



THE SUPREME COURT OF BERMUDA

GUIDANCE NOTES FOR JURORS

This leaflet is designed to explain to you your duties as a juror and deal with the administrative arrangements.

Potential jurors are selected at random by a computer programme from the Electoral Register. Those chosen are then summoned to the first day of the next session of the Supreme Court. If you are summoned a copy of this leaflet will be given to you by the police officer serving the summons.

Period of Summons

Jurors are summoned for two months. There will be several trials scheduled during this period. On the first occasion that you attend you will be told when to come back for jury selection for the next scheduled trial. Most trials last one to two weeks, although there are exceptional cases which last longer. The Judge will tell you at the start of the trial how long it is expected to last.

Excusal and Deferment

You may ask to be excused from service, or to have your service deferred, for good reason. Applications should be made promptly upon receipt of the summons and well in advance of your first day of jury service. Application made on the first day of jury service will not be considered until later, and you will have to serve until it has been considered.

The Chief Justice will excuse you for short periods to accommodate pre-booked travel plans on production of an itinerary showing that the tickets were purchased before service of the summons. Once the session has started, you should not make travel arrangements or book trips during the period for which you have been summoned, without first obtaining permission in writing from the Chief Justice.

If you wish to be excused on medical grounds you should provide a doctor's letter. Civil Servants who wish to claim an exemption on grounds of their public duties must do so via the Head of the Civil Service, and not direct to the Chief Justice.

All applications should be made in writing to the Chief Justice at the Supreme Court Registry, 113 Front Street, Hamilton HM 11, Fax # 292 2268. They should contain full contact details for the applicant.

The same procedure applies if you claim to be exempt or disqualified from the service.

When and Where to Attend

Jury trials are held in Courts 1 and 3. Court 1 is in the Sessions House, 21 Parliament Street, Hamilton HM 12. The public entrance is through the main door on the East side. Court 3 is upstairs in the old Fire Station at 113 Front Street, Hamilton HM 11 – the entrance is from the yard at the rear, up the outside steps. Parking at both locations is extremely limited, and can only be provided to sitting juries.

You will be contacted as to which Court to attend. If in doubt, telephone the Registry at 292 1350.

During trials the Court normally sits at 9.30 in the morning until 12.30 and from 2.30 to 4.30. This may vary according to how the trial is progressing. However, on days set for jury selection, which includes the first day of your service, you should arrive at 9.15 a.m.

It is important that you be on time.

Facilities

Each Court has a separate room for the use of jury members, with a refrigerator and microwave oven. Refreshments (coffee/tea) are provided during the mid-morning break, but lunch is your responsibility. If you have retired to consider your verdict over the lunch period, then lunch will be provided.

Preliminaries

Before the jurors are balloted the names of the prosecution witnesses will be read out to you. You should listen carefully – if your name is called the Judge will be asking you to declare if you know the defendant or any of the witnesses.

Jury Selection

The jurors for each case are selected by ballot which is conducted by the Clerk in the presence of everybody in court. As the names are called the prosecution may ask that you be stood by, in which case you will be asked to return to your seat, and another name will be balloted in your place. When all twelve places have been filled, the Judge will ask you to declare if you know the defendant or any of the witnesses whose names have been read out. If you do, you should say so and you will then be asked further questions on oath designed to find out if you are an appropriate person to sit on the jury. The issue is whether the connection may influence you, or might be thought by a reasonable observer to be likely to influence you.

If the Judge considers that it is not appropriate for you to sit on the jury, you will be asked to step down, and a new juror will be balloted. If you know of any other reason why you should not sit as a juror, you should tell the Judge. If you have been excused

from service in the near future you should tell the Judge, so that he can consider whether the trial will extend that long.

Each defendant has a right to challenge up to three jurors without giving a reason. That right will be exercised after the initial selection process.

Once that selection process is complete you will be sworn. This is done all together by the Court Attendant. If you have a religious objection to swearing on the bible, then you may affirm, i.e. make a solemn promise, which is equally binding upon you in law and conscience.

Once sworn, the defendant will be put in your charge, which means that the court clerk will read out the charges to you, and briefly explain your duty.

Choosing a Foreman

The judge will ask you to choose a foreman. That is an old-fashioned word, and it means either a man or a woman. The Foreman's job is threefold – (i) to act as a channel of communication between the jury and the judge in the event of questions or problems; (ii) to chair the jury's discussions when they are considering their verdict; and (iii) to return that verdict by standing up in court at the end of the trial and saying whether the jury find the defendant guilty or not guilty.

Please Do not Discuss the Case

It is very important that persons sitting on juries do not discuss the case with anybody outside their own number. This applies to everybody, including spouses, parents and siblings. The judge will instruct you further on this at the start of the trial. You should also avoid, if possible, all media reports in reference to the case for which you have been selected, and any other outside influences which may affect your decision.

Legal Arguments

There may be times in the course of the trial when legal points arise which are best discussed in the absence of the jury. If that happens the judge will ask you to withdraw to the jury room. If the legal argument is likely to be extended, the judge may excuse you until a specified later time, in which case you are free to go until that time. Please do not speculate about what happens in your absence, or attempt to find out by inquiry of the court staff or anyone else.

Dress and Security

If selected to sit on a jury, it is important that you feel comfortable during the trial. Courts are formal places, and you should dress appropriately. The air-conditioning is set to be comfortable to those wearing suits and/or legal robes. This may seem cool if you are lightly dressed, and you should bear that in mind. The court cannot be responsible for personal belongings, and it is wise to leave valuables at home.

Cell-phones

Cell-phones and pagers must be turned off at all times when in court. You are not allowed to take cell-phones and pagers into the jury room when considering your verdict, and will be asked to surrender them to the police officers.

Considering Your Verdict

Once you have retired to the jury room to consider your verdict, you will not be able to separate or have any contact with outsiders. Lunch and other refreshments will be provided if necessary. You will be asked to surrender all cell-phones before retiring (see above).

Problems

If you have any personal problems, such as illness or bereavement, during the course of a trial, you should contact the judge, who will consider best how to deal with it. The judge can be contacted through the jury officer, or other members of the court staff.

The court will also allow short adjournments to accommodate important commitments, such as weddings and funerals.

If any outsiders approach you about the case, or if anything untoward happens, you should notify the judge forthwith.

Jury duty is an important civic duty. The right to trial by jury is guaranteed under the Constitution, but effect cannot be given to that right unless people like yourself are willing to participate in the process. This leaflet is designed to assist you in discharging that duty. If you have any questions please contact the Supreme Court at 292 1350; fax 292 2268.