

JURY ADMINISTRATION

The Jury System

For countless generations the institution of trial by jury has been the cornerstone of our criminal justice system. Through participation in the jury system, the people of a community play a direct role in the administration of justice.

The jury system is also an important safeguard in preserving our democratic system of government. Accordingly, although at times inconvenient, it represents one of the citizen's most important civic duties. By discharging the civic duty, we continue to maintain those cherished rights and freedoms which the jury ensures.

The purpose of this document is to provide you with some information on the jury system. It will not, however, instruct you on legal duties and procedures. Everything you will need to know in that regard will be explained to you by the presiding judge.

The Summons

When called for jury duty, you receive a jury summons. This document is a Court Order, requiring you to come to court on a certain day and time. The location of the court, date and time the proceeding will begin are listed on the front of the summons.

If you have any questions about the exact location or time, call the High Sheriff's Office at St. John's, 709-729-4606 or 709-729-6491, or call Corner Brook, 709-637-2231. In all other judicial districts, contact the Deputy Sheriff.

The law provides that if you fail to attend in accordance with the summons, which is a Court Order, you may be fined up to \$1000 or sentenced to a jail term of up to six (6) months, or both. It is unlawful for your employer to refuse permission to be absent from work to perform required jury services.

Eligibility to Serve on a Jury

Attached to your summons is a list of those categories of people who may not serve on a jury. To qualify, subject to exemptions and qualifications in the Jury Act, you must be a Canadian Citizen residing in Newfoundland and Labrador and be at least 18 years of age.

Every person juror must return the Juror Certification Form within five (5) days of receiving the Summons.

If you feel that you fall into one of the categories of those exempted or disqualified from jury duty, indicate on the Juror Certification Form the category and return same, together with the appropriate documents to support your application for exemption, within five (5) days of receiving the summons.

Applications for exemption should be returned in the postage prepaid envelope provided.

If your reason for exemption from jury duty has not been accepted, you will be notified by a Sheriff's Officer or member of the Sheriff's Office staff. Please ensure that you include your telephone number on the Jury Certification Form and return it in the envelope provided within five (5) days as requested above.

You are required to return the form even if you are not claiming an exemption.

Dress Requirements

There are no specific dress requirements for jurors. However, the custom is that jurors do their best, within their means, to dress according to the seriousness of the occasion. A jury trial is a serious and solemn process and accordingly, you should refrain from wearing extravagant, informal and distracting clothing.

Getting to Court

Prospective Jurors are expected to provide their own transportation to the court. However, if you cannot afford or do not have a means of transportation, the High Sheriff's Office will be able to help you if you call the above number. In St. John's, please park on parking meters only. Parking meter tickets received by prospective or serving jurors will be taken care of by the Office of the High Sheriff. Tickets received by jurors for other offenses will be the responsibility of the juror.

At Court

Arrive a few minutes before the time stated on the summons. Bring your jury summons with you for presentation to the Sheriff's Officer on duty. If you have any questions, the Sheriff's Officer should be able to answer them. The Sheriff's Officer will also tell you to which courtroom to report.

Jury Selection

The group of citizens from whom the jury will be chosen (called the jury panel) assembles in the courtroom where the selection of the jury will then take place under the supervision of the presiding judge.

During the jury selection process, prospective jurors are selected at random and called forward. If your name is called, it does not mean you are thereby selected for jury duty. The law allows lawyers for both the Crown and the Defence the right to challenge.

Re-election by Accused

An accused who has elected to be tried by judge and jury may “re-elect” to be tried by judge alone. Sometimes such re-elections may occur just prior to jury selection. As well, an accused may plead “guilty” or a case may be unavoidably postponed. On such occasions, as a result of some or all of these unpredictable events, no juries need be selected from a given jury panel. When this occurs, it is important to realize that by your attendance and readiness to serve, you have performed an important duty of citizenship, and the justice system, with your assistance, has been maintained.

Oath / Affirmation

Before each juror selected takes his/her seat in the jury box, the juror will be sworn or affirmed by the Clerk of the Court. By this procedure, the juror takes an oath or affirmation to try the case on the evidence heard during the trial.

Length of Trial

One of the first things the presiding judge will do is to tell the jury how long the trial is expected to take. The judge usually calls a recess to allow jurors to use the telephone in the jury room to make any necessary arrangements.

The court generally sits from 10:00 a.m. until about 5:00 p.m. Jurors are usually allowed to go home for lunch and each evening during the trial. However, at the conclusion of the evidence and final arguments by the lawyers, the judge will give the jury instructions on the law.

Once this is done, the jury is “sequestered”. That is, they are placed in the charge of the Sheriff’s Officer until a verdict is reached. While sequestered, jury members remain together and are not permitted to go home.

During sequestration the jury may deliberate during evening hours, while the other persons involved in the trial such as the judge, clerk, and lawyers stand by. Should it prove necessary, accommodation and meals are provided for the jury members during sequestration.

Courtroom Staff

The Sheriff’s Officer assembles prospective jurors for selection as members of the jury and takes charge of the jury during sequestration.

The Court Clerk keeps a record of trial proceedings, takes care of exhibits and administers oaths. The Court Clerk wears a black gown and sits in front of the judge’s bench. He/she brings the court to order and announces that the court is in session.

The Lawyer appearing for the Crown is called the Crown Prosecutor or Crown Counsel. The Lawyer appearing for the accused is called the Defence Counsel.

Fees and Expenses

Jurors do not receive remuneration for serving on a jury, however, the juror’s employer is bound by law to pay the juror the same wages and give him or her the same benefits in that person’s absence as that person would have received if he or she had not been summoned. For clarification, please contact the Office of the High Sheriff. If a juror is required to pay child care solely because of his or her having to serve on a jury, reasonable expenses for such care will be reimbursed by the High Sheriff’s Office as per the regulations.

Juries in Civil Cases

Generally the preceding information for juries in criminal cases applies equally to civil juries. But the latter have some special features of interest to those who may be summoned for jury duty in a civil law suit.

In civil trials there will only be six jurors, compared to twelve in a criminal trial. While in criminal cases a verdict must be unanimous, in a civil trial only five of the six jurors must agree on a verdict.

EXCERPTS FROM THE JURY ACT

DISQUALIFICATION:

Section 5: A person is disqualified from serving as a juror who is:

- a) a member, an officer, or employee of the Parliament of Canada or of the Privy Council of Canada;
- b) a member, an officer or employee of the House of Assembly or of the Executive Council of the province;
- c) a judge of the Court or the Provincial Court of Newfoundland and Labrador;
- d) an officer or employee of the Department of Justice or of the Solicitor-General of the Government of Canada;
- e) an officer or employee of the Department of Justice of the Government of the province;
- f) a barrister or solicitor;
- g) a court official;
- h) a sheriff or sheriff's officer;
- i) a member of a police force;
- j) a justice;
- k) a warden, correctional officer or person in a penitentiary, prison or correctional institution;
- l) a spouse of a person referred to in paragraphs (a) to (k);
- m) a person who is a member of the regular force of the Canadian Forces or a member of a reserve force of the Canadian Forces or a member of a reserve force of the Canadian Forces who is on active service under the National Defence Act (Canada);
- n) a person charged with an indictable offence, or
- o) a person who has within 5 years of the taking of the jury list, unless sooner pardoned, served a period of imprisonment or other detention for an indictable offence without the option of a fine.
- p) not a Canadian citizen.

Section 6: Where the language in which a trial is to be conducted is one that a person is unable to understand or speak, he or she is disqualified from serving as a juror in the trial.

EXEMPTIONS:

Section 7: (1) A person may apply to be exempted from serving as a juror on the grounds that serving may cause serious hardship or loss to that person or to others;

- (2) Without limiting the generality of subsection (1), service as a juror shall be considered to cause serious hardship to a person where a person has the sole care during all or part of a day on which the Court is in session of
 - (a) a person who is under the age of 7 years and not in full attendance at a school as defined by *The Schools Act*;
 - (b) a person who is infirm or aged; or
 - (c) a person who is mentally incompetent.

Section 8: Religion Exemption

Where a person's pastoral or religious duties or beliefs would conflict with his or her service as a juror, that person shall, on application, be exempted from serving as a juror;

Section 9: Exemption of age

- (1) A person who is
 - (a) over the age of 65 years;
 - (b) mentally or physically incapacitated; or
 - (c) suffering from an illness which may reasonably be expected to be permanent, shall, on application, be exempted permanently from serving as a juror.
- (2) A person who makes an application under paragraph 1 (b) (c) to be exempted permanently from serving as a juror shall provide a letter from a person licensed to practise medicine in the province certifying his or her mental or physical incapacity or that his or her illness may reasonably be expected to be permanent.

Section 10: One member of family or firm a sitting

- (1) No more than 1 member of a family unit and no more than 1 member or employee of a firm shall be liable to serve on a jury at a sitting.
- (2) In subsection (1)
 - (a) "family unit" includes a husband, wife and a relative of the husband or wife residing in the same dwelling; and
 - (b) "firm" means a person or association of persons carrying on a business or activity employing more than 1 and fewer than 15 persons.

Section 19: (1) Jurors are not liable to serve on a jury more than once every 3 years.

Read the information carefully before completing the Juror Certification card.

1. The Summons requires you to appear at the Supreme Court of Newfoundland and Labrador (Trial Division) at the place, date and time noted thereon.
2. If you are not disqualified from serving as a juror for any of the reasons shown on the list of disqualifications or exemptions (Excerpts from *The Jury Act*) you are required to attend as directed on the Summons. Complete the Juror Certification Form accordingly and **return it within five (5) days of receiving the Summons** in the postage prepaid envelope.
3. **Whether or not** you are disqualified or exempted for any reason shown on the list of disqualification or exemptions (Excerpts from *The Jury Act*) you are to complete the Juror Certification Form accordingly and **return it within five (5) days of receiving the Summons** in the postage prepaid envelope.
4. A doctor's certificate, proof of age over 65 years, or other appropriate document will be required to support your application for exemption or disqualification and must be submitted along with the Juror Certification Form
5. Bring your Summons with you when you report for jury duty.
6. Parking tickets for expired meters only will be paid by the Sheriff's Office.
7. Please provide your telephone number and your occupation on the Juror Certification Form.