

JUDGE ANDERSON'S JUROR ORIENTATION VIDEO SCRIPT

Good morning and welcome to the United States District Court for the District of South Carolina. My name is Joe Anderson, Jr. and I am one of the trial judges here in Columbia. You ladies and gentleman have been randomly selected as potential jurors for a term of court to be held here in Columbia. Serving as a juror is one of the most important responsibilities you have as a citizen of this country. That's why we'd like to take a few minutes and tell you about your role as a juror, and to give you a general idea of what to expect.

Let me say at the outset that we all recognize that your presence here today — and if you are chosen for a trial, your presence at that trial — is a burden and a hardship for many of you. You've had to drop whatever you were doing, leave your jobs and families, and sacrifice days out of your lives to come and sit here with a room full of strangers. Even if you don't have outside commitments, there are still probably many things that you would rather be doing than sitting here in this courthouse.

But it's also important that you understand and appreciate the fact that your presence here today is what makes our system of justice in this country the fairest in the entire world. The right to a trial by a jury is one of the most important and sacred of the rights guaranteed by our Constitution.

In fact, when the American colonists declared their independence from England, one of the complaints listed in the Declaration of Independence was that the King had denied the colonists the right to trial by jury. In the Revolutionary War that followed, people died to restore that right — the right to trial by jury. As a result, the right to trial by jury is guaranteed under our Constitution in both civil and criminal cases.

If you think about it, there are really only two occasions when citizens are afforded the opportunity to directly involve themselves with the operation of our government. One is when you go into the polling booth to vote in an election. The other is when you are empaneled to sit on a jury and resolve a dispute between your fellow citizens.

In short, ladies and gentlemen, jury service is hard work, but it is also a rare privilege. If you are selected, you will become an active participant in the public administration of justice in the United States. Many of your fellow citizens never have the opportunity to become directly involved in the operation of the judicial branch in such a fashion. Let me now explain about the jury selection process itself. As I mentioned earlier, all of you are here today because you were randomly selected from all walks of life as potential jurors for a term of court here in Columbia. Whether you will actually be selected to sit on any particular jury remains to be seen. That will be determined in the jury selection process which will follow this orientation video.

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In just a few moments, the jury clerk will randomly select a small number of you to go upstairs to my courtroom to answer some questions about the first case to be tried. There, you and I will meet in person for the first time. I will first give you some information describing the case to be tried, and then I will ask you a series of questions designed to determine if you can be fair and impartial in that particular case. You will be under oath in giving your answers.

This process is known as “voir dire,” which literally means, “to speak the truth” — which you are expected to do in answering the questions. Our overriding goal in every case is to select a jury that is completely fair and open-minded and that can give all parties a fair trial. The answers that you give to the questions during voir dire will help us achieve this result.

At this point I should mention the questionnaires that we asked you to complete and mail back several weeks ago. The questionnaires contained many questions that we would normally have asked you orally in the courtroom, but we learned from experience that it saves time for everyone to have that information on paper before jury selection begins. We appreciate your cooperation in completing and returning those questionnaires. It saves time for all of us here on jury selection day.

You may wonder about some of the questions you saw on the questionnaire or that you are asked in the courtroom. They may seem quite personal. But the parties have a right to know some things about the people who will decide their case. The lawyers and I will listen carefully to the answers that you give during voir dire. If a lawyer thinks that there is a specific reason a juror may not be able to decide the case impartially, the lawyer may challenge that juror “for cause.”

For example, a juror’s answers to my questions may reveal that the juror has personally been involved in a dispute that is very similar to the dispute being tried. In such a case, it may be best to remove that juror from the jury panel for cause, to guard against the possibility that that person will bring his or her prior experiences to bear on the case. If you are excused from a particular case for cause, that means you will not sit on that case, though you may be sent back to the jury room for possible selection on another case.

Merely having read or heard something about the case will not automatically disqualify you from serving, nor will past experiences. What must be determined is whether you have made up your mind about the case or can decide it impartially.

There is another reason for the questions put to you during the voir dire process. This is to allow the attorneys to learn something about you so that the attorney can decide how to use his or her peremptory challenges.

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With peremptory challenges or “strikes,” lawyers don’t have to give a reason to the judge for excusing a juror. Lawyers may make peremptory challenges because they have a hunch or gut feeling that a prospective juror won’t respond favorably to their cause. The challenge may be based on information the lawyers learned on voir dire, but cannot be based on reasons such as race or gender.

It is sometimes hard to figure out why certain people are excused, but the lawyers have their own reasons for making challenges based on what they know about their case. If you’re excused from a case, please don’t take it personally. It’s just a normal part of the jury selection process.

As I ask you questions during the voir dire process, you should listen very carefully to the question and if you decide that you need to respond, you should stand and when I recognize you, first state your name and then speak clearly and distinctly in giving your response. I know from experience that jurors need to make a conscious effort to speak loudly because the court reporter who is taking down the proceedings needs to hear what you say and you will not have a microphone to assist you in giving your answer. If at any time you feel that your response to any of my questions is private, simply raise your hand and I will ask you to come up to the bench so that we can discuss the matter out of the hearing of the other jurors. However, the lawyers and court reporter must be present when you speak with me.

After the voir dire questioning is complete, I will take a brief recess to allow the lawyers to look over their notes and decide how to use their peremptory challenges. The challenges will be applied to the list that was selected and the jurors remaining on the list after the challenges will constitute the trial jury for that particular case.

Those jurors selected will be asked to come to the front of the courtroom and have a seat in the jury box. I will give you a sheet of paper that contains essential information about the case for which you have been selected. That paper will tell you the date on which the trial is expected to begin and will give you some other information such as suggestions for parking and other things you need to know about.

After the jury is selected in the first case, those jurors may be asked to return to the jury assembly room. We will then select a second small group of jurors to go upstairs to my courtroom and repeat this process for the next case, and so forth until juries for all of the cases to be tried this term have been selected. In other words, you will learn today whether you have been selected to sit on any juries for this term of court. You will also know the dates on which the trials are tentatively scheduled to begin and you will know approximately how long each trial will last. Those of you who are not selected on any case will be free to leave after the selection process is complete and you will not be required to return.

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As I will remind you if you are selected, it is critically important that you not discuss any case you have been selected to hear with anyone, not even your fellow jurors, and you also must not do any investigation or reading about the case on your own. Your only exposure to a case that you are to hear must come in the courtroom.

It has been my experience that potential jurors are sometimes concerned about the ability to fairly decide a case that might appear at first to be quite complicated. While it is true that some of our cases are complicated, you should remember that if you are selected for a jury, everything you need to know, you will see or hear in this courtroom.

All you will need to bring to the courtroom is your common sense. Every day you make judgments about people in situations based on information that you are given. This is what you need to do as a juror. Your every day common sense, combined with what you learn in the courtroom, will help you reach an impartial decision based on the evidence and the law. That's what a juror's job is all about.

If you have any other questions, such as how to get a slip from the Clerk to verify to your employer you have been here attending to jury duty or where to get lunch, the Clerk's Office personnel assigned to work with you will be happy to assist you with these matters. Also, I will certainly be glad to respond to any questions you may have in the courtroom during the jury selection process.

Long, long ago, if you were accused of a crime, you had to go through what they called "trial by ordeal." One of these ordeals actually called for you to plunge your hand into boiling water. Three days later, if the hand healed, you were pronounced innocent. The idea of justice has come a long way since those medieval times. For us Americans, the very foundation of our democratic society is a guarantee to each and every one of us the right to a fair trial by an impartial jury. Each day across this country, thousands of individuals — judges, attorneys, court officials, law enforcement officers, and jurors — are called upon to uphold and protect our country's legal system that resolves disputes fairly in both civil and criminal cases. Today, it's your turn.

I look forward to working with you in the jury selection process that will follow this video. Thank you for your attention.