

JURY (DUTY) SERVICE

Attorneys often face the dilemma of a client or friend requesting their aid in avoiding jury service. Ironically, these persons and the readers of this article are persons who, by qualifications and life experiences, should wish to be selected for the jury panel and to serve as jurors!

“There is a constitutional right to a jury drawn from a group which represents a cross-section of the community. And a cross-section of the community includes persons with varying degrees of training and intelligence and with varying economic and social positions. Under our Constitution, the jury is not to be made the representative of the most intelligent, the most wealthy or the most successful, nor of the least intelligent, the least wealthy or the least successful. It is a democratic institution, representative of all qualified classes of people.”

Murphy, J. dissenting, *Fay v New York* (1947) 332 US 261, 299
91 L Ed 2043, 2066, 67 S Ct 1613.

You, your business or your employer’s business have a substantial chance of being involved in civil litigation (contract disputes, products liability, employment issues, etc.) or criminal cases (embezzlement, arson, etc.) If any of these occur you hope that you have a jury of “your peers” to decide your case.

Juries are the principal criterion of truth and:

“The trial by jury ever has been, and I trust ever will be, looked upon as the glory of the English law. And if it has so great an advantage over others in regulating civil property, how much must that advantage be heightened when it is applied to criminal cases!”

Blackstone Commentaries, bk 3, 348 and 379

“The institution of the jury may be aristocratic or democratic, according to the class of society from which the jurors are selected; but it always preserves its republican character, inasmuch as it places the real direction of society in the hands of the governed, or a portion of the governed, instead of leaving it under the authority of the government.”

Alexis De Tocqueville, *Democracy in America*, Pt 1 ch 16 (trans. Reeves)

”It is the duty of the judge, in all cases of general justice, to tell the jury how to do right, though they have it in their power to do wrong, which is a matter entirely between God and their own consciences.”

Mansfield, C.J., *Rex v Shipley* (1784) 4 Doug. 73, 170.

Therefore, if you receive notice of your selection to the jury panel, you should not search for excuses to avoid service, such as too busy—lost income—scheduling conflicts. (Note: Ferry Boat Operators, persons over 65 years of age, dentists, and veterinarians are no longer automatically excused from jury service.)

You are a qualified person, needed to determine the truth and to aid the Court in regulating property or administering justice to those charged with a crime.

Thank you for not asking your attorney to assist you in getting excused from the jury panel and doing your (duty) service. Most will have a better experience than anticipated.

Will you be doing your duty and providing a service on the next jury?

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