Jury Duty:

1. What is a Jury?

A jury in a criminal trial is a group of 12 people, chosen by the Crown and defence counsel from ordinary citizens in the community, who decide whether the accused is guilty or not guilty.

1. What are the Qualifications for jury duty?

Canadian Citizen

18 years of age or older

1. Does an individual have to serve as a juror?

Yes, as a Canadian citizen, it is a civic duty.

Examples of persons who do not qualify to serve as jurors include:

People working in the justice system i.e. lawyer, law student, police officer, firefighter, prison guard, judge, Member of Parliament

1. Who is exempted from jury duty?

Those who have served on a jury panel or jury within the last 3 years are exempt.

Jury duty may be excused or postponed to another date for these reasons:

* Medical issues set court date
* Health issues that cannot be accommodated
* Employment/Business issues
* School
* Scheduled vacation

Jury Selection:

The jury selection process includes the following 6 steps:

* Names of the jury are put into a box and randomly drawn. Names are read aloud to the court.
* That person goes to the front of the court and faces the accused.
* Crown and Defence may object to this juror by challenging.
* Either counsel may make a challenge for cause. Each side is allowed to make as many challenges as they’d like.
* Then given a chance to exclude people with a peremptory challenge. Serious (1st degree murder, treason) cases allow up to 20 challenges, which less serious ( more than 5 years in jail) will allow 12 challenges, and (less than 5 years in jail) 4 challenges are allowed.
* Once jury is complete, all 12 members take the juror’s oath.

1. Define “Challenge for Cause”:

The right of Crown or defence to exclude someone from a jury for a particular reason.

Each side is allowed to make an unlimited number of challenges for cause.

Both the Crown and defence counsel can make a challenge for cause if they believe that potential juror has:

1. Already formed an opinion of the case
2. Is physically unable to perform the duties of a juror
3. Has been convicted of a serious offence

After a potential juror is accepted as a suitable and impartial, both sides still has a chance to reject this person by using a peremptory challenge.

1. Define “Peremptory Challenge”:

The right of the Crown or defence to exclude a juror without providing a reason.

Each side has 20 challenges for serious cases i.e. first degree murder

Each side has 12 challenges for less serious cases i.e. more than 5 years in prison

Each side has 5 challenges where sentence is less than 5 years in prison

FACTORS TO CONSIDER FOR JURY SELECTION BY LAWYERS

Defence counsel look for jurors who can identify with the accused.

The Crown looks for jurors who can identify with the victim.

Age: Young people have different experiences and may be more flexible in their beliefs than older people.

Wealth: Research shows that wealthy people are more sympathetic toward the Crown, the poor towards the defence.

Name: The name of the juror may give you a clue about the person’s nationality, which may have a bearing on the case.

Occupation: Choice of occupation may give clues about the person’s lifestyle and level of education.

Unemployed males: Research shows that unemployed males between the ages of 20 and 30 tend to favour the accused.

Ms. or Mrs.: Research shows that “Mrs.” may suggest a conservative attitude, whereas “Ms.” may suggest more liberal attitudes.