

Jury Duty in Manhattan

In the year 1967, while living on the Lower East Side of Manhattan, I received a summons to report for jury duty. I was 26 years old, and this was my first such experience. Needless to say, I was excited. On the appointed day, I walked up the steps of the Supreme Court building in lower Manhattan and reported to the jury selection room. The court clerk had all of the names of those summoned and with each there was a number. The numbers were placed in a rotating container from which he randomly drew a selected juror's number. Twelve prospective jurors were selected and took seats in the front of the room. I was of course disappointed that I had not been chosen.



Next began the questioning of each prospective juror by the lawyers from both sides. This was a civil case so there was a plaintiff and a defendant. As the questioning proceeded, some jurors were eliminated “for cause”, meaning there was a reason why they could not serve equitably. As a juror was eliminated, a new number was drawn from the container. Time after time, I was disappointed not to be called. This process went on for 3 or 4 hours. Finally, all the perspective jurors had been questioned and deemed fit to serve. However each side had a fixed number of what are referred to as “peremptory challenges”, meaning they could remove a juror without giving any legal reason. It was at that point, the juror in place number one, who was automatically the jury foreman, was removed. Another number was chosen and, to my astonishment, it was my number! So I took my place as a prospective juror and foreman. Now by that time, both sides were tired of questioning perspective jurors. I was given a few relatively minor questions, and both sides were satisfied. I had just become the jury foreman! The judge, or rather the justice, ordered all the jurors to report the next day for the trial to begin.

On the next day, all the jurors took their seats and were sworn in. by the judge of the proceeding, Justice Brown, who issued instructions to us to listen carefully to the testimony as presented in court and to not discuss the case with anyone. We were to report any attempts to contact us or influence us in any way. We also could not even discuss the case among ourselves until he had given us permission to do so.

Now, this case was a suit brought by a lady who was crossing the street with a green light in a valid crosswalk. A newspaper delivery van just to the left of the crosswalk turned across her path and the right rear wheel ran over her. She testified that she suffered considerable internal damage including broken bones. She had gone through several medical procedures and extensive physical therapy. There was testimony by a doctor who showed x-ray evidence that considerable damage remained. There was

extensive acrimonious give and take by lawyers for both sides. The justice issued repeated rulings allowing some challenges as valid and not others. It was fascinating! I found all the details overwhelming and took notes on a scrap of paper. Well, the lawyer for the defense noticed this and approached the judge. After some whispered interchange, the judge said in open court “it has been pointed out to me that juror number one is taking notes. While this is not illegal, it is to be discouraged because it would give that juror undue influence during deliberation”. At that point, I replied “your honor, I would be happy to turn over my notes to the court and to refrain from further note-taking”. I did this, and the matter ended.

As the trial proceeded, while waiting in the jury room we talked about routine matters such as our jobs. One interesting juror let it be known that he was a crossword puzzle expert and made his living doing this. I found this to be very interesting as did the others. We were really fascinated by this guy! Other talk was about the news of the day, family matters and other routine subjects. Of course, we were anxious to begin discussing the case.

Finally, the end of the trial was nearing. The lawyers from both sides presented final arguments addressing the case. Each paced back and forth in front of the jurors looking them in the eye and trying to establish a personal rapport. After final arguments, the judge issued instructions to the jurors, saying that we were to weigh the evidence fairly and to consider only what was presented in court. He said that while we would not be sequestered, we would take a full eight hours each day until we came to a verdict. Furthermore, we should apply the standard of “preponderance of the evidence”, and eleven or more jurors in favor of a verdict were required for a decision.

The next day, everyone reported for duty in the jury room. All communications were to be made by ringing a buzzer to summon the bailiff who would then relay any message directly to the judge who would inform the lawyers for both sides and issue a ruling and send an answer back to the jury. Before any discussion began, I called for a vote of all the jury members as to whether they were in favor of the plaintiff, that is the lady who was injured. There were 8 in favor and four against. The crossword puzzle expert was very much against the plaintiff. He said things like “why did she enter the crosswalk if a truck was turning”. I suggested that the way we should proceed was for each of the jurors against the plaintiff should explain their reasoning and that the other jurors should question them. A dialogue began between the two sides. As we took repeated votes, Several of the jurors who were against the plaintiff changed their views and began voting in favor of the plaintiff. It was fascinating to watch the give and take of the process. The moment finally arrived when we had eleven in favor of the plaintiff, with only the crossword puzzle expert against. It was the end of the first day of deliberation and we had made progress!

The next day, we reported again to the jury room and began to consider damages to the plaintiff. The question arose as to whether the crossword puzzle expert, who had voted against the verdict, should participate in damage assessment. We decided to hear his input. To determine an amount for the plaintiff, we took her average yearly income, factor in the amount of time she would be able to work because of her injury and the number of years she might be expected to work before retirement. We then added in an amount to cover all medical bills, as well as for pain and suffering to come up with a total amount. I cannot remember what that total amount was and that is really not important.

So finally I rang the buzzer and the bailiff appeared. I told him that we had reached a verdict, and he informed the judge. There was considerable excitement in the halls with people moving quickly toward the courtroom. When the judge was ready, all the jurors filed into the jury box in the courtroom. The judge said "Ladies and gentlemen of the jury, have you reached a verdict?". I replied "Yes, your honor". I then handed the verdict to the bailiff who gave it to the judge. The bailiff then read the verdict which said eleven in favor of plaintiff with one against. The lawyer for the defense then asked Justice Brown to poll the jury. The judge then asked all jurors who are in favor of the verdict to raise their hands. To my astonishment, all 12 jurors, including the crossword puzzle expert, raised their hands. The lawyer for the defense then got very excited and said "Your honor, this is highly irregular. I move for a mistrial". I then responded "Your honor, this gentleman (I gestured at the crossword puzzle expert) voted against the verdict at the end of deliberations and now has voted for the verdict. The judge then questioned that juror who said that was correct. Then judge then said "There's no problem here. We will just record his vote as for the verdict".

So, that's what happened! A few days of my life had ended, but I will never forget them!