

## **FREQUENTLY ASKED QUESTIONS**

### **Who is eligible to serve as a juror?**

Anyone who is 18 years of age or older, who is a citizen of Montana and a resident within the limits of the City of Billings and who has not been convicted of a felony is eligible.

### **How was I selected to serve as a juror?**

Each year, the Jury Commissioner requests a list of potential jurors from the Clerk of the District Court. Currently, those names are drawn randomly from voter registration roles. Letters and questionnaires, like those you received, are then mailed to all prospective jurors. All completed questionnaires are reviewed by the Jury Commissioner upon receipt. The judge reviews all affidavits for excuse from jury duty. Pursuant to state law, only certain individuals who meet very specific criteria may be excluded from jury service. Work-related excuses, self-employment or otherwise, do not constitute a hardship.

### **How will I be summoned to serve on a specific jury?**

When a jury trial is scheduled, the Jury Commissioner uses a computer program to generate a random list of names from the jury pool. If you are selected, a summons is mailed to your attention approximately two weeks prior to the trial date giving the date of the trial and other pertinent information.

### **What happens if I ignore my summons for jury service?**

A jury summons is a court order. If you ignore it, you are subject to arrest and prosecution. In those cases where your schedule may preclude you from serving as a juror, the Court will try to accommodate you; however, in the furtherance of justice, there will be times when the Court cannot grant your request for excuse. It is important that you do not ignore the summons, but instead call the Court to see what can be done.

### **What if I am disabled?**

If you require special accommodations in order to serve, please contact the Court Administrator when you are summoned so that the appropriate steps may be taken to assist in your needs.

### **How long are jury trials in Billings Municipal Court?**

Usually, jury trials in this court last a single day. On rare occasions, a trial may last two days or more. Notification of longer trials will be provided in advance whenever possible.

### **If the trial lasts more than one day, will I be sequestered?**

No. Trial jurors are released in the evening with instructions about when and where to report the following day.

**Will I be paid for serving as a juror?**

Yes. You will receive \$12.00 for reporting for jury duty. If you are selected to serve on the jury, you will receive an additional \$13.00 for the first day and \$25.00 per day thereafter.

**What if my employer doesn't allow me to serve?**

The law prohibits any employer from preventing an employee to serve as a juror. The law also prohibits an employer from depriving an employee of benefits because of jury service, such as requiring you to use vacation or personal time to serve.

**Is it possible to appear for jury service and not sit on a jury?**

Yes. More people are called than actually serve. This allows the parties to carefully pick their trial jurors from the variety who appear. Approximately 25 jurors report for duty on the trial date; however, only six jurors and one alternate will be empanelled for the trial.

**How are trial jurors chosen?**

Attorneys must determine which seven individuals in the group are most likely to serve without bias and render a fair verdict. To do this, they use a process called voir dire. This Latin term is translated "to speak the truth." Every person has an opinion or bias about one subject or another. The attorneys will use your completed questionnaire and a few of the facts of the case to form questions which help them determine your bias or opinion.

**If I am chosen as a juror, what types of cases will I take part in deciding?**

All criminal cases filed in the Billings Municipal Court are misdemeanor offenses. The maximum penalty which may be imposed is one year in jail and a \$5,000 fine. Offenses can include a variety of simple traffic offenses (speeding, no insurance, failure to yield, etc.) and serious bodily injury, drug and traffic offenses (partner/family member assault, obstructing or resisting, DUI, possession of drugs or paraphernalia). In Montana, a defendant has the right to have a jury trial for even the simplest offense.

**If I am chosen as a juror, what will my responsibilities be?**

During the trial, the juror listens carefully to all evidence presented during the trial. During deliberations, jurors discuss the evidence with one another and decide what the facts are based on the evidence and testimony presented. The panel then applies the law to the facts presented in order to determine a verdict.

**What is the judge's role during trial?**

The judge is responsible to ensure that each party has the opportunity to present his or her case, to ensure that the trial proceeds as provided by law, to instruct the jury on the applicable law, and to determine the punishment in cases in which the defendant is found guilty.