

# Juror's Handbook



Juries Commissioner's Office  
Victoria



A **Victoria Law Foundation** publication

# Welcome to jury service

Juries are integral to our legal system. They comprise citizens randomly chosen from the electoral register, and enable non-legal (or 'lay') members of our community to participate in the administration of justice.

Critically, when it comes to a criminal trial, jurors must determine whether the accused is guilty as charged. In civil trials, the question to be determined is who is at fault. Our justice system is based on entrenched principles of fairness. So it is important that everyone who participates in it understands the nature of judicial proceedings. This handbook will help you understand how you can help to achieve this goal. It contains a succinct explanation of the entire jury process, from the time you receive your summons until the verdict in a case is given. You are encouraged to read this handbook, not only so that you become more familiar with basic aspects of our legal system, but also so that you better appreciate the critical role you play in our justice system.

Should your jury service affect anyone else, such as family members or your employer, it is suggested that you ask them to read this handbook.

Please note that this handbook is intended only as a short introduction to jury service and not as a substitute for instructions from the trial judge.

Juries Commissioner

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# What does a jury do?

Juries are used in criminal and civil trials in the Supreme Court and County Court. In a criminal trial the jury decides whether or not the accused person is guilty.

In a civil trial the task of a jury is to resolve a dispute. The jury makes its decision (called the 'verdict') on the basis of the evidence they hear or see in court. The jury does not give reasons for its verdict.

For more detail, see page 26.

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## Summoned for jury service

If you have been summoned for jury service, you are probably wondering what happens next.

Being summoned doesn't necessarily mean you will serve as a juror. In fact, there are several stages in the selection process. This handbook will explain this process and what happens during the trial.

### How long will I be needed?

You are summoned to attend for one or two days at the beginning, or possibly three to four days if summoned to a country court. The number of days you will be needed after that depends on whether you are 'empanelled' (selected) as a juror on a trial.

The trial will usually begin on the same day you are empanelled. Trials usually go for five to ten days, but sometimes they can take longer. You will be told at the start of the trial how long it is expected to take.

If serving on a long trial is a problem, you can ask to be excused—it is up to the judge to decide (see page 15). The judge must be satisfied that it is proper for you to be excused.

### When do I need to arrive?

You should arrive at the jury pool room by 9.15 am on your first day, unless you have been given different instructions. You will usually have to stay until about 4.15 pm.

If you are empanelled on a jury for a trial you will usually have to attend court each weekday between 10.00 am and 4.15 pm. The judge will tell you exactly when you are needed. It is important not to be late.

### Do I get a lunch break?

There will usually be a one-hour lunch break at either 12.30 pm or 1.00 pm each day. During this time you can leave the jury pool room or the court building. Lunch will not be provided, except during jury deliberation (see page 28).

### Can I go home at night?

You can go home each night during the trial. However, when the jury is deliberating on the verdict, you may need to stay later than 4.15 pm or even overnight. The judge will give you more information about these arrangements.

## **What happens if I don't go?**

If you are summoned for jury service but do not attend, you may need to appear before a judge to explain your absence. Being too busy or forgetting the date are not acceptable excuses. You will be summoned again for jury service at a later date and may be fined.

## **What about my job?**

You must tell your employer that you are required to do jury service when you receive your summons.

You will be given an estimated length of the trial if you are empanelled for a jury. You should tell your employer this estimate, so they know how long you are likely to be away from work. You should tell your employer straightaway if the length of the trial changes.

Employers must release you for jury service. If your employer asks you to apply to be excused from jury service or have it postponed to a later time, and you believe your employer is being reasonable, you can apply to be excused. It must be clear why it would be difficult for your employer to be without you.

If you are empanelled on a jury, be careful not to discuss the details of the case with your employer.

## **Problems with your employer**

By law, your employer cannot penalise you for doing jury service. Your employer cannot make you take unpaid leave or take jury service from your holiday or personal leave.

An employer who discriminates against an employee due to jury service is liable to severe penalties—in extreme cases this can include imprisonment.

Your employer should not expect you to work late at night while you are on jury service. Serving as a juror is tiring work. You can go to work after court or on weekends, but only if it does not interfere with your ability to do your duty as a juror.

If you have any problems with your employer about jury service before or after the trial, contact the Juries Commissioner's Office. Tell the trial judge if it happens during the trial. The trial judge may ask the Juries Commissioner to speak to your employer.

## **Will I be paid?**

At the end of your jury service, you will be paid by cheque and given a certificate stating the days you attended and the amount you received. You should give this certificate to your employer.

Even if you do not sit on a jury, you will be paid and given a certificate of attendance. If you are empanelled as a juror on a long trial, you will be paid once a week during the trial.

In general, your employer is required to pay you the difference between the amount you receive in jury fees and the amount that you could reasonably expect to have been paid if you had not been on jury service.

This applies to permanent full-time and part-time employees, and in some instances to people employed on a casual basis, but this does not include independent contractors.

**Being too busy or forgetting the date are not acceptable excuses. You will be summoned again for jury service at a later date and may be fined.**



### **Where do I go?**

Jury selection can occur at different times during the day. Most courts have a jury pool room where you will wait until you are considered for a role as a juror. However, not all courts have a jury pool room, and in this case you will be told where to wait.

Facilities for jurors vary from court to court. At some courts there are telephones and faxing facilities. Coffee, tea and magazines are normally provided. You can bring things with you to occupy yourself while you wait, such as laptops.

In Melbourne the jury pool room is located at the County Court (pictured above):

**County Court  
Ground Floor, 250 William Street  
Melbourne, Victoria**

From here, juries are chosen for criminal and civil trials in the Supreme and County Courts in Melbourne. Remember, being summoned for jury service does not mean you will sit on a jury.

In regional or country centres, the pool room is normally located in the regional courthouse.





The Melbourne jury pool room is located at the County Court at 250 William Street.

### **How do I get there?**

You will not be reimbursed for travel or parking costs. The Supreme Court and County Court in Melbourne are on tram and bus routes, and close to Flagstaff Station on the City Loop. Car parking in the city can be costly and the Melbourne city courts do not have designated car parks for the public. Regional or country law courts do not usually have designated car parks for the public.

### **What do I need to bring with me?**

Your summons will have told you what to do before jury service, where to go and what to bring with you. You must bring with you to jury service:

- your summons
- photo identification.

### **Mobile phones**

Mobile phones can be used in the jury pool room but they must be turned off before you enter the courtroom. Mobile phones must not be used in the courtroom or when the jury has retired to consider its verdict.

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## About being a juror

You do not need to have any special skills, expertise or level of education to be a juror. One of the values of the jury system is that a verdict is reached by people from different backgrounds with a variety of attitudes, values and experience. It is important that each juror contributes to the discussion before reaching a verdict.

As a juror, it may be helpful to keep the following in mind:

- Listen carefully to the evidence
- Keep an open mind, without prejudice or bias
- Be fair and impartial
- Be objective
- Listen to all the evidence before you make up your mind
- Don't talk about the case except to other jury members in the privacy of the jury room

### **How to assess the evidence**

As a juror, you are required to decide all questions of fact arising in the case. So it is important that you do not form or express an opinion until you have heard all the evidence.

Trials can take place months or sometimes years after the events in question, so some witnesses will remember more than others. Some witnesses may appear calm, while others may appear difficult or nervous.

Try to be fair and objective when thinking about the evidence given by a witness.

It is important to listen carefully to all evidence. Let the judge know if you have not heard or understood something, or if you need a break.

### **Taking notes**

Note taking will usually be allowed and you will be provided with a pen and paper. It is important, however, to concentrate on listening to the evidence.

Do not rely on notes taken by another juror. These may conflict with your memory of the evidence, or they may not be an accurate summary.



Jurors may choose  
to take notes  
during the trial.

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## Be mindful not to ...

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You must not act as an 'amateur detective' by performing your own investigation. You must not visit the scene of the alleged crime or any events mentioned in the case, conduct any experiments, or consult any books or other sources (including other people) for more information. If the judge thinks the jury should visit a place connected with the trial, he or she will arrange for this to happen.

Sometimes you will have read or heard something about the case through newspapers, radio or television — but you must decide the case only on what you see or hear in the courtroom, not from anything you read or hear in the media.

It is also important that you do not allow anything you have seen in films or on television about court cases to play any role in your decision-making.

### **Can I talk to other people?**

You must not talk about the case with anyone except the other jurors. You should only speak to the other jurors in the privacy of the jury room. There are strict limits on what you can talk about even after the trial is over.

You must not talk to court staff about the case, either during the trial or after it is finished. This includes the tipstaff and judge's associate.

It is preferable not to bring friends or relatives to court to watch as you may be drawn into a conversation about the case when you leave court.

### **Your privacy will be protected**

The privacy of the jury members is protected at all times. Jurors are not allowed to be filmed, photographed or interviewed by the press, and their names are not allowed to be published. Nor is any information about them given to the accused, the parties involved in a civil case or their lawyers.

### **You must remain impartial**

Being impartial means keeping a fair and open mind, which is important in your role as a juror. Tell the judge immediately if anything happens during the trial that makes you think you should not continue to be a juror. For example, hearing something secret about the trial, being contacted by someone, or becoming aware that you know one of the witnesses could make it difficult for you to remain impartial. You can notify the judge by giving a note to the tipstaff.

A juror should not discuss any approach to him or her or any other irregularity with anyone (including other jurors) except the tipstaff, the judge or the Juries Commissioner.

### **Do I have to attend the whole trial?**

Yes, attendance is compulsory. You must arrive on time every day during the trial. If you become sick or something happens that delays you or prevents you from attending, then contact the Juries Commissioner's Office (or the court registrar if you are a country juror) as soon as possible so that the judge can be told.

If something more serious happens that may prevent you continuing on the jury, you must inform the judge as soon as possible. This can be done by writing a note to the judge and giving it to the tipstaff to pass on. The judge will decide what needs to be done.

### **When the court is not sitting**

You can go to work if you are not needed to attend on any day during the trial. Unless otherwise directed by the court. But be careful not to talk about the case with people at work.

### **You can be contacted in emergencies**

In a real emergency your family or friends are allowed to contact you by leaving a message at the Juries Commissioner's Office. If you are in the country, a message can be left with the court registrar. The message will be given to you as soon as possible.

**Being impartial means keeping a fair and open mind, which is important in your role as a juror.**

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## Choosing the jury

On arrival at the court to which you have been summoned, the jury pool supervisor will explain what will happen during your stay. You may be selected for Supreme Court or County Court criminal or civil trials.

As part of the orientation, the jury pool supervisor will explain the process of empanelling and you will be shown a short information DVD. Please ask the supervisor about anything you don't understand. Selection of the jury will take place in the courtroom by ballot.

### **The ballot process**

A jury is chosen by a process of random selection, ensuring that the process is fair and that a jury cannot be tampered with.

Once a trial is ready for a jury, the jury pool supervisor draws names or numbers at random to form a panel of people. The jury is then chosen from this panel in the courtroom.

If your name or number is called, answer 'present' and follow the jury pool supervisor's instructions. The panel of prospective jurors will be taken to the courtroom by a court officer. Even if you are not called at this point, you may be called later in the day for another trial.

### **When you are in the courtroom**

In the courtroom, have a look around to see if you recognise anyone—the accused, the lawyers, the judge, or anyone connected with the trial. The judge will ask if anyone knows any of the participants. If you do, tell the judge because this may be a reason for you to be excused from the jury.

The judge will explain what the trial is about and will give its estimated length. The names or numbers of the jury are then read out—answer 'present' when your name is called.

### **Challenges**

The parties involved in the trial have the right to challenge jurors. There is no need to feel embarrassed or offended if you are challenged. Sometimes challenges are made simply on the basis of the person's age, gender or occupation. For example, a bank teller may be challenged if the accused is charged with bank robbery.



An empanelled jury in court.

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## Can I apply to be excused from a trial?

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You can only be excused for a good reason. For example, it may be difficult for you to attend a lengthy trial if you are self-employed or work for a small company.

It is your duty to disclose anything that you think may affect your ability to be objective and impartial. This could be having firsthand knowledge of the events of the trial or knowing someone involved with the trial.

The judge will deal with excuse applications from prospective jurors before the jury selection begins—listen carefully for directions.

Each person who wants to be excused will usually have to go into the witness box, swear an oath or make an affirmation to tell the truth, and then tell the judge their reason for being excused. If it is very personal, you can ask the judge whether you can put your excuse in writing. It is up to the judge whether you can be excused.

Once the excuse applications have been dealt with, the selection of the jury can commence. The judge's tipstaff (a court officer) will be in the courtroom to help this process.



Jurors swear an oath before the trial begins.

## Empanelling in a criminal trial

- 1** The judge's associate reads out the charges to the accused, who then says 'guilty' or 'not guilty.'
- 2** The associate draws a card with each potential juror's name or number and occupation from the ballot box. If called, walk in front of the accused towards the jury box. If you hear 'challenge' or 'stand aside,' return to your seat. The accused's solicitor usually helps them to decide to challenge a potential juror.
- 3** The associate calls names or numbers until 12 (or in a long trial, up to 15) jurors are in the jury box without being challenged or stood aside.

## Empanelling in a civil trial

- 1** The associate draws names (usually 12) at random. If your name is called, answer 'present' and stand until the next name is called.
- 2** The associate lists the names and occupations of the people called. They then hand the list to the plaintiff's solicitor, who will cross off three names. The list is then given to the defendant's solicitor, who will cross off three names. The remaining six names on the list will then be called into the jury box.



## **Taking an oath or affirmation**

The selected jurors must take an oath (to swear or promise in accordance with religious beliefs or customs) or make an affirmation to carry out their task faithfully and impartially, and decide on a verdict according to the evidence. An oath or affirmation must be taken seriously. Tell the tipstaff if you want to make an affirmation instead of taking an oath.

## **Choosing a foreman/forewoman**

Before the trial begins the jurors choose someone to be the jury foreman/forewoman. Any juror can be chosen. The opinion of the foreman/forewoman has no greater weight than that of any other juror.

If a foreman/forewoman is not able or willing to continue in the role, the jury can choose someone else to take his or her place after telling the judge about the situation.

The role of a foreman/forewoman is to:

- speak or ask questions on behalf of the jury during the trial
- chair jury discussions and make sure that each juror has an opportunity to express his or her point of view
- keep the deliberations focused on the evidence and the law
- arrange with the tipstaff to take a break if any juror requests one
- ask the court to deal with any question raised by any juror
- ask the court to adjourn if the jury wishes to finish for the day
- give the jury's verdict at the end of the trial.

## **Follow the judge's instructions**

The judge will give the jury full instructions about what it needs to do before and during the trial. You must follow the judge's instructions.

## **What happens if I am not selected?**

If you are not selected for a jury or if you are excused from a particular trial, you will be taken back to the jury pool room to wait. Your name may be drawn out again for another panel of jurors required that day, or sometimes the next day.

## Who's who in the courtroom?

### **The judge**

The judge presides over the court and deals with any legal issues that arise during the trial. The judge informs the jurors about their role and instructs them about what the law is, so they can apply the law to the facts of the case.

The jury should not assume anything about the judge's own view of the evidence from the judge's comments or attitude to the parties during the trial. The judge is addressed as 'Your Honour.'

### **Judge's associate**

The associate is the judge's personal assistant. He or she:

- draws out the names for the jury empanelment
- swears in the jury and keeps a list of trial exhibits and documents
- records the verdict of the jury at the end of the trial
- provides administrative assistance to the judge.

### **Judge's tipstaff**

The judge's tipstaff is a court officer who announces that the court is in session and swears in witnesses. An important duty of the tipstaff is to look after the jury. He or she escorts jury members into the courtroom and into the jury room, and deals with any practical matters for the jury.

Sometimes the work of the tipstaff is done by a second associate.

### **Lawyers**

The parties are usually represented by lawyers. There are two types of lawyers involved in a trial: barristers (also called 'counsel') and solicitors.

The lawyer conducting the case for each side, usually a barrister, wears robes and sits at the bar table facing the judge. The other lawyers, usually solicitors, and law clerks sit on the other side of the bar table, to assist during the trial.



Lawyers at  
Melbourne's  
Supreme Court.



### **Parties in a criminal trial**

In a criminal trial the parties are the prosecution and the defence.

#### **Prosecution**

In Victoria prosecution cases are brought by the Office of Public Prosecutions.

#### **Defence**

The person who has been charged with an offence is called the 'accused.' There may be more than one accused.

Generally the accused persons will be represented by defence counsel but may also represent themselves.



A trial in progress at the Supreme Court.

### **Parties in a civil trial**

In a civil trial, the parties are called the plaintiff and the defendant.

#### **Plaintiff**

The plaintiff is the person bringing the action or 'suing' the other party.

#### **Defendant**

The defendant is the person defending the action or being 'sued.' There may be more than one defendant.

Sometimes there is more than one plaintiff.

### **Other people in the courtroom**

In a criminal trial there will often be police or security officers in the courtroom. Courts are normally open to the public, and so there will often be other people observing at the back of the courtroom.

## During the trial

### **What happens in a criminal trial?**

In our legal system an accused person is innocent until proven guilty. A criminal charge is only a formal accusation. A civil trial is different from a criminal trial. It is a dispute between two or more people which they have been unable to sort out themselves. See opposite for more information on civil trials.

### **Judge's directions**

A fair trial depends on the combined efforts of jurors as the deciders of the facts and the judge as the final authority on the law.

The jury must apply the law (as stated by the judge) to the facts as it finds them to be.

If the judge gives you any instruction that seems different to anything contained in this handbook, you must accept what the judge tells you as being correct, and be guided only by the judge.

### **Opening statements**

At the start of a criminal trial the Crown prosecutor will make an opening statement telling the jury what the alleged offence is and what the evidence is expected to show. The accused person's lawyer may also make an opening statement.

These statements are not part of the evidence (see page 25). Their purpose is to give you the framework of the case, the points of conflict and the issues to be decided.

### **Prosecution case**

The presentation of evidence to the jury begins after the opening statements. When a witness is called to the witness box by the prosecution and swears to tell the truth, he or she is questioned or 'examined' by the Crown prosecutor.

Then he or she may be questioned or 'cross-examined' by the defence barrister. The aim of cross-examination is to test the accuracy of the evidence or emphasise certain parts of it. Sometimes the prosecutor 're-examines' the witness to clarify something that has come up in cross-examination.

It is important to listen to all of the evidence and to examine anything you are shown, such as documents or photographs.

## Defence case

When the prosecution has finished, the defence can call witnesses or present other evidence.

In a criminal trial the accused is presumed innocent. It is up to the prosecution to prove guilt.

The same process of examination, cross-examination and re-examination will occur with any witnesses called by the defence.

## Final addresses

After all the evidence has been given, both sides will have the opportunity to present their final submission to the jury. As with the opening statement, this is not part of the evidence. You should listen to these submissions and consider them thoughtfully, but you must form your own opinion of the facts.

## Judge's charge to the jury

After the final address from each side, the judge summarises the case and gives instructions to the jury. It is very important that each juror listens to all these instructions and understands them, because the judge will define the issues to be decided, and the law the facts need to be applied to.

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## What happens in a civil trial?

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The order of events in a civil trial is similar to that in a criminal trial (see pages 22–25). The plaintiff goes first and starts by explaining what the case is about and how it will be presented.

Witnesses for the plaintiff are questioned and cross-examined. Then the defendant's witnesses are questioned and cross-examined.

At the end of the evidence, each side gives a summary of their case to the jury and the judge will give the jury instructions.

A barrister presents evidence in the Supreme Court.





## **What is evidence?**

Evidence is offered to the court and jury, and may include:

- oral evidence given by witnesses
- physical objects such as photographs, documents, firearms, exhibits, etc.

The jury's verdict must be based only on the evidence presented during the trial. Evidence is important, and there are strict rules about what evidence can be given in court and the sorts of questions that can be asked. The lawyers on either side may object to the questions asked of witnesses or to other evidence.

The judge then makes a ruling on whether the evidence is admissible, based on the law.

Sometimes jurors are asked to leave the court while these legal points are discussed by the judge and the lawyers. This may seem time-consuming, but it is important that the rights of all parties are protected, and that questions of law are properly decided by the judge as they come up. The jury should not feel resentful at being excluded. The judge will make sure that the jury is told everything it needs to know about the law or facts so it can reach a verdict.

**Evidence is important, and there are strict rules about what evidence can be given in court and the sorts of questions that can be asked.**

## What does a jury have to decide?

### **In a criminal trial**

The accused does not have to prove his or her innocence. It is up to the prosecution to prove that the accused is guilty 'beyond reasonable doubt.' This means that if the jury has a reasonable doubt about whether the person is guilty, then the verdict must be 'not guilty.'

If the jury decides the person is guilty, the judge will decide what the sentence, or punishment, should be. The jury is not involved in sentencing.



## **In a civil trial**

In a civil trial the standard of proof is 'on the balance of probabilities'—this is a lesser standard than in criminal trials.

The jury has to decide who should win the trial and the amount of any compensation to be awarded. In some trials the defendant has already admitted liability and the jury only has to decide how much compensation should be paid to the plaintiff.



The jury listens carefully during a County Court trial.

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## Considering the verdict

### **In the jury room**

After all the evidence has been given and summed up in court, the judge will ask the jury to retire to the jury room to consider their verdict.

During this time you should only talk to the other jury members about the case.

All discussions must take place in the privacy of the jury room and when all jurors are present.

The deliberations of the jury are secret and there is no set way for how jurors should reach their decision.

### **What happens during the deliberation period?**

Once a jury retires to consider their verdict, jurors will have to stay together at lunchtime. Lunch will be provided.

The judge will give you more details about arrangements during the jury deliberation period toward the end of the trial.

In most cases the judge will allow the jurors to go home each night. If allowed to go home, each juror will have to swear (or affirm) that he or she will not discuss the trial or the deliberations of the jury with any non-juror.

If the jury wants to finish its deliberations early on any day they must ask the judge.

Sometimes you may be required to stay later than 4.15 pm or even stay overnight until a decision is reached. You will normally be told the day before if you need to stay overnight, so that you can bring an overnight bag the next day. You will be provided with meals and accommodation.

Messages can be passed on to family and friends. If the verdict is given late at night, the court will arrange transport home (if necessary).



In the jury room, jurors consider the facts of the case.



### **How long will it take?**

The jury must reach a unanimous verdict unless the judge tells them otherwise. Do not rush your decision. The court will give you as much time as you need.

It is important to think about all the evidence carefully. All jurors should feel comfortable with the verdict. No juror should feel pressured to change their mind, just because everyone else has reached a different conclusion or because it is taking a long time to decide.

Remember, your decision will have a significant effect on the lives of other people.

### **Taking breaks**

If you are tired and need to take a break, and perhaps a walk, let the foreman/forewoman know.

If you need to send a message to your family or friends that you are still on jury service, the tipstaff can organise this for you.

### **Jury decision-making**

Provided you always follow the judge's instructions about the law, you are free to deliberate in any way you wish. The discussion in the jury room is chaired by the foreman/forewoman. He or she should make sure that discussions are carried out in a free, unhurried and orderly way, focusing on the issues to be decided and letting each juror have a chance to speak.

Jurors should keep an open mind, listen carefully to everyone and be prepared to tell others on the jury what they think and why.

Be prepared to change your mind when there is good reason to. At the same time, try not to be overly influenced by other people's ideas.

Even if someone has taken notes, this does not always mean that his or her notes are more accurate than what you remember of the evidence.

The judge can provide help to the jury about the evidence. Do not hesitate to ask for help.

Every juror's opinion counts when the jury is deciding a verdict.

It is important to respect the opinions of other jurors and value the different viewpoints that each juror brings to the case. This will help the jury to reach a fair verdict. Let your fellow jurors have a chance to say what they think and why. Do not intimidate anyone else. Equally, do not be afraid to speak up and express your views.

### **Decide on general guidelines**

There are no set rules about how to conduct your deliberations. However, it may be useful at the beginning to decide how you want to proceed and to decide on general guidelines.

You may like to consider the following:

- Decide on some general guidelines at the beginning
- Have each person discuss their initial thoughts about the case
- Go around the table, one by one, and talk about the case
- Try to get everyone to talk by saying something like: 'Does anyone else have anything to add?'
- Ask someone to take notes during your deliberations
- Write down key points so everyone can see them.

**Be prepared to change your mind when there is good reason to. At the same time, try not to be overly influenced by other people's ideas.**



During the deliberation period, jurors may reach a verdict by voting.

### **Getting help from the court**

If a member of the jury has a question or needs clarification about anything, the jury can ask the judge for assistance. Each member of the jury must understand the judge's instructions on the law so they can do the job properly. A jury can get assistance from the judge if any juror does not understand something in the judge's instructions, like a legal principle or a definition.

If there is any confusion about the law or the evidence any juror can ask:

- for clarification
- to examine exhibits
- to be reminded of evidence.

This is done by sending a written request to the judge through the tipstaff. Make sure you don't discuss anything about the case with the tipstaff.

The court will need to reassemble to deal with your request. Put your question or request in writing and make two copies. Keep one to read out in court. The foreman/forewoman should ask the tipstaff to give the other copy to the judge.



## **The verdict**

You should spend a reasonable amount of time considering the evidence and the law and listening to each other's opinions, so that you feel more confident and satisfied with your verdict.

You might vote by:

- raising your hands
- a written ballot
- or by a spoken ballot.

Eventually, a final vote in the jury room will have to be taken, with each juror expressing their verdict openly. The jury foreman/forewoman should let the tipstaff know that the jury has reached a verdict (but not what the verdict is). The judge will then call everyone—including the jury—back into the courtroom.

## **Jury's verdict**

The judge's associate will ask the foreman/forewoman if the jury have agreed on a verdict, and will ask what the verdict is. The foreman/forewoman gives the verdict. The judge will then discharge the jury.

## **Sentencing**

In a criminal trial, if the jury finds an accused person guilty, it is then up to the judge to decide what the sentence should be.

This can include:

- a fine
- a suspended sentence
- a good behaviour bond
- a community-based order
- imprisonment.

Sentencing usually does not happen straightaway. The case is usually adjourned to another day—to give the lawyers time to prepare, and then to give the judge time to consider the appropriate sentence.

Jury members can ask the Juries Commissioner or court registrar about how to find out what the sentence is.

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## After the trial

The tipstaff will take you back to the jury room and will arrange for you to receive your jury payment and a certificate of attendance. You will then have an opportunity to telephone family or friends to let them know that jury service is finished. The Juries Commissioner will provide taxis if the discharge is after 7.00 pm. Tell the tipstaff if you are worried about travel arrangements at the end of the trial.

### Exemptions

At the end of your jury service you will be given a certificate of attendance for you to give to your employer. You will receive a certificate entitling you to be exempt from further jury service for a period of time, particularly if you have served on a long trial.

### Confidentiality

After the trial has finished it is still important that you do not discuss your jury service in such a way that you disclose the identity of another juror or details of the jury discussions, or the particular case.

A copy of the section of the *Juries Act 2000* dealing with the confidentiality of jury deliberations will be given to you after you are discharged.

You have completed your role as a juror when the judge has discharged you from the trial.

You cannot be asked to explain how you reached your verdict. You cannot reveal anything that was discussed during your deliberations. If anyone tries to talk about the trial with you, you should report this to the Juries Commissioner.

Sometimes there will be an appeal, or there may be other matters to be dealt with related to the trial you have been involved in, and it is important that justice is not compromised by a juror discussing the trial.

### Support

If you find that you are having difficulty coping with the experience of being a juror on a trial, you may wish speak to someone.

To arrange a debriefing meeting, contact the Juries Commissioner, in confidence on (03) 8636 6812.

Discharged jurors can be referred to qualified psychologists who are available to speak on the telephone or in person—this is a free service.

# Do you have questions about jury service?

If you have any questions or any concerns about the trial or your experience as a jury member, please feel free to talk to the Juries Commissioner.

**Juries Commissioner's Office**  
**Ground Floor, 250 William Street**  
**Melbourne Victoria 3000**

 **03 8636 6800**

 **03 8636 6830**

 **[juries@supremecourt.vic.gov.au](mailto:juries@supremecourt.vic.gov.au)**

 **[www.courts.vic.gov.au](http://www.courts.vic.gov.au)**

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For more information about jury service visit  
[www.courts.vic.gov.au](http://www.courts.vic.gov.au)

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Juries Commissioner's Office  
Victoria

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