

**Prose Level 5**

**Scale range: 376 to 500**

*Some tasks in this level require the reader to search for information in dense text which contains a number of plausible distractors. Others ask readers to make high-level inferences or use specialized background knowledge. Some tasks ask readers to contrast complex information.*

**Average difficulty value of tasks in this level: 423**

**Percentage of adults performing in this level: 3%**

Two tasks in Level 5 require the reader to search for information in dense text containing several plausible distractors. One such task (difficulty value of 410) requires the respondent to read information about jury selection and service. The question requires the reader to interpret information to identify two ways in which prospective jurors may be challenged.



Identify and summarize the two kinds of challenges that attorneys use while selecting members of a jury.

## DO YOU HAVE A QUESTION?

**QUESTION:** What is the new program for scheduling jurors?

**ANSWER:** This is a new way of organizing and scheduling jurors that is being introduced all over the country. The goals of this program are to save money, increase the number of citizens who are summoned to serve and decrease the inconvenience of serving.

The program means that instead of calling jurors for two weeks, jurors now serve only one day, or for the length of one trial if they are selected to hear a case. Jurors who are not selected to hear a case are excused at the end of the day, and their obligations to serve as jurors are fulfilled for three years. The average trial lasts two days once testimony begins.

An important part of what is called the One Day – One Trial program is the “standby” juror. This is a person called to the Courthouse if the number of cases to be tried requires more jurors than originally estimated. Once called to the Courthouse, the standby becomes a “regular” juror, and his or her service is complete at the end of one day or one trial, the same as everyone else.

**Q.** How was I summoned?

**A.** The basic source for names of eligible jurors is the Driver's License list which is supplemented by the voter registration list. Names are chosen from these combined lists by a computer in a completely random manner.

Once in the Courthouse, jurors are selected for a trial by this same computer and random selection process.

**Q.** How is the Jury for a particular trial selected?

**A.** When a group of prospective jurors is selected, more than the number needed for a trial are called. Once this group has been seated in the courtroom, either the Judge or the attorneys ask questions. This is called *voir dire*. The purpose of questions asked during *voir dire* is to

ensure that all of the jurors who are selected to hear the case will be unbiased, objective and attentive.

In most cases, prospective jurors will be asked to raise their hands when a particular question applies to them. Examples of questions often asked are: Do you know the Plaintiff, Defendant or the attorneys in this case? Have you been involved in a case similar to this one yourself? Where the answer is yes, the jurors raising hands may be asked additional questions, as the purpose is to guarantee a fair trial for all parties. When an attorney believes that there is a legal reason to excuse a juror, he or she will challenge the juror for cause. Unless both attorneys agree that the juror should be excused, the Judge must either sustain or override the challenge.

After all challenges for cause have been ruled upon, the attorneys will select the trial jury from those who remain by exercising peremptory challenges. Unlike challenges for cause, no reason need be given for excusing a juror by peremptory challenge. Attorneys usually exercise these challenges by taking turns striking names from a list until both are satisfied with the jurors at the top of the list or until they use up the number of challenges allowed. Challenged jurors and any extra jurors will then be excused and asked to return to the jury selection room.

Jurors should not feel rejected or insulted if they are excused for cause by the Court or peremptorily challenged by one of the attorneys. The *voir dire* process and challenging of jurors is simply our judicial system's way of guaranteeing both parties to a lawsuit a fair trial.

**Q.** Am I guaranteed to serve on a jury?

**A.** Not all jurors who are summoned actually hear a case. Sometimes all the Judges are still working on trials from the previous day, and no new jurors are chosen. Normally, however, some new cases begin every day. Sometimes jurors are challenged and not selected.