

Jury Duty - Dealing with the Often Unfair Burden of Civic Responsibility

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I can only speak of California when referencing contemporary jury duty, though I've been called to serve in another state in the past, with equally irritating circumstances to deal with. Until the US Court system treats jurors with the respect they deserve, a jury of one's peers will never meet its intended ideal. By that standard, anyway, a drug dealer would merit being tried by a jury of other druggies!

Frankly, I think the existing jury system itself would be a major deterrent to crime. Who would want to be tried by a jury of individuals, most of whom didn't want to be there in the first place? Why not? Consider this: their employers don't pay them during their attendance to civic duty; their families are suffering in their absence; the jurors themselves can't wait to escape the dancing attorney acts. We would be far better served by professional jurors who understand the law and who have also received formal training in compassion from the school of hard knocks. At least a mixed jury of professionals and greenies would ensure real justice from the system.

Added to California's other mind-boggling woes, which are still taking center stage of late, is a chronic shortage of qualified jurors, particularly in Los Angeles County. No doubt that's aggravated by a higher crime rate in our overcrowded population, which in itself creates an even more clogged docket. Though the state has completed the phase-in of One Day-One Trial, the general public still doesn't seem to understand that if they are selected to serve on a jury, One Trial supersedes One Day. A prospective juror is on call for the entire week stipulated in the Jury Summons, reports on the day he or she is ordered to report, and serves *for the length of the assigned trial*. The only exception is being formally dismissed by the presiding judge on the day the juror is called, or possibly later in an emergency.

There is no state payment at all for the first day of jury service. If you are assigned to a trial, from the second day onwards, California now pays the grand sum of \$15 a day plus *one-way mileage* from home to the courthouse, assuming you live in the center of the town from which they're measuring. Otherwise, you come up a few miles short. This is the first increase in 45 years. It about covers the cost of gas and your lunch, unless you backpack that in and risk putting it in the refrigerators in the jury assembly room.

Some courthouses have no lunch facilities; others provide only limited free parking, if any at all. And, you creative folks, leave the knitting and crocheting and embroidery at home. Nothing that could be used as a weapon is allowed inside the building, let alone in the courtroom. Be aware that the TVs in the jury room might not work if the courthouse is being remodeled. No TV antenna and no cable service. Bring your headphones and your own CDs or tapes, or a book that will hold your interest. (Outside of L.A. County, some jury rooms actually have computers with Internet access.)

In case you haven't been called to jury duty lately, the system doesn't give a hoot about financial hardship nowadays, not even if you're self-employed, or your employer won't pay you to serve. Neither does it care that you were scheduled to report to a paid training course, so you could finally get your first job since September 11, 2001. As we were recently instructed, "a five-day trial isn't considered a hardship to anyone". Well, excuse me for disagreeing!

As far as health problems are concerned, if you're under the age of 70 and you're breathing, you can serve. You'll have to hope your doctor's signature will excuse you, but often, it does not. Believe me, no courtroom wants a juror with multiple health problems, but they do their best to make you look like a liar during the Inquiry process.

As to the type of juror that is sought, the preference seems to be for a prospective juror who is not an independent thinker. Of course, it's normal to want a panel that is sympathetic, but a balanced jury is more just, when such can be seated. Defense attorneys, in particular, like a juror who can be manipulated into believing their spin on events. That goes without saying. Every client wants an attorney who is on their side, else why bother with legal representation? Any fool can represent herself in a courtroom, if she so desires.*

Even so, anyone who appears to be an uneducated, quiet little housewife who can be easily swayed, is likely to be selected for a jury. Woe to the attorneys who make that mistake, however! Little old ladies in particular can be "dangerously" opinionated. It isn't just good things that come in small packages.

The best advice that can be given is: Yes, do your civic duty if at all possible. Heaven knows we need conscientious, caring jurors. Read your instructions. Maintain decorum. Dress conservatively. Do not show up late, at least not without telephoning first to explain your crisis. Cooperate with the court at all times. NEVER mouth off at or otherwise insult the judge. He or she reigns supreme in that courtroom. Answer questions honestly. Don't let attorneys make you look like an idiot.

*[There is always the exception, of course. Sometimes, such short notice is deliberately given, so that the individual has to show up alone. There isn't time to find and consult with an attorney. I'm talking less than 48 hours! And believe me, it happens, often in challenged probate cases, as one example.]

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