

# **Alaska Trial Jury Handbook**



**Alaska Court System**

**April 2009**

## **Statutes and Rules on Juries and Jury Procedure**

### **Alaska Statutes:**

**AS 09.20.010 - .100**

**AS 09.55.020 - .040**

**AS 09.55.064 - .069**

**AS 12.45.010**

**AS 22.15.150**

### **Alaska Rules of Court:**

**Administrative Rules 14 and 15**

**Civil Rules 38, 39, 47, 48, 49 and 51**

**Criminal Rules 23, 24, 27, 30, 31 and 38**

### **Administrative Bulletins:**

**Bulletin 25 Jury Records**

**Bulletin 66 Jury Fees**

**See related provisions of the U.S. and Alaska Constitutions inside back cover.**

## INTRODUCTION

Your call to jury service is a call to a most important task. If you are selected to be a juror, you will be asked to hear evidence presented at a trial, decide the facts, apply to the facts the law explained to you by the judge, and return a verdict. The case you hear may be a criminal case, civil case or a coroner matter.

**A criminal case** is an action in which a defendant is accused by the government (the state or a city) of having committed a crime.

**A civil case** is an action to enforce private rights. It is a lawsuit involving either (a) one private party suing another private party, or (b) a private party suing or being sued by the government, other than a criminal case. The controversy could be about property rights, claims for damages, or matters generally dealing with money.

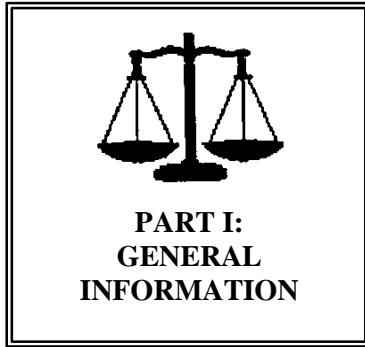
There are two types of **coroner matters**: inquests and presumptive death hearings. **Inquests** determine the cause and manner of a person's death (for example, homicide, suicide, accident, etc.). **Presumptive death hearings** determine if a missing person should be declared dead. These coroner hearings are not trials. Therefore, the jury selection and trial procedures described in this pamphlet do not apply to coroner hearings.

As a juror, you are providing an important public service. You are also helping to uphold an essential part of the American system of justice — the right to a trial by a jury made up of persons representing a fair cross section of the community. The right to trial by jury is guaranteed by both the United States Constitution and the Alaska Constitution.

You do not need any special skills or knowledge to be a juror, but you do need to be fair, impartial, and willing to keep an open mind.

Thank you for the service you are providing.





### **How was I chosen for jury service?**

Potential jurors are selected randomly by a computer from the list of all adults (18 years of age and older) who apply for the Alaska Permanent Fund Dividend.



### **Do I have to respond to the summons to jury service?**

Yes. The summons to jury service is an official court summons. If you do not respond, you could be held in contempt of court.



### **What is the purpose of the Jury Questionnaire attached to the summons?**

The information you provide on the questionnaire helps the court determine whether you qualify to serve as a juror. The Alaska Statutes require a juror to be (1) a citizen of the United States; (2) a resident of Alaska; (3) at least 18 years of age; (4) of sound mind; (5) in possession of the person's natural faculties (normal abilities to reason); and (6) able to read or speak the English language.

The questionnaire also gives you an opportunity to request that your jury duty be postponed as explained later in this booklet.



### **If I have difficulty hearing or seeing, will I be disqualified from jury service?**

No. A person is not disqualified from serving as a juror solely because of the loss of hearing or sight in any degree or a disability that substantially impairs or interferes with the person's mobility. The court is required to provide an interpreter or reader when necessary to enable a person with impaired hearing or sight to act as a juror. The court is also required to make its facilities accessible to persons with disabilities. If you need any assistance because of a disability, you should immediately notify the jury clerk.



### **Can I postpone my jury service?**

If jury service at the time for which you are summoned will cause great personal hardship, you may request deferral of service to another time within the next ten months. If you need to seek a deferral, you should do so as soon as possible. Do not wait until the time you are to appear. To reschedule your jury service, follow the instructions for question #12 on the Jury Questionnaire. If you have already sent in your questionnaire, call the jury clerk as soon as possible for instructions.



### **Can I be exempted from jury service?**

The Alaska Statutes provide for exemption from jury service for only the following three categories of persons:

- (1) a judicial officer
- (2) any person who can show that the person's health, the health or proper care of the person's family, a permanent physical or mental disability, or other substantial hardship expected to last more than two years makes it necessary for the person to be excused
- (3) a teacher in a school that is designated as failing to make adequate yearly progress under P.L. 107-110 (the "No Child Left Behind Act of 2001"). Note: "teacher" means a person who serves a school district in a teaching capacity in a classroom setting and is required to be certificated in order to hold the position. These teachers are only excused from jury service during the school term.

To request an exemption, you must write your request and reason on the Jury Questionnaire in #13 (the Comments section). If you have already sent in your questionnaire, call the jury clerk as soon as possible.

If your request is granted, you will be excused from service for the current jury year (except the teachers described above, who are only excused during the school term). However, you may be summoned for another term of service in the future. To be permanently excused, see the next question.



### **Can I be permanently excused from jury service?**

The court rules provide that you may be permanently excused from all jury service if you:

- (1) are over 70 years of age and request in writing to be permanently excused; or
- (2) have a permanent physical or mental disability and give the court written verification of the disability from a physician.

To request a permanent excusal if you are over 70 years of age, answer “yes” to question #4 on the Jury Questionnaire.

To request a permanent excusal if you have a permanent physical or mental disability, you must (a) answer “yes” to question #6 on the Jury Questionnaire, (b) explain in #13 that you are requesting permanent excusal, and (c) attach a letter from your doctor verifying that the disability is permanent.

If you are permanently excused, you should not receive any further jury summonses.



### **What about my job?**

Your employer cannot fire, demote, or otherwise penalize you for missing work while performing jury service. Some employers will continue to pay your salary while you are in jury service even though they are not required to do so. Contact your employer to find out what the policy is at your job.



### **What if my employer wants proof of my jury service?**

Ask the jury clerk at the completion of your service for a Certificate of Jury Attendance. The certificate will indicate the dates and times you served.



### **Will I be paid for jury service?**

You will be paid \$25 per day, starting with the second day you report to the courthouse during your period of jury service. There is no payment for the first day you are summoned to the courthouse.

Exception: State employees are not paid for jury service (unless they serve on days they are not scheduled to work for the state).



### **When will I get paid?**

Jury pay is processed twice each month. The first pay period is the 1<sup>st</sup> to the 15<sup>th</sup> and the second is the 16<sup>th</sup> through the end of each month. You can expect to receive your check about 15 days after the end of the pay period in which you served. If you serve during two pay periods, you will receive two checks. If you have not received your check within 15 days after the end of your pay period, please contact the jury clerk.



### **If my check is lost, can it be reissued?**

If the check is less than six months old, contact the court system's Fiscal Operations division in Anchorage at 264-8254. The clerk will be able to re-issue the check for you.

If the check is more than six months old, the court system cannot reissue it and, if you find it, you will not be able to cash it. After six months, the court system transfers the funds to the State's Unclaimed Property Division. To

request payment, contact Unclaimed Property at (907) 465-3726 or e-mail them at [ucproperty@alaska.gov](mailto:ucproperty@alaska.gov). Website: [www.revenue.state.ak.us/treasury](http://www.revenue.state.ak.us/treasury) (click on the unclaimed property tab).



### **Does the court pay for meals for jurors?**

The court does not pay for juror meals during the jury selection process or during the trial (unless the jury is sequestered). However, the court does pay for juror meals while the jury is deliberating (that is, after all the evidence has been presented and the judge has referred the case to the jury for decision).



### **How long must I serve?**

The time period during which you must be available to serve (called your "term of service") depends on the size of the court location where you serve. During your term of service you may have to call in or report to court periodically. You may not have to call in every day, but you must call on the days you are directed to do so.

In Anchorage, where the population is large and many trials are held each day, the term of service is either 5 consecutive days or, if you are selected to serve on a jury, the length of the trial.

In other courts, your term of service is either 30 days, 90 days or 1 year depending on the population of the area. In these courts, you may have to call in several days each month, and you may be selected to serve on more than one trial. The most days you might actually have to be present in court is 30 per year. However, you must complete any trial for which you are selected to serve as a juror regardless of how long the trial lasts.

Once your term of service ends, you cannot be required to serve again for at least one year after your last day of actual court attendance.



**What if an unexpected emergency keeps me from coming to the courthouse while I am on jury duty?**

It is very important that all jurors report each day they are told to report and that they be on time. Your absence may delay a trial. If you have an emergency (such as a sudden illness or a death in the family), call the jury clerk immediately.



**What hours will I serve?**

You should report to the court at the date and time shown on your jury summons or as instructed when you call in. At that time, you will be told the procedure for reporting to the court for the rest of the term.

Once you are sent to a courtroom for jury selection, the judge will explain the anticipated schedule for that trial. On occasion, a trial will continue beyond the court's normal working hours. If this happens, you may need to arrange your schedule to allow you to stay longer.



**I have heard that sometimes jurors are sequestered and not allowed to go home until after the trial is over. Will this happen to me?**

Probably not. Usually, jurors go home at the end of the day and return the next morning. However, in extremely rare cases, a jury will be “sequestered” during the trial or during deliberations.

“Sequestered” means that instead of going home at the end of the day, jurors stay in a hotel, where their access to other people and to television news and newspapers is limited. This is done to keep them from accidentally hearing something about the trial that was not presented in court or from being influenced by news reports. This is important because juries must reach their decisions based only on what they have heard in the courtroom during the trial.

In almost all Alaska jury trials, however, the jury goes home at the end of each day and is ordered by the judge not to discuss the case with anyone

nor to watch, read, or listen to news reports about the case. The law requires you to follow these instructions.



**Is it true that jurors spend a lot of time sitting around waiting? Can I bring things to do while I wait?**

Yes. You usually will have to wait a while before the jury selection process begins. In addition, if you are selected to serve on a jury, the jury will be sent to the jury room whenever the judge and attorneys discuss legal issues which the jury is not allowed to hear.

So bring a book or other quiet activity; solve a crossword puzzle; write a letter; sketch a picture; or get to know your fellow jurors. Of course, when the court is in session, you should not talk, read, or do other activities. You need to devote your full attention to what is happening in the court.

Remember that as a juror you are a vital part of the justice system. Part of the job of many court employees, such as the bailiffs and the clerks, is to help make your jury service comfortable and convenient. Do not be afraid to ask them for help.



**Are there things I should not bring to court?**

Childcare is not available at the court, so please do not bring children with you when you appear for jury service.

For security reasons, the following items are not permitted in courthouses: weapons, knives of any size, knitting needles or other sharp objects.

*Jurors play an essential role in the trial of civil and criminal cases. Although many people do not know what to expect from jury service, most look back upon it as a rewarding experience. Jury service is a tangible, challenging, and indispensable contribution to our country.*



**PART II:  
SELECTING JURIES  
FOR TRIALS**



**Is it possible that I might report for jury service but not sit on a jury?**

Yes. The parties involved in a case generally seek to settle their differences and avoid the expense and time of a trial. Sometimes the case is settled just a few moments before the trial begins. So even though several trials are scheduled for a certain day, the court does not know until that morning how many will actually go to trial. But your time spent waiting is not wasted — your very presence in the court encourages settlement.



**How are jurors chosen to sit on a jury?**

There are several methods a judge may use to select a jury. The following is the most common.

When a trial is ready to begin, a group of potential jurors will be called into the courtroom. The clerk will ask the potential jurors to swear or affirm that they will truthfully answer the questions about to be asked of them.

*Trials begin with jury selection. Names are randomly selected from those on jury service to form a panel from which the trial jury will be selected. The judge excuses those on the panel whose knowledge of the people or the circumstances would affect their impartiality.*

You will be told the names of the parties and their attorneys and the nature of the case. You will be asked such things as whether you know or are related to anyone involved in the case, have any financial other interest in the outcome of the case, have formed or expressed an opinion, or have any personal bias or prejudice that might affect how you decide the case.

Depending on your court location, one of two methods will be used to select the first group of potential jurors to take seats in the jury box. Method #1: The names of all potential jurors will be placed on slips of paper in a small box. The clerk will then draw a certain number of names from the box and ask those persons to take seats in the jury box. Method #2: A computer will produce a list of potential jurors in random order and the clerk will ask the first group of jurors on that list to take seats in the jury box.

The judge and the lawyers for each side will ask you some questions. If a question is of such a nature that you are reluctant to answer it publicly, you may ask the judge to be examined privately on that issue.

The lawyers will be allowed to ask that certain potential jurors be excused "for cause." The lawyer must explain why the lawyer believes the juror would not be a fair and impartial juror in the case. The judge may or may not grant these requests. After all seated jurors have been "passed for cause," the lawyers will be allowed to peremptorily disqualify a certain number of jurors (that is, disqualify them without stating a reason for doing so). The number of peremptory disqualifications allowed depends on the type of case.

After the required number of jurors has been accepted, the jurors then take an oath swearing or affirming that they will hear the case and give a verdict based solely on the evidence introduced and the instructions of the court. The trial is then ready to begin.



### **Why are lawyers allowed to have potential jurors excused or disqualified?**

Allowing both sides to participate in selecting the jury gives the parties the opportunity to determine that jurors will be fair and impartial when they decide the case. Being excused from a jury in no way reflects on your character or your competence as a juror, so you should not feel offended or embarrassed if you are excused. The law does not permit jurors to be excused because of their race, sex, age, or religious background.



### **What are alternate jurors?**

Juries usually consist of 6 or 12 jurors, depending on the kind of trial. Frequently, one or two additional jurors will be chosen during jury selection. This is to ensure that if one or more jurors are excused during the trial for an emergency, such as illness, there will be an adequate number of jurors (6 or 12) at the end of the trial to deliberate.

Some judges will designate which jurors are the "alternates" at the start of the trial. Other judges will not designate which jurors are the alternates until the end of the trial. The alternate jurors will be released by the judge at the time the jury begins deliberations.

*Trial by jury – being judged by our fellow citizens – is at the very heart of American justice. For the American citizen there is no finer contribution to our democratic society than serving as a juror.*



### **What are my responsibilities now that I am part of a jury?**

In any trial, two kinds of questions will have to be decided at various times. These are questions of law and questions of fact. The judge decides the questions of law. You decide the questions of fact. After you have decided the questions of fact, you will apply the law to the facts as directed by the judge at the end of the trial.



### **What is a “question of law”?**

Questions of law involve the determination of what the law is. They may be about procedural matters (what information can be admitted as evidence, what kind of questions can be asked, which witnesses can appear, and what they can testify about). Or they may involve questions of substantive law, which create, define, and regulate the rights of parties.



### **What is a “question of fact”?**

Quite simply, it is deciding what really happened in a case. Do not be surprised if the evidence given by both sides is conflicting or if the testimony given by one witness contradicts another. After all, if everyone was in agreement about what happened and what should be done about it, the dispute probably would not be in court, and a jury probably would not

be needed. Your job is to listen to all the testimony, consider all the evidence, and decide what you think really happened.



### **Who else will be in the courtroom? What will they be doing?**

A number of people will be in the courtroom besides the judge, the jury, and the attorneys. The list below explains who they are and what they will be doing.

**Plaintiff.** In a civil case, the person who brought the case to court is called the *plaintiff*. In a criminal case, the *plaintiff* is the government (state or city).

**Defendant.** In a civil case, the person being sued is called the *defendant*. In a criminal case, the person charged with a crime is the *defendant*.

**Lawyer.** A *lawyer* is a person licensed to practice law. Other words for "*lawyer*" include "*attorney*" or "*counsel*." In criminal cases, the government's lawyer is often referred to as the "*prosecutor*."

**In-Court Clerk.** The *in-court clerk* keeps the official record by operating the recorder which records every word spoken during the trial. The in-court clerk also makes a written log of the recording, keeps track of exhibits, administers oaths to jurors and witnesses and performs many other duties.

**Bailiff.** In Alaska, a *bailiff* is in charge of the jury when the jury begins deliberations or is sequestered. The bailiff makes sure no one communicates with the jury during deliberations, acts as a messenger between the jury and judge, and assists the jury with phone calls, meal arrangements, etc.

**Witnesses.** Each side in a trial will probably have a number of *witnesses* who have information about the dispute. Usually, the judge will ask them to wait outside the courtroom until it is their turn to testify. This is done so they will not hear each other's testimony and be influenced by it.

## **Sequence of a Trial**

- I. Selection of a Jury**
- II. Opening Statements**
  - A. Plaintiff's attorney**
  - B. Defendant's attorney (may be delayed until defendant begins presentation of evidence)**
- III. Testimony of Witnesses and Presentation of Evidence**
  - A. Plaintiff's attorney calls plaintiff's witnesses**
    - 1. Direct examination by plaintiff**
    - 2. Cross-examination by defense**
    - 3. Redirect examination by plaintiff**
    - 4. Recross examination by defense**
  - B. Defendant's attorney calls defendant's witnesses.**
    - 1. Direct examination by defense**
    - 2. Cross-examination by plaintiff**
    - 3. Redirect examination by defense**
    - 4. Recross examination by plaintiff**
  - C. Plaintiff's attorney may present rebuttal witnesses and defendant's attorney may cross-examine them.**
- III. Closing Arguments**
  - A. Plaintiff's attorney**
  - B. Defendant's attorney**
  - C. Plaintiff's attorney**
- V. Judge Reads Jury Instructions to the Jury**
- VI. Jury Retires to Deliberate**
- VII. Verdict of Jury**



## **What happens during a trial?**

Opening Statements. After the clerk has sworn in the jury, the case is ready to begin. Both attorneys may make opening statements explaining their client's position and outlining the evidence they expect to present that will support their claims. These statements are not evidence and should not be considered as such.

Presentation of Evidence. The witnesses for the plaintiff are then called and questioned by the attorney for the plaintiff and cross-examined by the attorney for the defendant. After cross-examination, the plaintiff's attorney may re-examine some of the witnesses and the defense may then recross examine them. After all the plaintiff's witnesses have been called and all the plaintiff's evidence has been presented, the attorney will tell the judge that the plaintiff rests.

Witnesses for the defendant may then be called. This time, the defendant's attorney questions the witnesses, and the plaintiff's attorney cross-examines them, followed by redirect and recross examination. When all the defendant's witnesses and evidence have been presented, the defense will rest. After the defendant has finished, the plaintiff has the right to offer testimony in rebuttal.

Note: In a criminal case the defendant has an absolute right not to testify. The jury cannot hold it against the defendant in any way if the defendant does not testify. In addition, a criminal defendant need not present any witnesses or other evidence because the defendant is not required to prove his/her innocence. It is up to the prosecution to prove the defendant guilty beyond a reasonable doubt.

Closing Arguments. The attorneys then make their closing arguments. The closing arguments let each attorney tell the jury what the attorney thinks the evidence proves and why the attorney's client should win. These closing arguments may help jurors recall many details of the case, but they are not evidence. The plaintiff's attorney speaks first, followed by the defendant. Finally, the plaintiff's attorney speaks again and closes the case.

Jury Instructions. The judge reads instructions to the jury. These instructions explain the law which the jury must apply to the case.



### **What are jury instructions?**

Jury instructions tell the jury what laws govern a particular case. Although the main body of instructions is usually given at the end of the case, instructions may be given at any time during the trial. Regardless of when they are given, jurors must accept and follow the law as instructed by the judge even though they may have a different idea about what the law is or ought to be.



### **Who awards damages in a civil case?**

In a civil case, the jury not only decides on a verdict for one side or the other, but also awards damages. That is, if the jury determines that an award of money should be made, the jury decides how much the award should be.



### **What are the two types of criminal cases?**

There are two kinds of criminal offenses: **felonies** and **misdemeanors**. A **felony** is a crime for which a sentence of imprisonment of more than one year is authorized. If the maximum punishment allowed by law is one year in jail, the offense is called a **misdemeanor**.

*The jury's primary role is to determine the facts based on an evaluation of all the evidence presented.*



### **Why do the attorneys object to certain statements or evidence?**

An important part of an attorney's job is to make sure the client gets a fair trial. This includes making sure that the only evidence presented during the trial is evidence that is proper, relevant, and allowed by law. So if evidence is submitted that the attorney feels is improper, or if the attorney feels that the other side is asking questions that are unlawful, the attorney will call out "Objection" and state the reason for the objection. By doing this, the attorney is asking the judge to rule on whether the law allows that particular piece of evidence or statement or question to be admitted. If the judge determines the evidence is proper, the judge will say, "Objection overruled." If the judge determines that the evidence in question is improper, the judge will say, "Objection sustained." How often an attorney raises objections during the trial and how the judge rules on them must not bias you against either attorney's case.



### **Why is the jury sometimes asked to leave the courtroom during a trial?**

The judge may send the jury out of the courtroom during a trial. While the jury is gone, the attorneys and the judge will discuss points of law or whether certain evidence can be admitted. The purpose of these discussions is to make sure that the jury hears only the evidence that is legally valid before making its decision.



### **Why does the judge sometimes tell the jury to disregard testimony?**

Sometimes the jury hears testimony that they should not have heard. The judge will tell the jury to disregard the testimony, that is, to consider the case as if they had never heard the improper testimony. You must follow the judge's instructions so that the parties in the case receive a fair trial.



**Can I talk to anyone about the trial while it is going on?**

No. As long as the trial is still going on, do not discuss the trial with anyone. Do not even discuss the case with your fellow jurors until you begin your deliberations. When the trial is over, you can discuss it with anyone if you want to, or you may keep silent if you prefer.



**Can I watch news reports of the trial or read newspaper articles about it?**

No, not as long as the trial or jury deliberations are still going on.



**What if I accidentally hear something about the trial outside the courtroom, or if someone contacts me about the trial while it is still going on, or if I realize during the trial that I have some special information that relates to the case?**

Ask the in-court clerk or bailiff to tell the judge immediately what has happened. Tell no one else about the incident until you receive instructions from the judge.



**What if I need a break during the trial?**

The judge will take regular recesses during the trial. However, if you need to take an additional break for some reason, raise your hand to get the judge's attention. If you know before the trial starts that you will need breaks because of a medical condition, be sure to tell the judge.



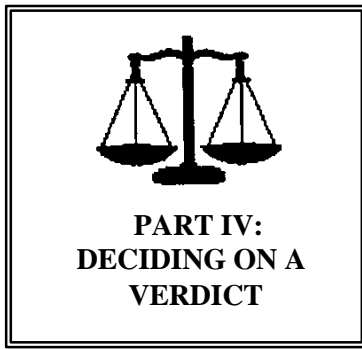
### **What if I cannot hear the proceedings?**

Raise your hand to get the judge's attention and then explain the problem.



### **Can I take notes during the trial?**

The judge will usually tell you at the beginning of the trial if you can take notes. If the judge does not, you can ask the judge for permission.



### **What happens after the closing arguments and jury instructions?**

After you hear the attorneys' closing arguments and the judge gives you instructions, you will leave the courtroom and go to the jury room to begin your deliberations. **"Deliberation"** is the process the jury uses to reach its verdict. During deliberations, the jury will discuss evidence and review the law and the facts.



### **Will anyone be in the jury room besides the jury?**

Only the jurors and any interpreter necessary to assist a juror who is hearing or speech impaired can be present while the jury is deliberating or voting.

But, if you have any questions or need any help, the bailiff will be nearby to pass your written questions to the judge.



### **What is the first thing we do?**

The first thing you should do is elect one member of the jury to be the foreperson. The foreperson will preside over the deliberations, seeing that everyone has an opportunity to participate and that the discussions remain orderly. The foreperson takes part in deliberations and votes on the verdict along with everyone else.



### **What if we do not understand the jury instructions?**

The judge will give the jury a written copy of the jury instructions. If you do not understand the instructions, you may ask the judge to explain them to you. You must put your questions in writing and ask the bailiff to give them to the judge. Before the judge can answer a question, all the parties and attorneys must return to court to discuss it. Thus, it may take some time for you to receive an answer.



### **How should we conduct our deliberations?**

Each juror may have a different opinion at the start of deliberations. To reach a verdict, some jurors may have to change their opinions. You should keep an open mind; listen carefully to other jurors' opinions, and the reasons for their opinions. You should be prepared to tell the other jurors what you think and why you think it. Be fair and carefully consider what your fellow jurors are saying. Do not let yourself be intimidated into changing your opinion, and do not intimidate anyone else. Change your opinion only if you genuinely agree with what another juror is saying.



### **Can I tell other jurors what I know about a party, a witness or a subject brought up at trial?**

No. You cannot discuss with any juror, nor can you personally consider, any information you have unless the information was also presented as evidence at trial.

Exception: You and the other jurors can consider common information which is generally known by everyone, such as rain is wet; the sun provides light.



### **Can we listen to the recording of the testimony?**

Possibly. You can make a written request to the judge to listen to the recording of part or all of the testimony of any witness. The judge will discuss your request with the attorneys before deciding whether to grant your request.



### **Do we all have to agree on the verdict?**

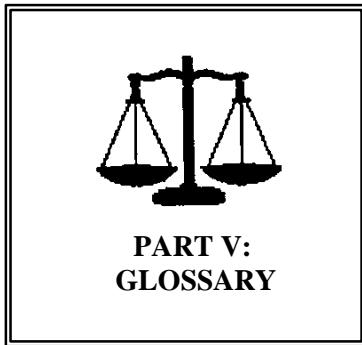
It depends on the type of trial. In criminal cases, every juror must agree on the verdict. In civil cases, unless otherwise instructed by the judge, five-sixths of the jury must agree on the verdict (5 of 6 or 10 of 12).



### **What should we do after we have reached our verdict?**

The foreperson will write down the jury's verdict on a form provided by the judge, sign it and notify the bailiff that a verdict has been reached (but not what the verdict is). The bailiff will notify the judge, who will call everyone, including the jury, back to the courtroom. The judge will ask for the jury's verdict, and either the judge, the in-court clerk or the jury foreperson will read it out loud. At this point, the jurors may be "**polled**" (that is, asked individually in open court if they agree with the verdict.)

*Your decisions can affect the human rights, the civil rights and the property rights for your neighbors and your fellow citizens. The State of Alaska has called on you and is now counting on you to be just, fair and impartial.*



The list below defines some terms used in this pamphlet, as well as some terms you might hear at the court or during a trial.

**action, case, cause, suit, lawsuit** — These terms all refer to a proceeding in a court of law.

**acquit** — To find a defendant not guilty in a criminal trial.

**affidavit** — A written statement made under oath.

**answer** — A formal response made by the defendant in a civil case, which admits or denies what is claimed by the plaintiff.

**burden of proof** — The responsibility of proving a disputed charge or claim.

**cause of action** — A legal claim.

**charge** — (1) A formal accusation that someone has committed a crime, or (2) the reading of the jury instructions to the jury by the judge.

**counterclaim** — A claim presented by the defendant in a civil case alleging that the plaintiff owes damages to the defendant.

**cross-examination** — The questioning of an opposing witness, that is a witness who was called to testify at the trial by the other side in the case.

**damages** — Money that a court orders paid to a person who has suffered a loss or injury by the person who caused it.

**deposition** — Sworn testimony taken and recorded outside the courtroom.

**evidence** — Any form of proof legally presented at a trial, including records, documents, photographs, and testimony of witnesses.

**exhibit** — A paper, document, or other physical object presented to the court as evidence during a trial.

**grand jury** — A jury of 12 to 18 persons selected to inquire into alleged crimes in order to determine whether the evidence is sufficient to warrant a trial. Only the prosecution presents evidence to the grand jury.

**impeachment of a witness** — An attempt to show that the testimony of a witness is not truthful, accurate, or reliable.

**inadmissible** — Testimony or exhibits that cannot be admitted or received as evidence under the law.

**indictment** — A written accusation by a grand jury charging someone with committing a crime. An indictment is not evidence of a crime.

**leading question** — A question that suggests to a witness the answer the attorney wants to hear.

**litigant** — An individual who brings or defends a lawsuit.

**motion** — A request made by an attorney for a ruling or an order by a judge on a particular issue.

**perjury** — Lying under oath, which is a criminal offense.

**petit jury** — The trial jury whose functions are described in this pamphlet.

**plea** — A defendant's answer to a criminal charge. In Alaska, the possible pleas are "not guilty," "guilty" and "no contest."

**pleadings** — Formal, written statements by both sides of their claims.

**polling the jury** — Asking jurors individually in open court after the verdict has been read whether they agree with the verdict.

**pro se or pro per** — Latin terms often used in court to refer to a party who represents himself or herself without a lawyer.

**rebuttal** — Providing evidence or argument that refutes or opposes the other party's evidence or argument. Rebuttal is also the name given to the stage of the trial, after the defense has rested its case, at which time the plaintiff may offer evidence to contradict the defendant's evidence.

**search warrant** — A written order issued by a judge or magistrate, directing a law enforcement officer to search a particular place for evidence of a crime.

**stipulation** — An agreement by the attorneys concerning court procedures or certain facts in the case. Facts that have been stipulated do not need to be proven in the trial.

**testimony** — Any statement made by a witness under oath in court.

**tort** — An injury or wrong done to another person or the person's property, that does not involve a contract, and for which the injured party is seeking damages in a civil case.

## United States Constitution

**Article III, Section 2.** . . . The trial of all crimes, except in cases of impeachment, shall be by jury; . .

**Amendment VI. Right to speedy trial, witnesses, etc.** In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusations; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

**Amendment VII. Trial by jury in civil cases.** In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

## Alaska Constitution

**Article I, Section 11. Rights of Accused.** In all criminal prosecutions, the accused shall have the right to a speedy and public trial, by an impartial jury of twelve, except that the legislature may provide for a jury of not more than twelve nor less than six in courts not of record. The accused is entitled to be informed of the nature and cause of the accusation; to be released on bail, except for capital offenses when the proof is evident or the presumption great; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor and to have the assistance of counsel for his defense.

**Article I, Section 16. Civil Suits; Trial by Jury.** In civil cases where the amount in controversy exceeds two hundred fifty dollars, the right of trial by a jury of twelve is preserved to the same extent as it existed at common law. The legislature may make provision for a verdict by not less than three-fourths of the jury and, in courts not of record, may provide for a jury of not less than six or more than twelve.