

8.03 | THE ROLE OF THE JUDGE AND JURY

If your case proceeds to trial, the parties will each get the opportunity to present their side of the case, and the Judge and jury (if the trial is a jury trial) are responsible for entering a verdict and judgment based on the evidence and arguments presented. It is the Judge's duty to see that only proper evidence and arguments are presented. In a jury trial, the Judge also instructs the jury,

which will be called upon at the conclusion of the jury trial to make decisions regarding factual matters in dispute. A judgment will then be entered based on the verdict reached by the jury

If the parties have not requested a trial by jury, the judge becomes the trier of both law and fact. At the end of the trial, the Judge enters "Findings of Fact" and "Conclusions of Law," sometimes in writing, based on the evidence and arguments presented. A judgment is then entered based on those findings of fact and conclusions of law.

A jury trial begins with the Judge choosing prospective jurors to be called for voir dire (examination). The Court will determine the number of jurors.

Peremptory Challenges:

Each party will be given a number of peremptory challenges which enable the party to reject (in most cases) prospective jurors without cause. This decision is based on subjective considerations of the party when he or she feels a prospective juror would be detrimental to his or her case.

Challenges for Cause:

The plaintiff or defendant may also challenge a prospective juror "for cause" when the prospective juror lacks a qualification required by law, is not impartial, is related to either of the parties, or will not accept the law as given to him or her by the Court.

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