

Judicial Remarks to Prospective Jurors

Good morning.

I am Judge _____ and I want to welcome you to (Name County and Level) Court. I am one of (number of judges) that serve you in this courthouse.

(Importance of judicial branch and trial by jury)

- I am here on behalf of this court to express all of the judges' appreciation for your time and effort in jury service and to share some information with you. I consider this opportunity to welcome you an important part of my job, because you are an essential part of justice in our courtrooms. I want to share with you what your role will be, why it is important to the legal system, and some of the responsibilities that come with the role of juror.
- The Judicial Branch is one of three separate branches of government--both at the federal and state levels. Our founders lived in a world where Kings not only made the laws, but carried out those laws, and then decided if they were carrying them out correctly—with little if anything written down. Dividing up these powers into three separate branches of government, with a system of checks among the branches all written down in a constitution, ensures that the rights of individuals are protected. And ultimately the judicial branch, with the public as a part of the justice system, provides protection for individuals from the other two branches of government.

- Thomas Jefferson, third president and the principal author of the Declaration of Independence, made a very strong case for the separation of powers when he argued that the legislative, executive, and judiciary departments should be separate and distinct, so that no person should exercise the powers of more than one of them at the same time.
- The right to trial by jury--to be judged by a group of one's peers--is a fundamental right preserved in the constitutions of both the United States and the State of Washington. Alexander Hamilton said that everyone who wrote the U.S. constitution had different expectations of what a government should be, but they all agreed on trial by jury. Thomas Jefferson considered trial by jury as the only imaginable anchor by which a government can be held to the principles of its constitution. And, he was right! In your role as a juror, you act as an officer of the court and become an integral part along with the judge, attorneys, witnesses, and courthouse staff to assure that justice is carried out in a fair and impartial manner.
- The judge and the jury are partners in seeking to do justice in the case before them. The judge makes the rulings of law that bind the attorneys, the parties, the witnesses and those of you who will serve on the jury. Those of you chosen to serve on a jury also act as judges. You decide the facts based on the testimony and other evidence.

(Jury selection process)

- During the selection process, a large group of potential jurors are called to each courtroom, and the judge and the attorneys have an opportunity to question individuals to determine whether they will become a juror on a particular case. They have the right to excuse a limited number of potential jurors without stating a reason.

- Jury selection takes time but is critically important to your ability to fulfill your essential role. Let me explain why it is not just twelve randomly selected people. The parties in a case deserve a hearing where people are unbiased about the issues involved in their case. This applies to me as well as to you. I can excuse myself or attorneys can ask the judge to step down if there is a risk of preconceptions or bias. If you are excused during jury selection please do not feel insulted or singled out. Your life experiences may bring you too close to that particular case to be objective. We rarely use the first twelve jurors called. If you were involved in a trial wouldn't you want to be assured that the people deciding your case are considering it openly and fairly?
- The questioning of potential jurors is critical to make sure that the people who are to sit on the jury can do a full and fair job. You may believe that some of the questions are prying unnecessarily into your personal life or invading your personal privacy. If you think any question asked by the judge or an attorney is too personal, just say so. On the other hand, if a question calls for private information and you are willing to give the answer but you prefer to do so privately and out of the presence of other jurors, please make that request. The questioning is necessary but the court wishes to respect your privacy as well.
- In longer cases, you may be asked if a long term of jury duty will pose an undue hardship for you. Bear in mind that performing this civic duty is, to some extent, a hardship on all who are involved -- you, your family and your employer. But you can expect to gain an experience that you will remember for a lifetime.

- If you believe that serving as a juror will cause you extreme hardship, or if there is an accommodation that the court may provide to help you serve as a juror, please speak up during the jury selection process.

(If the judge has served on a jury, share that experience here.)

(Duty and positive experience of serving on a jury)

- This is not a duty to be taken lightly. The effort and sacrifice you took to be here today is not taken for granted--either by the judges or by the courthouse staff. Being a juror is a duty that requires independent thought and judgment. You are an officer of the court. You will take an oath (or affirmation) that you will follow the law as given to you by the court, while you exercise your individual discretion in making the decisions asked of you.
- The parties have a right to be judged **only on the evidence presented**, not on their race, creed or religion, age, gender, sexual orientation, national origin, cultural or ethnic background, social, economic, professional or celebrity status. Every one of us, of whatever condition or background, is entitled to the same fair treatment we would want if the other person were the juror and we were the party in the case.

(Necessity and patience with "down time")

- You might be subjected to a great deal of apparent hurry-up-and-wait activity during your jury service. You might conclude that waiting means you are less important than whatever is causing the delay. This is not true! Be aware that during your apparent "down time," --either as a potential juror or as a selected juror -- we are working behind the scenes to assure a coherent and efficient presentation of evidence to you for your consideration. Please be patient with the pace of your trial and remember to focus on the task before you and not be distracted

by the delays.

(Conclusion)

- If you are selected I am sure you will be impressed by the careful deliberation of your fellow jurors, and recognize how your vital role safeguards the rights of all in our society.
- The experience of being a juror will give you an “inside” understanding of how our legal system works, and hopefully enhance your appreciation for how carefully it tries to balance the rights of individuals with each other and with the rights of the society as a whole.
- I think you will find your jury service to be deeply rewarding, particularly if you do serve on a jury. You will see our system in action. You will often be evaluating the witnesses as well as written or other evidence, before determining what the facts of the case truly are. You will exercise independent thought and judgment. Yet, you will do that as a member of a jury, sharing a seriousness of purpose and a respect for the dignity of our legal process of trial by jury. One caution I would give you: don’t try to prejudge a case and assume you know where a trial is going.
- Even if you are not ultimately seated on a jury, your willingness to serve is very important to the functioning of this court. All the potential jurors are necessary for a particular jury to be impaneled. We want you to know that we regard your appearance here and your availability to serve as vital to the court process.
- Serving as a juror is one of the most critical exercises of your rights and responsibilities under our constitutional form of government.

- As the video says: “Your active participation gives real meaning to the democratic concept of a government of the people, by the people and for the people.” There is a saying that “democracy is not a spectator sport.” Your willingness to make yourself available for jury duty is a reassuring demonstration that you are willing to become an active participant in our democracy.

Once again, on behalf of all judges of this court -- thank you for your time, dedication and service as a juror.