



This brochure contains information most panelists will need after receiving a jury summons. Please read all the enclosed information accompanying the summons as this will answer questions about the local area.

Your name was chosen at random from the B.C. voters' list. Unless disqualified (see "Do I Qualify to Serve") or exempted (see "Exemptions"), you must attend the jury selection process.

Although the experience will likely be new to you, it is not complicated, and you should not be uncomfortable about your role. The right to a trial by a jury of one's peers is a cornerstone of our democratic society and one of its oldest institutions. It exists to protect the individual's rights and to involve the community in the administration of justice.

Your participation is a legal obligation. It is also the duty and right of members of the community served by the justice system, and most jurors value their participation as a rewarding and enlightening experience.

You must complete the Jury Certification Form (attached to your Summons) and return it using the enclosed envelope within five days of receiving your Civil Juror Summons or ten days of receiving your Criminal Juror Summons.



Ministry of
Attorney General

Court Services Branch

If you have moved outside the jurisdiction of the court mentioned in the Summons, please advise the sheriff's office immediately. Panellists are normally selected from persons who live within one hour, one-way travelling distance by land via public transportation or private vehicle of the courthouse.

Do I Qualify to Serve?

To serve as a juror, you must be:

- At least 19 years old;
- A Canadian citizen; and
- A resident of B.C.

The Jury Act and regulations disqualifies some people from jury duty. You cannot:

- Be a police officer, lawyer, employee of certain government agencies (or other particular occupations); or
- Have been convicted of certain criminal offences within the last five years.

See Sections 3(1) and (2) of the Jury Act and Section 4 of the Jury Regulations. You must complete the Jury Certification Form whether or not you qualify for jury duty.

Exemptions

The Jury Act allows some exemptions from jury service based on extraordinary circumstances. Inconvenience is not an acceptable reason for exemption. If you need to seek an exemption, you must prove that you qualify. All requests for exemptions must be in writing and submitted with the completed Juror Certification Form. Any such exemption should be made well in advance of the jury selection date.

Some exemptions may be granted through the mail. You must send the necessary information, as described below, to the sheriff's office at the address shown on the Summons. These exemptions include:

- ❑ If you are over the age of 65, you can choose whether or not to serve as a juror. If you choose **NOT** to serve, include your date of birth and Medical Services Plan Gold Card number on the Jury Certification Form. If you choose to serve as a juror, complete and return the Jury Certification Form and attend the selection process on the date indicated.
- ❑ You may be exempted for health reasons. Your local Sheriff's Office will advise you what documentation is required. You may be required to submit a note from your doctor with the Jury Certification Form.
- ❑ If you are a full-time student, you may be exempted. Submit a photocopy of your course registration form and receipt for tuition fees along with your Jury Certification Form.

You will be notified if more information is needed.

For other exemptions, you must contact the sheriff's office. The sheriff may exempt you if:

- ❑ Serving as a juror would cause you extreme hardship. This could apply if, for example, you are a nursing mother, or self-employed and your business would be threatened by your absence.
- ❑ Limited ability to speak or understand English would impede your duty as a juror.
- ❑ Firm travel plans or other vacation plans conflict with the jury selection or trial date.

If they so choose, certain persons registered under the Dentist Act or Chiropractors Act are exempt from jury service. Also, certain persons who perform services under the Financial Administration Act and the National Defence Act are exempt from jury service.

If your request for exemption is not accepted by the Sheriff, you will have a chance to discuss your reasons for exemption with the judge before you are sworn in or asked to make a solemn affirmation. (A solemn affirmation is a solemn promise that has the same effect as a religious oath.)

What Is A Jury Panel?

Jury panels are summonsed to provide a pool of potential jurors for upcoming trials. In some locations, the panel remains active for up to two months (smaller locations send out separate panels for each jury trial). As a member of the panel, you must attend one or two jury selection processes during the two month period. You may be called to attend at different times during this two month period.

Jury selections are held in a B.C. Supreme Court. The brochure included with the summons explains where and when you must attend the jury selection process.

If you serve as a juror on a trial you are then exempt from serving as a juror for two years. Panellists are not subject to the same exemption as jurors. After attending court for jury selection, the panellist names not selected, are placed back in the computer for further selection.

What Do I Do When I Get To The Courthouse?

To simplify check in, bring your Summons with you when you come to the courthouse. When you arrive, there will be signs or personnel to show you where to go.

A sheriff will register you by name and number, then seat you with the rest of the panel in a courtroom or adjacent area. A sheriff will brief you on the jury selection process and answer any questions you may have at this time.

When the judge enters the courtroom, the court is in session, and the jury selection process begins.

What Happens At A Jury Selection Process?

At the jury selection, a jury will be chosen for each trial scheduled for that month. The trial may be a criminal or civil case. On average, fewer than 15 percent of trials are civil cases. The type of trial is indicated on the Summons.

Selection for Criminal Trials

Jury selection for criminal trials are attended by the person accused of an offence, defence counsel (the lawyer representing the accused), Crown counsel (the lawyer who prosecutes the case), and court staff. Twelve jurors are chosen for each criminal trial.

The clerk of the court will read the charges and ask the accused to plead “guilty” or “not guilty”. If the accused pleads not guilty, the trial begins with the selection of a jury. You will be told when the trial will be held and how long it is expected to last. On average, criminal trials last five to ten days.

On occasion, trials can last more than 15 days. If a trial will be greater than 20 days, you will receive a letter giving the date of the trial and the estimated length of the trial.

The clerk of the court begins the selection process by drawing names of panelists from a box at random. If your name is called, answer “here” and move to the front of the court as directed by the sheriff. The clerk will continue drawing names until about 15 or 20 panelists are called. If you feel you cannot serve, ask the sheriff at the front of the court if you can speak to the judge to explain your circumstances. This must be done prior to counsel consenting or challenging your name being selected as a juror (described below).

Next, one of three things can happen:

- Crown or defence counsel may “challenge” each panelist called to jury duty. A challenge means that either lawyer does not want you to serve as a juror in that particular case. If challenged, you are asked to go back to your seat. Your name is re-entered in the box, from which names for other juries will be drawn, and you may be called again later.
- Both counsels may consent to you serving as a juror on the trial. Once accepted, you will be sworn in or affirmed and then seated in the jury box.

- ❑ You may be asked to “stand aside.” Again, no explanation will be given. Once asked to stand aside, you must wait until 12 jurors are chosen, then you can return to your seat.

When 12 jurors are chosen and sworn in or affirmed, the case is adjourned and the jury is led out of the courtroom. Then the selection process begins for the next trial.

If the trial does not begin on the selection day, alternate jurors may also be selected at the direction of the judge. Alternate jurors are required to attend on the first day of trial. If an existing juror is unable to serve, an alternate juror will replace him or her. If all 12 jurors are able to serve, the alternate jurors are able to leave.

Jury selections continue until juries have been chosen for each scheduled trial. Remaining panelists are then dismissed. The selection process usually takes about half a day, but you should be prepared to spend the whole day at the courthouse.

In some locations, the panel can be recalled the following month for a second jury selection. If this happens you will be notified by the judge before leaving the courtroom. The process described above is then repeated for trials scheduled that month.

Selection for Civil Trials

Jury selection for civil trials is much the same as for criminal trials. However, there are some key differences. Civil trials resolve disputes between the plaintiff (the party that initiated the action) and the defendant (the party that the action is against). Both parties are represented at the jury selection.

Only eight jurors are selected for civil trials, and these trials usually begin the same day the jury is chosen. If you are summonsed for a civil trial, be prepared to spend the entire day at the courthouse. These trials usually last three to five days, but some trials can last longer.

What If I'm Selected As A Juror?

If you are chosen as a juror, you will be sworn in or affirmed and then seated in the jury box. Civil trials either begin immediately or after a short recess. If you are serving on a criminal trial, you will receive further instructions after being escorted from the courtroom by a sheriff. You will then be dismissed until the day the trial begins.

Judge's Instructions

Before the trial begins, the judge will give you instructions on your duties as a juror. This will include what to expect during the trial, the hours the court will be in session and other matters.

What About Missing Work?

Employers must give employees time off to attend jury selection and to serve as jurors. Under the Employment Standards Act, a juror is considered to be on unpaid leave for the period of jury duty. Although the employers are not legally obligated to pay employees for lost wages while on jury duty, the employee is considered to be in continuous employment for the purposes of calculating annual vacation, termination entitlements, as well as for pension, medical or other employee benefit plans. The employee is also entitled to all increases in wages and benefits which he or she would have received if not on jury duty. Further, the employer may not terminate an employee on jury duty, or change a condition of employment, without the employee's written consent. As soon as jury duty ends, an employee must be returned to his or her former position or comparable position.

What if I'm Receiving Employment Insurance Benefits?

Under the Employment Insurance Act, a person entitled to employment insurance benefits remains entitled to those benefits while engaged in jury service.

Fees and Expense Reimbursements

You receive a fee for each day you serve as a juror, paid after jury duty is completed. The entitlement for each day spent attending at a sitting or trial is as follows:

- \$20 a day for first 10 days
- \$60 a day for the 11 to 49 days
- \$100 a day for 50 or more days

Upon your request, a letter for your employer is available from the Sheriff which outlines the above fees. In addition you maybe reimbursed for some expenses. You must keep all receipts. The Sheriff will advise you if you are entitled to these expenses.

Meals

Jurors are responsible for their own lunches during a trial. Tea and coffee will be served. When a jury is deliberating a verdict, necessary meals and accommodation will be provided.

Need More Information?

If you have questions, please contact the sheriff's office at the phone number or address shown on the Summons.