

## Talking Points

### Why Juries Matter

#### **Juries Have a Huge Impact**

- Trial by jury is guaranteed in the Fifth, Sixth and Seventh Amendments
- Nearly a million Americans serve on a jury each year.
- About five times that number show up to their local courthouse to report for jury duty.
- Jurors decide between guilt and innocence, liability and non-liability.
- The decisions that jurors make affect millions of lives everyday and have a profound impact on our economy and our society.
- Few activities in our civic life provide such a direct contact with our democracy as does jury service.
- Besides voting, nothing is so active and participatory in nature. In fact, Thomas Jefferson believed that serving on a jury is more important than voting. He said, "I consider trial by jury as the only anchor yet imagined by man by which a government can be held to the principles of its constitution."

#### **The Good News About Juries**

- An ABA-sponsored survey in 2004 showed:
  - Three-quarters of those polled said that jury duty is NOT a burden to be avoided.
  - 58 percent consider jury duty a privilege they look forward to fulfilling.
  - Most of those who have served on a jury would like to do it again.

## The Bad News

- Americans don't value jury service as much in practice. Courts all around the country continue to report serious problems with low response rates to jury summonses.
  - 20% of people who actually receive a juror summons simply ignore the summons.
  - The public is too often misinformed about jury service, perceiving it negatively, as an inconvenience to avoid.

## How to Reinvigorate the Jury

- The time has come to:
  - a) Celebrate jury service as a privilege and responsibility
  - b) Provide jurors with the structure, environment, and tools to help them make the best decisions.
- The key is to pay attention to the three c's.
  1. Jury Composition: We need to enhance participation rates by
    - Expanding source lists—not just pulling potential jurors from voting lists, but from a wide variety of lists that will truly give us a cross section of the public.
    - Making notices more accessible and understandable.

- Limiting automatic exemptions for professions and limit peremptory challenges, in which lawyers can reject potential members of a jury without giving a reason.

2. Jury Comprehension

- Every juror should be able to take notes.
- Under a careful process, jurors should be able to submit questions that they would like to have answered.
- Instructions to the jury should be clear and frequent.
- Legal jargon should be simplified.

3. Jury Convenience:

- Juror pay must be adequate
- Employers must give jurors the support they need
- The environment for jurors and potential jurors should be commensurate to the important role that they play.

## **The Future**

- We should never be satisfied with the status quo; we should always seek new avenues for improvement.
- The lives of millions of Americans depend on it.