

## STANDARD REMARKS TO JURORS (CIVIL)

### Remarks to Jurors After Jury Impaneled

*Source:* NORTH CAROLINA TRIAL JUDGES' BENCH BOOK, SUPERIOR COURT, VOL. 2 (Civil), Appendix, Pretrial and Trial Section at pp. 29-31 (3<sup>rd</sup> ed.) (Institute of Government 1999)

Ladies and Gentlemen, you have been selected and impaneled to serve as jurors in the case of [name plaintiff] versus [name defendant].

At this time I want to explain to you the manner in which we will proceed as we attempt together to find the truth in this case. First, the lawyers will have an opportunity to make opening statements. The purpose of an opening statement is narrow and limited. It is an outline of what the attorney believes the competent and admissible evidence will be. An opening statement is not evidence and must not be considered by you as evidence. [The evidence will come in the form of the testimony of the witnesses, admissions of the parties, stipulations of counsel, or any physical exhibits that may be offered by the parties.]

The court sets a time limit of \_\_\_\_\_ minutes to each side.

Following opening statements, evidence will be offered. Witnesses will be placed under oath and questioned by the lawyers. It may be that documents and other tangible exhibits will be offered and received as evidence. If an exhibit is given to you to examine, you should examine it carefully, individually, and without comment.

It is the right of the lawyers to object when testimony or other evidence is offered that the lawyer believes is not admissible. When the court sustains an objection to a question, the jurors must disregard the question and the answer if one has been given, and draw no inference from the question or answer or speculate as to what the witness would have said if permitted to answer. When the court overrules an objection to any evidence, you must not give such evidence any more weight than if the objection had not been made.

If the court grants a motion to strike all or part of the answer of a witness to a question, you must disregard and not consider the evidence that has been stricken.

During the course of the trial, it may be that questions of law will arise that need to be considered by the court out of the presence of the jury. When this happens, I may ask you to go to the jury room for a few minutes. You should not worry or speculate about what takes place in the courtroom during your absence -- we will merely be considering questions of law that have to be heard out of the presence of the jury. All of the competent evidence in the case will be presented while you are present in the courtroom.

When the evidence is completed, the lawyers will make their final statements or arguments. The final arguments of the attorneys are not evidence, but are given to assist you in evaluating the evidence.

Finally, just before you retire to consider your verdict, I will give you further instructions on the law that applies to this particular case. At that time, I will declare and explain to you the law arising on the evidence. Then you will be taken to the jury room to answer the issues submitted to you.

While you serve as a juror in this case, you must obey the following rules:

**First**, you must not talk about the case among yourselves. The only place this case may be talked about is in the jury room and then only after you begin your deliberations.

**Second**, you must not talk about this case with anyone else (including members of your families) or allow anyone else to talk with you or say anything in your presence about this case. If anyone communicates or attempts to communicate with you or in your presence about this case, you must notify me of that fact immediately.

**Third**, while you sit as a juror in this case, you are not to form an opinion about the case, nor are you to express to anyone any opinion about the case until I tell you to begin your deliberations.

**Fourth**, you must not talk or communicate in any way with any of the parties in this case, any of the lawyers, or any of the witnesses. This rule applies inside as well as outside the courtroom, and it prohibits any type of conversation, whether about the evidence in this case, or about the weather, or just to pass the time of day.

**Fifth**, you must not read about this case in the newspaper, or listen to radio broadcasts or watch television reports about this trial. Newspaper, radio, and television accounts may be inaccurate, or they may contain references to matters which are not proper for your consideration. Your verdict must be based exclusively on what is brought out in this courtroom.

**Sixth**, you must not visit the scene of place that is the subject matter of this trial or make any independent inquiry or investigation about this matter.

Each of you must obey each of these rules to the letter. Unless you do so, there is no way the plaintiff or the defendant can be assured of absolute fairness and impartiality. It is your duty, both while the trial is in progress, or while it is in recess, or while you are in the jury room, to see that you remain a fair and impartial trier of the facts. If you violate these rules, you violate an order of the court and this is contempt of court and could subject you to punishment as provided by law.

*(Explain general courtroom procedures for the trial: Time issues — when we start/stop/take recesses; any issues concerning parking; drinks are allowed but food is not; turn off your cell phone; notes.)*

\* One last thing: Before we begin I want to tell you that this trial will probably be different from what you might expect. Many people do not have the opportunity to attend court very often and may think from television, movies or books that every trial is full of high drama and intense action.

There may be high drama and intense action during this trial, but the purpose of the trial is not to entertain. The purpose of this trial is a search for the truth in an effort to make sure that justice is done between the parties in this particular case. Searching for the truth and making sure that justice is done is often slow, deliberate and repetitive — the

opposite of what you may have seen on TV or movies or read about in books.

The courtroom is a place dedicated to the protection and preservation of all of our rights. The lawyers in this case are advocates for the parties they represent, but first and foremost they are officers of the court, sworn to uphold the integrity and fairness of our judicial system and to help you in your search for the truth in this case. As you should expect them to be professional, competent and ethical in their representation of their clients' interests, remember that you have taken an oath to reach a fair and just verdict in this case and you should also be professional, reasonable and ethical in all aspects of your service as jurors.

*\* These three paragraphs come courtesy of the Chief Justice's Commission on Professionalism.*

We are now ready for the opening statements of counsel.