

Jury Script – Margaret Seymour

Good Morning and welcome to the United States District Court for the District of South Carolina. My name is Margaret Seymour and I am one of the judges here in the District Court. You ladies and gentlemen have been selected randomly as potential jurors for a term of court over which I will be presiding.

Serving as a juror is one of the most important responsibilities you have as a citizen of this country. This is why I would like to say just a few words about service as a juror in our judicial system.

I recognize that your being here today for jury selection and your participation in these trials, if selected, may be a burden and a hardship to you. Jury service is very time consuming. It takes you away from your family and your work.

However, it is important to remember that you, ladies and gentlemen, randomly selected from all walks of life, are what make our system of justice the best and the fairest in the world. The right to a trial by a jury is one of the most important and sacred rights guaranteed by our constitution. Today, all of you have taken on one of the most solemn obligations of citizenship. In our system the jurors are the sole judges of the facts in a trial. In other words, if you are selected and take the oath as a juror, you will become an active participant in the public administration of justice in this country. There are many people who have not had the opportunity to become directly involved in the operation of one of our three branches of government. In short, ladies and gentlemen, jury service is hard work, but it is also a rare privilege and I hope you will find your jury service to be interesting and fulfilling.

At this time I would like to explain the jury selection process. As I said earlier, you were each randomly selected from voter registration lists as potential jurors. We will soon begin the process of deciding which of you will serve on the trials set for this term of court. Whether or not you are selected to serve on a trial jury, your service here today is important because having a panel of fair-minded, qualified citizens from which to select a jury is part of the fair trial process.

In just a few moments the jury clerk randomly will select a smaller number of you to come up to my courtroom to answer some questions about the case or cases to be tried. There you and I will meet in person for the first time. I will give you some information about the case 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 when you give your answers. This process is known as voir dire, which literally means to speak the truth. You are expected to do so when you answer the questions. There are no right or wrong answers. The important thing is that you are truthful in your answers.

The voir dire examination is the method used in this country to select a fair and impartial jury. A fair and impartial jury is one that will determine what the facts are and render a verdict based only on that evidence, and not on personal experience, bias, prejudice, sympathy, or other

extraneous and improper matters.

The voir dire examination allows us to do two things. First, it will enable the court to determine if there is any reason any particular juror should be excluded for cause. That is to say, you may have some knowledge of the controversy or some relationship with one of the parties to the case that would make it unfair for you to sit as a juror on that particular case. Second, it will enable counsel for the parties to exercise their individual judgment with respect to peremptory challenges, that is, challenges for which no reason need be given by counsel. 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 to 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 have 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. However, 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 answer 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.

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

With peremptory challenges or “strikes,” lawyers do not 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 will not 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 are excused from a case, please do not take it personally. It is 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. When I recognize you, first state your name and then speak clearly and distinctly in giving your response. It is very important that you make a conscious effort to speak loudly because the court reporter who is taking down the proceedings, the lawyers, and I need 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.

The 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, such as the date and time of trial as well as a telephone number to call for reporting instructions.

If there is more than one case for trial, the jurors who are first chosen 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.

You will learn today whether you have been selected to sit on a jury for this term of court. You will also know the date on which the trial is tentatively scheduled to begin and you will know approximately how long the 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.

It is very important that you understand that if you are selected as a juror, you may 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 is 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 that 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.

The 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 is your turn.

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