

JURY SERVICE

One of the oldest institutions in our legal system is the right of a person who has been accused of a serious offence to be tried by a jury of his/her peers. Indeed it is one of the oldest remaining legal customs from ancient times.

Every year hundreds of individuals receive summonses to serve on a jury. The names are selected at random from electoral rolls. There are, of course, certain categories of individuals who may not serve on a jury including MPs, Judges, barristers and solicitors, JPs who hear District Court cases and employees of Department of Corrections, Police, Justice and Legal Services Agency. People with certain criminal convictions may not serve on a jury.

If you should receive a summons to be a juror you must attend, unless you are able to get an exemption from jury service from the Court Registrar. Ignoring a jury summons may result in a fine of \$300.00.

For those who take up the challenge of serving on a jury, it will provide an interesting insight into the justice system in action. Once the jurors have been selected the trial usually commences with the Judge addressing the jury to outline the roles and responsibilities they are undertaking. Emphasis will be placed on keeping an open mind throughout the course of the trial and not reaching any conclusions as to the guilt or innocence of the offender until all evidence has been presented and the final addresses by prosecution and defence and the Judge's summing-up have been completed.

It is the jury's role to decide whether, on the evidence adduced and facts established, the defendant is guilty of the offence beyond reasonable doubt. If there is a reasonable doubt a defendant must be acquitted. One of the Judge's tasks is to provide an explanation of the legal issues and assist the jurors with understanding the law relating to the offence. Some offences are defined in such wording it is difficult for most of us to interpret and helpful assistance is given.

When the jury retires to consider its verdict, it is ushered into a separate room to deliberate. The Ministry of Justice provides sustenance and the jurors remain in the jury room until a verdict is reached. In former times once a jury had retired, the members were required to be kept together until a verdict has been reached, but that rule has been relaxed and jurors may go home overnight, or for the weekend.

On reaching a verdict the jury is then ushered back to the jury box and the foreman will, when asked by the Registrar, announce the result.

Serving on a jury is a civic duty and everyone who receives a summons should try to serve if at all possible.

This article has been prepared by Bessie Paterson, a Partner with Ronald Angland & Son, Solicitors, who may be contacted on Tel: 03 349-4708 or e-mail bessie@anglands.co.nz