



Trial Courts of The State of West Virginia

**Prepared by
Administrative Office
Supreme Court of Appeals**

**In Cooperation with The Young Lawyers Section
The West Virginia State Bar**

A HANDBOOK FOR TRIAL JURORS

The right to trial by jury is guaranteed by the United States Constitution as well as the Constitution of the State of West Virginia. It is the right to have the facts in a controversy determined by a verdict of impartial jurors acting under the direction of a judge. It is an honor to serve on a jury and a responsibility which you should accept with pride. To insure the continuation of the right to trial by jury, citizens, just like you, from all walks of life are called to perform their civic duty as jurors every day. If you are unfamiliar with court proceedings, you may have misconceptions, apprehensions, or be confused about your role as a juror. This pamphlet is designed to answer some of the more commonly asked questions about jury duty and explain the events that will occur during your service. When you report to court, the presiding judge will inform you further of your function and conduct as a juror.

Frequently Asked Questions

Q. What if my employer will not let me off work for jury duty?

A. West Virginia law requires that employees be excused from employment for the day or days required to serve as a juror. West Virginia law also provides legal remedies to employees who are discriminated against by their employer because of a summons to jury duty or absence due to jury service. Employers are not required, however, to pay wages to employees who are absent due to jury duty.

Q. What about the cost of meals or parking? Who pays for that?

A. You are responsible for the cost of meals. Parking will be provided for you and will be explained to you in the letter you will receive once you have been pulled as a prospective juror, however, you will be reimbursed \$40 for each day of required attendance at court plus round-trip mileage.

Q. What should I wear to court?

A. Dress as you would to go to a business meeting or social function. Be comfortable, but avoid extremes in dress.

Q . Will there be a lot of waiting around and wasted time?

A. Every effort is made to minimize waiting time and to release jurors as soon as it is clear that their service is no longer needed on a given date. You should be aware, however, that waiting time forms a part of the very valuable service performed by jurors. Some cases are disposed of without trial because the litigants and the lawyers are aware of the fact that you are ready, able and willing to decide the issues in their respective cases. When this happens, you have performed a service just as important as if a verdict has been rendered and at less cost to the taxpayers than if a full trial had been held.

Q. Will I have to report to the courthouse everyday?

A. No. All courts use some type of telephone call-in system which allows them to notify jurors in advance that their presence is not necessary on a given day.

Q. What kind of cases will I have to judge?

You may serve in two kinds of cases - civil and criminal. In a civil case, one person or company - the plaintiff - asks the court to protect some right or to help recover money or property from another person or company - the defendant. In a criminal case, action is brought in the name of the State of West Virginia - the plaintiff - to try a person - the defendant - who is charged with a crime.

Q. Will I be asked a lot of questions?

A. Before a jury is impaneled for a particular case, the judge ordinarily will acquaint the jurors with the parties and circumstances of the case. The judge or the lawyers will then question the jurors to see if they are qualified to act as fair and impartial jurors in that case. These questions are not intended to be personal or unduly inquisitive about your or your affairs. They are asked to see if you have a any prior knowledge of the case, a private opinion which cannot be laid aside, or a personal experience or relationship which could cause you to take sides with either party. The objective is to have a jury of disinterested persons who will try the case on the law as stated by the judge and upon the evidence admitted at trial.

Q. I don't know anything about the courts or the law. Can I be a good juror?

A. You do not have to have any special talents or training in the law for service as a juror. The judge presiding in the trial will decide the law. You will decide the facts and verdict from the evidence presented in the case by the lawyers, the judge's instruction, and your common sense. All that is expected of you is to be open-minded, fair and objective. Most important is your sincere desire to see that justice is done.

Q. How was I selected as a juror?

A. Your name was randomly selected from a master list of names derived from a combination of the list of registered voters and the list of licensed drivers. Random selection means that each name has an equal chance of being chosen. This procedure, and all other procedures relating to jury selection, is conducted without reference to the race, creed, gender, color, national origin, or economic status of the individual.

Q. In what court will I serve?

A. You will serve in the circuit court, the magistrate court, or, on rare occasions, the municipal courts of your county. Circuit courts are the trial courts of general jurisdiction in the state and may hear and decide all civil matters involving amounts over \$300 and all felonies and misdemeanors. Magistrate courts have jurisdiction of all misdemeanors and civil actions where the amount in controversy is no more than \$5,000. The jurisdiction of municipal courts is limited to ordinance violations. While specific aspects of jury system operations may differ among these courts, the general information presented here applies to all.

Q. Who is qualified to serve as a juror?

A. To serve as a juror you must be a citizen of the United States, at least eighteen years old, and a resident of the county from which you receive the summons. You must be physically and mentally able to render satisfactory service; however, a juror with a disability who can render competent service with an accommodation is qualified for service. You must be able to communicate in the English language, a requirement that is met if you have the ability to communicate in American sign language, signed English or by oral interpretation. You are disqualified from service if you have served as a petit, grand or magistrate court juror within the previous two years; lost the right to vote because of a criminal conviction; or, been convicted or perjury, false swearing, or other serious crime.

Q. What if I have a disability that will require an accommodation for me to serve?

A. It is the policy of the state court system to provide the auxiliary aids and services or other reasonable accommodations necessary to enable individuals with disabilities to participate as jurors. It is important that the court be notified in advance of service, however, and there is a place on the qualification questionnaire to indicate the type of accommodation required.

Q. What about age? Am I too old to serve as a juror?

If you are 70 years of age or over you are qualified for jury service, but you will be excused from service by the court if you ask to be. There is a place on the qualification questionnaire to indicate your choice.

Q. Are people in certain occupations automatically excused from jury duty?

A. No. If an individual is qualified, there are no automatic exemptions from service.

Q. Can I be excused from service if it is inconvenient for me?

A. You may be excused from jury duty by the court if you can show that it will pose an undue hardship or extreme inconvenience for you or the public. Whenever possible you should put your request in writing and direct it to the presiding circuit judge.