

HANDOUT 2: Jury Selection and Jury Role

Jury Selection

- Potential jurors are selected randomly from the British Columbia voters list and are summoned to court by a notice sent out by the sheriff.
- The people summoned become part of the jury panel and must be Canadian citizens.
- BC residents, and between the ages of 19 and 65 before they are eligible to serve on a jury.
- The panel provides a pool of potential jurors for upcoming trials and can remain active for up to two months. A member of the panel must attend one or two jury selection processes during that period.
- A member of the panel could serve on more than one trial during the panel's active period but then that juror is exempt from being summoned for two years.
- All potential jurors from the panel are gathered into a courtroom.
- Each person's name is printed on a card and placed in a box.
- Then the court clerk pulls 15-20 of those cards from the box and the panelists come forward.
- Each panelist is consented to, challenged or stood aside until 12 jurors are chosen. Each juror swears an oath and is then seated in the jury box. Civil trials start the same day but a criminal jury is called back for trial on a different day.
- The judge may excuse some potential jurors if they have good reasons. The judge will decide after questioning that person as to their reason. Some considerations include:
 - Relationship to anyone in the case
 - Personal hardship: e.g. full-time student
 - Medical reasons
 - Limited ability to speak or understand English
 - Personal interest in the matter
 - Booked travel plans which conflict
 - People in some occupations are exempted such as police, judges, lawyers,
 - Court officers or corrections officers



NOTE: Missing work is not an excuse, as the employer is required by law to give a worker time off to serve on a jury. Inconvenience is not an excuse. If the judge directs a potential juror to stand aside and if a jury cannot be selected from the names called then the people stood aside can be recalled to complete the jury selection.

Jury Role

For members of the jury, it is their job to listen carefully to all the evidence. In a criminal trial, the evidence is presented by the Crown and defence lawyers through their witnesses. The jurors then decide what they believe. They will make the final decision as to whether the accused is guilty or not guilty of breaking the law.

An accused person is always considered to be innocent of a crime until s/he has been proven guilty in court. It is the job of the Crown lawyers to prove that the accused broke the law. The jury has to decide whether the Crown lawyers have presented enough evidence to convince them of the guilt of the accused. The Crown must prove guilt "beyond a reasonable doubt." This means that the jury shouldn't decide that the accused is guilty unless they are sure.

If jurors doubt as to whether the accused is guilty and that doubt is "reasonable" (which means that they can give a reason for their doubt) then they should find the accused not guilty. The jury is not allowed to speculate. This means that they can't say "maybe they did it," or "they could have done it if...". To find the accused guilty, the guilt of the accused must have been proven beyond a reasonable doubt.

In a civil case, both parties will introduce evidence for the jury to consider. The jury will then decide who is at fault or liable. The burden of proof is on a "balance of probabilities", which means it is more probable that one side is correct. The jury does not have to be 100% sure as in a criminal case.

Making a Decision

Before the trial begins, the jurors elect a "foreperson." The foreperson is the person who sits in the jury box closest to the judge. This foreperson will ask the jurors for their decision in the jury room. S/he may ask for the reason for the decision. After everyone has explained their reasons, the jury will vote and the verdict needs to be unanimous in a criminal trial with all deciding not guilty or guilty. Otherwise, there is a hung jury and a new trial will be ordered. In a civil case, the jury will answer the questions that have been prepared for them. Only 6 out of 8 jurors need to be unanimous.

When the jury returns to the courtroom, the court clerk or judge will ask them for their verdict, if one has been reached. The foreperson will stand and will wait for the accused/defendant to stand before giving their verdict of "guilty" or "not guilty" or answering yes to the finding of fault in a civil case. The jury will be asked by the court clerk, "This is your verdict, so say you all? Please stand to confirm your verdict." The jurors will all stand to confirm their verdict.

The judge will either sentence the accused or release them, depending on the verdict in a criminal trial. In a civil trial the judge will confirm the verdict and adopt it as the judgment in the case. Jurors will be thanked for their service and then discharged.