



**Wood County**

**Handbook**

**For**

**Trial Jurors**

**NOTES**

**WOOD COUNTY COMMON PLEAS COURT  
1 COURTHOUSE SQUARE  
BOWLING GREEN, OH 43402**

**JURY OFFICE PHONE NUMBERS**

**(419) 354-9620 OR  
1-877-354-9620**

**(419) 354-0331  
FAX**

## **NOTES**

## **INTRODUCTION**

You have been selected as a potential juror in the Wood County Common Pleas Court. It is our hope that your jury service will be a pleasurable experience and one that you will find interesting and rewarding.

Our democratic system of government allows for direct citizen participation in the determination of legal cases. Your name was selected by a random process in accordance with Ohio law. Although your service may necessitate some adjustment of your regular schedule, you should consider it an honor that you were selected to serve.

We at the Court are pleased to see you here today and will be happy to assist you in any way we can during your jury service.

**NOTES**



**Judge Matthew L. Reger  
General Division  
Courtroom #1**



**Judge Mary "Molly" L. Mack  
General Division  
Courtroom #2**

**Objection Overruled:** When, in the judge's opinion, a lawyer's objection is not well taken under the law, it is overruled.

**Objection Sustained:** When a lawyer objects to the form of a question or the answer a question calls for, the judge may sustain the objection. This means that the judge agrees that, under the law, the lawyer's objection was well taken.

**Opening Statement:** Before introducing any evidence for his/her side of a case, a lawyer is permitted to tell the jury what the case is about and what evidence is expected to be brought in to prove the case. This is called an opening statement; it is not evidence.

**Parties:** The plaintiff(s) and the defendant(s) in a civil case are called the parties or the litigants. There may be more than one plaintiff or defendant. In a criminal case the parties are the State of Ohio and the defendant.

**Striking Testimony:** The judge may order certain evidence, statements, or testimony removed from the record of the case. The jury will be told to disregard this information and treat it as if it had never been said.

**Verdict:** The formal decision by the jury upon the matters submitted is called the verdict.



**Judge Alan R. Mayberry  
General Division  
Courtroom #4**



**Judge David E. Woessner  
Probate and Juvenile Division**

## **HOW YOU WERE SELECTED**

Every year prospective jurors are randomly selected by computer from the voter registration list of Wood County. Prospective jurors are on call for a one month period.

Prospective jurors receive a Questionnaire which they are asked to complete and return to the Jury Office. Based upon the information provided on this form, some jurors will be deferred or excused. The remainder of the jury pool is used as needed for scheduled trials.

## **GENERAL INFORMATION**

**Daily schedule:** During the course of a trial there will be a short break in the morning, approximately an hour recess for lunch and an additional break in the afternoon. Usually jurors are free to leave by 5:00 p.m. Occasionally a trial does run late into the evening.

**Length of trial:** Most trials in our courts last for one or two days. You will be advised of the length of the trial during actual jury selection.

**Pay:** You will be paid \$40.00 for each day of service and \$20.00 for each half day of service. The Clerk of Courts keeps a record of your jury duty and a check will be issued after your service is completed.

**Meals:** There will usually be a one-hour lunch break each day of the trial. You will be required to provide your own lunch. A list of restaurants within walking distance of the Courthouse will be available to you in the jury room. If you wish to bring your lunch, there is a refrigerator and a microwave available for your use. Hot and cold beverages will be provided.

## **LEGAL TERMS AND DEFINITIONS**

**Charge:** After the evidence is in and the lawyers have made their arguments, the judge may review the evidence and state the issues the jury must decide. He will state the law which must guide your deliberations and control your verdict. This is called the judge's charge or instructions.

**Complaint:** The first pleading in a civil case stating facts and demanding relief is the complaint.

**Counterclaim:** The defendant can claim, in his answer to the complaint, that he is entitled to damages or other relief from the plaintiff. This is called a counterclaim.

**Cross-examination:** The questions which a lawyer asks the party or witness on the opposing side are referred to as cross-examination.

**Direct Examination:** The questions which a lawyer asks his own client or his own witnesses are referred to as direct examination.

**Exhibits:** Articles produced as evidence, such as pictures, books, letters and documents are called exhibits and are given to the jury while deliberating.

**Indictment:** The written document used to inform the defendant that he has been charged with a crime is the indictment.

## **TYPES OF CASES**

Jurors are called upon to try cases which fall into one of two types: civil or criminal. When you are summoned for jury duty, you will not know which type you have been called upon to hear.

### **The Civil Case**

Usually a civil case is a dispute between two parties concerning money or property. The party suing is called the plaintiff and the party against whom the action is brought is called the defendant.

The plaintiff sets out his claim in a written complaint. The defendant, if he disputes the claim, can file an answer explaining his side of the dispute. If he also has a claim, he can file a counterclaim against the plaintiff.

In civil cases, Ohio law requires that three-fourths or six out of eight jurors agree on a verdict.

### **The Criminal Case**

In criminal cases, the action is brought in the name of the State of Ohio, as plaintiff, against a person charged with a crime, as the defendant. There may be more than one defendant.

The defendant is charged with a violation of one or more of our criminal laws. Your duty is to decide if an accused person is guilty of the charge.

In criminal cases, Ohio law requires that all twelve jurors agree on a verdict.

## **SEATING OF JURY**

A trial begins with the seating of a jury. This process is called voir dire which is a French term "to speak the truth". Each party in a lawsuit is entitled to jurors who will approach the case with an open mind. Jurors must be as free as possible from bias, prejudice or sympathy and must not be influenced by preconceived ideas about the facts or the law.

Attorneys and the Court will ask you questions which are designed to discover if you have any knowledge of this case, if you have any preconceived ideas which you cannot set aside, or if you have had any experience in your personal life that might cause you to identify with either party. These questions are necessary to assure each party an impartial jury.

In the process of determining the makeup of the jury, some potential jurors may be excused either for a specific reason or at the determination of counsel. If you are excused for any reason, it is in no way a reflection on your honesty or ability and it does not mean you may not serve on other juries.

## **STEPS OF A JURY TRIAL**

### **Preliminary**

1. Oath before selection
2. Excusing of potential jurors
  - A. For specific reasons
  - B. At the determination of counsel
3. Seating the jury
4. Juror's oath

## **The Trial**

1. Opening statements by counsel  
(not evidence)
2. Evidence presented by plaintiff
  - A. Testimony of witnesses
  - B. Exhibits
  - C. Depositions(written or videotaped sworn testimony)
3. Evidence presented by defendant
4. Rebuttal evidence by plaintiff
5. Closing arguments by counsel (not evidence)

## **Judge's Instructions on the Law**

1. Instructions to the jurors on the law that applies in the case
2. General instructions on the procedures to be followed by jurors in jury room

## **Deliberations by Jury**

1. Selection of foreman
2. Weighing of evidence
3. Return of verdict
  - A. Civil case:  $\frac{3}{4}$  of jurors must agree
  - B. Criminal case: jurors must unanimously agree.

## **JURY OATHS**

Before a trial begins, the jury members are selected from the pool of prospective jurors. As a prospective juror, you will be asked to swear or to affirm to answer truthfully all questions the judge and lawyers may ask you while trying to determine your qualifications to serve as a juror.

## **Oath for Jurors in Voir Dire**

You do swear or do affirm that you will truly and fully answer all questions put to you by the Court and counsel, touching your qualifications to sit as a juror in the case now called for trial. (Do you so swear or so affirm?)

When the judge and lawyers are satisfied with the jurors seated, another oath is administered.

## **Oath for Jurors in Civil Cases**

You do solemnly swear or affirm that you will well and truly try the issues, joined in the case wherein (plaintiff's name) is Plaintiff and (defendant's name) Defendant and a true verdict render according to law and the evidence.

## **Oath for Jurors in Criminal Cases**

Do you swear or affirm that you will diligently inquire into and carefully deliberate all matters between the State of Ohio and the defendant (giving the defendant's name)? Do you swear or affirm you will do this to the best of your skill and understanding, without bias or prejudice? So help you God.