

NEW MODEL LAW DESIGNED TO IMPROVE JURY SERVICE IN STATE COURTS

by

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Many state laws make it difficult for citizens to serve on juries and allow people to avoid their civic obligation with impunity. The result is that the burdens of jury service fall disproportionately on elderly and unemployed citizens, and litigants are denied the right to a trial before a true jury of their peers. Litigators frequently observe that if juries included a fair share of business owners, professionals, and working Americans, then they would be more likely to reach well-reasoned decisions and there might be fewer excessive and bizarre verdicts.

The American Legislative Exchange Council (“ALEC”), the nation's largest bipartisan, individual membership association of 2,400 state legislators, has developed model legislation — the Jury Patriotism Act — to make it easier for citizens to serve on a jury and to protect the right of litigants to a jury representing a true cross-section of the community.

ALEC's Jury Patriotism Act makes it more difficult for citizens, particularly professionals, to avoid jury service, and makes jury duty less burdensome for those called to serve. It eliminates exemptions based on occupation, increases the penalty for those who ignore a juror summons, and provides guidance to the courts with respect to the acceptable grounds to excuse a prospective juror from service. The Act also makes jury service more flexible by providing an easy postponement procedure that would allow any juror to reschedule service for any reason, and a one-day/one-trial system by which jurors not selected for trial on the first day of jury duty would return to work by the next business day. These reforms would apply in both civil and criminal cases.

To address financial hardship issues that undermine citizen participation in lengthy civil trials, the Jury Patriotism Act provides wage replacement or supplementation through a “lengthy trial fund” financed by court filing fees. Jurors who serve on civil trials lasting longer than three days would receive supplemental compensation if they would otherwise be excused from service due to financial hardship. In the rare case that a civil trial lasts more than nine days, all jurors would be eligible to receive additional supplemental compensation from the fund.

The “Jury Patriotism Act” is being distributed to ALEC state legislators for introduction around the Nation. Interested state legislators are likely to begin introducing the Act for consideration beginning this month.

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