



ARKANSAS JUDICIARY

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## Time Spent Waiting

You may feel like you're spending more time waiting for the judge and lawyers to take care of business outside of your presence than the time spent actually being in the trial. There is information and there are many arguments between the parties that you are not allowed to hear. Sometimes there is information the judge thinks would make you feel biased toward one side or the other. If you are allowed to hear the information, then the constitutional right to a "fair and impartial" trial may be impossible. When the lawyers ask the judge if they can "approach," they want to discuss something without the jury hearing them. Or if an attorney objects to something in trial, it is usually because they are trying to protect the fairness of the trial. Some people get annoyed by all the objections during trials, but the lawyers must make objections or they are not representing their clients adequately. If they don't object, then they can't appeal the judge's decision later.

Before you ever show up for jury selection, the lawyers and judge have very likely already had many hearings about the case. They have probably discussed most of the evidence that will be allowed in the trial. Often, though, the judge wants to wait and see what happens during the trial before he makes a decision. There is some information you may want, but will never get to see or hear. For example, if the case is about a car accident, you will likely never hear if one of the parties got a ticket from the police. Your job is to determine who was at fault in the accident; and if you know that one party got a traffic ticket, you might be more inclined to think that person caused the accident. But it is not the police officer's job to decide fault at the trial. It is your job to make that decision.

Another thing jurors complain about is that sometimes the lawyers seem to repeat the same evidence over and over. Or they present evidence that does not seem relevant. They are probably making their "record." A record includes everything about a case and it is used if a party appeals the case. If the plaintiff loses at trial, she might want to appeal that decision. The appellate courts (Court of Appeals and Supreme Court) require the parties to provide the record, which includes all the pleadings, testimony and other evidence. If something is missing, the appellate court will not consider it. So if the lawyer does not get all the information in the record, they might lose the appeal.

**Important:** The information on this website is not intended to take the place of the instructions given by the judge in any case. Should you see a conflict, the trial judge's instructions will prevail.

**Note:** The pronouns, he, him, his, refer to both the male and female gender.

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