



The Judicial Branch and Legal System: SS.7.CG.2.5  
**Juries and Trials**  
**READING #2**

Name: \_\_\_\_\_

Date: \_\_\_\_\_



**SS.7.CG.2.5 Benchmark Clarification 2:** Students will explain types of jury trials, how juries are selected and why jury trials are important.

Trial by jury is a concept central to American democracy. There are two types of juries serving different functions in the court system. **Trial juries** and **grand juries**. A trial jury decides the outcome of criminal and civil cases. A grand jury decides whether enough evidence exists to charge someone with a crime and continue to the trial phase.

There are two types of judicial proceedings generally heard by juries. **Criminal trials** hear cases where an individual is accused of committing a crime against society. **Civil trials** hear cases where **litigants**, a person or organization involved in a lawsuit, seeks remedies for private wrongs such as personal injuries, damage to property, or breach of contracts. In both proceedings, it is the job of the jury to reach a **verdict**.

In criminal and civil trials, juries are composed of 6 to 12 people who must come to a **unanimous** decision. Both criminal and civil trials are generally public, but jury deliberations are private. Criminal cases must prove the crime was committed “**beyond a reasonable doubt**” before a defendant is found **guilty** or not guilty. Civil cases must prove a “**preponderance of the evidence**,” or “more likely than not” that the defendant injured the plaintiff.

A grand jury is a unique jury that examines evidence to decide if there is “**probable cause**”, or enough evidence, to charge someone with a crime. If the grand jury determines there is enough evidence, an **indictment** will be issued and the case moves forward to the trial phase. Grand juries consist of 16 to 23 people. Grand jury proceedings are not open to the public, defendants, or their lawyers.

If you are selected to serve on a jury, you will receive a **juror summons**. A juror summons is a document issued by the court requiring the appearance of an individual to attend and be available for duty on a jury at a specified location, time and date. When you receive a jury summons, read it carefully as it provides answers to almost every question about jury duty. The summons contains information regarding excusing or postponing service, payment and parking instructions.

Being summoned for jury duty does not guarantee that a person will actually serve on a jury. When a jury is needed for a trial, a select number of individuals from the jury pool will be called into the courtroom. Next, the judge and attorneys for both sides will ask the potential jurors questions. The purpose of the questions is to determine if the potential jurors have any connections to the case and to ensure they can remain neutral. This process is called **voir dire**.

Potential jurors may not be chosen if they know a person involved in the case or have strong opinions about the people or issues of the case. Attorneys on both sides are also allowed to excuse a limited number of jurors without providing a reason. This plays a role in both sides strategy to try and win the case. The voir dire process continues until the jury contains the needed amount of people.

One of the fundamental rights guaranteed by the Florida and United States Constitution is the right to a trial by jury. When you serve as a juror, you are making our democracy stronger.

**beyond a reasonable doubt** - the legal amount of proof required to convict a person in a criminal case

**case** - a matter that goes before a judge or court of law

**civil trial** – trial involving litigants who are trying to prove that a person or organization caused an injury based on preponderance of the evidence.

**criminal trial** – trial for an individual who is accused of committing a crime that is considered against society as a whole, resulting in a guilty or not guilty verdict proven beyond a reasonable doubt.

**grand jury** – a special jury determining whether there is “probable cause” that an individual has committed a crime and should be put on trial

**guilty** – verdict determined by a jury that you share blame for, or are responsible for a specified wrongdoing.

**judge** - a public official who decides questions brought before a court

**juror** - a member of the jury

**juror summons** - a document issued by the court requiring the appearance of an individual to attend and be available for duty on a jury

**jury** - a group of citizens sworn to give a true verdict according to the evidence presented in a court of law

**litigant** – a person or organization involved in a lawsuit.

**preponderance of evidence** – the legal amount of proof in civil cases, that a person must provide to convince a judge or jury that there is a greater than 50% chance that a claim is true.

**probable cause** - requirement found in the Fourth Amendment that must usually be met before police make an arrest, conduct a search, or receive a warrant. In trials, probable cause means that a reasonable person would believe that there was a crime committed, or in the process of being committed.

**trial jury** – jury who decides whether the defendant committed the crime as charged in a criminal case, or whether the defendant injured the plaintiff in a civil case

**unanimous** - in complete agreement

**verdict** - a judgment

**voir dire** - the process through which potential jurors are questioned by either the judge or a lawyer to determine their suitability for jury service.

#### Sources:

*Learn about jury service.* United States Courts. (2012). Retrieved November 16, 2022, from <https://www.uscourts.gov/services-forms/jury-service/learn-about-jury-service>

U.S. Department of Justice. (2022). Juror Summons. U.S. Marshals Service. Retrieved November 16, 2022, from <https://www.usmarshals.gov/what-we-do/service-of-process/civil-process/juror-summons>