

Selected As A Juror: Should I Even Be Reading This?

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You made it through the *voir dire* process and have been selected to serve on a jury. The trial judge instructed you to “not research anything regarding the case” and “not to discuss the case with your family and friends” right before you were dismissed for the day. What does this really mean? Exactly what it sounds like.

The jury system is the life blood of the American system of justice. Some will tell you it is the highest civic duty, aside from military service, that one can perform. The Sixth Amendment’s guarantee of a trial by an impartial jury requires that jurors base their decision on the evidence presented to them in the courtroom, and not on external sources. Thus, the ideal juror is impartial, unbiased, unprejudiced and guided by a sense of justice and fairness.

On March 2, 2020, the New Jersey Appellate Division, in the unpublished case of Gaetano Graziano and Veronica Graziano v. Ibrahim Ibrahim and Celines Morales-Ribiero v. Jeffrey Strain and Bergen Laparoscopy & Bariatric Associates, LLC, addressed a situation where a juror failed to adhere to the trial judge’s instructions and presented with the appearance of impropriety. There, after a verdict was rendered, a juror disclosed that he had been to the defendant’s house several years prior to the trial in order to prepare a bid for landscaping work. An alternate juror revealed this disclosure to the Plaintiff’s attorney, who in turn informed the trial court and filed a motion for a new trial based upon this information.

After learning this information, the trial judge required both jurors to return to the courtroom and questioned them on the record. The juror at issue testified that he worked for a landscaping company and received referrals from a landscaping architect. After being selected to serve on the jury, the juror informed the landscape architect that he would be unavailable for work due to the case. The landscape architect asked about the type of case and the juror replied that it was “some kind of ‘stomach thing.’” The landscape architect then left for vacation, and the trial began. When the landscape architect

returned from vacation, he again spoke with the juror. During the ensuing conversation, the juror realized he had been at the defendant's house at the request of the landscape architect several years prior to the trial, although he did not meet or converse with the defendant and he ultimately did not obtain the landscaping job.

The juror came to this realization approximately two to three weeks into the trial. Instead of reporting this information to the trial judge, who most certainly instructed the juror, perhaps hours prior, "not to discuss the case with family or friends," the juror instead decided he "“had better keep [his] mouth shut.”"

The above exchange raises interesting questions regarding the role of jurors in society. Clearly, the juror realized he should not have discussed the case and the identities of the parties with a business acquaintance since his actions were obviously in direct contravention of the trial judge's instructions. Jurors should, at the earliest opportunity, bring any matter which affects their service to the attention of the trial judge. However, mostly likely because the juror realized he failed to adhere to the trial judge's instructions, the juror did not disclose this information to the trial judge at his earliest opportunity.

All in all, the trial judge denied Plaintiff's motion for a new trial and the Appellate Division affirmed. The Appellate Division reasoned that the juror never conversed with the defendant and his company was not awarded the landscaping job. Moreover, the juror did not recall that he was at the defendant's house until he was reminded by the landscaping architect. In sum, there was no evidence that the preparation of the bid led to bias or prejudice. Therefore, the Appellate Division affirmed the decision of the trial judge who held that there was no proof of bias.

The takeaway? One of the basic tenets that you should adhere to as a juror is the duty to maintain the confidentiality of the parties and the process. The courtroom is a place where parties are entitled to present their case to an impartial jury, one that is free from prejudice, improper influences and even the appearance of impropriety. Jurors are expected to rely on the evidence presented in the courtroom and not on any private sources of information when deciding the outcome of a case. Jurors must maintain the confidentiality of the parties in order to preserve the integrity of the American justice system and avoid even the appearance of impropriety.