

# **JURY ADMINISTRATION**

## **The Jury System**

For countless generations the institutions 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, 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 attend court on a specific 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 locations or time, call the Office of the High Sheriff at (709) 729-4605 or (709) 729-1817.

The *Jury Act, 1991* states that if you fail to attend in accordance with the summons, 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**

On the reverse side of the summons is a list of disqualifications for not serving on a jury. To qualify, subject to exemptions and qualifications in the *Jury Act, 1991* you must be a Canadian citizen residing in Newfoundland and Labrador and be at least 18 years of age.

**Every prospective 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 the category on the Juror Certification Form 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 self-addressed envelope provided.

If your reason for exemption from jury duty has not been accepted, you will be notified by the Office of the High Sheriff. Please ensure that you include your telephone number on the Jury Certification Form.

### **Getting to Court**

Prospective Jurors are expected to provide their own transportation for Jury Selection. However, if you are selected as a juror and you do not have the means to provide transportation, the Office of the High Sheriff will provide assistance. In St. John's, please park at parking meters only. The Office of the High Sheriff will withdraw parking meter tickets received by prospective or serving jurors. 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 Jury Administration staff. If you have any questions, please speak with Jury Administration staff.

### **Jury Selection**

The group of individuals that have been summoned is known as the Jury Panel and assembles in the courtroom where the selection of the jury will 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 juror number 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 to 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**

Once each juror has been selected and before they are seated in the jury box they will be sworn or affirmed by the court officer. This is a procedure whereby the juror either takes an oath on the bible or an affirmation that based on the evidence they hear, they can and will render a true verdict.

## **Length of Trial**

After the jury has been selected, the presiding judge will give instructions to the jury regarding the possible length of the trial and will also give them time to make personal arrangements.

The court generally sits from 10:00 a.m. to 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 provide the jury with 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 and may deliberate during evening hours. Should it prove necessary, accommodations and meals are provided for the jury members during this time.

## **Fees and Expenses**

Jurors do not receive remuneration for serving on a jury; however, the juror's employer is required by law to pay the juror the same wages and to provide the same benefits that the person would have received if he or she had not been summoned.

If a juror is required to pay childcare solely because of his or her having to serve on a jury, reasonable expenses for such care will be reimbursed by the Office of the High Sheriff as per the regulations.

## **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;

- o) A person who has within 5 years of 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 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 infirmed 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 75 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.

**Section 10:** One member of family or a 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;
  - (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 Form.

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 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 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 75 years, or other appropriate documents 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 Office of the High Sheriff.

7. Please provide your telephone number and your occupation on the Juror Certification Form.