

Important numbers:

Quay Court Clerk's Office: 461-2764

DeBaca Court Clerk's Office: 355-2896

Harding Court Clerk's Office: 673-2252

CALL IN : Jurors are to call the numbers listed above after 5:00 P.M according to the instructions you receive. A message will say whether you are to report the following morning. If you are not required to report, the recording will give you further instructions for the next call in date.

If you miss any required call in date, call the Court Clerk's office at the above number as soon as possible, between 9 am and 12 pm, or 1 pm to 4 pm.

No handbags or cell phones are permitted in the courtroom. The District Court cannot store these items for you.

If you need a certificate of service please see the Court Clerk's office after you have completed your day of service.

Failure To Appear

Willful failure to appear as a juror is a criminal offense.

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FREQUENTLY ASKED QUESTIONS

Length Of Service

Your jury panel will serve for six months. Normally, we have 6 to 20 days scheduled for jury trials during that period of time. Often jury trials are canceled because the parties settle. Typically, you will not serve more than seven days in trials.

Emergencies

If illness or other emergency requires that you are delayed or absent, telephone the Clerk of the District Court in your county promptly, at the phone numbers on the first page. If anyone needs to reach you during a trial, they should call the clerk's office or the office of the District Judge. We will give you a message at the next break. If there is an emergency, we will stop the trial to allow you a reasonable opportunity to answer or return the call.

Compensation

Jurors are paid for each hour of service as a juror. New Mexico has the highest paid jurors in the United States. If requested, jurors will be reimbursed for mileage when traveling to and from their home to the court as provided by statute.

If you are a state, county, municipal, or federal employee you will only be paid mileage reimbursement. However, you need to advise the clerk's office if you are serving on your regular day off or different hours. This qualifies you for juror pay.

Meals

The court provides meals to jurors only during deliberation. During trials you are responsible for your own lunch. There will be a lunch break of at least one hour.

Juror Attire

Jurors should dress comfortably and conservatively in order to avoid distracting others by their attire. **It is inappropriate to wear shorts or sweat pants for jury service.**

Court Delays

We are sorry, but jurors will be required to sit and wait for periods of time prior to and during a trial. This time is usually spent by the judge and attorneys considering legal matters necessary for fair determination of the case, or to save time later in the proceedings. Often, the judge must consider other emergency matters. Conflicts in schedules may sometimes develop which result in delays. We constantly search for ways to eliminate or avoid having to wait. **The Court appreciates any suggestions on how the process may be improved.**

Jury Conduct

Jurors remain seated throughout the proceedings in court except when requested by the bailiff to stand. The attitude and conduct of each juror throughout the trial is as important as that of the judge, parties, attorneys, and witnesses. The jury has the important duty of deciding the true facts and applying those facts to the case. It is important that each juror apply the applicable law to reach a proper result. Your thoughtful consideration of the trial reflects the value of juries.

Jurors must remain alert throughout the trial. If a juror is unable to hear or see the evidence presented, it is the juror's duty to notify the judge and the bailiff so that appropriate changes can be made.

During the trial, jurors may not discuss the case with anyone including the other jurors. If anyone attempts to discuss the case with a juror, it is the juror's duty to report this to the judge through

the bailiff. A discussion concerning the evidence, witnesses, or any aspect of the case with family members, or others, is prohibited. Jurors must avoid news accounts of the trial, whether on radio, television, in the newspaper, or other publications. Do not research a case or read about a case on the internet, or in any other way. Jurors may not inspect the scene of the occurrence which is the subject of the trial unless the court specifically makes provision for a view of the scene. This is important because the place where the incident occurred is often changed from what it was at the time of the occurrence.

Only in rare cases are members of the jury kept away from their home during the trial. They can go home at night, but jurors cannot discuss the case with anyone, not even a member of their family. Do not talk with parties, witnesses, or lawyers during a trial.

Do not be late in reporting for duty. A lawyer, witness, or juror may be found in contempt of court for being tardy.

Intpreters

The Court will provide interpreters for parties, witnesses, and jurors if needed. This includes language interpreters, such as Spanish or French, and also includes sign language interpreters or assistance for the visually handicapped. If any form of assistance is needed or **beneficial**, please tell the Court as soon as possible. There is no charge to the juror or party for such assistance.

If an interpreter is necessary for a juror, the interpreter will be present during jury deliberations, and you will receive a specific instruction regarding the interpreter's participation.

Evidence

As a juror you are expected to use your good sense and discernment when weighing and considering all of the evidence presented to you during the trial.

Evidence is usually presented in the courtroom by question and answer. The attorneys or a party will question the witness and the answers are evidence which you consider. **Questions are not evidence.** While listening to testimony, the jury should consider whether a witness is truthful. It is important that a jury's decision not be based upon false evidence.

Any documents, photographs, or objects admitted into evidence are as important as other evidence. They are to be considered with the testimony of witnesses. The jury may be asked to consider evidence in the form of depositions, which are statements made by witnesses prior to trial.

Movies, television, and books often are fictional and contain made up devices. These include warp speed, and many of the "scientific" tools used in television and movies for court cases. The attorneys will develop all of the evidence that is available and useful for you to make a fair, just, and legal decision. Do not expect the cases you hear to be resolved in one or two hours like television or movies.

Deliberations Of Jury

After the judge has provided the jury with the law applicable to the case, it is the juror's sworn duty to follow the law as explained by the judge and apply it to the facts presented in court. The jurors should first select a foreperson. Once a foreperson is selected, it is advisable that the foreperson act as a chairperson for the jury during deliberations. It is the foreperson's duty to see that discussion is carried on in a sensible and orderly fashion, that the issues

submitted for your decision are fully and fairly discussed, and that **every** juror has a chance to say what they think upon every question. The foreperson has only one vote, and should not be permitted to influence the jurors more than any other juror. The manner in which the jury deliberates in the jury room is completely within the jury's control.

Verdict Of Jurors

In criminal cases, the agreement of all jurors is required to reach a verdict. In civil cases, if the jury consists of twelve persons, ten or more must agree for a verdict. After a verdict is reached by the jury, the foreperson shall sign the correct verdict form, and then notify the bailiff that the jury is ready to report to the judge.

Questions During Deliberation

Juror questions that cannot be answered by the jury may be submitted by a note to the judge setting forth the question. The note should be folded so that it cannot be seen by anyone. It is delivered to the bailiff for delivery to the judge. Jurors should make every effort possible to resolve all questions among themselves in order to avoid outside influence from anyone, including the judge.

Juror Interviews After A Trial:

After a trial, an attorney, reporter, or other interested party may ask about your conduct or other questions concerning a trial. You are not required to discuss with anyone, your verdict, the opinions of others on the panel, or any details or particulars of the trial. However, you may discuss these matters, if you choose.

General Background

The constitutions of the United States and the State of New Mexico guarantee the right of trial by jury. Juries consist of six or twelve members depending on the court and type of case.

Selection Of Jurors

Any person who resides in the 10th Judicial District may be called to act as a juror. Jurors are randomly selected from a list of voters, driver's licenses, and people who pay income tax in our county.

Obligation Of Employers

Employers who deprive their employees of employment, or threaten or coerce them with respect to jury duty, upon conviction, are guilty of a misdemeanor. If there are any problems with your employer, please contact District Judge Albert J. Mitchell, Jr. at 575-461-4422.

Civic Duty

You have been summoned to render an important service as a juror. As a juror, you are an officer of the court, along with the lawyers and judges. Trial by jury has been one of the cornerstones of our nation. The right has survived through the centuries as a vigorous and necessary force in the lives of free men and women. The decision of the jury affects the rights, and the liberty of those whose cases come before the jury. Those chosen for jury service should take pride in performing this most important duty to their country and to their fellow men. The proper and efficient functioning of the jury requires that each juror exercise intelligence, integrity, sound judgment, and complete impartiality in the performance of their duty. When you give jury service, the best combined efforts of your mind, heart and conscience, you will make a substantial contribution to the stability and perpetuation of an institution which must be preserved if freedom under a democratic government is to endure.

Function Of Jurors

Jurors judge the facts in both criminal and civil cases. In a criminal case, a jury determines the guilt or innocence of a person accused of committing a criminal offense. In a civil case, a jury determines disputes involving money, property and other issues.

Juror Responsibilities

Jurors selected must not have personal knowledge regarding the facts of the particular case which influence their decision. To learn this, the judge and attorneys question the jurors concerning their family relationships, personal knowledge of the parties or the attorneys, and their personal knowledge of the facts of the case. This is called the “*voir dire*,” meaning “to tell the truth.” There is no right or wrong answer during *voir dire*.

The selection of jurors is one of the most important aspects of any trial. Making honest and forthright answers to the questions of the judge and attorneys is important. Jurors are selected or rejected for many and various reasons, none of which reflect upon the individual juror. Jurors should not take it as a personal insult if they are not selected to serve. If the question asked by the judge or attorney, or your answer, is embarrassing, you may request a private conference with the judge and attorneys.

Types Of Cases

Jurors are called upon to hear both criminal and civil cases. Criminal cases are brought by the State of New Mexico, or in some cases by a city or county, against an individual charged with a crime. The individual is not guilty until the jury unanimously makes that determination.

Civil cases are different, because the dispute is between individuals, business organizations or governmental entities, such as the state, a

county, or a municipality. Ordinarily, one party will be making a claim for damages against another party.

In both civil and criminal cases, after evidence has been presented, an explanation of the law applicable to the case and other instructions to the jury are given. This is usually followed by closing arguments or statements by lawyers. The jury is then asked to deliberate and reach a verdict in the manner described by the court.

HELP

The court would appreciate comments and suggestions for the improvement of the system.

TERMINOLOGY

ACTION, CASE, SUIT, LAWSUIT:

These words mean the same thing. They all refer to a legal dispute brought into court for trial.

BAILIFF:

The bailiff is an officer of the court who helps the court and the jury. They also maintain order in the courtroom.

COURT REPORTER or COURT MONITOR:

The court reporter or court monitor records everything that transpires during the trial. This constitutes the record in the case. Normally this is a digital audio recording, but may be on a stenographic machine.

DEPOSITION:

Testimony is taken under oath in the same manner as during a trial. This is ordinarily done because of illness or absence of a party, or to determine prior to trial how a witness will testify.

EXHIBITS:

Objects, including pictures, books, letters, and documents which are produced as evidence in a case.

INSTRUCTIONS TO JURY:

These are the rules and law which the jury must follow during their deliberations to decide the case.

ISSUE:

A disputed question of fact is referred to as an “issue.” It is sometimes spoken of as one of the “questions” which the jury must answer in order to reach a verdict.

JUROR OATH

Once a jury has been selected, each juror is required to take an oath or affirmation that they will return a verdict according to the law and evidence as presented in court.

OBJECTION:

A reason or argument that a question asked or statement made was not proper or in accordance with the law.

OBJECTION OVERRULED:

When a lawyer objects to a question or the form of a question, the judge may say, “objection overruled.” This means the question is ***proper*** under the law. This ruling is not subject to question by the jurors.

OBJECTION SUSTAINED:

When a lawyer objects to a question or the form of a question, the judge may say, “objection sustained.” This means the question is ***not proper*** under the law. This ruling is not subject to question by the jurors.

OPENING STATEMENT:

Before introducing any evidence for their side of the case, lawyers are permitted to tell the jury what the case is about and what evidence they intend to prove in their side of the case. **This is not evidence.**

PARTIES:

The plaintiff, and defendant in the case. They are also sometimes called the “litigants.”

PLAINTIFF:

The person who starts a lawsuit.

RECORD:

This refers to the pleadings, the exhibits and the recording or transcript of all the proceedings at the trial.

RESTS:

This is a legal phrase which means that the party has concluded the evidence they want to introduce in that stage of the trial.

STRIKING TESTIMONY:

On some occasions, after a witness has testified, the judge will order the jury to disregard certain statements. When this is done, the jury will treat this evidence as though it was never given and will wholly disregard it.

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