

TRIAL PROCESS AND ROLE OF JURIES

SS.7.CG.2.5 Describe the trial process and the role of juries in the administration of justice at the state and federal levels.

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2023 BENCHMARK UPDATES

- Updated from SS.7.C.2.6
 - Changed from “~~Simulate~~ the trial process and the role of juries in the administration of justice.” to “Describe the trial process and the role of juries in the administration of justice at the state and federal levels.”
- Depth of Knowledge Changes within Benchmark
 - Changed from “Simulate” to “Describe”
- Benchmark Clarification Changes
 - Addition of “Students will examine the significance of juries in the American legal system.”
 - Addition of “Students will explain types of jury trials, how juries are selected and why jury trials are important.”
- Vocabulary Changes
 - No changes

Essential Teacher Content Background Information

[Teacher Content Notes Not Appropriate For Student Use]

This section addresses the following topics:

1. The Trial Process and the Role of Juries in the Administration of Justice at the State and Federal Levels
2. The Significance of Jury Trials in the American Legal System
3. Types of Jury Trials, How Juries are Selected, and Why Jury Trials are Important

1. The Trial Process and the Role of Juries in the Administration of Justice at the State and Federal Levels

Being part of a jury begins when individuals are summoned to jury duty and must appear at the listed courthouse at a specific date and time. This notification will say if the case is a federal or state case. Once there, the potential jurors will be assigned to a case. Jurors are needed for grand juries, which decide if there is sufficient cause and evidence to bring charges in a case, or more commonly, a petit/trial jury. If it is a petit/trial jury, the prospective jurors will go through voir dire to decide which jurors will stay and participate in the trial. Voir dire is the process that jurors go through during the jury selection.

The next step in the process is to hear the case itself. After both sides have "rested their case," the judge will give the jury instructions. The jury's role is to deliberate or discuss the case in closed quarters. As stated in the Florida Bar, Consumer Pamphlet: Handbook for Jurors "The jury's first duty when it begins deliberations is to select a foreperson. The foreperson acts as the spokesperson. The foreperson sees that discussion is carried on in a sensible and orderly fashion. They also see that issues submitted are discussed fully and fairly by every juror and that each has a chance to say what he or she thinks about every question. The foreperson will sign the verdict when the jury arrives at one."

During deliberation the jury can ask the judge clarification questions. There is no time limit on how long they have to deliberate. They must reach a verdict. If they can not, it is called a "hung jury," and there is a mistrial, meaning the whole thing will start again, pending the decision of the criminal trial prosecutor or civil trial plaintiff. Starting over after a "hung jury" is not a violation of the 6th amendment right to no "double jeopardy" because a verdict was never reached in the initial trial.

Once the jury gives its verdict in a criminal case, the judge decides the sentences. Civil cases can be a bit more complicated. According to the Florida Bar, Consumer Pamphlet: A Civil Case or a Criminal Case? "In civil cases, if the defendant is found responsible, the court can enter a judgment for money damages, punitive damages, compensation for lost time/wages/income and/or reimbursement for certain costs, maybe even specific performance of something to be done that was not done. The court also can issue injunctions against the defendant restricting the defendant from some activity, and sometimes a court may enter a judgment awarding the plaintiff or the defendant for attorney's fees. The judge cannot enter a judgment sending the defendant to jail or prison except in unusual cases in which the defendant may have violated a court order."

In Florida if it is a death penalty case, a second part of the trial begins and the jury must decide life in prison or the death penalty. According to the 2022 Florida Statutes (including Special Session A) [Title XLVII CRIMINAL PROCEDURE AND CORRECTIONS Chapter 921 SENTENCE 921.141](#) "Sentence of death or life imprisonment for capital felonies; further proceedings to determine sentence.—(1) SEPARATE PROCEEDINGS ON ISSUE OF PENALTY.—Upon conviction or adjudication of guilt of a defendant of a

capital felony, the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death or life imprisonment as authorized by s. 775.082."

In civil and criminal cases of state or federal courts the defendant can appeal if they feel their constitutional rights have been violated or due process was not followed.

2. The Significance of Jury Trials in the American Legal System

The right to a jury trial goes back to 1215 in the Magna Carta. It is an important right listed in the Declaration of Independence and guaranteed in the Bill of Rights. Jury duty therefore is an obligation of citizens, as it is required by law. However, it might also be considered a responsibility, in that it is something that good citizens do. Citizens serve on a jury to ensure that their peers receive the right to a fair trial with an impartial group of fellow citizens. The Founding Fathers did not want government officials deciding whether a person was guilty or innocent of an accused crime. This is a guard against tyranny. The Founding Fathers wanted each trial to be decided by a jury of your peers. Peers are contemporaries in neighborhoods and communities. Jurors listen to the facts of the case, deliberate or discuss those facts and decide guilt or innocence.

The judge's instructions to the jury are called "the judge's charge to the jury." They will address the issues in the case and define terms or words that may not be familiar to the jurors. In this way, the judge works with the jury to practice the principle of rule of law. People are involved in the judicial branch through juries rather than voting, as in the executive and legislative branches, though in many states at both the local and state level, members of the judicial branch may actually be elected at some point.

Ultimately, jury trials allow citizens to impact the government and participate in justice directly. It also gives them a better understanding of the Constitution and the justice process. The Declaration of Independence explains the purpose of government is to protect our rights to life, liberty, and the pursuit of happiness. Juries protect these rights.

"I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution." — Thomas Jefferson.

3. Types of Jury Trials, How Juries are Selected, and Why Jury Trials are Important

Jury trials are a crucial part of the U.S. legal system. They are referred to in the Declaration of Independence and specified in the sixth and seventh amendments. There are two types of juries in the US: grand jury and trial/ petit jury.

A. Grand Jury

A grand jury is a group of people who come together to decide if there is enough evidence, or probable cause, to charge somebody with a crime. Grand juries can be called for a federal or state crime. If it is a crime in the federal court system, the grand jury will have between 16- 23 people. If it is a crime against a Florida state statute, the grand jury will have a minimum of 15 members (18 for statewide grand jury). Grand juries only take place for certain types of criminal proceedings. In federal cases, a grand jury must be called if the charge is a felony (a crime involving violence, regarded as more serious than a misdemeanor, and usually punishable by imprisonment for more than one year or by death.) In state of Florida cases, grand juries are convened if the person is accused of a capital crime (a crime punishable by death). For all other crimes on a state level, people can be charged with an indictment (formal notice that it is believed a person committed a crime) by the prosecutor in a document called an information. An indictment gives basic information that informs the person of the charges against them,

as the sixth amendment requires. Unlike a jury trial, or a petit jury, the grand jury does not have to have a unanimous decision; a simple majority will result in an indictment.

B. Petit Jury

Another type of jury in the U.S. is a trial or petit jury. Trial juries are for both civil and criminal cases at the federal and state level.

1. Criminal juries typically have 12 people and alternative jurors. These juries are not looking for "probable cause". The trial jury must say they believe the defendant is guilty "beyond a reasonable doubt." These decisions must be unanimous. No jury is needed in these cases if the accused pleads guilty or if the attorney for both sides reaches a plea agreement.
2. Juries in civil trials typically have six people. They also need to be a unanimous verdict unless otherwise told by the judge. In these cases, juries do not need to find guilt "beyond a reasonable doubt." Here juries are looking for a "preponderance of evidence," which means more true than not. No jury is needed in a civil case if a settlement can be reached through negotiation. Civil trials are what people commonly refer to as lawsuits. Civil trial lawsuits are one of the following type of suits:
 - a. a company is suing a company (McDonalds sues Burger King for copyright infringement)
 - b. a person is suing a company (a customer sues Publix because he slipped in their store)
 - c. a company is suing a person (Google sues an employee for taking trade secrets to Bing)
 - d. a person is suing a person (Mary Jane sues Barbra Jean because she hit her in a car that caused a personal injury)

As mentioned earlier, serving on a jury is in many ways both a responsibility and obligation for all citizens in the U.S. Citizens receive a jury summons if they are selected to serve on a jury. This document gives citizens vital information and should be carefully read. It will tell citizens the specific location, time, and date for their service. It also gives instructions if someone needs to postpone their service and other information for jury duty. Not everyone summoned will participate in the actual trial. The process of deciding which potential jurors will be on the jury is called voir dire, which means "to speak the truth" in French, and the jurors are asked questions relating to their views on the law and justice. We have voir dire to ensure that there are no substantial prejudices or biases in the jurors. *The purpose of voir dire is to "obtain a fair and impartial jury, whose minds are free of all interest, bias, or prejudice."* *Pope v. State*, 94 So. 865, 869 (Fla. 1922) Judges can excuse biased jurors. Attorneys have an unlimited number of challenges for cause. Challenging for cause means asking the judge to excuse the juror for bias or prejudice. Attorneys on both sides may also ask for a certain number of jurors to leave without giving a reason. These are called peremptory challenges.

Both the Florida and U.S. constitutions require a trial by jury, which is why serving on a jury is an obligation and not just a responsibility. Juries make our constitutional republic stronger; it is the voice of the people determining the guilt or innocence of a defendant.

Sources: [Learn About Jury Service | United States Courts](#), U.S. Courts.gov; [The Importance of Jury Trials](#), The National Judicial College with support from the International Academy of Trial Lawyers; [Federal Grand Juries](#), The Hardy Law Firm, P.A.; [Consumer Pamphlet: Handbook for Jurors](#), Florida Bar; [Consumer Pamphlet: A Civil Case or a Criminal](#), Florida Bar; [Florida Statutes](#), Online Sunshine; US Department of Justice; [Types of Juries](#), United States Courts

Lesson Summary

ESSENTIAL QUESTION		
How do trials work and what role do juries play in America's legal system?		
BENCHMARK		
SS.7.CG.2.5 Describe the trial process and the role of juries in the administration of justice at the state and federal levels.		
CIVICS EOC REPORTING CATEGORY		
N/A		
OVERVIEW		
In this lesson, students will learn about the trial process at the state and national levels and the importance of juries in the American legal system.		
BENCHMARK CLARIFICATIONS		
<ul style="list-style-type: none"> Students will examine the significance of juries in the American legal system. Students will explain types of jury trials, how juries are selected and why jury trials are important. 		
BENCHMARK CONTENT LIMITS		
N/A		
CIVICS CONTENT VOCABULARY		
<ul style="list-style-type: none"> bailiff, beyond a reasonable doubt, civil case, court, court clerk, court reporter, criminal case, cross-examination, defendant, direct examination, grand jury, judge, judicial branch, juror, jury, justice, peremptory challenge, petit jury, plaintiff, plea agreement, preponderance of evidence, prosecutor, settlement negotiation, trial, verdict, voir dire 		
INSTRUCTIONAL STRATEGIES		
Role-play	Think/ Pair/ Share	Cooperative learning
MATERIALS		
<ul style="list-style-type: none"> Sticky notes or index cards Props for the mock voir dire (optional) Courtroom image The Trial Process Overview reading Called to Serve video (external link) Four Quad Video Reflection Consumer Pamphlet: Handbook for Jurors reading Handbook for Jurors Close Reading Notes Article III, Section 2 slide 		

- Trials and Juries activity packet
- Jury Summons image (external link)
- True/False Review Game slides
- Voir Dire Definition slide
- Voir Dire Script (need at least 10 copies)
- Potential Juror Questionnaire slides
- Fictional Voir Dire Play Questions
- Civics in Real Life: Jury Selection reading (optional)

B.E.S.T. STANDARDS

- ELA.7.R.3.2- Paraphrase content from grade-level texts.
- ELA.7.V.1.1- Integrate academic vocabulary appropriate to grade level in speaking and writing.
- ELA.V.1.3- Apply knowledge of context clues, figurative language, word relationships, reference materials, and/or background knowledge to determine the connotative and denotative meaning of words and phrases, appropriate to grade level.
- ELA.K12.EE.1.1- Cite evidence to explain and justify reasoning.

Suggested Student Activity Sequence & Pace

DAY	ACTIVITY SEQUENCE
DAY 1	<ol style="list-style-type: none"> 1. Project the “Courtroom” image. 2. Ask students the following questions: What is this a picture of? (courtroom) Which branch of government is this picture associated with? (judicial branch) What are courtrooms used for? (trials, administration of justice) Who would be some of the key people you might find in a courtroom? (judges, lawyers, juries, individuals on trial, etc.) 3. Remind students that the judicial branch of government is made up of many different types of courts at both the state and federal level. Each court has different functions, powers, and jurisdictions. Explain that for this lesson, you will focus specifically on trial courts and their processes. Teacher Note: If you have already taught SS.7.CG.3.9 this will serve as a review. If not, this can serve as a preview. 4. Pass out a copy of “The Trial Process Overview” reading to each student. 5. Work through the reading as a whole class. Read each step in the sequence, encouraging text marking as you go. Pause after each section to allow time for students to write a one sentence summary of that text. Have a few students share their sentences before moving on to the next step. 6. Once you have completed the reading, ask students: After looking at this overview of the trial process, what group of individuals plays a key role in administering justice? (the jury) 7. Remind students that jury duty is an obligation of citizenship (SS.7.CG.2.2) and that is because of the significant role juries play in the American legal system. 8. Show the “Called to Serve” video from the U.S. District Courts on the history and importance of the jury system and jury service 9. Provide students the “Four Quad Video Reflection” to complete during the video.
DAY 2	<ol style="list-style-type: none"> 1. Have students take out their “Four Quad Video Reflection” from the previous day. 2. Place students into pairs. 3. Have the pairs share and review responses from the video reflection sheet, adding or making any adjustments as needed. 4. For each quadrant, call on a few pairs to share their answers with the class. 5. Have students combine pairs to make groups of 4. 6. Pass out a copy of the “Consumer Pamphlet: Handbook for Jurors” reading from the Florida Bar Association and the “Handbook for Jurors Close Reading Notes” to each student. 7. Explain to students that while they should already have an understanding of the role juries play from yesterday’s trial overview reading and the U.S. Courts video, they can also see their importance by examining some of the instructions a juror is given. 8. In their group of 4, students should each select or be assigned a section from Part I: The Role of Jurors/Juries The sections are listed below: <ul style="list-style-type: none"> ■ Introduction ■ The Integrity of the Jurors ■ Important Things to Remember During the Trial ■ Conduct in the Jury Room 9. Using the first half of the “Consumer Pamphlet: Handbook for Jurors” reading, students should read their section and complete the corresponding close reading notes.

	<ol style="list-style-type: none"> 10. Once each person in the group has filled in their blanks, the group can work together to fill in the other sections in Part I. Each group member should contribute for their section, taking turns being a leader. 11. Review answers as a whole class. 12. Have students hold on to (or teacher can collect and hold) the “Consumer Pamphlet: Handbook for Jurors” reading and the “Handbook for Jurors Close Reading Notes” as they will return to complete Part II another day. 13. Upon leaving class, have the students answer the following exit ticket prompt on an index card or sticky note: Explain the statement: Jury duty is commonly considered the highest service a citizen can perform during peacetime.
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DAY 3	<ol style="list-style-type: none"> 1. Project the “Article III, Section 2” slide with text from the U.S. Constitution. 2. Ask students the following question: What fundamental right is this section of the U.S. Constitution referencing? (trial by jury) 3. Explain to students that while this fundamental right is included in the U.S. Constitution Article III, Section 2 and expanded upon in three different amendments in the Bill of Rights, there are differences in how juries look depending on the type of trial and whether it is being held at the state or federal level. 4. Distribute the “Trials and Juries” activity packet. 5. Read the ‘Types of Juries at the State and Federal Level’ portion as a class. 6. Place students into pairs. 7. Within their pair, have the students determine who will be ‘Partner A’ and who will be ‘Partner B’ 8. Partner A chooses one term or fact from the list to place into the ‘Grand vs. Petit’ venn diagram. 9. Partner B shares their feedback on the decision, either explaining why they agree or why they believe the term belongs somewhere else. Teacher Note: If they can not agree, both people need to raise their hand to signal the teacher to come to their table. 10. Partner B chooses one term or fact to place into the venn diagram. 11. Partner A shares their feedback on the decision, either explaining why they agree or why they believe the term belongs somewhere else. 12. The partners continue to take turns until all terms/facts have been placed. 13. Once all pairs have completed the ‘Grand vs. Petit’ venn diagram, review answers as a whole class. Teacher Note: Use the answer key below to help guide discussion. 14. Repeat steps 5 -13 for the ‘Criminal Jury Trials vs. Civil Jury Trials’ reading and the ‘Criminal vs. Civil’ venn diagram.
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DAY 4	<ol style="list-style-type: none"> 1. Project the “Jury Summons” image from Broward County. Teacher Note: You could swap with a jury summons image from your county. 2. Ask students to identify what the image is and what it means. (jury summons, citizen is obligated to report for jury duty on a specific date/time/courthouse) 3. Ask students the following question: If you receive one of these jury summons in the mail, does that automatically mean you will serve on a jury? (no)
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	<ol style="list-style-type: none"> 4. Explain to students that now that they have a deeper understanding of the trial process, the different types of jury trials, and the importance of jury trials, they will take a closer look at how juries are selected. 5. Have students take back out (or teacher pass back out) their “Consumer Pamphlet: Handbook for Jurors” reading from the Florida Bar Association and the “Handbook for Jurors Close Reading Notes”. 6. Have students form groups of 5. 7. In their group of 5, students should each select or be assigned a section from Part II: The Selection of Jurors/Juries. The sections are listed below: <ul style="list-style-type: none"> ■ Qualifications of a Juror ■ Exemptions From Jury Duty ■ Payment For Jury Duty ■ Length of Service ■ The Questioning of Jurors 8. Using the second half of the “Consumer Pamphlet: Handbook for Jurors” reading, students should read their section and complete the corresponding close reading notes. 9. Once each person in the group has filled in their blanks, the group can work together to fill in the other sections in Part II. Each group member should contribute for their section, taking turns being a leader. 10. Review answers as a whole class. 11. Move students back to individual seats. 12. Use the “True/False Review Game” slides to check for student understanding, address misconceptions, and engage in further discussion. Teacher Note: Options for responding: 1. Print the first card for each student, have them fold it in half and hold up the thumbs up or the thumbs down picture. 2. Students show a thumbs up or thumbs down. 3. Hand out red and green scrap paper to hold up. 14. Project slide 2 and provide students time to read the statement. 15. Provide wait/think time Teacher Note: Verbally counting down from five (or three) reminds them to wait. 16. Give students a signal to commit and hold up their answer. Teacher Note: The signal can be you raise your hand, or the end of the count down, or the word commit. Just so they know to wait to hold up their card, or give a thumbs up or down, until you signal them. This protects everyone’s “think time”. 17. Survey the room to see how many students got the answer correct. 18. After each question, take some time to go over why it is a correct or incorrect statement. Teacher Note: See information in the speaker notes portion of the slides to guide your talking points.
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DAY 5	<ol style="list-style-type: none"> 1. Review with students some of the qualifications of a juror and what may exempt an individual from jury service as learned yesterday. 2. Ask students the following question: Beyond basic qualifications, do you think lawyers on both sides of a trial have other qualities they are looking for in a potential juror? What might be some examples? Why? 3. Project the “Voir Dire Definition” slide and explain to students that in the trial process, jury selection is an extremely important step. While there are basic qualifications/exemptions for being a juror, each side also uses the voir dire process to try and get jurors they think might
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be more apt to rule in their favor. Today, you will get to experience a mock voir dire portion of a trial to gain a better understanding of how juries are selected.

4. Prepare the mock voir dire by assigning parts, handing out the “Voir Dire Script” and setting up the room.

Teacher Note: Make a set of this script in advance. Have each part highlighted so that whoever gets that script, knows what part they will be reading aloud. This helps students know when to read and keep the play moving. There are 10 roles. If you want more students to participate, you could have them swap out during the mock voir dire for parts such as the lawyers. It also is more fun for the students if you set your classroom up as a courtroom, with the judge in front, attorneys at tables, and potential jurors in a jury box. Non-participating students can be the gallery (audience) and follow along.

5. Introduce students to the 6 potential jurors in this case by using the “Potential Juror Questionnaire” slides.
6. Use the script to act out a mock voir dire portion of a jury trial.
7. Once finished, instruct students to complete the “Fictional Voir Dire Play Questions”.

Extension Activity: Students may read and complete the “Civics in Real Life: Jury Selection”

Civics Content Vocabulary

Word/Term	Definition
bailiff	keeps order in the courtroom and takes charge of jury when court is not in session
beyond a reasonable doubt	the standard that must be met by the prosecution's evidence in a criminal case: that there is no other logical explanation, based on the facts, except that the defendant committed the crime
civil case	person or group taking legal action against another person or group
court	governmental forum that administers justice under the law
court clerk	court officer responsible for giving the oath to jurors and witnesses, is also responsible for court paperwork and physical evidence
court reporter	court officer who records, word for word, everything that is said as part of the trial
criminal case	a court case involving a crime, or violation of public order
cross-examination	the follow-up questioning of a witness by the side that did not call the witness to the stand
defendant	an individual or group being sued or charged with a crime
direct examination	the first questioning of a witness by the side that called the witness to the stand
grand jury	a jury only for criminal cases that does not determine guilt or innocence, but determines whether probable cause and enough evidence exists to say that a crime was committed and that charges should be brought against an individual(s)
judge	a public official who decides questions brought before a court
judicial branch	the branch of government that interprets the laws made by the legislative branch
juror	a member of a jury
jury	a body of citizens sworn to give a true verdict according to the evidence presented in a court of law
justice	fairness; rightfulness when it comes to crimes and punishments
peremptory challenge	a defendant's or lawyer's objection to a proposed juror, made without needing to give a reason

petit jury	a trial jury for both civil and criminal cases that listens to evidence offered during a trial and returns a verdict
plaintiff	a person or company who brings a case against another in a court of law, civil case
plea agreement	pleading guilty to a lesser crime or giving evidence against others for a lesser punishment
preponderance of evidence	the standard of proof in a civil case in which a judge or jury must believe the plaintiff's story and evidence is stronger than the defendant's version
prosecutor	the state or federal government attorney in a criminal case
settlement negotiation	process used to resolve (settle) civil disputes without a trial, typically in private negotiations between attorneys representing the disputing parties
trial	the court process to determine whether someone committed a criminal act
verdict	a judgment
voir dire	the process through which potential jurors are questioned by either the judge or lawyer to determine their suitability for jury service.

ADDITIONAL RESOURCES

[Civics 360 Resources](#)

Florida Department of Education's Civic Literacy Reading List

- N/A

ANSWER KEYS

Sample Answers: The Trial Process Overview reading
Sample Answers: Four Quad Video Reflection
Sample Answers: Handbook for Jurors Close Reading Notes
Sample Answers: Trials and Juries activity packet
True/False Review Game (in speaker notes section of slides)
Sample Answers: Fictional Voir Dire Play Questions

SOURCES

United States Courts, "Learning About Jury Service":

<https://www.uscourts.gov/services-forms/jury-service/learn-about-jury-service> Accessed January 2023

The Importance of Jury Trials to a Democratic Society A presentation created by The National Judicial College with support from the International Academy of Trial Lawyers:

<https://www.judges.org/wp-content/uploads/2020/03/Importance-of-Jury-Trials.pdf> Accessed January 2023

Sample Voir Dire: <https://libraryguides.missouri.edu/c.php?g=28615&p=176509> Accessed February 2023

How Lawyers Choose Jurors:

<https://www.criminaldefenselawyer.com/resources/how-lawyers-choose-juries.htm#:~:text=After%20questioning%20prospective%20jurors%2C%20each,that%20juror%20from%20the%20panel.&text=Much%20has%20change%20during%20the%20coronavirus%20pandemic%2C%20including%20jury%20trials> Accessed February 2023

Consumer Pamphlet: Handbook for Jurors: <https://www.floridabar.org/public/consumer/pamphlet016/>

Accessed February 2013

Called to Serve, United States District Court, Middle District of Florida:

<https://www.flmd.uscourts.gov/jurors/videos-jury-service/called-serve> Accessed February 2023

Jury Summons Example: <https://www.browardbar.org/remote-jury-selection-during-a-pandemic/>