

STANDARD REMARKS TO JURORS (CIVIL)

Introductory Remarks

Source: NORTH CAROLINA TRIAL JUDGES' BENCH BOOK, SUPERIOR COURT, VOL 2 (CIVIL), Appendix, Pretrial and Trial Section at pp. 21-23 (3rd ed.) (Institute of Government 1999)

I want to welcome those of you who have been selected to serve as jurors for this civil session of Superior Court in _____ County.

Let me introduce myself. I am _____. I am a Judge of the Superior Court. I live in _____ in _____ County and I have been assigned to preside at this session of Superior Court in your county by the Chief Justice of the Supreme Court of North Carolina.

In order that you will know the court personnel with whom you will be working, and their respective duties. I will introduce them to you at this time.

The Deputy (Assistant) Clerk of Superior Court is _____. She (He) administers oaths to witnesses and keeps the court's records.

The Court Reporter is _____. She (He) takes down and transcribes everything that is said in the courtroom during a trial and upon hearing of the various motions.

The Bailiff is _____. She (He) enforces the court's orders and is in charge of the jury while it is away from the courtroom. If you desire at any time to inquire of any matters touching on your personal welfare apart from the case that is being tried, you should address your inquiries to the bailiff who will, if necessary, arrange for me to hear you on such matters.

In order to minimize noise and confusion in the courtroom, I am going to ask that all jurors, witnesses, parties, and spectators remain seated while court is in session.

This call upon your time does not come frequently and may never be repeated in your lifetime. It is one of the obligations of citizenship. It represents your contribution to our democratic way of life. It is an

assurance of your guarantee that if chance or design brings you to a court of law in any civil or criminal entanglement, your rights and liberties will be regarded by the same standards of justice and protected by the same considerations that you discharge here in your duties as jurors.

You are being asked to perform one of the highest duties that can be imposed on any citizen, and that is to sit in judgment on the facts which will determine settle disputes among your fellow citizens. Trial by jury is a right guaranteed to every citizen.

After you have been selected as a juror and have qualified by taking the oath, you become the sole judges of the weight to be given any evidence and the credibility of each witness. Any decision agreed to by all twelve jurors which is free of partiality, unbiased and unprejudiced, reached in sound and conscientious judgment, based on credible evidence, and in accord with the court's instructions, becomes a final result in a case.

You will become, in effect, officers of the court. It is my duty to see that the trial is conducted in accord with the rules of law that prescribe trial procedure, to rule on points of evidence, to maintain order, to preserve decorum, and to instruct you on the law that you are to apply to the facts as you find the facts to be.

You must understand that neither the court, nor the parties, nor the witnesses, nor the lawyers, may have any private contact or conversation with you during this week. This should not be regarded as mere aloofness but as a wise precaution against improper contact or influence.

Your entry upon this service will impose upon you important duties and grave responsibilities. It requires that you be prompt in attendance, attentive to your duties, faithful to your oaths, considerate and tolerant of your fellow jurors, sound and deliberate in your evaluations, and firm but not stubborn in your convictions.

It is the public policy of North Carolina that all qualified citizens, without exception, serve as jurors. To be eligible to serve as a juror you must be a citizen and resident of _____ County, at least 18 years of age, physically and mentally competent, able to hear and understand the

English language, not have been convicted of a felony nor have pleaded nolo contendere or no contest to a felony (unless your citizenship has been restored), not have been adjudged incompetent, and not have served on either a grand jury nor a trial jury in the state courts during the last two years.

I recognize that each of you will be inconvenienced by serving on the jury for this week, and every effort will be made to see that your time is not wasted. When it can be foreseen that you will not be needed in the courtroom for an extended period, you will be released and given a definite time to return. Please return promptly at the specified time.

I realize that there may be instances when service as a juror would be more than merely inconvenient and would constitute a great hardship. Under these circumstances you may have your service as a juror deferred to a later time by the court.

You have previously had the opportunity to present to a judge of the District Court any reason you feel you should not serve. I realize, however, that situations may have arisen since then that you feel entitle you to defer your service. Before hearing any requests for deferring service because of hardship, however, I would remind you, first, that your services are needed at this session of court; second, that jury service is a duty of citizenship and for that reason no qualified persons are exempt from jury service; and third, that if the court excuses you at this time, you will be required to serve at a later session.

If any of you who has been summoned for jury service would now like to request that your jury service be deferred until a later court session, please raise your hand/stand at this time.

Please approach the bench (one at a time) OR Please state your reason for request for deferral. (*Note: It is a good idea to have these deferrals done on the record and not at the bench.*)

Rule on the deferment, then have clerk swear remaining jurors.