

Useful information for potential jurors in civil cases

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This leaflet explains why you have been called for possible service as a juror; what will be expected of you if you are chosen to serve; and what will happen in court.

Why have I been called ?

Your name was selected at random from the electoral register. Jury service is a responsibility for which, by law, most adults are liable. People who serve as jurors make a vital contribution to the administration of justice in Scotland.

Do I have to attend ?

You must attend for jury service unless you:

1. are not qualified;
2. are ineligible;
3. are disqualified;
4. are excusable as of right;
5. have been excused for some other good reason

When you receive a juror's citation, there will be a notice attached to it with details setting out in full people who fall within each of these categories. If you consider that you may fall within one of these categories, you should get in touch with the Deputy Principal Clerk of Session.

If you have personal or business commitments, or if you have already entered into holiday arrangements which would cause abnormal inconvenience, difficulty or expense to cancel, the court will consider a request for excusal. However if, exceptionally, your request is granted, it is likely that a further jury citation will be sent out to you at a later date. Requests for excusal can only be made personally ie they cannot be made on your behalf by relatives, colleagues, or employers etc and should be made in writing.

If you suffer from any medical condition or ailment which may make it difficult or impossible for you to perform service as a juror adequately e.g. if you are very hard of hearing, or if you have very poor eyesight, you should contact the court immediately. You may be asked to produce a medical certificate.

If you are disabled you should telephone the Keeper of the Rolls a day or so beforehand so that staff can arrange for your reception.

Where do I report to?

Cases are heard in one of the courtrooms in the Court of Session, which is located in Parliament Square, Edinburgh, just behind St Giles Cathedral. You should enter by door No 11 and report to the reception desk, from where you will be directed to the appropriate courtroom.

Car parking

There are no car parking facilities for jurors. The majority of the surrounding streets are 'yellow lined'. If you must travel by car, for example if you are disabled, you should contact the Court immediately. If you choose to travel by car, you must make your own parking arrangements. Please allow sufficient time to do so as it is important that you reach the courtroom on time. Parking charges cannot be reclaimed.

How long will I be required to attend court?

It is impossible to say how long you may have to serve as a juror: most cases last less than a week. Some cases have lots of witnesses and this obviously means they will last longer than others. The evening (Monday) before you are due to attend Court it is ESSENTIAL to telephone - free of charge - the juror's update line 0800 731 9060.

The court usually sits from around 10.00 am until 4.00 PM, breaking for lunch. Occasionally, it may have to sit later. You will be able to return home each evening. Lunch will be provided, but you will not normally be permitted to leave the courthouse during the lunch interval. Please ensure that you arrive in good time for the beginning of each day's sitting, because proceedings cannot begin until all jurors have taken their place in the jury box.

Will I be paid?

You are not paid for jury service. However, if being away from your work means that you will lose pay, or if you have to pay a substitute to do your job, or if you incur any other necessary expense such as for childminding, you will be reimbursed subject to a maximum daily amount. When you receive your jury citation it will contain details of the current allowances. Any travelling expenses will also be reimbursed. Claims should be made at the end of your period of jury service. The Clerk of Court will tell you how this is done: payment is normally made by cheque sent to your home. You will receive the cheque within 7 to 10 days from receipt of the claim. In exceptional circumstances payment can be made in cash. If you have any enquiries about the arrangements for payment you should speak to the Clerk of Court or to the Cashier.

What should I wear? May I smoke?

There are no set rules about what to wear. You may be in court for a lengthy period therefore your clothing should be comfortable but smart, to reflect the importance of the role you are to play in court. Smoking is not permitted in the court or the jury room. Separate facilities may be available for smokers. Please note that jurors should not chew gum while the court is sitting.

What happens when I get to court?

When you arrive at court the Clerk of Court will check that all persons due to appear for jury service are present and will make enquiries about any absentees.

If you do not attend court and have not already been excused, you may be fined.

Sometimes parties involved in the case may settle their dispute at the last minute. In such situations it is no longer necessary to select a jury. Cases often do settle at the last minute and although this may cause inconvenience to potential witnesses, jurors etc, there is nothing the court can do about it. If the dispute is not settled, the case goes ahead and a jury is chosen from the people who have attended court for jury service.

How is the jury selected ?

Once it is known that the case is to proceed, the Clerk of Court will place slips of paper containing the names of all the potential jurors in a glass bowl. The Clerk will then draw 12 names at random and call out each name. If your name is called out, you should come forward and take your seat in the jury box.

During the selection of the jury, each side in the case has a right to "object" to a maximum of 4 of the names without giving a reason. Objections may be made for many reasons; for instance, to keep a balance between male and female jurors, or to ensure that various age groups are represented. You should not be worried or offended if your name is objected to. You should remain seated, or, if you have already entered the jury box, return to your original seat in court.

If you are not chosen, because your name was not called out by the Clerk of Court, or your name was objected to, you will be released from jury service and told how to claim expenses etc. However, you should not leave the courtroom until told by the Judge that you may do so. If you are selected to serve on the jury, the Clerk of Court will give you a written statement describing what issues the jury are to decide. The clerk will ask whether you have any interest to declare. If you think you may have personal knowledge of the case, for example, if you know one of the parties or if you work for the same employer, you should tell the Clerk of Court immediately. It will then be for the Judge to decide whether, in the circumstances, you can serve as a juror.

The Clerk of Court then administers the oath. If you object to being sworn, you may affirm instead.

What kind of case will be tried?

You and your fellow jury members are being called upon to try a civil case. Civil cases are quite different from criminal trials. In civil cases, the Court is asked to settle a dispute between 2 or more parties as to their respective legal rights and duties. The party who raises the action is known as the Pursuer. The person against whom the action is brought is called the Defender. There are many types of civil action. A typical example is where a Pursuer seeks damages from a Defender for injuries sustained in an accident. The Pursuer will try to establish that the accident, and therefore his or her injuries, was caused by the fault or negligence of the Defender. If the Pursuer succeeds, he or she may be entitled to receive damages (ie compensation) from the Defender.

What is the role of the jury?

The role of the jury is to decide the issue or issues which are put to it, having heard and considered the facts according to the evidence led.

It is extremely important that each member of the jury pays careful attention to all the evidence, since the verdict must be based on the evidence and nothing else. Pencils and paper will be provided for note taking.

If you suffer from any infirmity, disability, or impairment and feel that you are likely to experience significant difficulty in following the evidence, you should let the court know before you attend, or as soon as you arrive at court.

Once the trial has started, if you become unwell overnight, or over a weekend and cannot return to court, you should contact the court as quickly as possible.

What is the role of the judge?

The Judge is in charge of all proceedings in the courtroom and he or she alone is responsible for advising you on all matters of law which affect the case.

When a matter of law has to be decided, it will normally be done by the Judge alone. Where a point of law is to be argued, the Judge may direct the jury to leave the courtroom for a short time while this is taking place.

What happens next?

Counsel (Queen's Counsel or an Advocate: very senior lawyers) representing the Pursuer will make an opening speech outlining the Pursuer's case. At the end of this speech, the Pursuer's evidence is heard. Evidence may be either:

1. what witnesses say under oath in the witness box; or

2. certain documents or exhibits (known as productions) which the Judge may admit as evidence.

When the evidence for the Pursuer has been heard, counsel for the Defender will normally make an opening speech and then call witnesses or "production evidence".

Witnesses are examined (ie questioned) on oath first by the counsel for the party calling them; then cross-examined by counsel for the other party or parties; finally they may be re-examined by the first counsel. On occasion, the Judge may ask questions to clear up any doubts or ambiguities which have arisen in the evidence. Each witness is examined in turn. All of the parties to the action are entitled to lead evidence.

After all the evidence has been heard, it is likely that each counsel will make a closing speech to the jury, emphasising the points of the evidence which they wish jurors particularly to note. After the closing speeches, it is the duty of the presiding Judge to charge the jury. The charge gives the Judge the opportunity of reviewing the evidence which has been led and giving the jury other information to assist them in coming to their decision. The jury are masters of the facts, and it is their task to assess the credibility ie the general truthfulness and accuracy of what the witnesses have said under oath and the overall strength of the evidence. The Judge leaves the ultimate decision upon the facts entirely to the jury, but lays down the particular principles of law which apply to the case. The jury then, when invited to do so, retire to the jury room to consider their verdict.

Secrecy

Once the trial has begun you must not discuss the case with anyone except fellow jurors and then only in the privacy of the jury room.

It is a contempt of court, punishable by imprisonment or a fine, for a juror to discuss statements made, opinions expressed, arguments advanced, or votes cast, by members of the jury in the course of their discussions, even long after the trial has ended. It is also a contempt of court for any person to try to get such information from a juror. Any such approaches should be reported to the Police or the Clerk of Court.

Thank you for your attendance

The Judge, court administrators and legal representatives all recognise and appreciate that serving as a juror may cause you some personal inconvenience. Despite this, we hope that you will find the experience instructive and rewarding. Without your essential contribution, it would not be possible for the Scottish legal system to sustain the high standards which have been achieved over the years.