

Reaching a Verdict: Serving on a Jury in Virginia

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Introduction

One of the most valuable services that a citizen can perform is to be a juror. Because the U.S. Constitution guarantees the right to a jury trial in criminal and civil cases, citizen participation in juries is a critical part of our justice system. The discussions at the LWVFA June Unit Meetings raised many questions about how jury systems in Virginia actually work. Therefore, this follow-up program focuses on the operation of the Virginia jury system, particularly in the Fairfax County and Prince William County Circuit Courts, and in the Federal District Court for the Eastern District of Virginia.

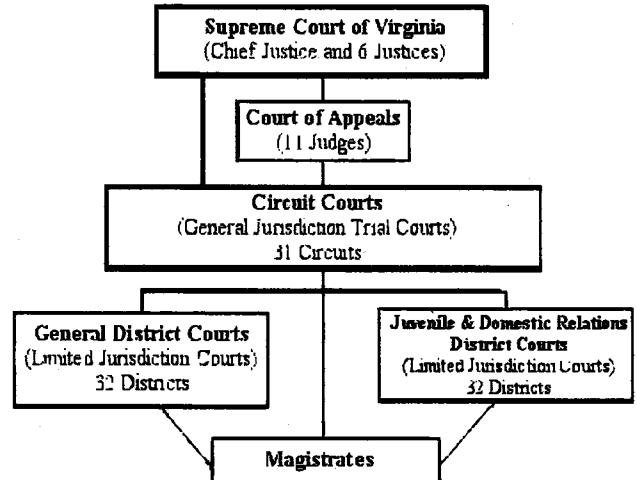
The Court System in Brief

There are two judicial systems in the United States. One is the federal system created by Congress under the authority of the U.S. Constitution. The other, for the District of Columbia and the 50 states, is established under the authority of the various state governments. The authority of the federal courts is enumerated in the Constitution (Article III, § 2). It includes all cases arising under the Constitution and federal laws, such as cases in which the U.S. Government or one of its officers is being sued or is suing someone; controversies between states and between citizens of different states; and cases involving treaties and foreign governments. The state courts handle most criminal matters and the bulk of legal business, including commercial contracts, probate of estates, and marital matters.

In the federal court system, the Supreme Court is the top level. On the next level are the 12 (Circuit) Courts of Appeals and the U.S. Court for Military Appeals; Virginia is covered by the 4th Circuit Court. On the next level are the 94 Federal District Courts that are the trial courts of the federal court system. Fairfax and Prince William Counties are served by the Federal Court for the Eastern District of Virginia, located in the city of Alexandria. There are four other court locations in the Eastern District of Virginia, Norfolk, Fredericksburg, Newport News, and Richmond.

The structure of the Virginia court system is reflected in the following diagram. Jury trials are heard only in the circuit courts.

The Virginia Court System



Fairfax County and Fairfax City comprise the 19th circuit; Prince William County and the cities of Manassas and Manassas Park comprise the 31st circuit. Although the circuit court judges are Virginia employees, the circuit court staff are county employees, and their salaries and other administrative costs of running the court and its jury management system are included in the county budgets. For example, the Fairfax County Advertised Budget for 2007 gave the average cost per juror as slightly less than \$50 in 2005.

Types of Cases

Criminal cases are those in which individuals or organizations are charged by the state or federal government with breaking criminal laws. Typical criminal charges in a federal court are those involving the violation of the federal income tax and narcotics laws, mail theft, and counterfeiting. In the state courts, typical charges are shoplifting and drunk driving, which are misdemeanors; and murders, rapes and robberies, which are felonies. Convictions result in jail time, fines, and/or restitution.

| | |
|---|--------------|
| Criminal cases filed in 2005*: | |
| Fairfax (19th Circuit) | 4,751 |
| Prince William (31st Circuit) | 3,451 |

Civil cases are suits between persons over their rights and duties; e.g., a dispute over a broken contract. Typical remedies include: enforcing contracts, issuing injunctions, and/or ordering monetary judgments. **Federal** courts have exclusive jurisdiction in specialized areas such as bankruptcy and maritime cases, among others; **state** courts handle divorce, disputes about wills, and controversies about property, among others.

Civil Cases filed in 2005*:

| | |
|---|--------|
| Fairfax (19 th Circuit) | 13,828 |
| Prince William (31 st Circuit) | 3,859 |

Types of Juries

There are two types of juries: grand juries and petit juries. A grand jury decides if there is probable cause to indict (accuse) individuals or corporations on criminal charges for felonies (discussed later in this study). The focus of this program is petit (trial) juries, which participate in criminal and civil trials and render verdicts of guilty or not guilty.

The Right to a Jury Trial

Amendment VI to the U.S. Constitution guarantees all defendants in all criminal prosecutions the right to a jury trial in the state and district where the crime was committed. Amendment VII preserves the right of trial by jury for defendants in a civil trial. There is a presumption against waiving the fundamental right to a jury trial, which can only be done if the party knowingly, intentionally and voluntarily waives the right to a jury trial. Waiver may be requested either orally at arraignment (when a criminal defendant must plea either guilty or not guilty) or in writing.

In **Virginia**, Article I, § 8 of the Virginia Constitution guarantees the right to a jury trial in criminal cases. Article I, § 11 of the Virginia Constitution states that trial by jury is preferable in civil cases and the right should be held sacred. Under Virginia law (§ 8.01-336), the case may be heard and the judgment given by the court (judge) if both parties and the court agree.

Obviously, if a criminal defendant pleads guilty or agrees to a plea bargain agreement, or if a civil defendant agrees to a civil settlement, there will be no jury trial. Also, if a person charged with a crime fails to

appear for trial, he/she shall be deemed to have waived trial by jury and the case will be heard in his absence as if he/she had pled not guilty.

In 2005, 104 criminal cases went to jury trial in Fairfax Circuit Court, while 70 went to jury trial in Prince William Circuit Court. In that same year, 143 civil cases went to jury trial in Fairfax, while only 26 went to jury trial in Prince William.

The Jury Pool

Jury Pool Source Lists: The Jury Selection and Service Act (Jury Act), 28 U.S.C. Sec. 1861 et seq., provides the judicial structure for the selection of **federal** juries and establishes two important general principles: random selection of potential jurors from a fair cross section of the community; and opportunity for all qualified citizens to be considered for jury service. The list of prospective jurors summoned for a particular term of a court is called the venire. In the **Federal District Court for the Eastern District of Virginia**, the venire is chosen from a jury pool generated by a random selection of citizen's names from lists of registered voters, or combined lists of voters and people with driver's licenses.

In **Virginia** courts, the venire is randomly selected using lists designated by the courts. Fairfax and Prince William currently use only voter registration lists, which are updated annually. Fairfax previously tried to use lists from the Department of Motor Vehicles as well but found that the number of inaccurate addresses was an impediment.

Jury Pool Creation: Before potential **federal** jurors are summoned for service, they receive questionnaires to complete and return to the clerk's office, which then screens them to determine eligibility for jury service. The Clerk's Office uses a statistical process to establish certain percentages of each county or city represented in the jury pool to try to ensure that the jury pool is representative.

In **Virginia**, also, questionnaires are sent to prospective jurors. In 2005, Fairfax sent 44,408 and Prince William sent 11,000 questionnaires to prospective jurors. In Fairfax, they can be completed on-line. The completed questionnaires are reviewed by jury commissioners to determine which citizens will serve as jurors during the coming year.

Role of the Jury Commission in Virginia

Under the Virginia Code (§ 8.01-343), the judge of each circuit court appoints, by July 1 of each year, between two and fifteen persons to serve as jury commissioners for the following year. Those appointed must be competent to serve as jurors and "shall be citizens of intelligence, morality, and integrity." No practicing attorney-at-law can serve as a jury commissioner, and no jury commissioner can be reappointed for at least three years after the expiration of the year for which he was appointed. Using random selection techniques—either manual, mechanical or electronic—the jury commissioners select the persons whose names will be placed on the master jury list. Then, the list is reviewed and the names of those who, according to statute, cannot serve are removed.

Jury Commissions are not used in federal court.

Eligibility for Jury Service:

To be legally qualified for **federal** jury service, an individual must:

- be a United States citizen;
- be at least 18 years of age;
- reside primarily in the judicial district for one year;
- be able to read, write and speak the English language with sufficient mastery;
- be physically and mentally capable of service;
- not be currently subject to felony charges;
- and never have been convicted of a felony unless civil rights have been legally restored.

The following three groups are exempt from **federal** jury service: (1) members of the armed forces on active duty; (2) members of professional fire and police departments; and (3) "public officers" of federal, state or local governments, who are actively engaged full-time in the performance of public duties. Persons belonging to these groups may not serve on **federal** juries, even if they so desire. Also, under **federal** law, a person cannot be required to serve on jury duty more often than once every two years.

In **Virginia**, a juror must meet the federal qualifications and be a resident of Virginia and the locality for at least 6 months, and not be incompetent or incapacitated. The Virginia Code exempts the following from

jury service: the President and Vice President of the United States; the Governor, Lieutenant Governor and Attorney General of Virginia; members of both houses of Congress; members of the General Assembly while in session or entitled to a legislative continuance; licensed practicing attorneys; judges and members of several state commissions; magistrates; sheriffs, police and other law enforcement officers; penitentiary and jail officers. Persons who have been called and reported to any state court for jury duty during the previous three years are also exempt.

Excuses and Deferrals: In addition to exemptions, both **federal** and **Virginia** courts allow excuses from service, upon individual request, to designated groups of persons or occupational classes. Such groups include: persons over age 70; persons who have, within the past two years, served on a **federal** jury; and persons who serve as volunteer fire fighters or members of a rescue squad or ambulance crew. Individuals may also be excused if they are blind or have a medical condition that would impede jury service.

The Jury Act allows **federal** courts to permanently excuse or temporarily defer a juror from service at the time he or she is summoned on the grounds of "undue hardship or extreme inconvenience," among other reasons. Temporary deferrals for jurors are granted at the discretion of the court and cannot be reviewed or appealed to Congress or any other entity.

In **Virginia**, the list of persons who may be excused from jury service upon request is lengthy and includes those whose services are so essential to the operations of an enterprise that it must close or cease to function if the person is required to perform jury duty. The courts may defer any person from jury service for a particular term of a court, or limit that person's service to particular dates of that term, if serving on a jury would cause such person a particular occupational inconvenience. However, once the "occupational inconvenience" has ended, the deferral will end.

Failure to Appear: In **Virginia**, any juror who has been given due notice to appear in court and fails to do so without sufficient excuse will be fined between \$50 and \$200. In **federal** cases, a person could be escorted to the courthouse by a deputy U.S. marshal to explain to a judge why he/she did not report and could also be

fined up to \$100 or imprisoned for up to three days or both.

Length of Jury Service

Jurors in **federal** court are "on call" for two weeks, during which they call the recorded telephone message each day to learn whether they need to report to the courthouse the following day. They rarely need to report to the courthouse every day of their two-week term of service. Once selected for a jury, a juror must serve until the conclusion of the trial, even if it lasts longer than two weeks. If the trial ends before the conclusion of the two-week term of jury service, the juror is excused from further service. The average trial lasts one to three days.

In **Virginia**, the number of jury duty notices mailed to make up the jury pool for each term of the court depends on the anticipated need for jurors for that term. Each term in **Fairfax** normally lasts two weeks. Jurors are assigned to a particular day of the week and are asked to call a recorded message (or check the court website) on the evening before their assigned day to determine whether they are needed. A formula is used to ensure that a sufficient number of jurors are available for each case. The average number of jurors called each day for jury selection was 67.2 in 2005. Until 1992, jurors in **Fairfax** were on call one day a week for 8 weeks. This had a negative impact on jurors' employment and personal lives and was changed to the current two-week term. Normally, jurors are required to appear one time or for one trial during their term of service. The term and jury management process provide, in effect, a one day/one trial system.

In **Prince William**, a term of the court is a two-month period, beginning the first Monday of February, April, June, August, October, and December. Prior to each term of the court, 900 jurors are summoned to serve for a portion of the two-month term--for example, all Mondays of February. A juror is only asked to serve on a specific day of the week for one month. As in the other courts, jurors call the jury recording the evening before their assigned day to determine if they are needed the next day. On average, jurors will be required to come in for jury duty only two days out of the time period assigned.

Environment

At the present time in **Fairfax**, the jurors' assembly

room is next to the cafeteria in the Jennings Courthouse. In recent years, amenities such as a fax machine, free local telephone lines, wireless Internet access, a microwave and a refrigerator have been added to the existing tables and chairs. The **Prince William** jury assembly room has a fax machine, a television, a refrigerator, coffee, and a microwave, and will soon be adding tables to the existing room. After the jury is selected, a small room off the courtroom is made available to jurors to use for their deliberations and if/when sent from the court during special legal queries.

Both **federal** and **state** court facilities are accessible to those who are physically handicapped. In **Fairfax**, all courtrooms will be ADA accessible once the current renovation is complete; currently, if a juror requires special seating, the case is assigned to a compliant courtroom.

In **federal** court, no type of camera or cell phone is permitted in the courtroom. In **Fairfax** and **Prince William**, the public is not allowed to carry cell phones with cameras into the courthouse. Other cell phones must be turned off.

Juror Pay and Time Off From Work

In **federal** court, jurors are paid a taxable attendance fee of \$40 for each day they report to the courthouse. Employees of the **federal** government are not entitled to be paid for attendance in **federal** court unless they are in a non-pay status. All jurors are reimbursed for travel expenses. Jurors in **Virginia** are reimbursed \$30 for each day they report to the courthouse. The amount is set by the legislature and is considered reimbursement for travel and other expenses.

Federal and **Virginia** law protect all permanent employees who serve on juries from discharge or adverse action, as long as they have given reasonable notice of their court appearance or summons to their employer. They cannot be required to take sick leave or vacation time. Employers who fire, threaten to fire, intimidate or coerce an employee who wishes to serve his/her jury duty, may be prosecuted. In **Virginia**, any employer convicted of violating these provisions is guilty of a class 3 misdemeanor. While the private employer does not have to pay the employee while he serves, most do, either in full, or with the amount of juror pay deducted from the juror's regular wages.

Orientation

In federal court, the jury clerk provides prospective jurors with a jury handbook that describes how the jury system operates, how trials are conducted, the role of jurors and other matters related to juror service. The clerk gives jurors a brief orientation on topics such as: payment process, certificates of attendance, parking and Metro reimbursement, etc. Information is also provided on the court website.

In Fairfax, prospective jurors may watch a televised orientation program featuring judges on Channel 16 prior to their service and in the jury assembly room. In both Virginia courts, prospective jurors are also instructed about their role as jurors and what they should and should not do while in the courthouse and while serving on a jury. The state and local court websites provide information about jury selection and service as well.

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| Juries impaneled in 2005*: | |
| Fairfax (19th Circuit) | 259 |
| Prince William (31st Circuit) | 66 |

Impanelling the Jury

The process for impanelling a jury is much the same in both federal and Virginia courts. When potential jurors arrive at the courthouse, their identity number is scanned into the jury management system, which is used to randomly create the jury panels to be sent to the courtrooms. In Prince William, the assignments are made the night before and processed the day of the trial.

The panel of prospective jurors is first led to a reception area outside the courtroom and is then called into the courtroom (20 for criminal cases and either 11 or 13 in civil cases). In criminal trials, alternate jurors may be chosen to take the place of jurors who become ill during the trial. The alternates sit with the jurors throughout the trial and will not be excused until the jury retires to decide the case. The panel members are sworn to answer questions about their qualifications to sit as jurors in the case. In criminal cases, twelve jurors are selected in felony cases and seven are selected in misdemeanor cases. In civil cases, five jurors are selected when the amount involved does not exceed \$15,000; seven are selected in other civil cases. The numbers are prescribed in the Federal Rules relating to criminal and civil procedure and the Virginia Code.

At the outset of the impanelling, the judge delivers preliminary instructions that: (1) explain the purpose of *voir dire*; (2) explain the difference between peremptory challenges and removals for cause; (3) summarize the nature of the case; (4) estimate how long the trial may last; and (5) indicate whether it is anticipated that the jury will be sequestered.

Voir Dire

The judge will then conduct the "*voir dire*" ("to see to speak"), which is the process of interviewing potential jurors to assess their ability to decide a case fairly and impartially. During *voir dire*, the judge will attempt to weed out those whom he/she deems unsuitable. The judge will explain the nature of the case; give the names of the parties and their attorneys; and ask prospective jurors if they are related to anyone in the case; have any financial or other interest in the outcome of the case; or have formed an opinion or have any personal bias or prejudice that will affect their decision in the case. The attorneys for each side may also ask questions. Any potential juror having knowledge of the case should explain this to the judge, in front of the group or privately.

Parties on either side in a case may ask that a member of the panel be exempted from service on a particular jury. These requests are called challenges. Any person may be challenged for cause if the examination shows he or she might be prejudiced. The judge will determine if the cause raised in the challenge is sufficient. After the judge has completed his determinations, the clerk compiles a list and gives it to the attorneys. In a criminal case, each side removes three names from the list without a need for a reason. These are called "peremptory challenges," a legal right giving both sides some choice in the make-up of a jury. In Virginia courts, each side alternatively removes one person from the panel until the number required for a jury is reached.

In federal court, a juror biographical report is prepared consisting of the following information: name, city and zip, date of birth, gender and race, occupation and employer, education, marital status and spouse's occupation, number of children. This is provided to the attorneys. However, anonymous juries are used in cases involving notorious criminal defendants with a history of violence or intimidation against witnesses or jurors. In Virginia, attorneys are provided with a list

of potential jurors, which includes names, addresses, and occupations. After a jury is selected, the court in Fairfax does not retain a paper copy of this information but only the list of jurors' names for the trial.

Change of Venue and Venire

In **federal** and **Virginia** courts, if the trial judge believes that an impartial jury panel cannot be obtained locally, e.g., because of extraordinary pretrial publicity in a high profile case, he/she may order a change of venue to another judicial district or circuit, upon the request of the defendant. A change in venire occurs when the jury list is obtained from another district or circuit and these non-resident prospective jurors are transported from their own community into the original court for juror selection.

Instructions to the Jury

After *voir dire* and prior to impaneling the jury, the court gives jurors preliminary instructions as to how the trial will proceed for the rest of the day. The instructions go into detail regarding how each step in the trial process will work. These preliminary instructions and the written instructions (see "Charge to Jury" below) cover the jury's role, trial procedures, nature and evaluation of evidence, and legal terms and principles.

In **Virginia**, the jury may take notes and are given legal pads and pencils, which are returned to the court at the end of the trial. In **federal** court, jurors may be provided with trial notebooks, depending on the judge, and the length and complicated nature of the trial.

During the Jury Trial

The juror takes an oath to decide the case "upon the law and the evidence." The judge makes the legal determinations. The jury decides the questions of fact, i.e. what really happened in the case, based upon the evidence. The evidence includes the testimony of witnesses and the exhibits admitted in evidence. What evidence is proper for the jury to consider is based upon the law of evidence.

Juror Conduct

Jurors are asked not to discuss the trial with anyone – not even their fellow jurors - until the jury begins its deliberations. They are also asked not to loiter in the corridors or elsewhere in the courthouse to prevent contacts with persons interested in the case. If any outsider attempts to talk with a juror about a case in which he or she is sitting, the juror should refuse to

listen and report the incident to the judge or bailiff. Jurors have the duty to report to the judge any improper behavior by any juror. They also have the duty to inform the judge of any outside communication or improper conduct directed at the jury by any person.

In **federal** court, juries may be sequestered during meals. Except in extraordinary circumstances, juries are allowed to go home at night. In **Virginia**, juries are rarely sequestered overnight during either the trial or the jury deliberations. Instead, the jury is told not to discuss the case with anyone or watch, read or listen to news reports about the case. Reasons for sequestering a jury include: security concerns or media issues in a high profile case.

If there are allegations of juror misconduct, they are handled by the judge in open court and could result in a mistrial. However, jurors can also be struck from the jury for cause and hardship. Dismissal for misconduct is rare in Fairfax.

Jury Deliberations

The Charge to the Jury: Immediately before the closing arguments in the case, the judge gives the jury its instructions. In **Virginia** felony cases, these are both oral and written. Jury instructions tell the jury what the laws are that govern the case. Sometimes the judge may point out or explain what basic facts are in dispute, and what facts do not actually matter in the case. The judge may impartially summarize the evidence bearing on the questions of fact. In lesser offenses, the instructions also cover the punishment to be determined by the jury.

In the Jury Room: In all juries, a foreperson is selected to preside over its deliberations, and to make sure that everyone has an opportunity to participate and that the discussion remains orderly. The judge will advise jurors how to select a foreman.

During its deliberations, the jury decides the facts and applies the facts to the law as instructed by the judge. It is the jury's duty to reach its own conclusion or verdict based upon all the evidence. The verdict is reached without regard to what may be the opinion of the judge as to the facts, though as to the law, the judge's charge controls. Jurors have a duty to give full consideration to the opinions of their fellow jurors and have an obligation to reach a verdict whenever possible. However, no juror is required to give up any

opinion which he or she is convinced is correct. The members of the jury are sworn to pass judgment on the facts in a particular case and violate this oath if they render their decision on the basis of the effect their verdict may have on other situations.

In **federal** courts, the judge has discretion to make excerpts from the court reporter's transcript available to the jury during deliberations if requested. Jurors in **Virginia** courts may request admitted exhibits for use during its deliberations but are not always given an exhibit list. If the jury has questions, they are submitted to the judge for consideration. Both the plaintiff/Commonwealth and the defendant have the opportunity to view the question and assist in giving the response to the jury. Generally, however, the court will instruct the jury that they must rely on their collective memory and the evidence they have in the jury room to assist them in their deliberations. If a trial transcript is necessary in a criminal case, one can be done in 24 hours. However, this is very expensive and transcripts are generally not provided to jurors.

Reaching the Verdict: In all courts, the burden of proof in a criminal case is "beyond reasonable doubt." This is the highest possible burden of proof. In contrast, the burden of proof in a civil case is usually a "preponderance of the evidence;" i.e., the plaintiff must merely prove that it is more likely than not that the defendant is liable. In certain types of civil cases, e.g., fraud cases, there is a higher burden of proof: "clear and convincing evidence." Case law interprets what this means in particular cases. In a criminal case, the jury's decision needs to be unanimous. In a civil case in the **federal** courts, the jury's decision needs to be unanimous, unless instructed otherwise by the court. In **Virginia**, all jury verdicts must be unanimous.

If there is an apparent impasse in jury deliberations, the judge (in both **federal** and **Virginia** courts) will send the jurors back to deliberate further and encourage them to reach a verdict. The instructions used are required by law and called the "Allen Charge" (named for a court case). If they still cannot reach a verdict, the judge will declare a mistrial.

Occasionally, jurors struggle with their responsibility to the law and what they consider to be fairness or justice. When juries do what they feel is just and ignore the law, it is called jury nullification.

After the Verdict

After the jury reaches its verdict, it writes it down on the form provided and notifies the bailiff. Once back in the courtroom, the clerk will ask for and read the jury's verdict out loud. The jury may be polled.

In **Virginia** civil cases, the jury not only decides on a verdict but also awards damages. That is, if the jury decides that an award of money should be made, it decides the amount, generally at the same time as it issues its verdict.

Jury Sentencing

As of 2004, **Virginia** was one of only six states where the jury determines sentences in non-capital criminal trials. The other states are Arkansas, Kentucky, Missouri, Oklahoma and Texas. In lesser misdemeanor cases, the jury sets the punishment along with the verdict. In non-capital felony and other misdemeanor cases, there is a separate proceeding to determine the punishment which is held as soon as practicable before the same jury.

The judge provides the jury with sentencing ranges but may not make state sentencing guideline information available to them. The jury also has the opportunity to review relevant background information about the defendant before pronouncing a sentence. According to the 2005 Annual Report of the Virginia Criminal Sentencing Commission, "Virginia jurors typically have handed down sentences more severe than the recommendations of the sentencing guidelines." Although judges are permitted by law to lower a jury sentence, typically they do not do so.

Jury sentencing in jury trials can be waived only when the jury cannot agree on the punishment or when a sentence has been set aside due to an error in the proceedings. In both instances, the defendant, Commonwealth's attorney, and court must agree to the waiver.

After the Trial

After the jurors return their verdict and are dismissed by the judge, they are free to go about their normal affairs. They are under no obligation to speak to any person about the case and may refuse all requests for interviews or comments. While they are generally free to speak about their views concerning the case, the court may enter an order in a specific case that during

any such interview, jurors may not give any information with respect to the vote of any other juror.

Grand Juries

The Fifth Amendment to the United States Constitution provides in part that "(no) person shall be held to answer for a capital, or otherwise infamous crime, unless on a ... indictment of a Grand Jury" This clause applies to all felony prosecutions in **federal** courts. A grand jury hears only the government's side of the case, and decides if there is a probable cause to indict based upon the evidence presented and whether the defendant must stand trial. Federal law requires that a grand jury be selected at random from a fair cross section of the community. The names of prospective grand jurors are drawn from lists of registered voters or lists of actual voters, or other sources when necessary. Persons who are not exempt or excused from service are summoned to appear for duty. The judge will then direct the selection of 23 qualified persons to become the members of the grand jury. Grand jurors in the Federal District Court in Alexandria serve for 6 to 18 months. They generally meet only one to three consecutive days per month.

After the grand jurors have been sworn in, the presiding judge advises the grand jury of its obligations and how best to perform its duties, including the duty to conduct their inquiry without malice, fear, hatred, or other emotion. The law imposes upon each grand juror a strict obligation of secrecy; even the name of the target of the grand jury cannot be disclosed. This protects the grand jurors from pressure by persons (or associates of such persons) who may be subjects or targets of the grand jury. As a result, it prevents the escape of grand jury targets and encourages witnesses before the grand jury to give full and truthful information as to the commission of a crime.

In **Virginia**, the circuit court also has the authority to impanel grand juries. A grand jury is composed of five to seven citizens of the city or county where the circuit court is located. It is convened at each term of the court for two purposes: (1) to consider indictments prepared by the Commonwealth's Attorney, and (2) to investigate and report concerning any condition which involves or tends to promote criminal activity, either in the community or by any governmental authority, agency, or official.

Members of the grand jury must be citizens of Virginia, suitable in all respects to serve as a grand juror. **Between 60 and 120 persons are selected annually by each circuit court to serve as grand jurors during the year.** The Clerk of the Circuit Court summons from the Grand Jury list between five to nine persons to serve as Grand Jurors for that term of the court. The judge may dismiss several jurors to assure a jury of not more than seven. In **Fairfax**, the grand jury meets on the third Monday of odd numbered months; in **Prince William**, it meets on the first Monday of each month

Sources

*Statistics are the Fairfax County Circuit Court and the "State of the Judiciary Report" found on the Virginia courts web page.

"2005 Annual Report of the Virginia Criminal Sentencing Commission:" www.vcsc.state.va.us/reports.htm

Fairfax County, FY 2002 and FY 2007 Advertised Budget Plans
Fairfax County Circuit Court web site:
www.fairfaxcounty.gov/courts

National Center for State courts web site: www.NCSCOnline.org

Prince William Circuit Court web site: www.pwcgov.org, and the Virginia courts web site

"Resolving Disputes..." <http://privatejudge.com>

"State Court Organization," (The Jury), Bureau of Justice Statistics:
www.ojp.usdoj.gov/bjs

Supreme Court Rules (of Virginia) (can be accessed through <http://leg1.state.va.us>)

United States Constitution

United States Courts web site: www.uscourts.gov

United States Federal District Court web site, including the Handbook for Jurors: www.vaed.uscourts.gov

Virginia Constitution (can be accessed through <http://leg1.state.va.us>)

Virginia Code (can be accessed through <http://leg1.state.va.us>)

Virginia Courts web site: www.courts.state.va.us, including the Answer Book for Jury Service; also www.courts.state.va.us/ed/resources

<http://www.law.umkc.edu/faculty/projects/trials/zenger/nullification.html>

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