

# Teaching Resources

## The Federal Courts

### The Function of and Qualifications for Federal Jury Service

#### Overview

One of the most important ways that individual citizens become involved in the federal (or state) judicial process is by serving on a jury. Jury service is one of the few legal responsibilities citizens in the United States have in their government. Though some people complain about the imposition of serving on a jury, many find that their service gives them unique insights into the judicial process and an unusual opportunity to deliberate with others on weighty questions of law and evidence. In this lesson, students learn the difference between a trial jury and a grand jury and complete a brief activity that tests their understanding of juror qualifications and exemptions.

#### Objectives

At the end of the lesson, students will be able to:

- Describe the function and importance of a jury in U.S. government,
- Describe the difference between a trial jury and a grand jury, and
- List the qualifications for a juror.

#### Materials

An overhead transparency (“The Difference between Trial and Grand Juries”), handout and teacher’s answer sheet.

#### Procedures

1. Before the lesson begins, write the following quotes from the Constitution on the board or overhead projector:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed...

Amendment VI, U.S. Constitution

In suits at common law, where the value in controversy shall exceed twenty dollars,

the right of trial by jury shall be preserved...

Amendment VII, U.S. Constitution

2. Explain to students that the Framers of the Constitution believed that trial by jury was so important that the right to a jury was preserved in the Sixth and Seventh Amendments to the U.S. Constitution. Ask students why this right is so important to be included with such other rights as freedom of speech and religion, freedom from unreasonable search and seizure, and other rights.
3. Through your initial discussion with students help them to understand that the jury trial is yet another way that government's powers can be kept in check. The assumption is that even if a court system becomes unduly influenced by other branches of government an impartial jury, along with other protections like the right to counsel, will help determine the truth and prevent the abuse of government.
4. Explain to students that there are two kinds of juries that serve separate functions in the federal courts, trial juries (also known as petit juries) and grand juries. Use "Overhead Transparency: The Difference between Trial and Grand Juries" to help students understand the difference between the two.
5. Explain to students that federal trial juries are not used very often. Sometimes a civil case is settled out of court, or a criminal makes a deal with prosecutors before a trial occurs. It is also possible to forgo a jury trial, in favor of having a judge decide the case, in certain circumstances. However, when there is a jury trial, there are some explicit qualifications for being a juror. Explain that the next activity will help students understand what those qualifications are.
6. Explain to students that in the federal system grand juries are used to bring charges against people who are believed to have committed crimes. If a federal prosecutor wants a grand jury to charge someone, the prosecutor reserves time with the grand jury and then presents evidence to them. In presenting the evidence, the prosecutor is trying to persuade the jurors that a person has committed certain crimes. The evidence can be testimony from witnesses, documents, video recordings, tape recordings, test results (like DNA tests), photographs, etc. The grand jurors review the evidence and decide if it establishes probable cause to believe the person has committed the crime(s) the prosecutor claims.

After they hear all the evidence, the jurors vote on a set of proposed charges—known as an "indictment." If a majority of the grand jurors decide the evidence creates probable cause to believe the person committed the crimes, they vote to "return" the indictment—to charge the person with those crimes. If a grand jury votes to indict, a criminal case is then initiated. If a majority of the grand jurors do not think the prosecutor's evidence creates probable cause, they will vote not to return the indictment. In this case, a criminal case is not started.

7. Distribute "Student Handout: Qualifications for Being a Juror." Given what they know about the purpose of jurors, ask students on their own to determine whether the people described should be able to serve. Explain that the class will use the examples to draft a list of qualifications for juries.
8. When students have completed the handout, review it with them. After each description, help students draft a list of qualifications for a jury at the bottom of the page. They should place this list in their notes. You may wish to have students summarize these qualifications

by explaining why they are important for a jury to function properly in the American legal system.

9. For homework, you may assign reading on qualifications, exemptions, and responsibilities for jurors. If students are going to visit a court, you may have them draft a list of questions about juries for a judge or administrative member of the court. Alternatively, students could interview someone who has been on a jury and report back on their experiences.

## **Resources**

- *Understanding the Federal Courts* (1999), by the Administrative Office of the U.S. Courts, Washington, D.C. Available online at [www.uscourts.gov](http://www.uscourts.gov).
- Federal Grand Jury Web site at [www.udayton.edu/~grandjur/index.htm](http://www.udayton.edu/~grandjur/index.htm).