



The Jury Act by Doug Paterson, Q.C.

Those who are qualified to act as jurors usually view it as an interesting life-experience if they actually sit on a jury. In Manitoba, the only civil juries are for defamation actions, but these are rare.

Major criminal trials (indictable offences under the Criminal Code of Canada) are where jury trials occur.

While most jurors view it as a democratic privilege and an interesting exercise, some do not. When I was a student thirty-five years ago, a murder trial at the Fall Assizes was about to begin. The Mounties were in their Redcoats, Court staff in black robes, barristers in their black robes, the gallery was full of spectators and school children on an outing. The presiding media were assembled as well. It seems one well-known Brandon businessman ignored his jury summons repeatedly. He was therefore arrested and the Sheriff's Officers marched him before Mr. Justice John Hunt in the packed room.

Justice Hunt severely berated the man for not being responsive and failing in his civic duty. The man was really humiliated. He was given a warning and a fine. His face was redder than the Mounties'

tunics when he was hustled out.

Those who cannot act as a juror include non-Manitobans, those under 18 years, an MP, an MLA, a Judge (of course!), any Justice Department employee, a lawyer, a Court official, a Sheriff, a Peace Officer, a Corrections Officer, a disabled person not able to perform as a juror, and a person convicted of an indictable offence (unless pardoned), and those not fluent in the language of the trial (English or French).

A Jurors' Roll (or list) is made up from residents residing in that jury district or judicial centre. Names are selected at random from voters' lists and other official lists and databases. The Chief Justice of the Court of Queen's Bench sets the limit on the number of names on the jury list, and if more than one list is needed. This would depend on the number of jury trials expected to proceed.

The Justice presiding at the trials directs the Sheriff to summon a certain number of jurors from the jurors' list. This number is flexible and can be added to as circumstances warrant. Jurors are called in the order they appear on the list.

This jury summons is served

personally or by delivery to the usual home or place of employment of the juror or by leaving it there with someone over 16 years old. It can also be served by ordinary mail. It must be served with a minimum 12 days notice or 17 days if by mail.

Employers must grant the juror a leave of absence, with or without pay, and later re-instate the juror or give a comparable position and pay with no loss of seniority.

If not, the boss is subject to a \$5,000.00 fine or three months maximum in jail or both, as well as an Order to reimburse the juror properly.

A person's religion may be incompatible with jury duty or serving may cause serious hardship or loss, or armed forces personnel may find it difficult to serve so exemptions can be had from the Sheriff. You have one week after service to apply. Mental or physical infirmities may also be grounds for exemption.

For those paneled jurors who are not yet sitting on a jury, they are not required to wait at the Courts for more than one month.

Once a trial is set, the qualified

jurors' names are put in a box and the names drawn at random. The Crown and Defence Counsel can then proceed to pick the jury with the help of the presiding Justice.

Jurors are paid daily amounts by the Government according to Regulations made from time to time.

Once selected to a panel, jurors are under the control of the Court and cannot communicate with the media and cannot disclose jury discussions. Otherwise contempt charges will be laid, leading to a fine, prison or both.

Any interested person who knowingly communicates with a selected juror at any time on any aspect of the trial is also subject to contempt of Court charges.