



Jury Service Update: Background, Frequently Asked Questions, And A Timely Reminder As To Why It Is Essential To Us All

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For the past decade or more, the Michigan Supreme Court has typically designated July as “Juror Appreciation Month.” Several years ago, the Court proclaimed that “[t]he right to jury trial is one of the fundamental values of American citizenship; jury service, like voting, is a direct participation in democracy.” Nevertheless, “[f]or many people, their first thought on getting a summons for jury duty is ‘How can I get out of it?’ But that’s profoundly unfortunate,” former Chief Justice Bob Young said at the time. “Most people find jury service to be a very rewarding, interesting experience. More importantly, the people whose cases come before juries are depending on their fellow citizens’ participation.” Simply put, one of the most important actions any citizen can take to exercise his or her freedom is jury duty, yet this particular form of democratic participation all too often gets short shrift from some citizens.

Chapter 13 of the Michigan Revised Judicature Act (RJA), specifically as set forth in MCL 600.1300 et seq., authorizes two types of jury systems, which include every aspect of selecting jurors and using their services. As pointed out on the State Court Administrative Office website, “all trial courts must operate one of the authorized jury systems.” This includes for counties like Ingham County an

appointed Jury Administration Board often governs many aspects of jury service.

I’ve served on the Ingham County Jury Board for several years and am still a member (there are three of us); by statute, each county in Michigan has such a board (the number of jury board members and appointment process depends upon the population of the county). It’s a voluntary commitment to help ensure that citizens have a voice—someone to fight for them—to make sure that jury service is, as former Justice Young put it, a rewarding experience.

The Covid pandemic created unique challenges to jury service in most courts, including those in Michigan and Ingham County. Like many Michigan counties, in Ingham County, the Circuit, District, and Probate Courts rely upon an overlapping pool of jurors to serve on trials. This meant, for the past couple of years, jury trials either were not being conducted in most courts within the county, or were being conducted on an inconsistent basis—depending upon various safety protocols required by public health mandates. Ingham County did a more than admirable job of adjusting its jury practices during Covid to keep its court dockets moving, while at the same time anticipating the unavoidable backlog

of jury trials that would need to be addressed after the Covid pandemic.

One way that Ingham County proactively moved to address the inevitable jury trial backlog, was to create an Annex across the street from the 30th Circuit Courthouse in Lansing, which contains a new courtroom to conduct additional jury trials—presided over by visiting judges. It has and will continue to be put to good use. It has also required a larger pool of jurors needed to serve on juries—especially for criminal cases where the backlog is the most severe. This, in turn, requires those of us within the legal system to do everything we can to promote the importance of jury service and be cognizant of the concerns that prospective jurors may have when they are called to serve on a jury. The following is a list of frequently asked questions that citizens have about jury duty. The Ingham County Circuit Court website also addresses these and other jury issues.

JURY DUTY FAQs

Who gets called?

U.S. citizens at least 18 years old who are residents of the court district to which they are summoned. The jury pool for each court comes from a list of licensed drivers and state ID card holders in the court’s district.

Are there exemptions?

People over 70 may request an age exemption from jury service. And while you can be called for duty more than once, you cannot serve on a jury more than once in a 12-month period.

What's required?

Jurors must “be able to communicate in the English language” and “be physically and mentally able to carry out the functions of a juror.”

•What does it pay?

Under Michigan law, jurors receive not less than \$30 per day and \$15 per half day for the first day of service. For each day after that, jurors receive not less than \$45 per day and \$22.50 per half day. Jurors also receive mileage for their trips to and from court. If you report for duty but do not get on a jury, you are paid for the day.

What if I don't show up?

You can be held in contempt of court, fined, or even jailed.

What about work?

By law, an employer cannot fire, or discipline or threaten such action, against an employee who is summoned for jury duty or chosen to serve on a jury, even for a long trial. Nor can employers force a worker to go beyond

normal hours to make up for time spent on jury service. An employer who takes these actions could be guilty of a misdemeanor or held in contempt of court.

What's an acceptable reason to be excused from jury service?

That's up to the court, but there are a number of grounds for excusing a person from jury service or postponing the service. “Hardship” is one, and that could include lack of transportation, excessive travel, extreme financial burden, undue risk to physical property, and being over 70. “Hardship” also includes situations where your absence from your normal routine would affect another's care or pose a risk to public health or safety. A request for a medical related exemption requires a letter from a doctor. A full-time student who believes that jury service will conflict with his or her classes typically must submit a copy of the class schedule.

If I serve on a jury, can I talk about the case afterwards?

Once the judge discharges you from service, you may discuss the case with others, although you don't have to discuss it. Attorneys in the case often find it helpful to talk to the jurors afterwards. In a high-profile case, the

media will also want to talk to jurors.

We all understand that not every case is going to make a person feel the tingle of courtroom drama, as though he or she is on the set of “Law and Order.” Certainly, not everyone is going to be happy about getting called — and some cases, especially those dealing with alleged crimes, can be emotionally charged, time-consuming, and stressful to jurors. But it's vital to keep in mind that jury service is of paramount importance to the parties in the case before the court. As such, jurors should serve as though they—or a loved one—will someday have a case before the court. In fact, it's quite possible that the juror might someday be a party or a witness in a case important to them. Simply put, the willingness to faithfully serve on juries is essential to our system of justice.¹

Endnotes

1. The author would like to acknowledge his former colleague on the Ingham County Jury Board, attorney and Ingham County Bar Association member Matt Davis, who is deceased, but certainly not forgotten. Along with his substantial contributions to the Jury Board, Matt authored a previous article on jury service, upon which this article substantially borrows from and is based.