

## **Jurors Are Essential To A Well-Functioning Justice System**

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The Nome Nugget

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Thousands of Alaskans serve as jurors throughout our state. Everyone acknowledges the importance of the right to a jury trial. But most folks, at least at the outset, would admit that jury service seems more of an inconvenient imposition than an opportunity to serve. Countless times, however, I have seen this perspective change once people have served on a jury. Increasingly, however, I have observed a trend of people not responding to court summons and not appearing for jury service. This trend jeopardizes our system of justice and burdens those who do appear by shifting the burden of jury service to fewer people.

Serving on a jury gives a person an up-close view of the legal process. The jury's main role is to determine the facts and the weight to give them. Jurors observe witnesses and decide who is truthful, who has bias, and ultimately who to believe. Jurors listen to the attorneys' arguments and the judge's instructions and decide whether the burden of proof has been met. These important decisions require careful, thoughtful deliberations and can only occur when there are a sufficient number of jurors.

Jury service is from one perspective, an exercise in patience. Once you enter the courtroom door, at times you may feel as if time is standing still. Trial is a deliberative process - information can only be presented in pieces, by attorneys asking questions of witnesses. Depending on the complexity of the case, there may be more or less information to communicate. And evidence can be presented in various ways: live testimony, pictures, audio, reports, video, or jury views outside the courtroom of places where the dispute or crime took place. This process necessarily takes time.

A trial requires no less patience for judges and attorneys. Criminal trials can determine whether a person is guilty of a crime which may result in the person found guilty spending time in jail. Civil cases can affect a person's business or personal affairs that result in financial liability and myriad other

detrimental outcomes. Judges and court staff are committed to making sure that everyone has a full and fair opportunity to present their case, and that jurors have the support they need to fulfill their central role in listening, evaluating, and deliberating the outcome of a case.

By the end of a trial, my experience has shown time and again that most jurors have an increased appreciation and understanding of their role in the lives of people in their community and in particular the parties to the case. Their first-hand experience has allowed them to feel the weight of their responsibility as jurors, the importance of the right to trial by jury and the need for people to serve as jurors. For most, the experience affirms the necessity and importance of the justice concepts found within the trial by jury.

But increasingly, there have been instances in trials held across Alaska where not enough jurors have appeared for service. When too few jurors appear in court, justice for the parties to the case - persons charged with crimes, victims and families to both - is unnecessarily delayed. This delay impacts jurors too, for those who took the time to serve as jurors, but were forced to wait until a sufficient number of jurors came to court to allow the jury selection process to continue.

Within the past year, I presided over a criminal case where an insufficient number of jurors showed up for trial. It was a serious sex assault case where the State alleged the victim suffered extensive physical injury from the assault. On the first day of trial, there were too few jurors to complete jury selection - the number of jurors required for trial, plus alternates, and insufficient jurors to account for the State and the Defendant's juror challenge allowed by the criminal rules. Less than half of the jurors summoned appeared in court. The trial had to be continued until the next day so additional jurors could be called. I issued orders that were served by law enforcement during the night to increase the number of jurors available for jury selection. The next day there were enough available jurors to seat jurors for the felony trial.

As an attorney and judge, I am well aware of the time and effort jury service takes. But I am also aware of the difference dedicated jurors make to our justice system. Without you, we simply could not function, and those coming before our courts seeking justice would lose one of the fundamental promises of our democracy. To those of you who will be called as jurors, thank you in advance for the important role you will serve in the lives of the people in your community. To those who have already reported for jury service, thank you very much for your time and effort. Jurors make our

justice system work.