



SAMPLE OP-ED ARTICLE

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New York Law Journal

New York State Bar Association Annual Meeting

2005: The Year of the Jury

State and national initiatives focus attention on celebrating and improving the system.

BY JUDITH S. KAYE

IMPROVING jury service has been an ongoing objective for the past decade, and will continue to be a high priority for the Unified Court System. Why, then, do I think of 2005 as The Year of the Jury?

The reason is that, this year, there will be special national focus on the subject of jurors and juries, presenting several unique opportunities for the New York State Bar Association and local bar associations — and bar associations nationwide — to celebrate our nation's prized jury system.

ABA American Jury Initiative

The catalyst for a nationwide spotlight on the jury is Robert Grey, president of the American Bar Association, who chose the

American jury as the signature initiative of his term of office.

Mr. Grey formed The American Jury Project, a group that has drafted a comprehensive set of ABA Principles for Juries and Jury Trials, which will be submitted for adoption to the House of Delegates at its midyear meeting next month in Salt Lake City. (A copy is available at www.abajury.org.) Intended to consolidate, improve and update the ABA's existing Jury Standards, the draft covers a wide range of topics, including composition of the jury pool, voir dire, juror privacy, aiding juror comprehension



(as by allowing note-taking and written questions), preliminary and interim instructions, and permitting jurors to discuss evi-

dence in civil cases during trial. The draft principles undoubtedly will spark lively discussion throughout the nation's legal community.

The second part of Mr. Grey's jury initiative was the formation of a Commission on the

American Jury, with U.S. Supreme Court Justice Sandra Day O'Connor as honorary chair, and three co-chairs: Manuel Sanchez, a Chicago trial lawyer, computer science professor, Oscar Criner, who was foreperson in the Arthur Andersen Enron-related trial in Houston, and me.

We know that too many view jury service as just a nuisance, something to be avoided, rather

Judith S. Kaye is Chief Judge of the State of New York.

continued

than a responsibility and privilege of citizenship. We also know that too many “insiders” — lawyers, judges, court personnel — think of their own habits and convenience ahead of those of the public called to serve. Our commission’s task is outreach — to the public, to employers, to the profession, to the courts — to foster positive attitudes about jury service and change negative ones. How will we do this?

Jury Activities in 2005

A major opportunity to focus public attention on this important topic will be Law Day, celebrated May 2. Law Day events have become a tradition throughout New York — for the courts, the bar, schools, citizen groups and more. The ABA theme for Law Day 2005 is “The American Jury: ‘We the People’ in Action,” and we will offer ideas and materials to inspire Law Day celebrations centered on the importance of the jury system and the value of jury service. The commission will be encouraging all states to follow their Law Day celebrations with a full Juror Appreciation Week, an especially good time for all of us to go into courthouses and schoolhouses and talk about the American jury.

Another major opportunity to reach out to the public is through the ABA’s Dialogue on the American Jury, following its successful Dialogue on Freedom (inspired by U.S. Supreme Court Justice Anthony Kennedy), and its dialogue on *Brown v. Board of*

Education. The dialogue on the jury (which will be available from the ABA in February) offers stimulating examples and provocative questions, thus assisting judges and lawyers in leading interactive group discussions about jury service. At its midyear meeting, the ABA will feature the presentation of a dialogue to school students by Utah’s chief justice — a video that hopefully will become a model for others to follow.

The commission plans a steady campaign of advertisements, bookmarks, posters, a national juror Web site and much more to raise public awareness. Our bookmarks, which we hope will soon become widely available, include suggestions directed to judges, lawyers, jury administrators and employers for improving the jury experience. And we are actively pressing the U.S. Postal Service for a commemorative stamp honoring jurors.

In New York, we have made enormous advances in jury service since the 1994 report of our blue-ribbon task force, The Jury Project, chaired by now-U.S. District Judge Colleen McMahon. Ten years later, the New York Commission on the Jury, chaired by Mark Zauderer, issued its recommendations for a new phase of jury improvements — now being implemented — that focus on making good use of juror time and improving communication, scheduling, time management and facilities.

While we already have a healthy start on jury improvement in New York, I welcome the ABA spotlight and the added impetus The Year of

the Jury will provide. My own privileged years as chief judge have more than amply confirmed for me that change is difficult, especially in a court system as huge and complex as ours. But then again, the mountain has moved. As I am reminded almost daily by New Yorkers, in so many ways the jury experience has improved: no automatic exemptions (everyone shares the benefit, and the burden), no automatic sequestration, better pay, better facilities, better treatment.

But over the years, juror attitudes have changed as well. Jurors today have been sensitized, and educated, to expect more of us. They expect, for example, that their time will be prioritized and used efficiently; that modern technology will be applied to shorten court appearances (or eliminate them, if possible); that we will make greater efforts to enhance comprehension, however arcane the subject matter; that their privacy will be valued. And voluminous research, filling the literature, establishes that these expectations can be met, and increasingly are being met.

Indeed, The Year of the Jury promises to be an interesting time for all of us.

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SAMPLE GUEST EDITORIAL

From the *Sentinel* of Klickitat County, Washington, January 15, 1998

Participating in jury trial is a citizen's duty

Guest Commentary by E. Thompson Reynolds, Superior Court Judge

One day you open your mail and there it is — a notice that you have been called to jury duty. Most people's first reaction is, "How can I get excused?" and "If I serve I'll lose a day or more of pay."

A trial by jury is a fundamental right which we enjoy in this country. This right could not exist if our citizens were not willing to serve as jurors. Our nation doesn't require much of us other than paying our taxes, serving in the military during times of draft, and serving on juries when called. This is a small price, indeed, for living in a free society.

In the state of Washington, potential jurors are selected from a combined list of all registered voters plus those persons with drivers licenses or state issued identification cards. The county clerk is provided with names randomly selected from the combined list. These people are sent a summons and a questionnaire to fill out and return to the clerk's office.

If a jury is needed in any district or superior court for the next month, a certain number of people on the list will be notified to appear to serve as jurors. Jurors are not required to serve more than one month during a year unless special circumstances prevail.

Approximately 40 potential jurors are called for a 12-member jury. Calling a greater number than is actually needed is necessary because some potential jurors will be excused during the selection process. Those that are not selected for a particular jury are excused for that trial, but are subject to being called for another trial during the month.

Klickitat County Superior Court has had five jury trials in 1996 and six in 1997. The average length of trial is two days. District Court trials average a day in length. Some months go by without any juries being called.

Willful failure to respond to either the questionnaire or notification of a service date may result in penalties (i.e. jail, fine or both) for contempt of court.

Excuses from jury duty may be granted by the judge for good cause. Request for excusal is made by filling out the questionnaire or by attaching a separate letter and returning it to the clerk's office. Usually, loss of income from serving is not considered a valid excuse. The clerk's office does not determine who is required to serve on jury duty. The clerks are available to assist with questions and appreciate your understanding when trying to work out a reasonable solution.

At the conclusion of a jury trial, the superior court sends questionnaires to those who serve. The overwhelming majority of those responding, state that they had a good experience serving as a juror and would recommend it to those being called for future service.

So, when you find the notice of jury service in your mail, I hope you consider the importance of jury duty and your experience as a juror will be as rewarding to you as it was for those who served before you.



SAMPLE RADIO SPOTS

30-Second Radio Spot

Did you know that 95 percent of the world’s jury trials are held here in America?

Juries are one of the ways American society guarantees the rights of citizens on trial... unless you don’t answer your jury summons.

Your right to a jury trial is like so many other American rights—it comes with responsibility. The American justice system is the envy of the world... but it only works when we do our part.

It’s Juror Appreciation Week, and [the American Bar Association Commission on the American Jury or your own organization name here] reminds you: Do your jury duty.

60-Second Radio Spot

The Sixth Amendment says,

(Voice reading like in courtroom) “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury...”

Did you know that 95 percent of the world’s jury trials are held here in America? Juries are one of the ways American society guarantees the rights of citizens on trial. It may not be perfect, but it’s the best the world has to offer... unless you don’t answer your jury summons.

(Second voice) “Has the jury reached a verdict?” (Lots of echo here, no jury)

Your right to a jury trial is like so many other American rights—it comes with responsibility. We all hope we’ll never need a jury of our peers, but somebody needs one every single day. We owe it to our fellow Americans to answer that call.

The American justice system is the envy of the world... but it only works when we do our part.

It’s Juror Appreciation Week, and [the American Bar Association Commission on the American Jury or your organization name here] reminds you: Do your jury duty.



SAMPLE PRESS RELEASE

(Date)

For further information contact:
(Insert name and phone number)

(INSERT NAME) COURT CELEBRATES JUROR APPRECIATION WEEK

(City, Date)—(Name of Court) is sponsoring Juror Appreciation Week activities to recognize (name) County residents who have completed jury duty and to highlight the honor and importance of serving on a jury.

Included in the week's activities are: (list activities, days and times)

According to (name of Presiding Judge), the objective of Juror Appreciation Week is to show past and prospective jurors that their contributions are greatly appreciated by the Court.

“Jury service is a vital aspect of our government,” said (last name).
“When you serve as juror, you not only serve your country, but you serve as an integral part of the justice system.”

(Last name) added that the (name) court has implemented several changes to improve jury duty in the County including: (list improvements).

“We want every juror to feel appreciated and to know how much we value their time and commitment to our system of justice,” (last name) said.