

Assessing and Improving the Jury Process In Washoe County Nevada

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ABSTRACT

The jury process in the Second Judicial District Court, Washoe County, Nevada is assessed and improvement recommendations including a new juror hand book are set forth. The goal was to discover how to improve the Washoe jury process and to make it as easy and as rewarding as possible. In Washoe, like all other jurisdictions, jury service is often a citizen's first contact with the judicial system. The Jury Summons, the dreaded call to court, where citizens *get* to perform their civic duty; that same civic duty many profess they wish to perform, but yet, so many find an excuse and try to dodge said civic duty. Can this process become something citizens don't dread, one that makes citizens proud and eager to take part in a process that is rooted in a centuries old procedure?

Washoe County has a Jury Commissioner, supervised by the Clerk of Court for the Second Judicial District Court, and under the direction of the chief judge of the district court. The Jury Commissioner oversees jury services for the Second Judicial District Court, a general jurisdiction court, with nine trial judges and four justice courts of limited jurisdiction, with nine justice's of the peace.

Through a survey questionnaire, which was distributed over three months, the project examined how jury duty is perceived by the citizens of Washoe County. The objective was to determine where improvements are needed. The survey questionnaire, which was developed with the assistance of Dr. Nicole Waters from the National Center for State Courts, had 18 questions. Seven hundred and ninety five surveys were distributed in person or mailed. This was accomplished by mailing, or distributing in person, the survey to all citizens who had appeared from September 4, 2007, to November 30, 2007. Two hundred and thirty four completed surveys were received for a 29% return rate. The responses were divided into

three groups: the first, Group A, was all 234 jurors who returned surveys. Group B is the 96 selected jurors and Group C is the 138 unselected people, and included only responses to one qualitative, opened question.

The survey gave a mostly positive outlook of jury service in Washoe County. This was evidenced by both the statistical information and the subjective comments. The results allowed for close examination of the policies and procedures regarding the jury service process in Washoe County. While positive, however, the survey tested only the opinions of people who reported for jury service in Washoe, and could not take into account staff assessments of current practices and procedures. Improvement recommendations accordingly go beyond the survey results. Recommended improvements include:

- the jury summons and questionnaire; staff evaluation of the current document indicate it needs improvement;
- updating the call-in system;
- an orientation video;
- access to information and the video on public television;
- addressing the general lack of information via a new brochure or other handout;
- segmenting information between general information, FAQ's, notice to employer, qualifying information; at different stages or in different formats;
- use of a new juror handbook developed during this project;
- enhanced technology including a more interactive website; and
- upgrade jury facilities including restrooms.

Recommended modifications begin at the first step; the summons and continues to the end, deliberations. These improvements would enhance jury service in Washoe County and continue the court's question to keep current with future needs and trends.

INTRODUCTION

Nevada is clearly not a one size fits all state with regard to many things, particularly regarding its courts and the jury summoning process. With a population of approximately 2.5 million people, almost 1.8 million reside in Clark County alone, with the second largest population being Washoe County, with just over 400,000 residents.¹ There are large differences in the urban and rural courts, and between the two largest urban counties there is disparity which lends itself to different approaches regarding summoning and empanelling jurors.

Following the Jury Summit in New York City in 2001², the Supreme Court of the State of Nevada established a Justice Commission which was given a task to examine the jury system in the state of Nevada. The desired outcome was to set forth guidelines and jury standards for Nevada. The Justice Commission members conducted research and gathered information. Anecdotal information was collected by holding informal hearings in several locations in the state, where previous jurors; attorney's; including deputy district attorney's; public defenders and members of the private bar gathered to give their insight and input. The Justice Commission made their recommendations based on the research and information and published its report, in 2002.³ New laws were passed and court rules were instituted in Nevada for the improvement of jury service and jury trials in the State of Nevada.

¹ <http://www.quickfacts.census.gov/gfd/states/32000.html>

² Jury Summit 2001; <http://www.jurysummit.com>

³ **Report of the Supreme Court of Nevada Jury Improvement Commission**, October 2002

Juror compensation was raised; they eliminated occupational exemptions⁴, jurors are now allowed to take notes and to ask questions, it is a recommendation to utilize juror notebooks in large complex cases. Nevada is a one-day, one trial system. Using a broad range of source lists to establish a master jury pool is recommended and they touched briefly on facilities, jury assembly rooms and lounge, jury deliberation rooms and bailiff training. One specific county was not addressed, but rather they attempted to make recommendations that would fit both urban and rural areas. The jury system is not unified in Nevada; each judicial district using a different method, computer software and processes.

Washoe County has nine trial judges and there is a Jury Commissioner to perform the function of summoning citizens for jury service on behalf of the Clerk of Court for the Second Judicial District Court. Washoe County conducts an average of 80 jury trials a year utilizing a process of summoning and assigning jurors that is, in its basic form, been the procedure for over 20 years. While improvements have been made as technology has moved forward, issues still remain to be examined. The time is ripe to again examine the processes in Washoe County, and focus on any issues brought forward by the Justice Commission that may not have been addressed previously and concentrate on any further issues that may have evolved.

How is jury duty perceived by the citizens of Washoe County? How well prepared are the citizens as laymen to make decisions as jurors, and is there a better way to provide information to aid them through the process? Where, specifically, could improvements be made and could more be done to prepare them? If so, what kind of information and in what kind of format would people prefer? Some people learn more efficiently by reading, or visually and audio combined, such as a video. Once a person reaches the Jury Office, often it

⁴ The 2007 Legislative Session the exemption for peace officers was reinstated, NRS 6.020

is discovered this may be their first contact with the court and are nervous due to the fact they are unsure what to expect. Any additional means of communicating what to expect would be beneficial.

The Jury Commissioner for Washoe County used a survey, garnered anecdotal information from past jurors in the Second Judicial District Court and set a goal to discover where, and what kind of improvements could be made.

Washoe County is a two-step jury process with a two week call in period. A two step process utilizes a two pronged notification approach. The first step is a summons/questionnaire combination; giving as much information as possible regarding their service. The mailing of the jury summons is controlled by the Jury Commissioner's Office and is done on an as needed basis. The summons is a two sided 8.5 by 14 sheet; it includes a portion for the jurors' employer, an information portion and a questionnaire the person must complete and return. The information portion includes a variety of information, from what the Nevada Revised Statutes state regarding qualifications and what will happen if you fail to appear, to dress code and fees. It includes parking information and a small map. The questionnaire portion is two-sided, it requires they provide qualifying, administrative, personal or voir dire, information, along with excusal request and exemption information. The summons/questionnaire contains a multitude of information and some may consider it a lot to absorb at one time.

The second step is a reporting notice, a postcard, notifying the potential juror of their exact reporting date and instructions about calling for reporting information. The postcard randomly assigns a three-digit group number to each person, with a limit of fifteen people per group. Jury staff allots each jury trial scheduled the necessary number of groups needed to

form a panel for jury selection. This is done using a predetermined, and agreed upon, number of potential jurors. The jurors' reporting notice instructs them to call for recorded reporting information prior to their reporting date, since Monday is the designated start day for jury trials; the reporting information is made available beginning on Friday after 6:00 P.M., and can be obtained 24 hours a day. A computerized call in system is utilized; voice mail boxes allow messages to be left for each three digit group number, thus permitting the jury staff to control what groups report and what groups are to call back for their second week, or, be released from their jury service.

Orientation is audio and currently there is not a brochure or printed information to hand out, all printed information is given on the summons/questionnaire in the first step. The orientation consists of an explanation of how the master jury pool list was formed, that the process is random; from the master jury pool, to the group number and finally in court, where a court clerk still uses a hopper/wheel to select names that will place people from the gallery into the jury box. It is explained how hardships must be stated to the judge/court during jury selection, the fee structure, a donation of juror fees program that exists in Nevada and lastly, directions to the court they have been pre-assigned to. Jurors spend on average, thirty to sixty minutes in the Jury Assembly Room prior to reporting to a court room for selection.

Orientation is generally conducted in the Jury Assembly Room. As is the case with many older courthouses, the Second Judicial has space issues and if several jury trials are scheduled to begin in close proximity, orientation may be conducted in the hall outside of the assembly room.

Once people are released from the first trial they are assigned to, and providing the judge did not grant a hardship excusal, the juror is placed back into the computerized juror

pool and if another court has a shortage of jurors and need additional jurors, the juror may be assigned to another court.

People may be required to wait in the Jury Assembly Room for an additional two to three hours. The Jury Assembly Room has cable television, coffee donated by Starbucks, fresh popcorn, current reading material and a small area with electrical connection for laptops, although wireless internet is not available at this time.

The following is a review of what the basic tenets and guidelines for assuring the effective summoning, orientation and information for potential jurors in Washoe County. The report contains statistical data garnered from a juror survey and the resulting recommendations for improvement regarding the summoning and orientation process, establishing a standard for Washoe County to maintain.

LITERATURE REVIEW

The concept of jury dates back to the Magna Carta⁵, but the roots of the modern day jury system are based on the English system, while it is disputed by historians, William the Conqueror⁶ is given credit for introducing Roman Law to England, which is the basis for most modern civil law and law procedures in Western civilization. For hundreds of years we have used juries to settle disputes, determine guilt or innocence, even the decision of life or death may be given to a jury of one's peers. It is a fundamental right to have a trial by jury; our judicial system relies on ordinary citizens to make decisions that will deeply affect other people, and their lives. Jury duty is a civic responsibility, a privilege, sometimes considered a burden and an inconvenience, but is part of the due process of law, guaranteed by our U.S.

⁴ *Encyclopedia Britannica*. 2007. *Encyclopedia Britannica Online*. <<http://www.britannica.com/eb/article-9050003>>. page 1

⁶ *Ibid*, article 910642, page 4

Constitution,⁷ and as such is vital to our judicial system. While it is an obligation as well as a right, courts can, and should, endeavor to make it a positive experience, and less of a burden.

That is the goal of this project, to determine where there are deficiencies in Washoe County, also where there is effectiveness. Washoe County has not conducted a survey of jurors or taken a baseline assessment of the basic business practices of the jury system in approximately 12 years. Based on the adage “there is always room for improvement”, the Jury Commissioner in Washoe County has identified areas for improvement, having focused mainly in administrative processes; instituting changes in the jury questionnaire and call-in system. The jury summons/questionnaire changes were minor and done in order to create a more effective tool for jury staff to identify administrative information on the jury questionnaire. The enhancement to the call-in system was minor, adding phone lines to increase the amount of callers the system could manage. The Jury Commissioner continues to seek information to enhance and improve the quality of service to potential jurors in Washoe County; thus the determination for the need of an assessment of services.

The areas to be examined are how information is provided to potential jurors; the best way to successfully impart the necessary information and to assist in helping people to feel at ease with the process, giving them the tools needed. Discovering what will enhance their experience, being comfortable in the environment, confident they have been given quality direction in what needs to be accomplished in the courtroom and ultimately the deliberation room.

There are guidelines in several publications regarding what kind of information jurors should be provided and what the best practices are. The American Bar Association’s (ABA)

⁷ U.S. Constitution amendments VI & VII

publication, *Standards Relating to Jury Use and Management*⁸ lists the information jurors should possess prior to reporting; during orientation; voir dire; the trial and deliberations. Standard 16 states that “Courts should provide some form of orientation or instructions to persons called for Jury Service.” The Standard goes into detail about what information should be imparted for all the phases stated above. The four steps for the implementation of an acceptable jury process are listed below.⁹

“Review existing policy and or procedures pertaining to orientation of jurors and obtain suggestions regarding possible changes from local bar and civic groups.

Prepare an initial information sheet or brochure to be sent to prospective jurors with the qualifications questionnaire and summons.

Initiate appropriate administrative changes to provide a uniform in-court orientation program that can be completed in less than one hour on the first day of the jurors’ attendance at the courthouse.

Limit extemporaneous oral communication during orientation state to welcoming remarks and information pertinent to jury service. “

These recommendations are valuable as a guideline and a good place to start when instituting changes in what information and forum information is provided to jurors.

*Jury Trial Innovations*¹⁰ also addresses the issue of Jury Orientation. This particular book offers an updated list of ways to disseminate information, prior to jurors reporting and when they reach the jury assembly room; use of Web sites, local cable broadcasts of juror orientation, video orientation available at local library branches and, of course, brochures. A common problem is overloading citizens with excessive information preceding their arrival at the Courthouse; the authors address this issue by stating “Segmenting orientation materials

⁸American Bar Association, Division On Jury Standards, SJI, **Standards Relating to Juror Use and Management**, Standard 16, pages 140 – 145

⁹ **Ibid**, page 153

¹⁰ G. Thomas Munsterman, Paula L. Hannford – Agor, G. Marc Whitehead, **Jury Trial Innovations**, NCSC, 2006, pages 37 - 38.

for each phase of jury service prevents jurors from becoming overloaded with extraneous information.”¹¹

As stated in the ABA’s *Principles for Juries and Jury Trials*¹² orientation programs should be “Presented in a uniform and efficient manner using a combination of written, oral and audiovisual materials”. Providing information in different mediums, reading, visual and auditory, allows people to absorb the information in a manner best suited to them, accommodating all types of learning methods. An important factor when you are giving vital information to people who may be required to make serious decisions. The outcome of a trial, guilt or innocence, life or death, awards of money, perhaps millions of dollars. Feeling unsure or uncomfortable may hinder their ability to absorb the information being disseminated and therefore not be prepared for voir dire and the trial that will follow.

Tom Munsterman states in an article in the *Court Manager*¹³ that juror orientations have many purposes and reasons why many courts use a prepared juror orientation, “they can be more informative, more inspirational, more consistent.....”. Munsterman goes on to list the many different purposes of juror orientation, of including:

“Providing perspective jurors about the history of trial by jury; instilling pride in the jury trial and its place in a democracy; establishing a sense of reality versus how juries are portrayed in the media and novels; reminding jurors of the value of being a juror and allaying jurors’ fears of not being up to the task of being a juror”.

The purpose of juror orientation strikes a chord, it is important to impress upon potential jurors their purpose, not just because it is an obligatory, civic responsibility, but it is a basic *right*, as citizens, to take part in the democracy of our country, a privilege to take part in this process, instilling that pride that Mr. Munsterman spoke about. Equally important, he

¹¹ **Loc. Cit.**

¹² American Bar Association, **Principles for Juries and Jury Trials**, Principle Six, (B) page 7

¹³ G. Thomas Munsterman, *Jury News, What Can We Say In Juror Orientation*, 19 **Court Manager** 1, 2002 pages 40 & 41

mentions people need to know how much can be accomplished, and how effectively, in a reasonable amount of time.

The report published by the Nevada Supreme Court¹⁴ will be given much consideration since it concentrated solely on Nevada jurors using the above referenced works as research tools and guidelines. There is no need to reconstruct what the authors of the referenced materials have already done, the ground work is laid. The challenge is to learn about the jury process in the Second Judicial District Court and implement any changes and modifications necessary to provide a jury experience that will reflect the courts' recognition of the importance of a citizen's time and service.

METHODS

In order to gain perspective and to measure juror satisfaction in Washoe County it was determined that a survey questionnaire (For a copy of the survey *See Appendix A*) was the most effective way to gather and evaluate information. The survey asked 18 questions in all, ultimately aiming for an expansive look at a juror's perspective of the jury process in Washoe County. The idea wasn't to ask too many questions, thus having a survey so lengthy it would be a deterrent to people who were asked to complete it, but enough to gain insight to the process of summoning jurors in Washoe County. In the design phase the survey went through several iterations before the format was finalized, concluding it would garner the information that was being sought. A pilot test of 15 jurors was conducted, but brought about no changes in the survey that was presented to future responders.

The intent was to gauge juror satisfaction and test juror processes, from the initial contact, a juror questionnaire and jury summons combination, to, if selected, the deliberation

¹⁴ See supra note 3

process. The object was to target problem areas, gaining knowledge and information to obtain an understanding of what procedures and processes need improvement, but also to identify what works well. Allowing a strategy to be developed to design and implement changes.

The survey consisted of 18 questions, a broad range from how jury service is perceived to how to conduct jury deliberations; it was designed to produce nominal information and also contained qualitative elements.

Of the 18 questions, 12 questions had a nominal value, within those 12, 13 subset questions had nominal values; two subset questions had qualitative elements. The questionnaire contained one question with an ordinal response, with six subset ordinal questions and one qualitative. The five remaining questions were qualitative in nature, with one subset question that was nominal.

Two hundred and thirty-four survey's were completed, 41% of the people who completed the survey served as jurors. The survey results were calculated in two groups, Group A, 234 surveys, consisted of all potential jurors, Group B, 96 surveys, were selected jurors only. This allowed for an overview of pre-service satisfaction and examination of satisfaction during deliberations.

The questions containing nominal information was tabulated and graphed, using predominately percentage charts and graphs, which provided a comprehensive view of the findings, allowing the analytical process to take place.

While qualitative answers are hard to measure and don't allow a percentage chart to show hard data, they do provide a snapshot of how a person perceives the situation and enabled the juror to provide anecdotal comments. Such comments may be subjective; but

they are still an opinion worthy of consideration when trying to measure something intangible, such as juror satisfaction.

All data collection was done in the Second Judicial District Court and conducted by the Jury Commissioner's Office. No jury trials were held at the limited jurisdiction level during the collection time frame.

The original intent was to disburse the survey to all citizens at the conclusion of their jury service. The people who were not selected to serve would be asked to complete the survey prior to leaving the premises and people who were selected to serve as jurors would be given the survey at the conclusion to the trial. However, due to an unexpected decline in jury trials it became necessary to mail the survey to people who had appeared previously in hopes they would return it in the postage paid envelope.

Seven hundred and ninety five surveys were distributed in person or mailed. This was accomplished by mailing, or distributing in person, the survey to all citizens who had appeared from September 4, 2007 to November 30, 2007. Two hundred and thirty four completed surveys were received, total, unselected jurors and selected. Over a 29% return rate, 41% of the people who completed the survey served as jurors. No data was collected regarding survey's that were returned by mail or in person.

FINDINGS

Initially from the results of this survey it appears that juror satisfaction in Washoe County is moderately high, but there are area's where improvements and modifications can be made. Two hundred and thirty-four survey's were completed, 41% of the people who completed the survey served as jurors. The clear indication shown in the following graphs is that people are satisfied with their experience with jury service in Washoe County. However

the jury staff in the Second Judicial District Court can testify that there are areas for improvement. In day to day dealings with the public responding to jury questionnaires and summons' jury staff can identify problem areas. Evaluating anecdotal information from the staff indicates that the initial jury questionnaire is not always clearly understood, resulting in a lack of information provided by the potential juror. If administrative information is not provided, the Jury Commissioner's Office must consequently contact the potential juror a second time seeking information. The result is fiscal, use of man hours, additional materials and it also slows the process, impeding the jury service for the potential juror.

Additionally, the need for clearer information regarding what jury duty is; what is expected of the citizens and what *they* can expect is also noted, on the survey and in conversation with jurors. The idea of segmented information, beginning with the recommendation for an expanded jury questionnaire and a juror handbook to explain terminology and the court process began with taking note of juror comments.

With an eye toward the future and developing technology, the recommendations for modifications in the website and presenting information on public access television resulted. Survey results indicate citizens were very opposed to the idea of a video orientation, however to provide broad access to juror orientation, there is a place for a juror video.

There is a clear indication that the citizens of Washoe County feel they are treated very well by the staff in the Jury Commissioner's Office, and the Second Judicial District Court is proud of the Jury Commissioner's Office and is determined to enhance the process and enrich the jury experience for potential jurors.

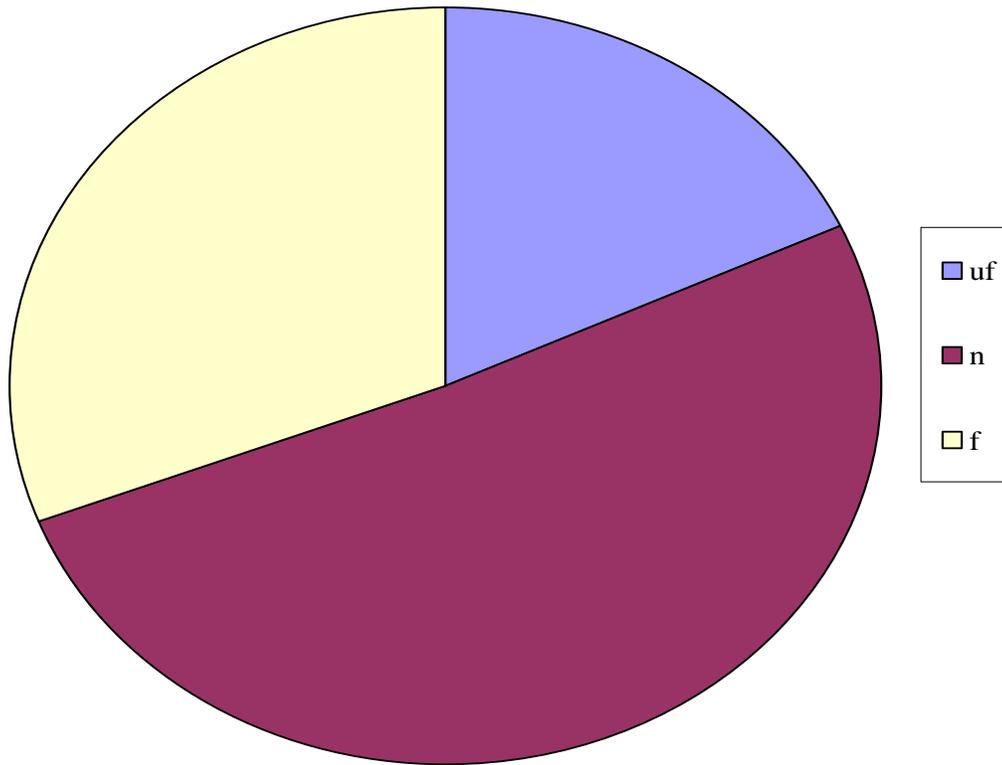
The findings were reported in three groups, the first group, Group A, was all 234 surveys, Group B was the selected jurors, 96 surveys. Group C, the unselected people,

138 surveys, contained only answers from question 14, which was qualitative. Both Group A and B show information from the qualitative questions and from the nominal responses, nominal information was graphed or charted, while anecdotal information was noted and considered for the qualitative element it offers.

Prior to people appearing at the courthouse the majority of citizens had a neutral view of jury service, followed by people with a favorable view. There was a significant increase of jurors' impression of jury service once they appeared and went through the process. The unfavorable rating decreased, the neutral view showed a significant decrease, and the favorable rating had a substantial increase.

TABLE 1

Impression of Jury Service Prior to Reporting:



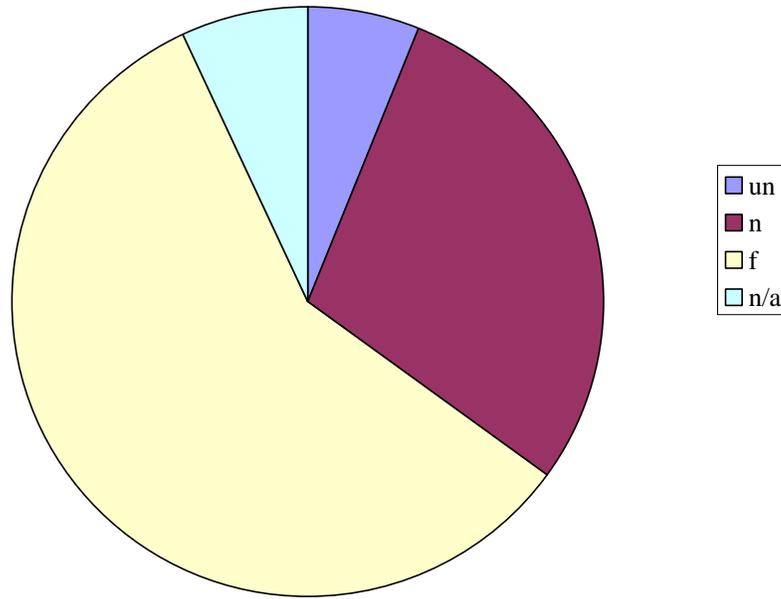
uf = unfavorable

n = neutral

f = favorable

TABLE 2

After reporting my impression of Jury Service was:



un = unfavorable

n – neutral

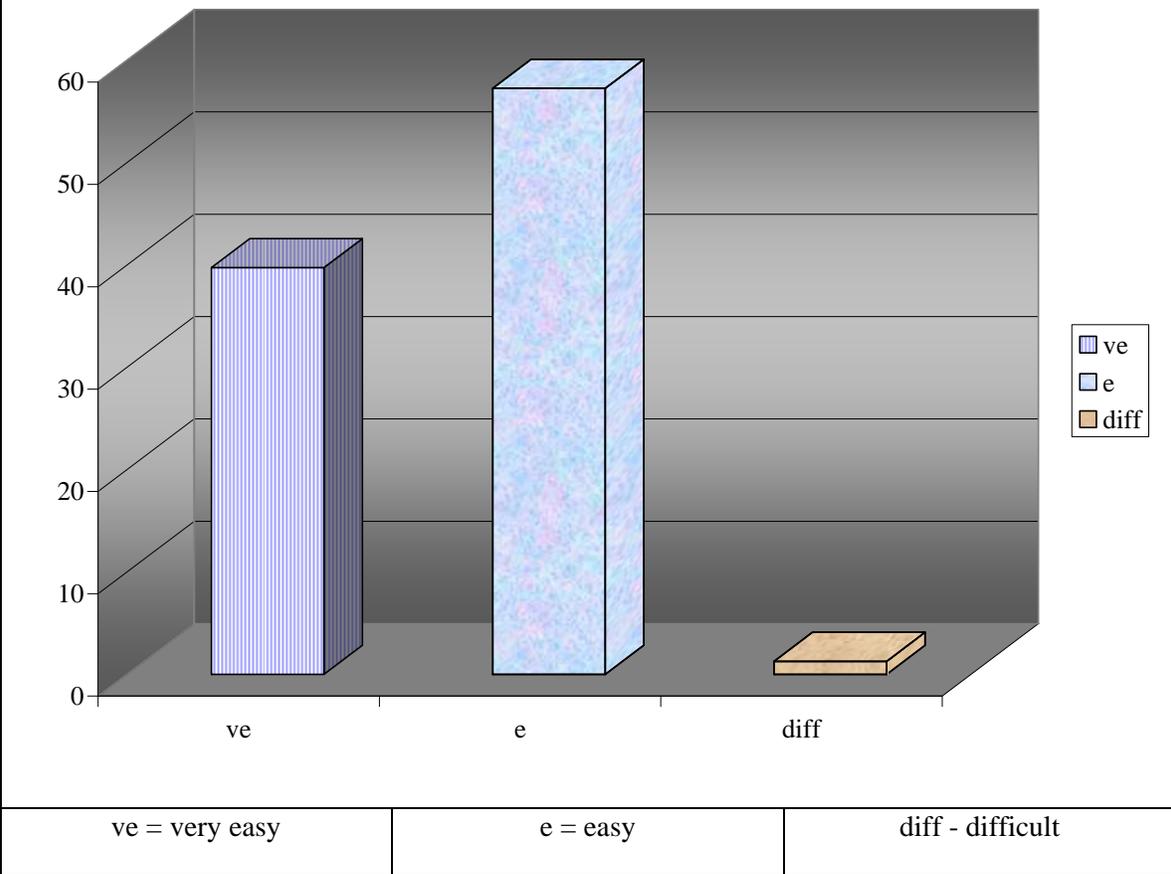
f = favorable

n/a = no answer

The majority of potential jurors indicated they felt the initial questionnaire was very easy, or easy, to complete. Forty percent felt it was very easy, while fifty-seven percent indicated they thought it was easy to understand and complete. Very good numbers, demonstrating the 234 people surveyed felt the questionnaire is easy, however, the jury staff can attest to the fact that a large number of people miss answering one or more qualifying questions. Thus requiring time to contact the potential juror and request the missing information be provided.

TABLE 3

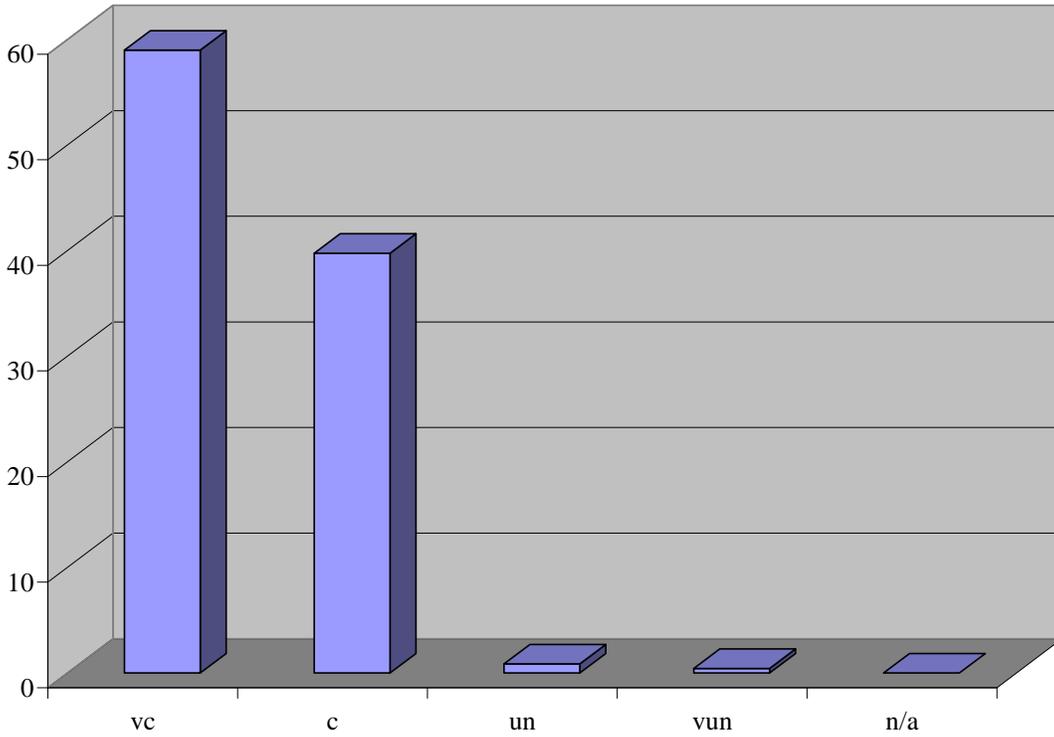
How easy or difficult was your jury summons to understand?



The third question was with regard to how clear the recorded message was when the potential juror called for their reporting instructions. The highest ranking at, 50% indicated the recording was very clear, while clear had a 40% rating.

TABLE 4

Clarity of recorded reporting instructions?



vc = very clear

c = clear

un = unclear

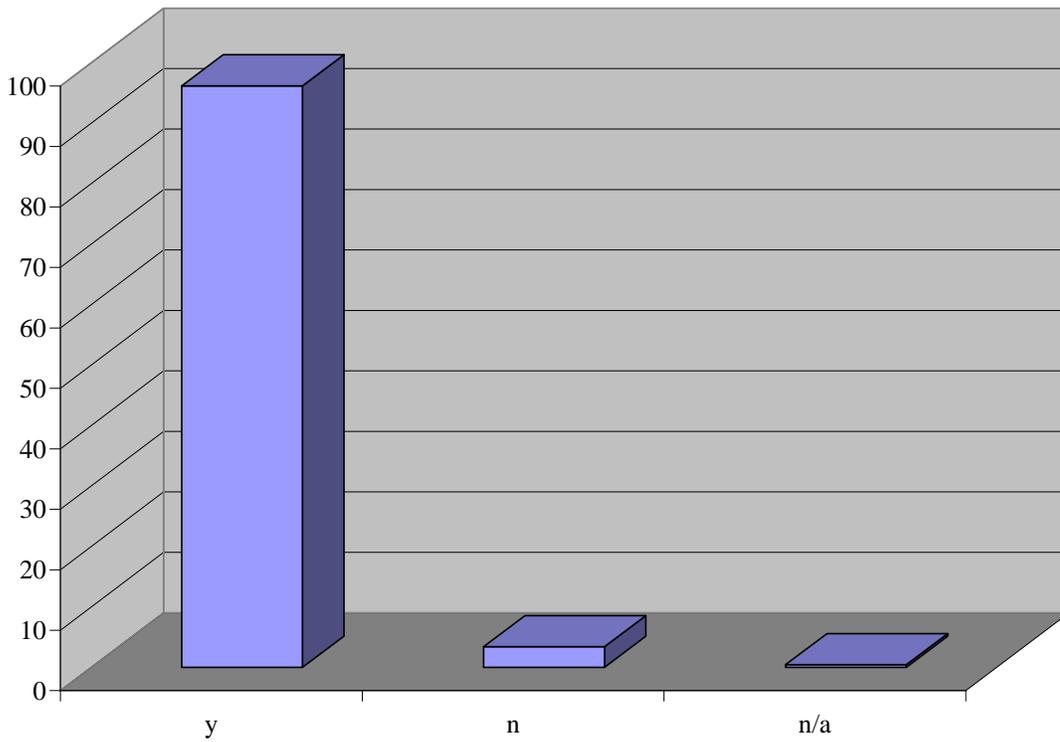
vun = very
unclear

n/a = no answer

The survey asked about the oral jury instructions that were given to the potential jurors by the Jury Commissioner’s Office prior to their departure for a courtroom and jury selection. The survey inquired if the instructions helped the person understand what to expect during jury selection. An overwhelming 96% claimed the oral instructions did help their understanding of what would take place during the jury selection process.

TABLE 5

Were the oral jury instructions helpful?



y = yes

n = no

n/a = no answer

Question five simply asked if the person was selected to serve as a juror. Ninety-six people said yes and one hundred and thirty-eight said no. Fifty-nine percent did not serve leaving them to continue to question six. But the 41% who answered affirmatively answered a subset question, if they had served as a juror, did the orientation help them to understand the jury process better, which if they answered no, the survey asked for anecdotal information about what would have helped. However, only five people provided comments,

there was a request for a hand-out, more information on the type of trial, and more information in general regarding the process before trial and during.

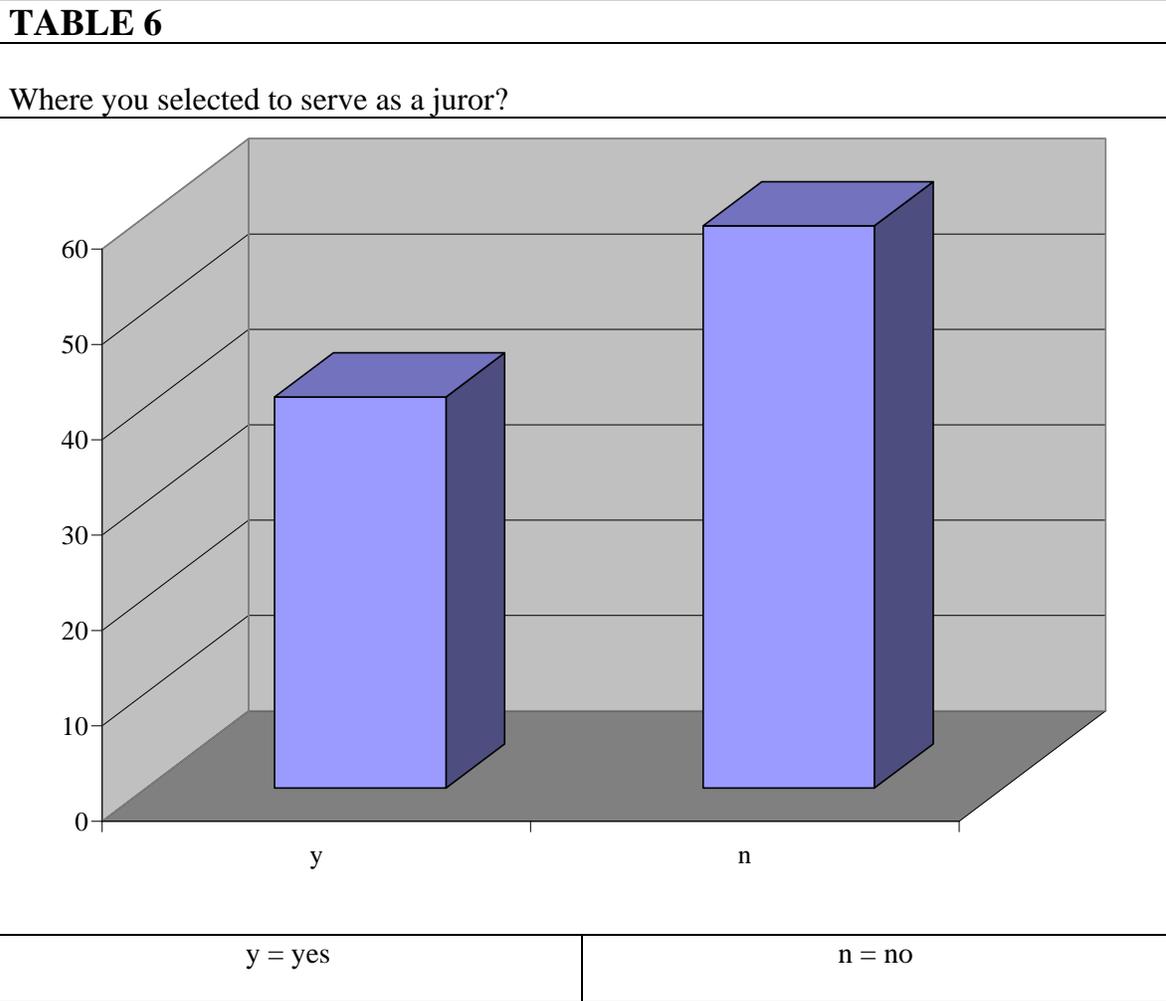
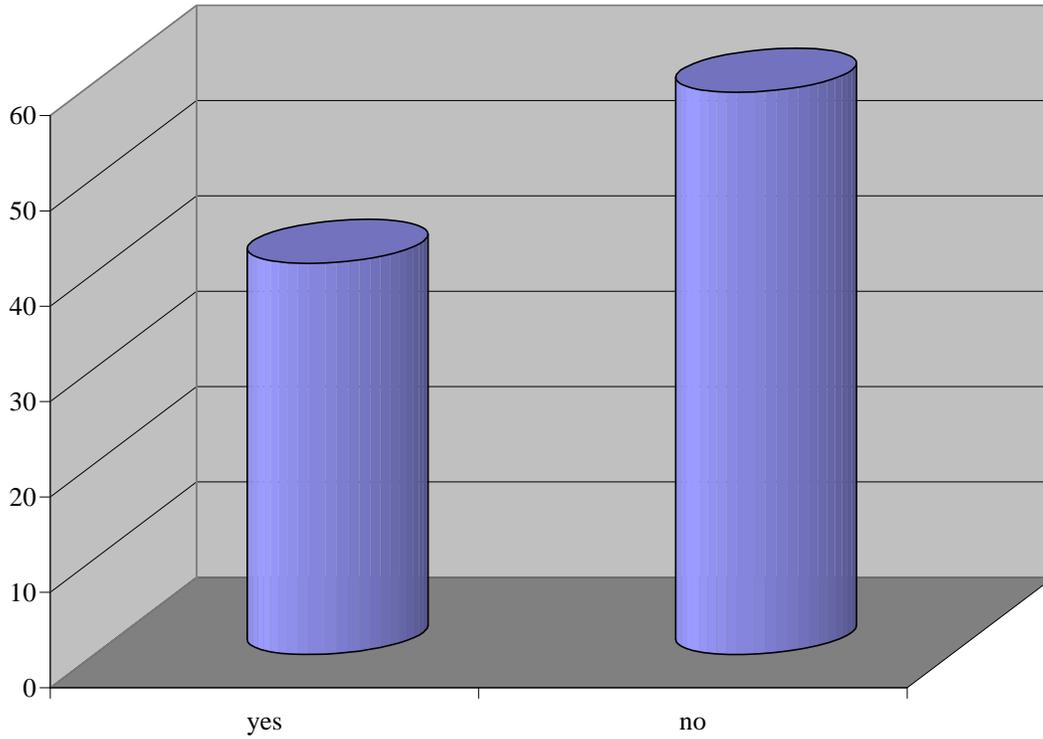


TABLE 7

If you serves as a juror, did orientation help you understand the process during the trial?



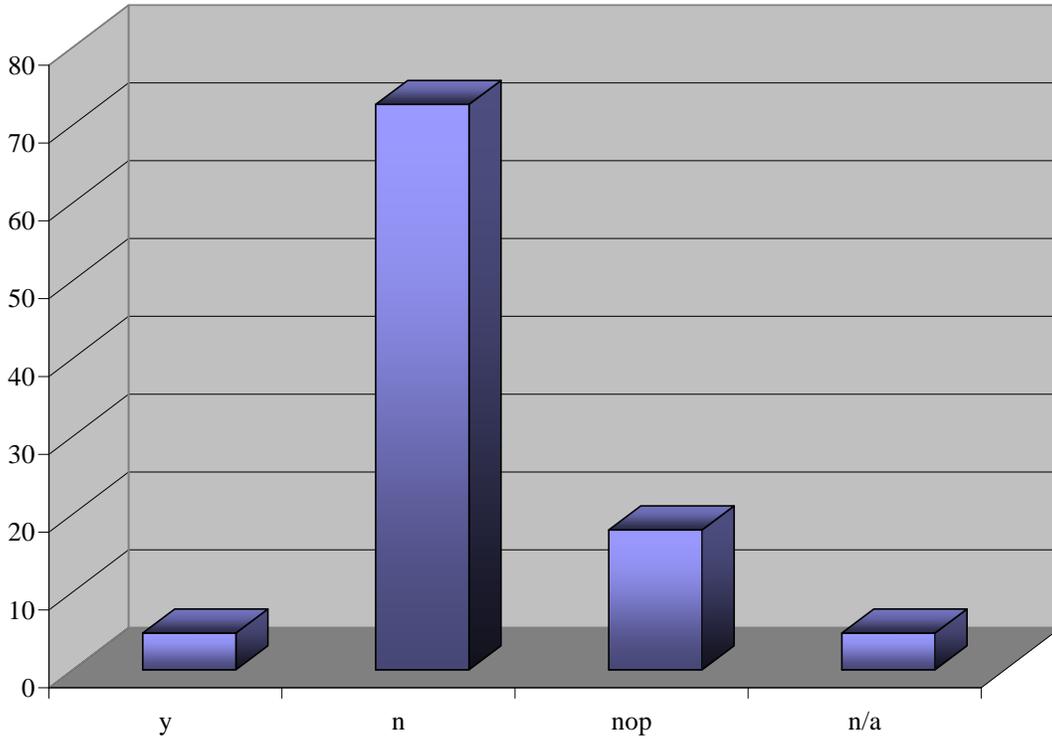
y = yes

n = no

A very small percentage, only 4.5% indicated they would like to watch a professional video taped juror orientation, an overwhelming 73% stated they would not like to watch a video. At the suggestion of the video being available on public television the affirmative answer almost doubled to 10%, over half, 51% did not want to watch a video at all. Thirty-seven percent of people did not have an opinion.

TABLE 8

Would you have liked to watch a professional video taped orientation?



y = yes

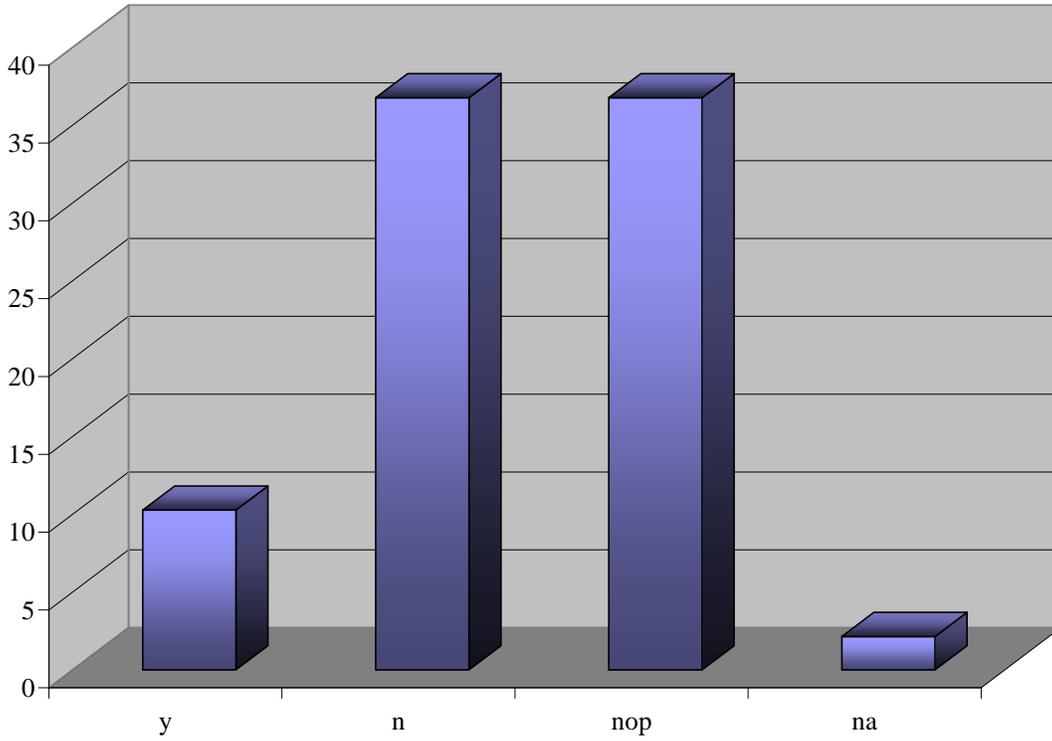
n = no

nop = no opinion

n/a = no answer

TABLE 9

Would you like to access the video on public television?



y = yes

n = no

nop = no opinion

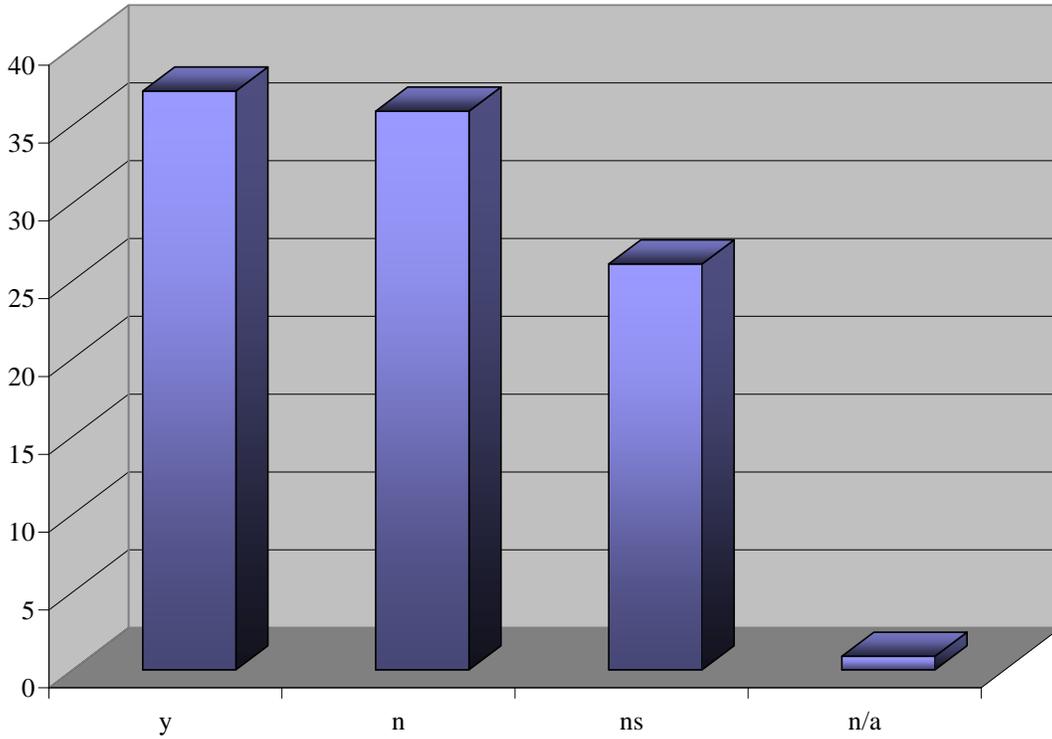
na = no answer

When asked however, about written information, e.g., a brochure, the answers were more broad range than in the other questions about information regarding what to expect.

Yes and no were 37% and 36% respectively, and not sure was 26%.

TABLE 10

Would written or printed information, i.e. a brochure, have been helpful?



y = yes

n = no

ns = not sure

n/a = no answer

The first question to deal with Group B, the selected jurors, exclusively, was regarding their experience during jury deliberations. The responses point to a comprehensive understanding by the jurors of how to conduct deliberations. While the numbers indicate the majority of respondents understood how to elect a foreman and how to take votes, these two questions garnered the lowest percentage of yes answers. Sixty-seven percent and sixty-eight respectively, indicating there may be some confusion when jurors first enter the jury room to deliberate. However, when asked if instructions were clear for jury deliberations

73% indicated that they were clear. A high number, but it still may be indicative of some uncertainty about how to begin deliberations. Group B ranked how to ask questions of the judge and treatment by courtroom staff in the eighty percentile range.

There was anecdotal information regarding one trial, a large medical malpractice case, where one or two jurors stated there was confusion regarding the information given about punitive damages. This appeared to be an isolated case, one in which it appears to have garnered additional comments in other areas of the survey.

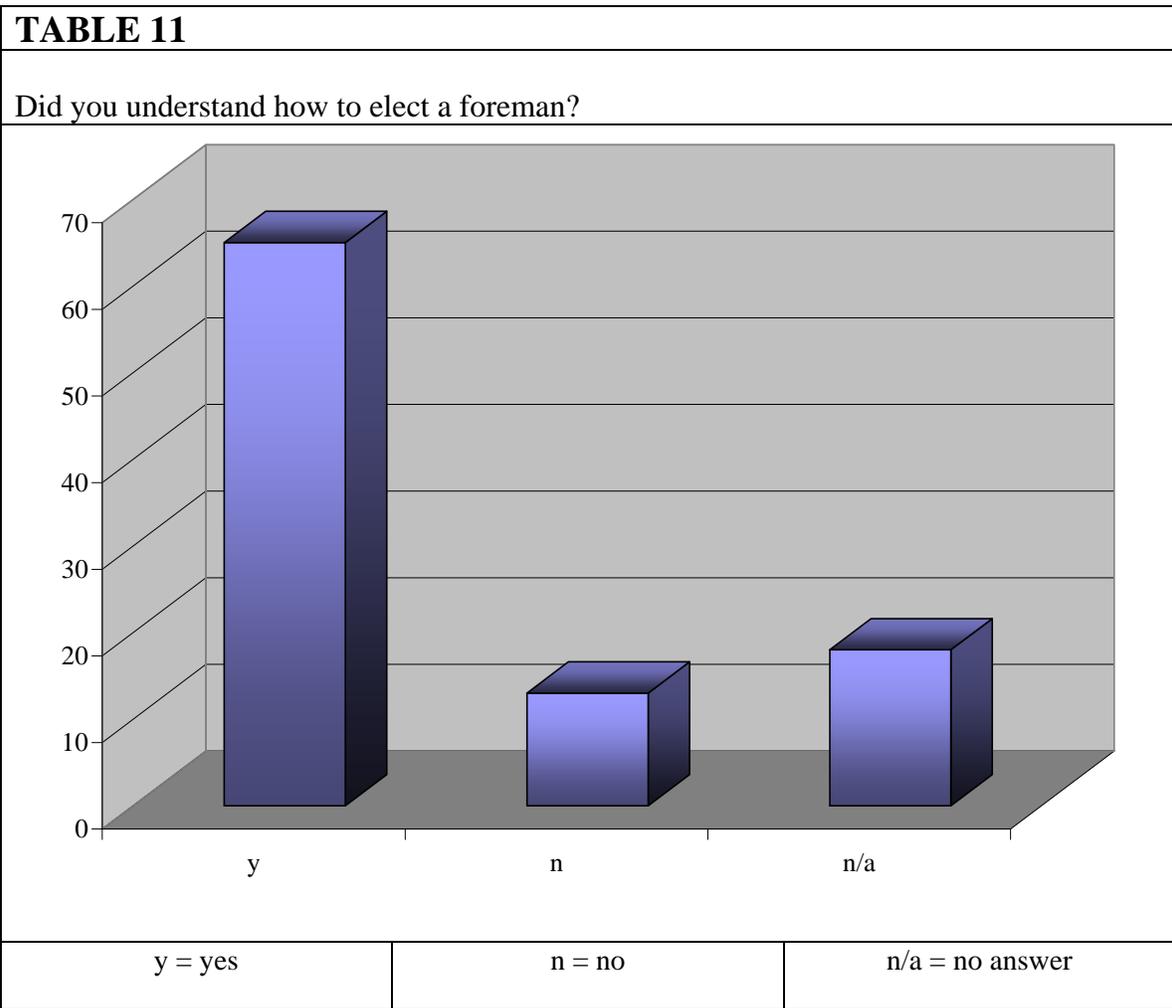
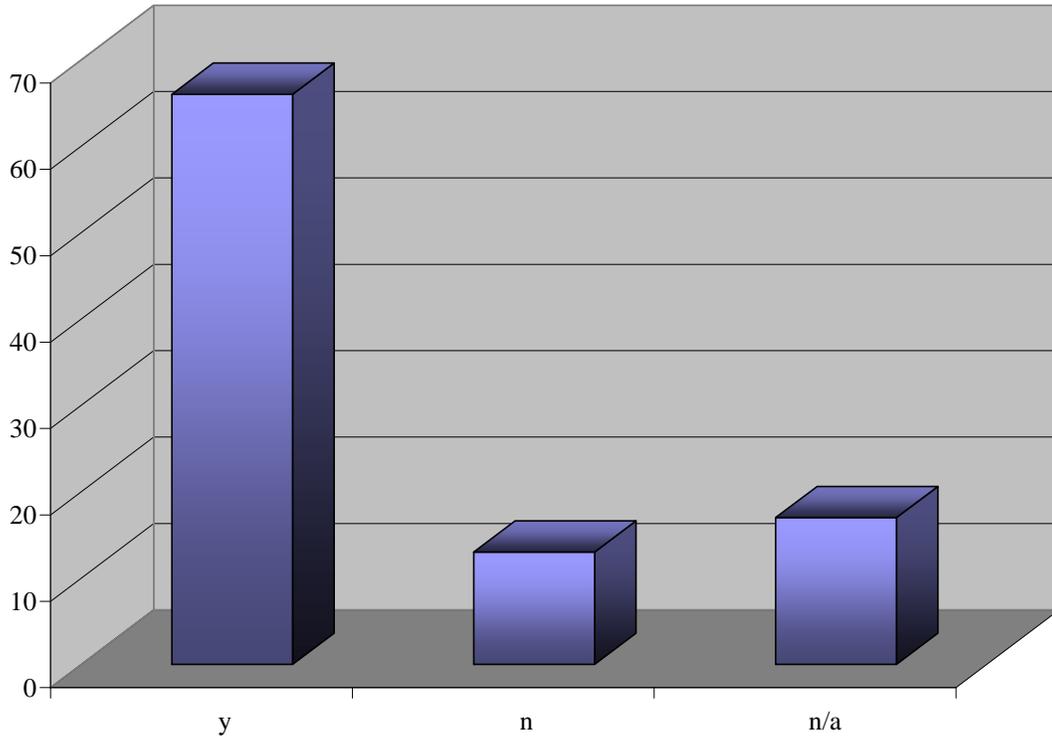


TABLE 12

Did you understand how to take votes?



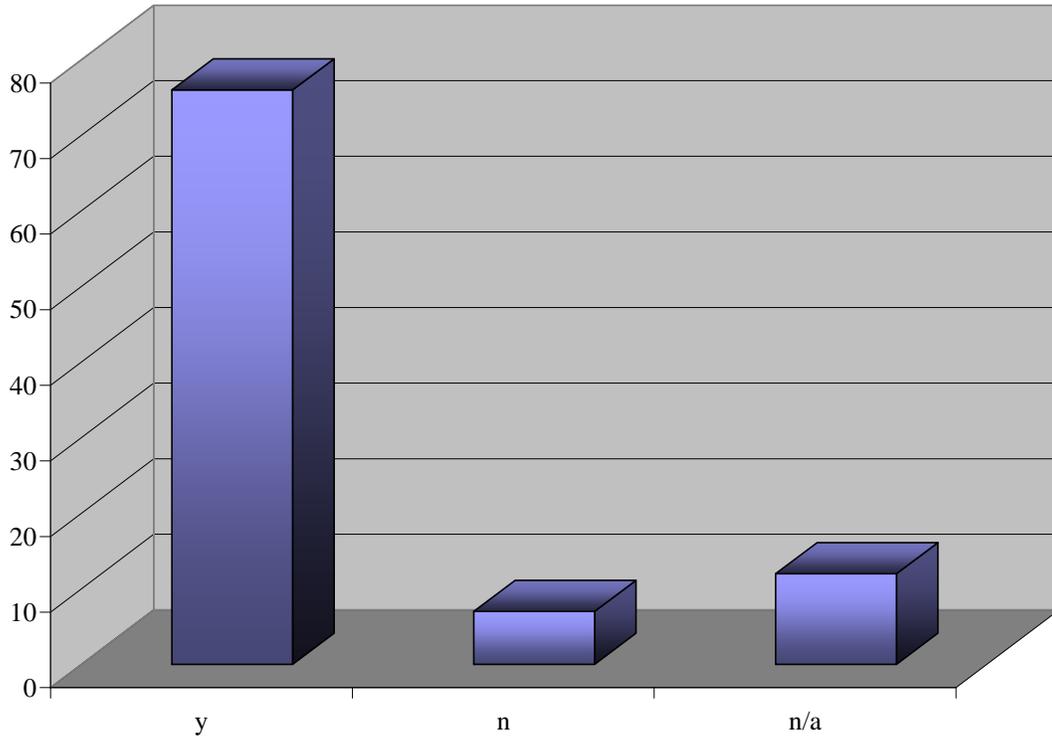
y = yes

n = no

n/a = no answer

TABLE 13

Did you understand how to ask questions of the judge?



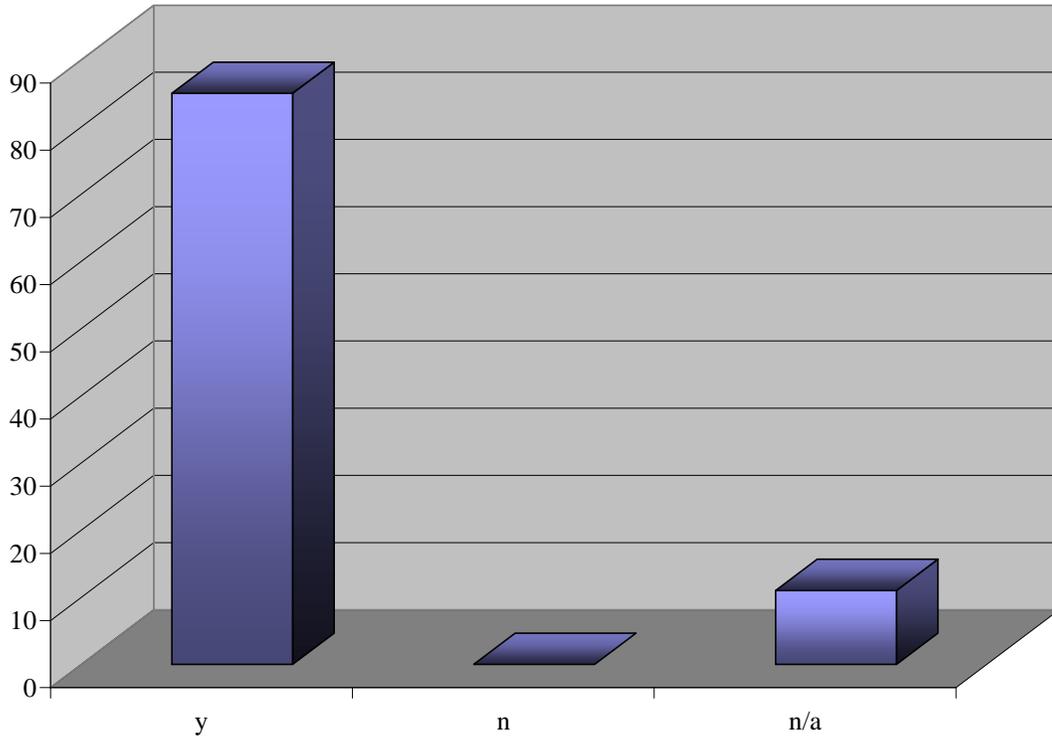
y = yes

n = no

n/a = no answer

TABLE 14

Did you have all the information and tools you needed during the trial and deliberations?



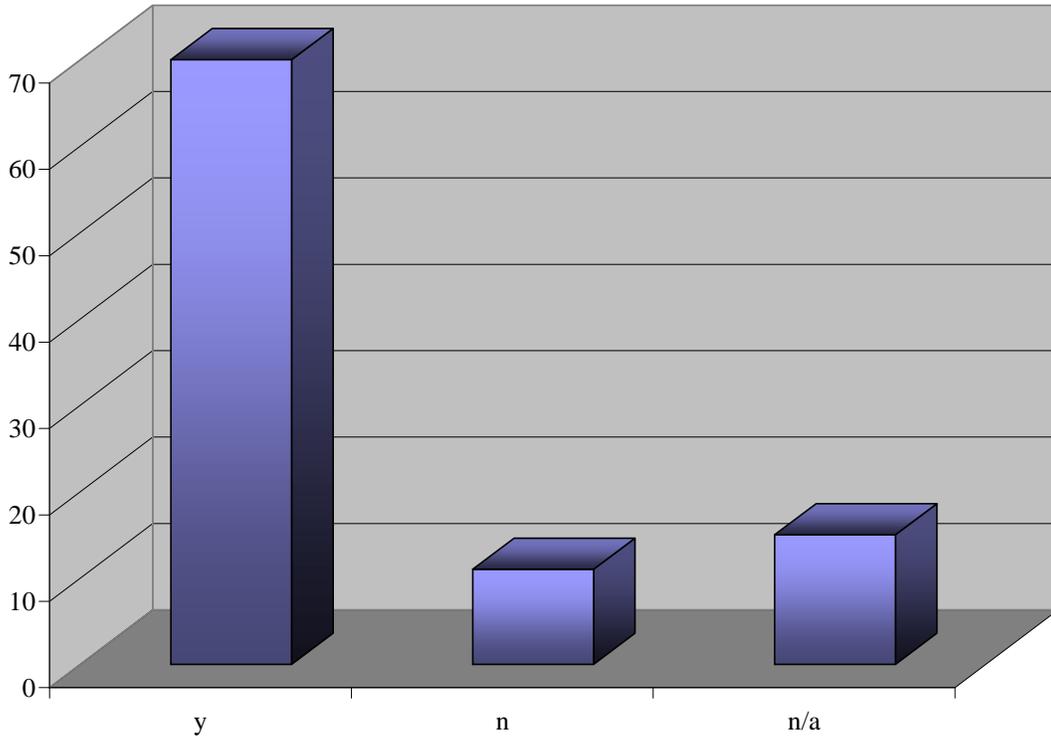
y = yes

n = no

n/a = no answer

TABLE 15

Were the instructions for jury deliberations clear?



y = yes

n = no

n/a = no answer

Question 12 was an inadvertent repeat of a previous question, five, but had a different intent, an attempt to explore the question regarding prior jury service, if the experience of serving as a juror previously resulted in a better understanding of the process in subsequent service. Of the 14 comments, 13 ascertained the preceding jury service had been beneficial in the current situation. The other comment was simply a general “I am impressed with the judicial system, then and now”.

Of the remaining six questions only one had nominal value, question 26. When asked to rate parking facilities, treatment by jury staff prior to and during jury service, treatment by courtroom staff, information provided during their wait at the courthouse, and the waiting facilities, the percentiles indicate a fairly high rating in juror satisfaction in these areas.

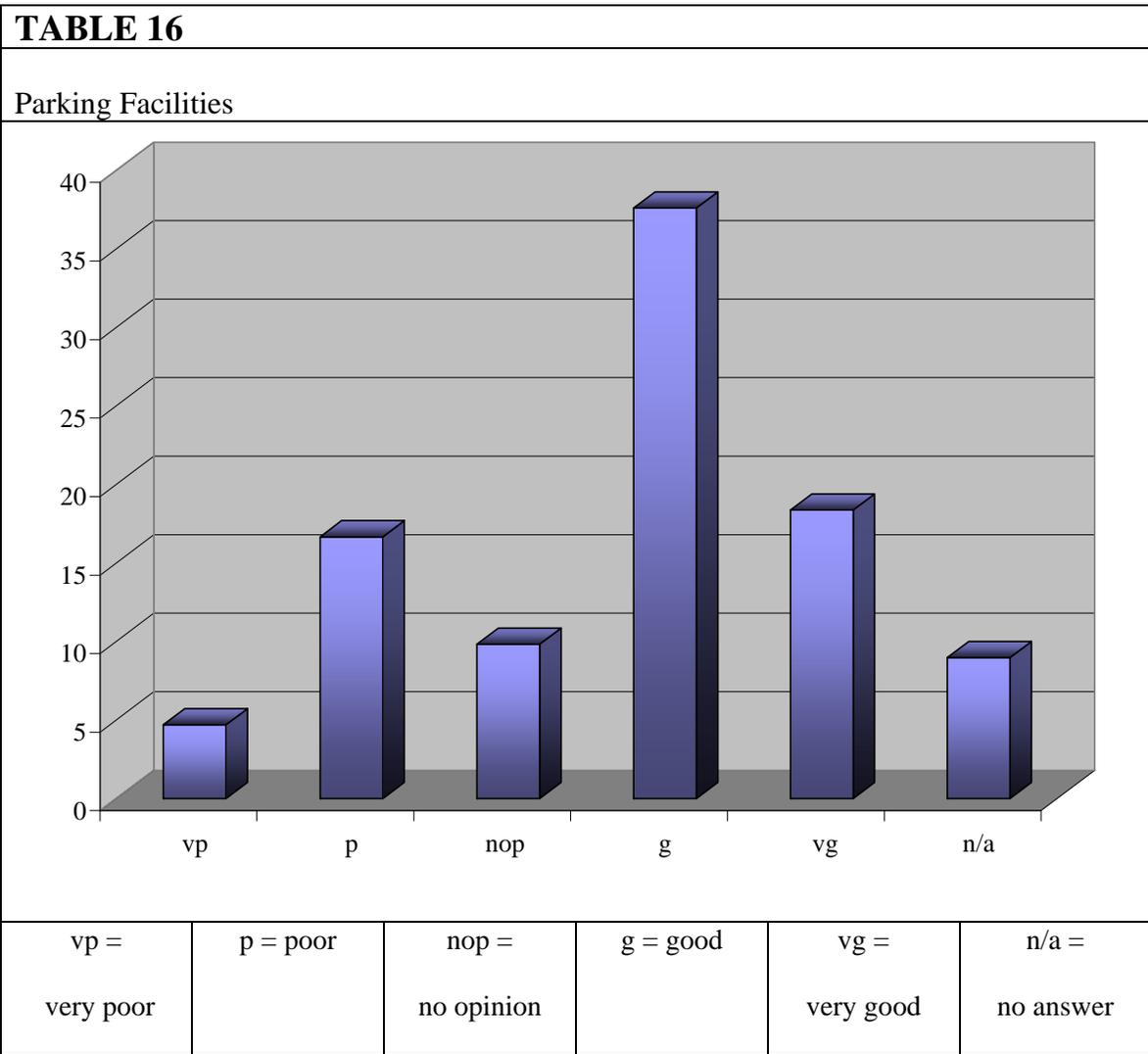
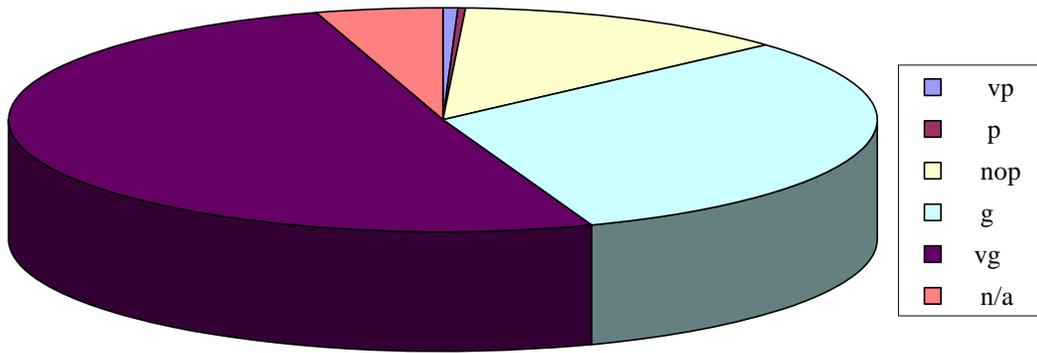


TABLE 17

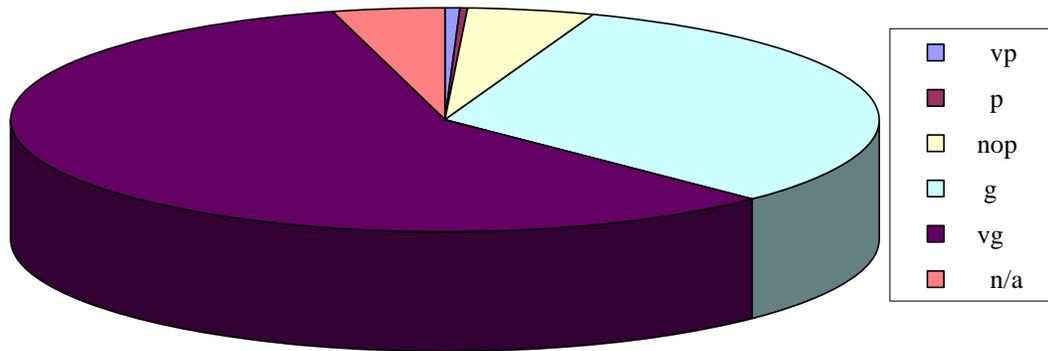
Treatment by jury staff *prior* to appearing at the courthouse?



vp = very poor	p = poor	nop = no opinion	g = good	vg = very good	n/a = no answer
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TABLE 18

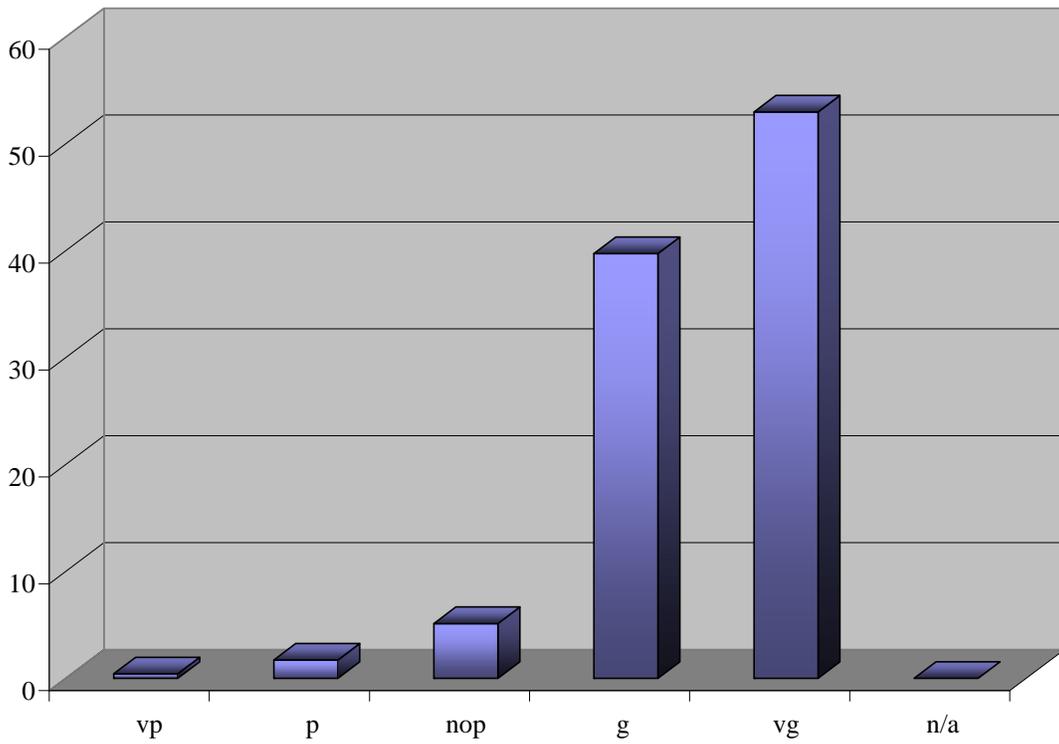
Treatment by jury staff during appearance at the courthouse?



vp = very poor	p = poor	nop = no opinion	g = good	vg = very good	n/a = no answer
-------------------	----------	---------------------	----------	-------------------	--------------------

TABLE 19

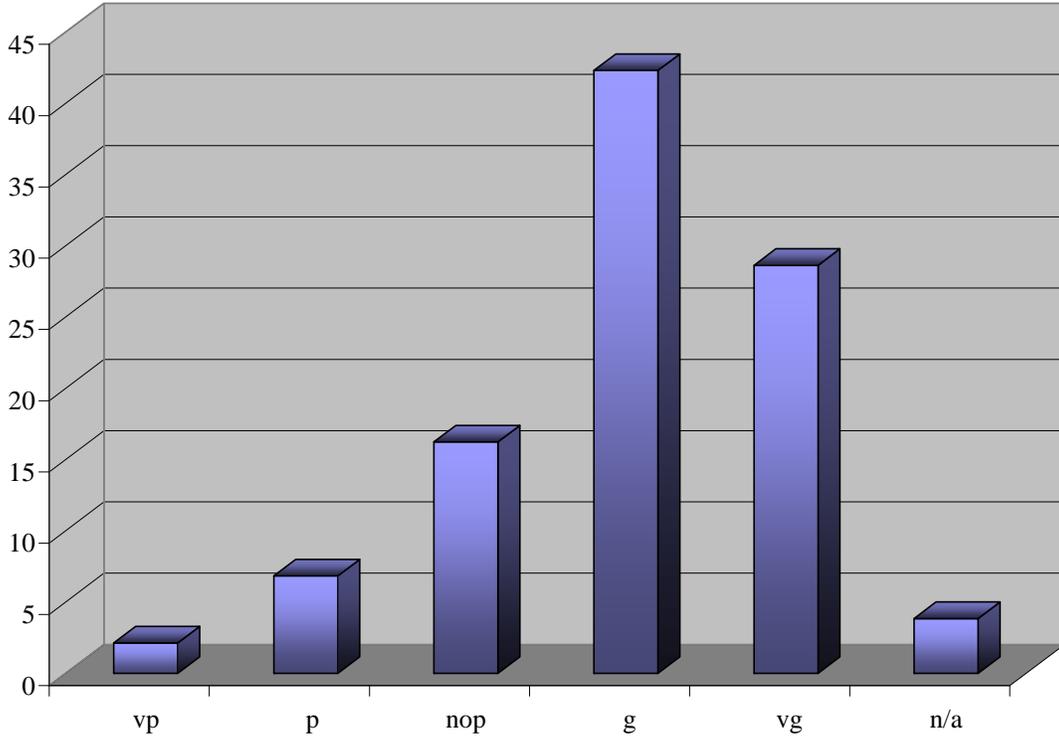
Information or instructions during your wait at the courthouse?



vp = very poor	p = poor	nop = no opinion	g = good	vg = very good	n/a = no answer
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TABLE 20

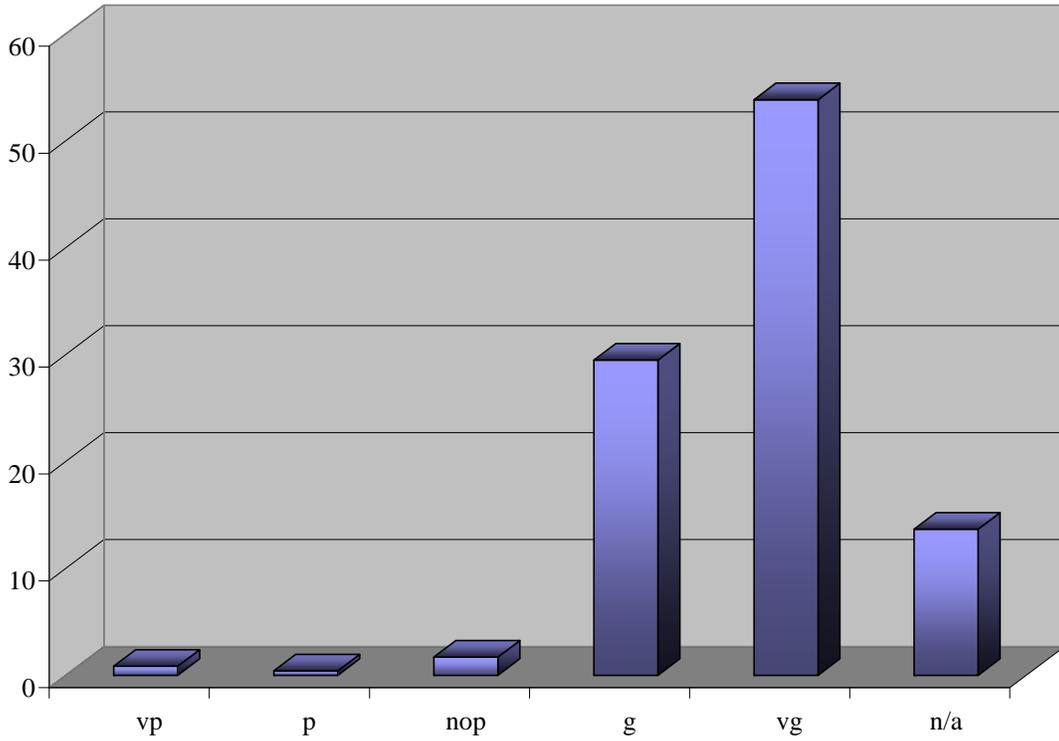
Waiting facilities at the courthouse?



vp= very poor	p = poor	nop = no opinion	g = good	vg = very good	n/a = no answer
------------------	----------	---------------------	----------	-------------------	--------------------

TABLE 21

Your treatment by courtroom staff during the selection and or trial?



vp = very poor	p = poor	nop = no opinion	g = good	vg = vry good	n/a = no answer
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CONCLUSIONS AND RECOMMENDATIONS

There is a belief that most people find jury service an inconvenience, jury *duty*, not jury service. Some are quite adamant their job/family/life will not continue on its path if interrupted by jury duty, maybe they believe it to be boring, perhaps it is due to an economic hardship and quite frankly, many feel it is someone else's job! Volunteers, retired people, ones whose employers pay their wage while they are performing their civic responsibility, they are the ones who should be targeted for jury duty, a comment the Washoe County Jury Commissioner's Office hears quite often.

While survey results, as well as a percentage of subjective comments from jurors, indicate that juror satisfaction is fairly high in Washoe County. These results are possibly due to several aspects; one, jury service in Washoe County is a fairly quick process, from initial summons to possible service; it may require only a few weeks to conclude jury service. The time commitment on the actual day of reporting is often, if not selected, concluded in a matter of two to three hours. Secondly, often jury service is not the burden citizens fear it to be, thus resulting in positive comments regarding their time spent performing their jury service. And finally, such high juror satisfaction may be due to the positive treatment of jurors by jury and court staff.

Whereas it appears Washoe County has a sound process and people have a positive view of the procedures and methods employed for summoning and orientating potential jurors; as well the selection of a jury; jury staff, while willing to recognize some things are done very well, and are aware of the need for improvement in other areas.

RECOMMENDATION ONE: NEW JURY QUESTIONNAIRE

While the survey results may indicate respondents felt the jury questionnaire was very easy, or easy to complete, attention should be given to this matter since the survey sampling was only a small percentage of the populace who completes a jury questionnaire and personnel processing juror questionnaires notice a lack of complete information.

The unsubstantiated findings of the Washoe County Jury Commissioner staff find that a fairly significant number of jury questionnaires have to be returned to the potential juror so missing qualifying information can be completed. Approximately 25% of jury questionnaires returned for processing do not indicate if the individual summoned is a convicted felon, or if so, are their civil rights restored. Another concern is non-citizens who do not indicate the lack of citizenship on the form, and are subsequently noticed to appear for jury service. This issue is often not resolved until juror orientation, where it is mentioned you must be citizen in order to serve.

The present juror questionnaire was re-designed in recent years, specifically in the above mentioned areas, but doesn't seem to have alleviated the problem. Being cognizant of the fact that you will not get 100% of people summoned who will be able to clearly understand what is required of them and the information needed, there are areas that could be modified to help people identify what questions and information is necessary to complete prior to returning the questionnaire to the Jury Commissioner's Office. Citizen's indicated difficulty in reading the small print on the 8.5 by 14, two sided form employed by Washoe County as a jury summons - questionnaire. While cost effective, involving less paper and less printing, an 8.5 by 14 two sided sheet that disperses a large quantity of information makes for crowded formatting and may not be the most effective way to retrieve the necessary

information. The recommendation is to develop a form that is two 8.5 by 11 sheets, one containing the qualifying information that must be returned to the Jury Commissioner via postage paid envelope, and one page for the potential juror to keep. The information contained on the current form would remain the same; one portion of the form would be perforated to allow the citizen to present to their employer a notice of their impending appearance for jury service. It would also include a map and parking directions and answers to frequently asked questions, excusal request and exemption information. The questionnaire section would be two-sided; one side asking for qualifying information, while the other would have the voir dire questions that are asked of potential jurors, it is a long standing practice in Washoe County for the Jury Commissioner's Office to provide copies of each potential juror's questionnaire containing voir dire information to the attorney's litigating the case. Therefore eliminating this information is not possible.

One section should include information in Spanish, specifically the qualifying question of citizenship.

RECOMMENDATION TWO: UPGRADE CALL-IN SYSTEM

Washoe County employs a Repartee voice mail box system that allows jurors to access parking information and reporting information. Almost 100% of the jurors polled felt the call in system recordings were very clear, or clear. However, it would be beneficial for the system to be upgraded or enhanced. It would allow for more information to be dispersed, quicker and in dual languages. Expanding the system to include Interactive Voice Response (IVR) capability would be advantageous; people are becoming more confident about using telephonic self help services, such as IVR, to access or provide information. It would permit Spanish to be recognized, allowing Spanish speaking people to retrieve answers to frequently

asked questions, such as what is jury duty, do I have to be a citizen, etc. immediately, alleviating the need to call the Jury Commissioner's Office, or appear, and wait for jury staff to find someone to translate.

The IVR system being considered is produced by the same jury software company being used by the Washoe County Jury Commissioner's Office now. One of the benefits is the capability of transferring the call directly to a live person, if the caller is not receiving the information sought. Because it is an integrated system the jurors' information would pop up on the computer of the staff member who receives the call. This improves customer service, the caller is not asked to repeat information that has already been entered into the IVR/computer system, eliminating a potentially frustrating situation for the caller.

The advantage in doing an upgrade to the call in system would benefit both potential jurors and staff. It would produce better information to citizens seeking information, and it would reduce the number of phone calls to what is a limited staff, providing better customer service.

RECOMMENDATION THREE – ORIENTATION VIDEO

The survey results indicated only 4.5% of jurors surveyed indicated they would like to watch a juror orientation video, a surprisingly low number. While almost double that number would like to view a video on public access television. Despite such a low number of affirmative responses, it is the recommendation for Washoe County to produce a juror orientation video, one designed for this particular court. There are a multitude of juror orientation videos available for use, including one currently used by the U.S. District Court, which Washoe County employed in the past for their orientation. However, it is advisable to

produce one locally, using the authentic setting of the Jury Assembly Room and a courtroom in the Second Judicial Court.

There are numerous benefits to using an orientation video. One is the benefit with regard to staffing issues. The Washoe County jury staff consists of two people. A video would lessen the burden when the jury office staff is cut in half due to vacations or illness, leaving one person to conduct the juror orientation and to prepare the necessary paperwork for the courtroom. Utilizing a video would ease some of the stress on the individual who is responsible for checking jurors in, conducting orientation and producing the necessary paperwork for the court to select a jury.

A video could be broadcast on public television and on the web. This is a versatile way to allow people to view the video at their convenience prior to appearing and may alleviate a certain modicum of stress and anxiety often associated with jury service and the court system. Fear of the unknown often results in avoidance, helping citizens to become more familiar with the process and what is required could prevent potential jurors from evading the inevitable, their jury service. An added benefit to decreasing the amount of failure to appear jurors would be allowing the jury staff to better utilize the time normally spent following up on FTAs.

It is recommended the video be available in different formats, two for public broadcast and one to use during orientation their day of reporting. The version for use on public television should briefly explain how the master jury pool is developed; what a legal exemption is and how to claim it. The pre-reporting information that is on the summons should be repeated, who is qualified to serve, what a legal exemption is, how to claim it; how to submit a excusal request and information about asking for a postponement of their jury

service. The video should reiterate where the courthouse is located, how to find the parking facility, where the jury assembly room is located, and about handicap access. Included should be an example, via a mock trial jury selection situation, in a real courtroom, of how jury selection will be conducted and clarify some of the legal terms that be will used. It should be used as a tool to educate people on the consequences of failing to appear for their jury service.

A public broadcast version using Spanish subtitles, with a separate and different, introduction in Spanish explaining the basics of what jury service is, and what the requirements of qualification are, convicted felon, non-citizen, including the fact if a naturalized citizen who speaks limited English requires an interpreter, one will be provided.

Another adaptation would include American Sign Language and or closed captioning, for the hearing impaired, also informing those who may have a need for assistance, that the Second Judicial District Court will provide an ASL interpreter or closed captioning, whichever they prefer or require.

The video presented during orientation the day the potential juror reports for service, would be an abbreviated version, eliminating the pre-reporting information, qualifications etc., along with the location of the courthouse and parking.

The information regarding a video being available for viewing, what channel, what time, should be printed on the original juror summons that the potential juror receives as the first step in the jury process in Washoe County.

The Washoe County Jury Commissioner often acts a liaison for the Court with the public in many respects. Not only directly through jury service, but in hosting tours from local schools and from the International Visitors Council; by speaking at local bar functions

and participating in events with the ABA. The creation of an orientation video that will be made available to the public will potentially increase the number of citizens who may be educated about the value and importance of jury service.

Funding for this project is being sought in the form of a grant from the E.L. Cord Foundation and donations from the American Board of Trial Advocates. While costs for this project have not been assessed, it is generally thought that the use of interns from the University of Nevada Reno will be effective in many areas, budgetary, knowledge regarding production and script writing, and even participating as actors in the video.

RECOMMENDATION FOUR JUROR HANDBOOK – BROCHURE – INFORMATION SHEET

At the present time there isn't a brochure or handbook being utilized in the Second Judicial District Court. There is a proposed handbook (See the proposed handbook, *Appendix B*), this handbook was the catalyst for this project. Never fully developed until now, it was the idea borne out of the understanding that potential jurors may need to have more information regarding the process, including legal terms and definitions, information that is not given during juror orientation, which resulted in the proposal of a juror handbook.

As stated earlier many people learn and absorb information in different manners and it is advantageous to offer juror information in a variety of formats. A juror handbook affords people another means to understand what jury service entails and an overview of what they may expect during their time at the Court. A handbook offers an opportunity to explain in more detail the sequence of a trial, juror conduct during a trial, and legal terms and phrases.

Offering segmented information is a method in which jurors get all the information they need, but not in such a manner as to be overwhelming. Therefore the recommendation regarding information for deliberation should be separate. In an attempt to not try and

reinvent the wheel, the suggestion of providing the pamphlet, *Behind Closed Doors, A Guide For Jury Deliberations*,¹⁵ to selected jurors, an excellent tool to aid in the process of electing a foreman, taking votes and delivering a verdict. This brochure should be given to jurors just prior to deliberations, allowing enough time to read and absorb the information.

While foot traffic to the Washoe County Jury Commissioner's Office during the course of a regular non-jury day is minimal, most often it is non English speakers who come in for guidance with their jury summons. Generally the person is asking for someone who speaks Spanish. The existing jury staff does not speak Spanish or any other foreign language, and therefore often enlist the help from other staff employed in a different office, who does speak Spanish. The questions are usually basic, they do not understand what the summons means, and what is required of them. A handout, in the form of a single sheet of paper, in Spanish, explaining what jury duty is and what the requirements are mainly citizenship and the ability to read and understand English, would eliminate the frustration and sometimes fear, felt by the person being summoned. It is not the intent to seem cold and indifferent to those seeking help by simply handing them a piece of paper, it would be intended to help bridge the gap in the language barrier.

RECOMMENDATION FIVE – ENHANCE WEBSITE

There was not a specific question on the survey regarding a website; but it is advisable to update and enhance the information that is posted currently. The Jury Commissioner's Office has a page on the Second Judicial District's website. The address is advertised on the summons/questionnaire people receive as the first step in the jury process. A direct link to email the jury office appears on the page, and it is evident people use the website by the amount of email received, it is a quick and efficient way to handle simple

¹⁵ American Judicature Society, **Behind Closed Doors, A Guide For Jury Deliberations**, www.ajs.org

questions. A link appears on the Washoe County web page to the Second Judicial District Court as well. Presently the page displays a sample of the summons/questionnaire, and states the same facts presented on the summons, qualifications, exemptions, excusal requests and has a list of frequently asked questions.

The website should be more interactive; a more sophisticated approach in the use of technology will allow for continued improvement in juror access. The possibility of allowing citizens who are summoned for jury service to complete a form online and submit it is a very attainable goal. The existing jury management system could link to the website allowing versatility in completing the questionnaire portion of the summons and submitting it electronically.

The jury software system in use currently offers an imaging portion, at the present time this possibility has not been explored. Since the Second Judicial District Court images and electronically files court documents, this is an area is one where the recommendation will be to investigate the prospect of including this software package to the existing system. It is a sound and logical idea to update the jury software in keeping with the court's case management system.

An online survey is being developed with the help of the Information Technology (IT) staff; it will permit citizens to complete the survey online. The intent is to obtain current information regarding their experience with the jury process in Washoe County. The availability of feedback in real time is a valuable tool for accessing and analyzing a program, allowing for changes if necessary and pinpointing specific areas that may require adjustments.

The court's web page is maintained by the IT department, and therefore does not require any expenditure of funds.

RECOMMENDATION SIX – FACILITIES

The Second Judicial District Court courthouse is in an old, albeit historic, building. The original Washoe County Courthouse built in 1871, which is still an integral component of the three additions added in later years. As found in many courts around the nation, space is limited. Eleven years ago the Jury Office was moved “temporarily” to an unused courtroom on the first floor. The arrangement is at best, awkward. Portable cubicles serve as “offices” for the two person staff, while jurors sit in an odd assortment of chairs.¹⁶ However, an up to date selection of magazines are available, as are games. Coffee, tea and hot chocolate is available, the coffee is provided by Starbucks. A popcorn machine is a big hit with those jurors who may be required to spend time waiting in the assembly room, and there is a television with cable connection, which is closely monitored, allowing no local or national news to be displayed, or any shows that could be considered controversial, the TV judge shows, or movies showing courtroom dramas. Old VHS movies are offered, as well as some documentaries and nature shows. There is a small workstation with electrical plugs for those who may bring their laptops. Wireless internet is not an option at this time for the jury assembly room.

There are no private restrooms; jurors are required to use the public facilities, located on the first floor, down a public hallway from the jury assembly room.

¹⁶ The Jury Assembly Room was move to new quarters in March 2008, jury staff is now housed in a separate office, while jurors have upgraded space with new chairs. Restroom facilities remain the same.

As duly noted per recommendations mentioned in the Literature Review section, from the American Bar Association and the Nevada Commission on Jury Improvement¹⁷, ideally, jurors should have private restrooms to bar any potential contact with any parties or attorney's associated with the case. However, at this time there is no plan in place to rectify this, nor it is a real possibility. Major renovation of the existing building is not in the master plan for Washoe County, and expansion of the present quarters is not an option at this time. The recommendation is to continue to make the current space as accommodating to everyone, staff and jurors, as possible.

The master plan for Washoe County includes a new courthouse, which will alleviate many issues regarding space for the Second Judicial District Court. The desire of the Jury Commissioner for Washoe County is to be pro-active in the procurement of additional space in the existing courthouse, as well as in the design of a new building.

Overall the survey results display high juror satisfaction in Washoe County; the Jury Commissioner's Office must continue to be attentive to the needs of both the court and to prospective jurors. Maintaining the high level of customer service that is provided currently, while being persistent in the pursuit of information regarding new technology, customer service needs, exploring opportunities to provide community education regarding jury service and continuing to self-assess and monitor juror satisfaction.

¹⁷ See notes 3 and 8 *supra*, pages 7 & 11

APPENDIX A – Juror Exit Questionnaire

JUROR EXIT QUESTIONNAIRE

The Second Judicial District Court would like to thank you for your time. Without concerned citizens such as you, the judicial process could not work effectively.

In order to improve jury service for all Washoe County residents we would like you to take some time and answer the following questions. When you complete your survey, simply return the form to the Jury Commissioner staff or return it in the envelope provided.

To insure confidentiality do not include your name or other identifying information on this form.

Instructions: Answer each question accordingly by either checking the appropriate box or supplying the necessary information.

1. Prior to reporting to the Courthouse my impression of jury service was:
 Unfavorable Neutral Favorable

2. How easy or difficult was your jury summons to understand and to complete?
 Very Easy Easy Difficult Very Difficult

3. When you called for your recorded reporting information how clear were the instructions on the phone?
 Very Clear Clear Unclear Very Unclear

4. When you arrived at the Courthouse did the oral jury instructions (orientation) presented by the Jury Commissioner's Office in the Jury Assembly Room help you understand what to expect during jury selection?
 Yes No

5. Were you selected to serve as a juror in a trial?
 No - If no, skip to question 6
 Yes
 - a. If you served as a juror, did the orientation help you understand what would happen during the trial? Yes No. If not what would have helped you understand the jury process better?

6. Would you have preferred to watch a professional video taped orientation?
 No Opinion No Yes
 a. If yes, why?
7. Would you like to be able to access the video on public television?
 Yes No No Opinion
8. Would written or printed jury information, i.e. a brochure, have been helpful?
 Yes No Not Sure
9. If we did offer more written information, on what topic would you have liked more information? _____
 No additional information was necessary.
10. Were you selected to serve as a juror?
 Yes No - If the answer is no, proceed to Question 12.
11. The following set of questions addresses your experience during jury deliberations.
- a. Did you understand how to elect a foreman? Yes No
 - b. Did you understand how to take votes? Yes No
 - c. Did you understand how to ask questions of the judge? Yes No
 - d. Did your bailiff and/or court staff provide you with the information and tools you needed during the trial and deliberations? Yes No
 - e. Were the instructions for jury deliberations clear? Yes No
12. Have you ever served as juror before?
 No. If No, please proceed to Q13
 Yes. Did the previous experience help you to understand the process this time?
 No
 Not Sure
 Yes. If yes, would you please explain, briefly why?
13. After reporting my impression of jury service was:
 Unfavorable Neutral Favorable
14. Comparing Questions 1 & 13, if your opinion of jury service changed after service as a juror, what was the single most important reason for this change?

15. From the time you received a summons until you completed your jury service;
- a. Was there any information that was not provided? If so what was omitted?
 - b. Was any information unclear? If so, what was it?
16. Using the scale below, please indicate your rating of each of the following as they related to your jury service. Simply circle the corresponding number.

1 - Very Poor 2 - Poor 3 - No Opinion 4 - Good 5 - Very Good

- a. Parking facilities: 1 2 3 4 5
- b. Your treatment by the Jury Commissioner staff *prior* to appearing at the courthouse:
1 2 3 4 5
- b. Treatment by the Jury Commissioner staff while you were at the courthouse:
1 2 3 4 5
- d. Information or instructions during your wait at the courthouse:
1 2 3 4 5
- e. Waiting facilities at the courthouse:
1 2 3 4 5
- f. Your treatment by courtroom staff during the selection and or trial:
1 2 3 4 5

If you circled (1) Very Poor or (2) Poor to any of the questions above please explain:

18. In general, do you have any suggestions for improving your experience with jury service in Washoe County?

APPENDIX B – Proposed Juror Handbook

JUROR HANDBOOK

INTRODUCTION

The Judges of the Second Judicial District Court welcome you as a fellow participant in the administration of justice.

The right to a trial by jury is the cornerstone of democracy and if selected as a juror your service will be as important as that of the judge. You will be making a substantial contribution to the American justice system. You are obligated to serve honestly and conscientiously. You must base your decision on the evidence you will hear in court and on the law. The judge will instruct you on the law. You will need to disregard any personal prejudices you may have.

Judges, lawyers and court staff are familiar with procedures in the courtroom and the various legal terms used. To others, the process often seems perplexing and the language strange. The purpose of this booklet is to help you understand the process and the terms used during a trial and to let you know what is expected of you. We hope it will aid you in your part of administering justice.

If you are selected as a juror on a case, the judge will give instructions applicable to that case. The information in this booklet is not a substitute for the instructions that will be given to you by the judge. You should disregard anything that is in conflict with the Judge's instructions.

The Judges know that your time is valuable and that you are putting aside many important tasks in order to perform this civic responsibility. We hope you find your jury service both interesting and rewarding.

How Jurors are Selected

Washoe County uses the Department of Motor Vehicles (DMV) as a source list for prospective jurors. There are many sources from which to derive names; however, DMV is practical and readily available.

Exemptions

The State of Nevada offers exemptions to any person who is 70 years of age or older, peace officers, and to employees of the legislature, or the legislative counsel bureau, *only while the legislature is in session*. There are no other exemptions in the State of Nevada.

Are you Qualified?

You must be a United States citizen, a resident of Washoe County, and, if you have been convicted of a felony, you must have your civil rights restored. If you do not meet these requirements please notify the jury office staff or court personnel immediately.

How a Trial Jury is Chosen

A group of citizens qualified to serve as jurors are summoned. This is called a jury panel. A panel is sent to a courtroom for jury selection, also known as Voir Dire. The panel is told about the nature of the case, and in a general way what the case is about. The panel is then questioned by the Judge and the attorneys to insure you can be fair and impartial about the issues in the case. Attorneys have the right to ask questions to test individual jurors state of mind regarding the case. Each attorney may challenge a juror “for cause”. This means that for some reason it might be unfair to ask you to be impartial in the case.

Each attorney is also allowed a certain number of “peremptory challenges”. This means they may ask the Court to excuse you without stating any reason.

If you are challenged for cause or as a peremptory challenge you should not take it as a reflection of your integrity or intelligence. The attorney is merely using a right given to them by law to insure that they have attained a panel of jurors who can, and will, judge the case based on the facts and not on personal feelings or interests.

At the end of Voir Dire a number of people are seated and sworn as jurors and the trial begins.

Your Role as a Juror

In the event that you are seated as a juror you will be asked to take an oath to try the case impartially and render a true verdict according to the law and evidence. When you take this oath you become a judge of the facts and are required to act fairly and impartially. You may not act upon your feelings and emotions; you are obligated to use your reasoning and judgment based upon legal instructions given to you by the Judge.

In order to be fair to both sides, there are certain rules you must follow. During the trial you may not talk about the case with other jurors or with any other person, including your spouse or members of your family. You should not allow any other person to talk about this case in your presence. Should anyone insist upon talking about the case within your hearing, tell that person you are a juror and should not hear any comments about the case. If that person continues inform the Bailiff immediately.

Sequence of a Trial

After the jury is sworn in, each attorney has the right to outline the evidence that they will be presenting during the trial. This is called an “opening statement.” These statements are not evidence, but an explanation of what each side claims.

When opening statements have been concluded the party bringing the suit (i.e. the plaintiff or the District Attorney in a criminal case) will present its evidence using witnesses, documents, or other exhibits. After the plaintiff has presented all their evidence, witnesses, etc., then the defense will be given the same opportunity to present their side.

When both sides have presented all their evidence, each attorney will sum up his/her case. These statements are called “closing arguments.” After closing arguments, the Judge will instruct you as to the law in this particular case, what verdicts can be rendered and the consequences of each verdict. You and your fellow jurors will then retire to the Jury Room to begin deliberations.

Juror Conduct During A Trial

Do Not Be Late for Court Sessions

Each juror must hear all the evidence; if you are late the Judge must delay the start of the session.

Always Sit in the Same Seat

This enables the judge, the court clerk and the attorneys to identify you more easily.

Do Not Talk About the Case

While you are a juror you should not talk to your fellow jurors or anyone else about the case, or permit anyone to talk to you about it until you retire to the jury room for deliberations. If any person persists in talking to you about it, or attempts to influence you as a juror, you should inform the Bailiff immediately. Attorneys know the impropriety of talking to you and do not want to jeopardize their case by allowing jurors to talk to them. So, if an attorney or judge seems to ignore you, you should not take it personally, but simply that they are observing the proper rules of conduct.

Do Not Be an Amateur Detective

You are not allowed to make an independent investigation or visit any places involved in the case. If it is necessary for you to inspect a property or a place, arrangements will be made for the jury to visit as a group with the Judge, the attorneys and the parties involved.

Control Your Emotions

You should not indicate by exclamation, facial expression or other body language, how any evidence or incident of the trial affects you.

Deliberations

After the conclusion of closing arguments are completed and jury instructions have been given (read) to you by the judge, you will begin jury deliberations. Once you are in the Jury Room the jury will select one juror to act as foreperson. This person will preside over your deliberations. When the jury has reached a verdict the foreperson will inform the Bailiff. You are not to disclose your decision to the Bailiff or any other person. The Bailiff will notify the Judge and the Judge will call everyone back into the courtroom where the Court Clerk will read the verdict.

Definition of Words and Phrases

Action, Case, Lawsuit - These words mean the same thing. They refer to a legal dispute brought into Court for trial in civil cases.

Answer - The pleading in which the defendant in a civil case answers the claims of the Plaintiff.

Bailiff - The Deputy Sheriff who assists the Court by opening and closing court sessions, calling witnesses, supervises jurors and maintains courtroom order and security.

Bench - The office or position of a judge. The seat occupied by the judge in a courtroom.

Challenge - During jury selection prospective jurors may be excused from service on that particular trial. There are two types of challenges. A *challenge for cause* is made when an attorney believes that the individual being challenged is in some way not properly qualified to serve on a particular case. An example might be a person who was recently involved in the same type of case, personal injury, or if you are a relative or friend to a person in the party, or one of the attorneys may find it difficult for you to be completely objective about the present case. The second type of challenge is a *peremptory challenge*. The law provides that the attorney of either side may demand that a set number of prospective jurors be excused, without being required to give a reason for the demand. The judge must excuse the juror designated.

Chambers – The private office of a judge.

Civil Case – A lawsuit is called a civil case when it is between people in their private capacity or relations. Generally it results in a verdict for the plaintiff or defendant and involves the giving or denying of monetary damages.

Closing Statement – After all the evidence on both sides of a case is in, one of the attorneys on each side is permitted to sum up the case and tell the jury what that attorney thinks the evidence proves and why their side should win.

Complaint – The first document (pleading) filed with the court in a civil case in which the plaintiff sets forth the claims against the defendant.

Court Clerk – The clerk is seated next to the Judge, he/she is responsible for the evidence introduced at the trial, swears in witnesses, and takes minutes of the trial.

Criminal Case – A criminal case is between the State of Nevada on one side as the plaintiff and a person or corporation on the other side as defendant.

Cross-examination – Examination of a witness by the opposite party.

Defendant – In a civil case it is the party against whom the suit is brought, the person being sued. In a criminal case the person charged with the criminal offense is called the defendant.

Deposition – Written testimony in question and answer form, made under oath. The testimony may be read at the trial.

Direct-examination – Examination of a witness by the party on whose behalf the witness is called.

Evidence – The documents, statements or material objects admissible as testimony in court.

Expert Witness – A person qualified to speak authoritatively on a certain subject on the basis of a skill, training or experience. The Court is responsible for determining the qualifications of an expert witness.

Exhibit – Articles formally introduced as evidence, such as documents or material objects.

Grand Jury – A special jury that inquires into complaints and accusations of violations of criminal laws. Grand Juries hear testimony and receive evidence and may bring charges in the form of an indictment against individuals.

Indictment – A formal accusation by the Grand Jury charging a person with the commission of a crime. The charge is presented to the Court.

Information – A criminal charge brought by the public prosecutor (District Attorney). The charge must be stated in writing and given to the defendant at their first court appearance.

Instructions To Jury – The rules of law that apply to the case at hand and which the jury must follow in their deliberations in deciding the factual issues submitted to them.

Jury Panel – The total number of prospective jurors from which the trial jury of 8 or 12 is chosen.

Motion – A formal request made by an attorney to the Judge to obtain an order, ruling, or direction.

Objection – An attorney may object to a procedure or action in the trial, which that attorney feels should not be permitted under the rules of law that govern the conduct of trials. The Judge will make a decision as to whether or not the objection is to be sustained (approved) or overruled (not allowed).

Opening Statement – Before introducing any evidence for each side of the case, each lawyer is permitted to tell the jury what the case is about and what evidence they expect the testimony to show. These are called opening statements.

Parties – The plaintiff and defendant in the case – also called the litigants in a civil case.

Passed, Passed for Cause – These are expressions used by lawyers while examining prospective jurors. They indicate that the lawyers do not intend to challenge the prospective juror on any claim for implied or actual bias.

Peremptory Challenge – See Challenge.

Plaintiff – A person who starts who starts a civil lawsuit, or in a criminal case, the State of Nevada.

Pleadings – The parties in a case must file papers with the court such as a “complaint,” “answer,” stating their claims, denials or defenses. These are called pleadings.

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

Rest – This is the legal term that means the attorney does not wish to present further evidence at that stage of the trial.

Verdict – The formal decision of the jury. In a criminal case, the decision relates to the guilt or innocence of the defendant. In a civil suit, the decision is whether or not the plaintiff has proved his case against the defendant and may also include findings as to the amount of damage suffered.

Voir Dire – Prospective jurors are questioned by the Judge and the attorneys in order to determine if any juror is biased and/or cannot deal with the issues fairly, or if there is cause not to allow a juror to serve (knowledge of facts, acquaintanceship with parties, witnesses or attorneys, occupation or experiences). Some jurors will be excused for cause and others in peremptory challenges.

Witness – A person who testifies under oath in trial with first-hand knowledge or expert evidence.

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