

You Be the Jury – Claims in Action

*A Continuing Education
Program*



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What Do Jurors Do?



- Your first duty is to decide the facts from the evidence in the case. This is your job, and yours alone.
- Your second duty is to apply the law that [the Judge gives] you to the facts. You must follow the instructions, even if you disagree with them.

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1. Be Impartial



- Do not allow sympathy or prejudice or fear or public opinion to influence you.
- In determining whether any fact has been proved, you should consider all of the evidence bearing on the question regardless of who introduced it.

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2. Use Common Sense



- You should use common sense in weighing the evidence and consider the evidence in light of your own observations in life. In our lives, we often look at one fact and conclude from it that another fact exists. In law we call this “inference.”
- A jury is allowed to make reasonable inferences. Any inference you make must be reasonable and must be based on the evidence in the case.

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2. Use Common Sense



- You may have heard the phrases “direct evidence” and “circumstantial evidence.”
- Direct evidence is proof that does not require an inference, such as the testimony of someone who claims to have personal knowledge of a fact.

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2. Use Common Sense



- Circumstantial evidence is proof of a fact, or a series of facts, that tends to show that some other fact is true. As an example, direct evidence that it is raining is testimony from a the witness who says, “I was outside a minute ago and I saw it raining.”

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2. Use Common Sense



- Circumstantial evidence that it is raining is the observation of someone entering a room carrying a wet umbrella.
- *The law makes no distinction between the weight to be given to either direct or circumstantial evidence.*
- When the time comes to deliberate on your verdict, you should consider all the evidence in the case, including the circumstantial evidence.

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3. Judge The Witnesses



- You must decide whether the testimony of each of the witnesses is truthful and accurate, in part, in whole, or not at all. You also must decide what weight, if any, you give to the testimony of each witness. In evaluating the testimony of any witness, including any party to the case, you may consider, among other things:

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3. Judge The Witnesses



- the ability and opportunity the witness had to see, hear, or know the things that the witness testified about;
- the witness's memory;
- any interest, bias, or prejudice the witness may have;
- the witness's intelligence;

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3. Judge The Witnesses



- the manner of the witness while testifying;
- the witness's age;
- and the reasonableness of the witness's testimony in light of all the evidence in the case.

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4. Evaluate the Experts



- You have heard witnesses give opinions about matters requiring special knowledge or skill. You should judge this testimony in the same way that you judge the testimony of any other witness.
- The fact that such person has given an opinion does not mean that you are required to accept it.

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4. Evaluate the Experts



- Give the testimony whatever weight you think it deserves, considering the reasons given for the opinion, the witness's qualifications, and all of the other evidence in the case.

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5. Decide if the Burden of Proof Was Met



- When I say a particular party must prove something by “a preponderance of the evidence,” or when I use the expression “if you find,” or “if you decide,” this is what I mean:
When you have considered all the evidence in the case, you must be persuaded that it is more probably true than not true.

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6. Decide the Case



- The verdict must represent the considered judgment of each juror. Your verdict, whether for or against the parties, must be unanimous.
- You should make every reasonable effort to reach a verdict. In doing so, you should consult with one another, express your own views, and listen to the opinions of your fellow jurors.

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6. Decide the Case



- Discuss your differences with an open mind.
- Do not hesitate to reexamine your own views and change your opinion if you come to believe it is wrong.
- But you should not surrender your honest beliefs about the weight or effect of evidence solely...

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6. Decide the Case



- ...because of the opinions of other jurors or for the purpose of returning a unanimous verdict.
- All of you should give fair and equal consideration to all the evidence and deliberate with the goal of reaching an agreement that is consistent with the individual judgment of each juror.

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Now, Go to Work!



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We are working on:
**Sproull v. State Farm
Fire and Casualty
Company**

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We are working on:
**American Bankers
Insurance Co. v.
Shockley**

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We are working on:
***American Bankers
Insurance Co. v.
Shockley***

21



We are working on:
***Goldberger v. State
Farm***

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We are working on:

***James Madison
Univ. v. Housden***

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We are working on:

***Miss. Farm Bureau
Cas. Ins. Co. v.
Powell and Craft***

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