

**FINAL SCRIPT- Petit Jury Orientation Video**  
"Your Turn"

**BYRON PITTS (OC)**

So you've been called for jury duty.  
Everyone who is eligible must serve  
rich or poor, of any religious or racial background.

Today, we know more than ever that the right to a fair trial  
cannot be ensured by police or any other authorities.  
It can only be ensured by the direct, day-to-day  
participation of we the people.  
And that's why *you* - are here today.

**BYRON PITTS (OC)**

Hi. I'm Byron Pitts, and I'm going to take you  
through what you can expect when you sit on a jury.  
Of course, one of the reasons courtrooms and  
trials are so popular with the media is that  
in many ways they are like dramatic theater.

First of all, we have conflict - a dispute that comes to a  
showdown in a courtroom... and we don't know how  
it will come out until the trial ends.

**CUT TO GRAPHIC**

*CRIMINAL*

*Opponents:*

*State vs. Defendat (s)*

In a criminal trial, we have on one side  
the people of the state of New York,  
represented by a prosecuting attorney.

On the other side a defendant, charged with  
violating a state law or laws.

**CUT TO GRAPHIC**

*CRIMINAL*

*Opponents:*

*State vs. Defendat (s)*

*Issue:*

*Was a crime actually committed?*

*Did the defendant(s) commit it?*

In a criminal trial the jury decides if the district attorney has proved beyond a reasonable doubt that the defendant violated the law.

### **CUT TO GRAPHIC**

*CIVIL*

*Opponents:*

*Plaintiff(s) vs. Defendant(s)*

In a civil trial, we have a plaintiff - a party who claims to have been wronged... and on the other side, a defendant who allegedly committed the wrong-doing.

### **CUT TO GRAPHIC**

*CIVIL*

*Opponents:*

*Plaintiff(s) vs. Defendant(s)*

*Issue:*

*How should this dispute be resolved?*

In a civil trial, the jury decides the merits of the plaintiff's claims.

### **BYRON PITTS (OC)**

Other differences between a civil and criminal trial include the number of jurors to sit on a case, and the standard of proof to be applied to the evidence presented. The judge in your particular trial will explain these differences to you.

Another similarity between courtroom trials and dramatic theater is that each features a cast of characters.

We have the **JUDGE**, [*Court reporter hands judge minutes. Judge says thank you. Judge reviews minutes*] who is responsible for the conduct of the trial in accordance with the law.

There behind the stenographic machine is the **COURT REPORTER**, [*Typing*] who must transcribe and produce a word-by-word record of the trial.

Over there, you'll find the **COURT OFFICERS** – [*Male officer seating at desk answers phone “hello.” Looking at female officer standing says “Please take this to the judge.” Hands over folder with documents and on the phone replies “An officer is on her way.” hangs up phone – Female officer receives folder*]

the people charged with maintaining order in the courtroom and, according to the judge's instructions, attending to the jury.

And then we have the **CLERK**, [*seating at desk doing paperwork*] who swears in the jury and all witnesses, and is responsible for all documents and physical evidence in the trial.

At those two tables facing the judge we have the disputing parties, represented by counsel.

In a criminal trial, one table is occupied by the **PROSECUTING ATTORNEY**, [*at desk taking notes and looking at judge as judge speaks*] representing the people of the state of New York.

In a civil trial, instead of a prosecuting attorney we have the attorney for the plaintiff, the party who claims to have been wronged.

At the other table sits the **ATTORNEY FOR THE DEFENDANT**, [*at desk taking notes and looking at judge as judge speaks*] the party accused of the wrong-doing.

And now, all the characters of the drama are in place, except for one vital part – **THE JURY**. [*12 jurors in jury box. Defense attorney asks question*]

That's going to be *your* role.

Once you've been chosen, you and your fellow jurors will be asked to sit through a process known as “voir dire” - a French phrase that means literally, “To see them say.”

During this process, attorneys representing each of the parties to the dispute will ask you questions - to “see you say.”

### **DEFENSE ATTORNEY**

Can you base your verdict solely on the evidence and the law?

### **JUROR**

Yes, I can.

**BYRON PITTS**

Remember, the attorneys for each party want to wind up with jurors they feel will be most receptive to their arguments. So, if you are excused during this process, it is in no way a reflection on your intelligence, or integrity.

Sometimes, when you're sitting on a jury, it may seem as if all you're doing a lot of is waiting around. But to the contrary, having the jury there, ready to hear the evidence and render a verdict is helping to resolve the case...

You are not just sitting around, but rather playing an indispensable role in our justice system. But now, let's take a look at the flow of a typical trial.

Whether you're serving on a civil or criminal trial, there's a general procedure that is followed.

**CLERK**

Are the remaining jurors satisfactory to the people?

**BYRON PITTS**

Once you're selected as a juror, you will be sworn in by the clerk.

**CLERK**

Will the jurors please rise, and raise your right hand? Jurors, do you solemnly swear or affirm to try the case of the people of the state of New York against James Smith, the defendant, in a just and impartial manner, to the best of your judgment, and to render a verdict according to the law and the evidence?

**JURORS** (in unison)

I do.

**BYRON PITTS**

In this age of instant electronic communication and research you will be instructed to refrain from sharing information about the case with anyone by any means whatsoever.

**JUDGE** (Speaks to jurors)

I want to emphasize that in addition to not conversing

face to face with anyone about the case, you must not communicate with anyone about the case by any other means, including by telephone, text messages, email, internet chat or chat rooms, blogs, or social websites, such as Facebook, MySpace or Twitter.

**BYRON PITTS**

The judge will also instruct you not to use Google or other Internet tool to search information about the case, the lawyers, or any of the individuals involved in the trial.

**PROSECUTING ATTORNEY**

Ladies and gentlemen of the jury, I submit to you by the evidence that will be presented to you...

**BYRON PITTS**

You may hear opening statements by the opposing attorneys, each presenting their sides of the dispute. This is not evidence; this is the way they see it.

**DEFENSE ATTORNEY**

Finally, I am confident that after you have heard all the evidence, you will return a verdict of not guilty.

**BYRON PITTS (VO) [judge, court reporter, prosecutor questioning witness.]**

Then, under the watchful eye of the presiding judge, the accusing side will present evidence to support their argument: witnesses, exhibits, documents.

**PROSECUTING ATTORNEY**

No further questions, your honor.

**DEFENSE ATTORNEY**

Mr. Edwards, on that day, what time did you arrive at work?

**BYRON PITTS (VO)**

The attorney for the defense has the opportunity to cross examine these witnesses.

**DEFENSE ATTORNEY**

What did your supervisor say to you?

**PROSECUTING ATTORNEY**

Objection!

**BYRON PITTS (VO)**

There may be interruptions from time to time,  
when the attorneys huddle with the judge.  
These discussions concern points of law,  
and are not meant for the ears of the jury.

**BYRON PITTS (VO)**

Next, the defense may present its evidence.  
This presentation may in turn be challenged  
by the opposing side.

**PROSECUTING ATTORNEY**

Ladies and gentlemen of the jury, we have come  
to the end of our journey together in this case.  
You've heard all of the evidence, and now...

**BYRON PITTS (VO)**

After both sides have presented their cases,  
they will make closing arguments.  
And now it comes down to you the jury.

**JUDGE**

Members of the jury, we have now reached  
the point in the trial when you are to assume  
your active functions as jurors. First...

**BYRON PITTS (VO)**

The judge will instruct you as to how the law  
applies to this case, and you will retire to deliberate.  
During the deliberation, all you need to be a  
good juror is an open mind, fairness, the ability  
to reconsider your opinion, and common sense.  
Were the witnesses telling the truth?  
Was the evidence credible?  
What are the actual facts of the case, as you see them?  
Remember, your opinion is equal to anyone else's  
in the jury room.  
Once the jury reaches its verdict, the court will hear it.

**JURY FOREPERSON**

We the jury find the defendant, James Smith...

**BYRON PITTS**

And that's the end of your service!  
Of course, every trial is different.  
But whatever the case you sit on, you're most likely

going to find it fascinating.  
Most people who serve on juries  
come away with a more favorable view of  
our legal system than they ever had before  
But this is the important part.  
Remember that when we serve on juries,  
as many thousands of us do all the time, all over  
the country, we are not only guaranteeing the rights  
of others to a fair trial...  
but guaranteeing the same rights for ourselves,  
and our families.

## **FADE TO BLACK**

**FADE** in on images of courthouses across New York and music

### **HON. JANET DIFIORE (Voice Over)**

All across New York State,-- from Riverhead on Long Island to Buffalo on the shores of Lake Erie,-- you'll find a great variety of courthouses. But no matter how different they look on the outside, inside these structures the promise is always the same:-  
- a guarantee of justice for all.

Since our nation's earliest days, the right to trial by jury has been central to the guarantee of equal justice for all. We could not preserve and protect this fundamental right without the participation of jurors like you.

### **HON. JANET DIFIORE (On Camera)**

I'm Janet DiFiore, Chief Judge of the Court of Appeals and the State of New York.

Thank you for being here today to participate in the work of your court system. We ask that each of you be prepared to serve for, at most, one trial. The majority of trials last only a few days. We are keenly aware that New Yorkers have busy lives and that

you have many demands on your time. Knowing that,-- we have transformed the jury system, by increasing the jury pool and reducing the length of jury service,-- in order to make your service more convenient.

Like voting, jury service gives you the opportunity to participate – in a very direct and personal way – in our democracy. For this brief period of time, you are performing an important and extraordinary public service. If any of us found ourselves in court as a party to a dispute, we would hope to have an engaged, fair, and impartial jury of New Yorkers like you as the judges of the facts.--

Many jurors have found that the benefits of broadened horizons through jury service more than outweigh the burdens of service. You will learn more about how the criminal and civil justice process works,-- while contributing to the just resolution of cases in our courts.

Jurors are responsible for evaluating the testimony and other evidence presented at trial and are the judges of the facts. Jury service calls upon individuals to make important decisions that directly affect the lives of your neighbors and members of your community. Your jury service is your window into our criminal and civil justice system that relies on the common sense of New Yorkers like you.

As Chief Judge-- and on behalf of all the members of the judiciary-- we are grateful for your service here,-- as *together* we advance justice throughout our great state.