**Jury Verdicts and Proper Procedures for Receiving a Verdict**

**Podcast**

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There is perhaps no more dramatic moment in any trial, civil or criminal, than the moment the jury foreperson is asked, “Has the jury reached a verdict?” Entire book and movie scripts have been built to that dramatic climax.

As judges, though, we need to remember that we are not so much about building dramatic moments as we are about getting true verdicts according to the law. For that reason, this podcast will explore the proper procedures for achieving and receiving a verdict as laid out by the Supreme Court and the Court of Appeals.

So Wade, first of all, what does the word “verdict” actually mean?

“Verdict”, from the Latin *verdictum*, meaning “true saying” or “to say the truth”.[[1]](#endnote-1)

But Wade, I always hear lawyers tell juries that *voir dire* means “to speak the truth”.

That’s because they don’t speak French and Latin like you and I do, Tain. *Voir dire* actually is French, meaning “*to see* and *to speak*”.

Silly lawyers!

So Wade, not to spoil the ending of the book or anything, but what does the law say about when a verdict becomes a verdict? Is it when the jury says “We have a verdict”?

Well, no. the Supreme Court has said that “Verdicts acquire their legality from ***return*** and ***publication***.[[2]](#endnote-2)

Well, what does that entail?

A verdict is only published when it is agreed upon by the jury, written out, signed by the jury foreperson, and delivered to the clerk, by the direction and in the presence of the judge.”[[3]](#endnote-3) Several of the cases also indicate that the verdict is not “published” until it is actually read in open court.

So let’s go back to how we get to that point, the dramatic moment of the reading of a verdict.

When does the process of receiving the verdict really start?

Well, of course, the first thing we do is charge the jury. When I charge them, I always discuss with them how exactly they will render a verdict. You know, I tell them they will elect a foreperson, and that he or she will preside over their deliberations and record their unanimous verdict, date it and sign it as foreperson.

What about providing a verdict form?

Well, I always provide a verdict form that I have discussed with the attorneys during charge conference. While this is not required, it’s certainly best practice.

Well, it seems like you could definitely avoid a lot of potential problems by doing it that way.

Definitely! A simple and well-worded verdict form can really help the jury understand its duty

1. Groves v. State, 162 Ga. 161, 162 (1926) [↑](#endnote-ref-1)
2. Easley v. State, 262 Ga. App. 144, 149 (1926); Irvine v. Grant, 15 Ga. App. 269, 269 (1914); O.C.G.A. §17-9-21 “Verdicts shall be received only in open court, in the absence of agreement by the parties.” [↑](#endnote-ref-2)
3. Bell v. State, 163 Ga. App. 672, 674 (1982); Irvine, 15 Ga. App. At 269; Hannula v. Ramey, 177 Ga. App. 512, 513 (1986); Haughton v. Judson, 116 Ga. App. 308, 311 (1967). [↑](#endnote-ref-3)