVICE.

A: SELECTION:
Random selection from Driver's License and Voter Registration Lists.

B: QUALIFICATIONS:
1. United States Citizen;
2. 18 years or older;
3. Must NOT have a felony conviction;
4. Must be a resident of VALENCIA COUNTY.

C: PARKING:

There is no designated parking area for jurors. Parking is on a first come, first serve basis all around the County Courthouse. There is limited parking, you may wish to arrive earlier than your scheduled time.

D: SECURITY:

Security is strictly enforced. No weapons, (pocket knives, guns, nail files, etc.) are allowed into the building. Upon entering the County Courthouse, the security officer will tell you which courtroom to go to.

E: COURTROOMS:

1. DISTRICT JUDGE
JOHN W. POPE
DIVISION I
2. DISTRICT JUDGE
WILLIAM A. SANCHEZ
DIVISION III
3. DISTRICT JUDGE
VIOLET C. OTERO
DIVISION VI

F: TERM OF SERVICE:

1. You will be on call for jury service beginning from the date of your orientation and qualification for a period of **six months**
2. Unless otherwise instructed, Court is in session Monday through Friday, 9:00 a.m. until approximately 5:00 p.m. If jury service is during winter months when snow or other hazardous conditions exists, jurors are advised that the abbreviated school schedule for the Los Lunas Public School District will be followed. If, however, you have a problem in your area, please contact the court.
3. **BREAKS OR RECESSES** are at the discretion of the Judge and are usually every hour and a half.
4. **LUNCH BREAKS** are usually between the noon and 1:30p.m. Lunch will be provided by the Court **ONLY** when the jurors are deliberating, or sequestered during the course of a trial or when weather requires that jurors be provided with lodging. Otherwise, you are on your own for lunch. You may wish to bring your lunch. There is a small refrigerator available if needed. There are also several restaurants in the immediate area. Please feel free to ask for directions.

G. AVAILABLE FACILITIES:

1. **PUBLIC RESTROOMS** are located for the trial jury next to the juryroom. Also restrooms are located throughout the County Courthouse.
2. **VENDING MACHINES** are available with sodas and snacks located at the main floor of the County Courthouse. The Court will provide coffee and juices during jury service.
3. **SMOKING IS PROHIBITED IN THE COUNTY COURTHOUSE.** However, during

deliberation, contact the Bailiff for smoker's instructions.

4. EMERGENCY MESSAGES may be left at 505-865-4639 ext. #6 and are given to jurors immediately.

JURY MESSAGES/CODE A PHONE:

ALL JURORS who have been summoned for jury service should continue to verify that the case or cases have not settled or plead.

ONCE SUMMONED you can verify attendance by calling the DISTRICT COURT CLERK'S OFFICE at 505-865-4639 ext. 6 between 8:00 a.m. and 5:00 p.m. After 5:00 p.m. and before 8:00 a.m., you will get a recorded message about attendance. (Recorded message number is 505-865-4639, extension 4). The judge may also give you instructions at the end of each day while you are serving as a trial jury member.

COMPENSATION:

A. WAGE PER HOUR

1. The Court is authorized by statute to pay you at the prevailing state minimum rate of \$5.15 per hour.

2. Public Employees: Local Government (city, county, state) or other public political subdivision employees (district school employees, etc.) are not personally compensated for hours attended but you will receive a certificate of attendance upon request, for your employers indicating the number of days and hours served. If the governmental employer requires juror compensation to be paid, the payment shall go directly to the governmental employer. The request for compensation reimbursement must be in writing.

3. Pursuant to Federal Regulations, federal employees shall be paid for Jury Service. It is the Juror's responsibility to tender payment to his/her employer.

B. MILEAGE PAYMENT:

1. As of July 1, 2006, payment for travel is set at the Internal Revenue Service mileage rate. If you wish to be compensated for your mileage, please note your ROUND TRIP mileage from your home to the County Courthouse on the qualification form. If you do not wish to be compensated for mileage, indicate so on the qualification form.

2. Public Employees shall not be paid for mileage if the County Courthouse is located within 15 miles from the Juror's home (30 miles round trip).

C. ROUND TRIP MILEAGE:

Please specify ROUND TRIP MILEAGE, NOT ONE-WAY!

D. COMPENSATION QUESTIONS:

1. The Court will pay for the orientation, impanelment and selection of jurors. However, the court will not pay for the appearance in court of any person who is excused from jury duty at his own request before or during orientation.
2. The lunch hour is included when calculating juror hours.
3. Hourly and Mileage Pay are included in one check.
4. Verification of Service including breakdown of days, hours and mileage will be issued ON REQUEST ONLY.
5. Certificate of Attendance will be issued ON REQUEST ONLY.
6. Checks are mailed to your home address approximately 3 to 5 weeks after a completed Jury Trial.
7. Any questions or problems with Jury compensation shall be directed to call the Jury Clerk at 505-865-4291, extension 121.

E. EMPLOYER'S POLICY ON JURY DUTY:

1. Please check with your individual employer as to their policy regarding Jury Duty for employees.
2. If you have a problem with your employer, please talk to the Jury Clerk.

ABSENCES:

A: VACATIONS, COMMITMENTS OR APPOINTMENTS:

Please let us know IN ADVANCE of any vacations, previous commitments, or appointments as we will try to work around your schedule.

B. ILLNESS OR EMERGENCY

If an illness or an emergency prevents your attendance, AS SOON AS POSSIBLE please call 505-865-4639 ext. 6.

CONCLUSIONS:

REMEMBER THESE IMPORTANT NUMBERS:

JURY CLERK 505-865-4291 (ext. #6) (before 5:00pm)

JURY MESSAGES (CODE-A-PHONE)
505-865-4639, (ext. #4) (after 5:00pm)

ILLNESS OR EMERGENCY NUMBER
505-865-4639 ext. 6.

COMPENSATION PROBLEMS
505-865-4291, ext. 121.

*** PLEASE REMEMBER TO CALL THE CODE-A-PHONE THE NIGHT BEFORE YOU ARE SCHEDULED TO REPORT IN FOR JURY DUTY ***

(505) 865-4639 ext. 4.

SOME TERMS YOU WILL HEAR IN COURT AND THEIR MEANINGS:

ACTION, CASE, SUIT, LAWSUIT:

These words mean the same thing. They all refer to a legal dispute brought into court for a trial.

ANSWER:

The paper in which the defendant answers the claims of the plaintiff.

ARGUMENT:

The presentation of the review of the evidence and summations by the attorneys at the end of the case, after all the evidence is in and both parties have rested.

BAILIFF:

The bailiff is an officer of the court, who serves the court and the jury and is in charge of maintaining order in the court.

CIVIL CASE:

A lawsuit is called a "civil case" when it involves persons in their private capacities or relationships, or when the government, whether federal, state or local or some department thereof, sues an individual under the law, as distinguished from prosecuting a criminal charge. It results generally in a verdict for the plaintiff or the defendant and, in many cases, involves the giving or denying of damages.

CLERK OF THE COURT:

The Clerk is an officer of the court and keeps a record of papers filed. The Clerk has custody of the pleadings and records of the trial of the case, orders made by the court during the trial and the verdict at the end of the trial.

CLOSING STATEMENT:

The final statements by the attorneys to the jury summarizing the evidence that they think they have established and the evidence that they think the other side has failed to establish.

COMPLAINT:

The document or legal pleading in which the person who files the lawsuit states his or her allegations, accusations or charges against another person.

COURT MONITOR:

The court monitor makes an audio record of everything that transpires in the case. The audio tapes are subject to duplication later, for example, if one of the parties appeals the juries' verdict. The court monitor will type a log or history of the trial.

COURT REPORTER:

The court reporter takes down in machine shorthand on a stenographic writer everything that transpires in the case. The notes are subject to transcription later, for example, if one of the parties appeals the juries' verdict. The court reporter will type a transcript of the trial.

CRIMINAL CASE:

A lawsuit is called a "criminal case" when it is between the state on one side as plaintiff, and a person on the other side, as defendant, charging the defendant with committing a crime, the verdict usually being "guilty" or "not guilty".

CROSS EXAMINATION:

The questions which a lawyer puts to the opposing party and his/her witnesses.

DEFENDANT:

In a civil case, the defendant is the person against whom the lawsuit is brought. In a criminal case, the defendant is the person charged with an offense.

DEPOSITION:

Testimony taken under oath in the same manner as during a trial. This is ordinarily done because of illness or absence of a party, or to determine prior to trial how a witness will testify at trial.

DIRECT EXAMINATION:

The questions which the attorneys ask his/her client or his/her own witnesses are often referred to as "examination", or "examination in chief".

EXHIBITS:

Objects including pictures, books, letters and documents which are produced as evidence in a case.

EVIDENCE:

Testimony, writing, or material objects offered in proof of an alleged fact or proposition.

INSTRUCTIONS OR "CHARGE" TO JURY:

The outline of the rules of law which the jury must follow in their deliberations in deciding the factual issues submitted to them is called either the judge's "charge" or "instructions" to the jury.

ISSUE:

A disputed question of fact is referred to as an "issue". It is sometimes spoken of as one of the "questions" which the jury must answer in order to reach a verdict.

JURY PANEL:

The whole number of prospective jurors from which the trial jury is chosen.

LITIGANT:

A party to a lawsuit, one engaged in litigation.

OBJECTION:

A reason or argument by an attorney that a question asked or statement made was not proper or in accordance with law.

OBJECTION OVERRULED:

This term means that, in the judge's opinion, the attorney's objection is not proper or correct under the rules of law. The judge's ruling, so far as a juror is concerned, is final and may not be questioned.

OBJECTION SUSTAINED:

When a attorney objects to a question or the form of a question, the judge may say "objection sustained". This means that the judge agrees that under the rules of the law, the attorney's objection to a statement or a question is proper. This ruling likewise is not subject to question by the jurors.

OPENING STATEMENT:

Before introducing any evidence for their side of the case, attorneys are permitted to tell the jury what the case is about and with what evidence they intend to prove their side of the case.

PARTIES:

The plaintiff and the defendant in the case. They are also sometimes called the "litigants".

PLAINTIFF:

The person who starts a lawsuit.

PLEADINGS:

The parties in a lawsuit must file in court papers stating their claims against each other. In a civil case, these usually consist of a complaint filed by the plaintiff, an answer filed by the defendant and, oftentimes, a reply filed by the plaintiff. These are called the "pleadings".

RECORD:

This refers to the pleadings, the exhibits and the word-for-word record made by the court of all the proceedings at the trial.

RESTS:

This is a legal phrase which means that the party has concluded the evidence he/she wants to introduce in that stage of the trial.

STRIKING TESTIMONY:

On some occasions, after a witness has testified, the judge will order certain evidence deleted from the record and will direct the jury to disregard it. When this is done, the jury will treat this evidence as though it had never been given and will wholly disregard it.

SUBPOENA:

The document which is issued for service upon a witness to compel the witness to appear in court.

VERDICT:

The finding made by the jurors on the issues submitted to them is the "verdict".

NOTES: