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**JURY SERVICE:
IT'S CHANGING IN OHIO**
VICTOR E. SCHWARTZ* & CARY SILVERMAN**

Jury service is changing in Ohio. In June 2003, the Supreme Court of Ohio unanimously ruled that jurors may question witnesses,¹ which may result in a more active participation by jurors during a trial.² This ruling comes in the midst of the work of a twenty-five member Supreme Court of Ohio Task Force on Jury Service appointed by Chief Justice Thomas Moyer in July 2002.³ The Task Force, which is comprised of judges, attorneys, court administrators, and former jurors, is investigating ways to encourage more citizens to respond to jury summonses, help jurors understand complicated cases, and make the jury system more sensitive to jurors' time and dignity.⁴ Over the next few months, the Task Force will, among other things, make recommendations to the Ohio Legislature regarding statutory changes to improve jury service.⁵ Judges, jury commissioners, court administrators, and other court personnel also recently formed the Ohio Jury Management Association (OJMA). The

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¹ State v. Fisher, 789 N.E.2d 222 (Ohio 2003).

² See *id.*

³ See Supreme Court of Ohio News Release, *Moyer Appoints Jury Task Force*, (July 17, 2002), at http://www.sconet.state.oh.us/Communications_Office/Press_Releases.

⁴ See *id.*

⁵ See *id.*

OJMA, which actively promotes jury service enhancements,⁶ has adopted the Ohio Trial Court Jury Use and Management Standards.⁷

This Article will explain a few suggestions for legislative changes that would make jury service easier for Ohio citizens and also restore the fundamental democratic concept of having a jury of one's peers—a jury that reflects the community as a whole. These recommendations are based on a model "Jury Patriotism Act"⁸ developed by the American Legislative Exchange Council (ALEC), the nation's largest bipartisan, individual membership organization of state legislators, with more than 2,400 members nationwide.⁹ The goal of the Jury Patriotism Act is simple: to reduce the burden of jury service on those who are called and to make it more difficult for people to avoid their civic obligation to serve on a jury for reasons other than true hardship.¹⁰ In so doing, the model act seeks to both protect the constitutional right of a person to serve on a jury, as well as preserve the right to a representative jury in both civil and criminal trials.¹¹ It is common sense legislation that is based on the best practices of state courts.

The model legislation finds support across the political spectrum. Just a few of its supporters include the Council of State Governments, the AFL-CIO, the National Black Chamber of Commerce,¹² the National Federation of Independent Business (NFIB), and the National Association of Wholesaler-Distributors. Elected officials have responded to this broad-based support. Within months after the Jury Patriotism Act was developed, laws based on the ALEC model were enacted in Arizona, Louisiana, and Utah.¹³

⁶ For more information about the OJMA, see the OJMA's website at <http://www.theohiojurymanagementassociationinc.com>. The OJMA's website also contains the full text of Ohio Trial Jury Use and Management Standards and information on the progress of the Supreme Court of Ohio Task Force on Jury Service.

⁷ OHIO TRIAL CT. USE & MGMT. STANDARDS, OHIO REV. CODE ANN. C.P. SUP. RULES app. B (Anderson 2001).

⁸ MODEL JURY PATRIOTISM ACT (ALEC 2003), available at <http://www.alec.org>.

⁹ ALEC, 2002 Annual Report 7 (2002), available at http://www.alec.org/meSWfiles/pdf/2002_Annual_report.pdf (last visited Oct. 1, 2003).

¹⁰ Victor E. Schwartz, *The Jury Patriotism Act: Making Jury Service More Appealing and Rewarding to Citizens*, THE STATE FACTOR, at 2 (ALEC Apr. 2003), available at <http://www.alec.org>.

¹¹ *Id.*

¹² ALEC, ALEC News, *National Black Chamber of Commerce Endorses Key ALEC Model Bills*, at <http://www.alec.org> (last visited Nov. 10, 2003).

¹³ See H.B. 2520, 46th Leg., 1st Reg. Sess. (Ariz. 2003) (signed by Gov. Janet Napolitano on May 12, 2003); H.B. 324, Gen. Sess. (Utah 2003) (signed by Gov. Michael Leavitt on Mar. 17, 2003); H.B. 2008, Reg. Sess. (La. 2003) (signed by Gov. Mike Foster,

(continued)

I. WHAT'S WRONG WITH JURY SERVICE?

"The right to a jury trial is perhaps the most unique characteristic of the American justice system. Jury service is often hailed as an important obligation of good citizenship and treasured as one of our society's most valued liberties."¹⁴ Not surprisingly, national polls indicate that most Americans hold the jury system in high regard.¹⁵ According to an American Bar Association (ABA) opinion poll, sixty-nine percent of the public considers juries to be the most important part of the justice system.¹⁶

Yet, despite the strong support Americans have for the jury system, many in the public seek to avoid jury service. According to one study by the American Judicature Society, on average, about twenty percent of those summoned to jury duty each year in state courts do not respond.¹⁷

Ohio can eliminate some of the headaches of jury service by making the jury system more "user-friendly" to jurors and their employers. It can provide every juror with one automatic postponement of jury service for any reason, limit the length of jury service to no more than one day or one trial, and strengthen employment protection for those who serve on juries. In addition, it can provide better compensation to jurors who need it most—those who find themselves serving as jurors in long trials without pay from their employer.

Jr. on June 27, 2003). Senator David Goodman (R-3rd Dist.) introduced legislation based on the ALEC Jury Patriotism Act in the 2003 legislative session. See S.B. 71, 125th Gen. Assem., Reg. Sess. (OH 2003). It is likely that the Legislature will actively consider the bill after the Supreme Court of Ohio Task Force on Jury Service provides its recommendations on legislative enhancements to the jury system.

¹⁴ Schwartz, *supra* note 10, at 1. See Chief Judge Judith S. Kaye & Judge Albert M. Rosenblatt, *Introduction to Special Edition on Juries*, 73 N.Y. St. B.J. 8 (2001) (noting that "throughout the centuries our prized right to trial by jury – guaranteed by both state and federal constitutions – has inspired passionate prose: 'the cornerstone of judicial process,' 'a bulwark of democracy,' 'courthouse democracy,' the lamp of liberty,' 'the voice of the people'").

¹⁵ See AM. BAR ASS'N, PERCEPTIONS OF THE U.S. JUSTICE SYSTEM 6-7 (Feb. 1999), available at <http://www.abanet.org/media/perception/perceptions.pdf>.

¹⁶ *Id.*

¹⁷ See ROBERT G. BOATRIGHT, IMPROVING CITIZEN RESPONSE TO JURY SUMMONSES: A REPORT WITH RECOMMENDATIONS 13 (Am. Judicature Soc'y 1998). Others have estimated that as many as two-thirds of the approximately fifteen million Americans summoned to jury service each year fail to report for jury duty. See David Schneider, *Jury Deliberations and the Need for Jury Reform: An Outsider's View*, 36 JUDGES' J., no. 4, at 25 (Fall 1997).

A. *Provide Jurors with an Easy Means to Reschedule Service*

Jury service lacks flexibility. Currently, if an Ohio citizen receives a juror summons for an inconvenient time, he or she must apply to the Jury Commission for a temporary excuse or postponement, which the Commission can then grant or deny.¹⁸ Allowing jurors to postpone their service one time for any reason would reduce the rate of avoidance by, for example, professionals who have commitments to patients and clients, or persons who have educational obligations, family responsibilities, or vacation plans. As the ABA has observed, "Deferral of jury service accommodates the public-necessity rationale upon which most exemptions and automatic excuses were originally premised, while enabling a broader spectrum of the community to serve as jurors."¹⁹

The Jury Patriotism Act would provide jurors with flexibility that is now lacking in Ohio. The process for obtaining a postponement under the model act would be quick and easy.²⁰ The summoned juror would simply contact the appropriate court official by telephone, electronic mail, or in writing.²¹ He or she would not have to provide any reason for the postponement—only a date on which he or she would appear for jury service within six months.²² Subsequent postponements would only be available in the case of an emergency, such as a death in the juror's family.²³

The Jury Patriotism Act also provides that Ohio grant a second type of postponement aimed at protecting small businesses.²⁴ Currently, it is possible for more than one employee of a business to be called for jury service during the same period.²⁵ Such a situation may be particularly hard on small businesses.²⁶ For this reason, the model act requires the court to postpone and reschedule the jury service of a summoned juror if another employee of his or her business is already serving jury duty.²⁷ This

¹⁸ OHIO REV. CODE ANN. § 2313.12 (Anderson 2002)

¹⁹ AM. BAR ASS'N, STANDARDS RELATED TO JUROR USE AND MANAGEMENT 51 (1993).

²⁰ See MODEL JURY PATRIOTISM ACT § 3 (ALEC 2003), available at <http://www.alec.org>.

²¹ See MODEL JURY PATRIOTISM ACT § 3(b)(2).

²² MODEL JURY PATRIOTISM ACT § 3(b)(3).

²³ MODEL JURY PATRIOTISM ACT § 3(c).

²⁴ See MODEL JURY PATRIOTISM ACT § 5(e).

²⁵ Schwartz, *supra* note 10, at 2.

²⁶ Schwartz, *supra* note 10, at 2.

²⁷ Schwartz, *supra* note 10, at 2.

postponement would not count toward the one postponement for any reason extended to all jurors.²⁸

B. Limit Jury Service to No More Than One Day or One Trial

The maximum term of jury service in Ohio is far too long. Ohio law provides that citizens may be required to serve up to three consecutive weeks.²⁹ Jurors may not spend the entire period of service in the courthouse, but are "on call" and expected to be available during this entire time.³⁰ As one local newspaper observed: "[M]ost people called will cheerfully fulfill their jury duty. But they will not cheerfully waste their time, and shouldn't have to. We still hear too many anecdotes about folks called down to the Courthouse, only to spend their days sitting around waiting to be called."³¹ A shorter term of service would relieve some of the hardship placed upon jurors.

Ohio should consider adopting the one-day/one-trial system, which would guarantee that a potential juror would not spend more than one day at the courthouse unless he or she were selected to serve on a jury panel.³² About half of the nation's courts have already adopted this short term of service.³³ During the past three decades, courts have transitioned to the one-day/one-trial system³⁴ as a response to high excusal rates, the inconvenience and hardship resulting from lengthy terms on those who are unable to obtain an excuse, and the frustration and boredom imposed on jurors by lengthy terms of service.³⁵ The combination of the one-day/one-trial system and the fact that about eighty percent of prospective jurors are not selected to serve in trials means that only one out of every five jurors will need to serve more than one day of jury duty.

The one-day/one-trial system works. For example, by adopting the one-day/one-trial system, New York reduced its statewide average term of service, which was previously more than five days, to just 2.2 days—a

²⁸ Schwartz, *supra* note 10, at 2.

²⁹ OHIO REV. CODE ANN. § 2313.34(A) (Anderson 2002).

³⁰ See OHIO REV. CODE ANN. § 2313.24; OHIO R. CT. 1.23(IV)(A)-(C) (Montgomery Cty. Gen. Div.); OHIO R. CT. 8 (V)(a)-(b) (Hamilton Cty.).

³¹ See Editorial, *Improving Jury Service*, CINCINNATI POST, Sept. 30, 2002, at A10, available at 2002 WL 25166776.

³² See Nat'l Ctr. for State Courts, Best Practices Inst., *Jury Administration and Management*, available at http://www.ncsonline.org/Projects_Initiatives/BPI/JuryAdminManage.htm (last visited Nov. 8, 2003) [hereinafter Best Practices].

³³ See *id.*

³⁴ *Id.*

³⁵ Schwartz, *supra* note 10, at 3.

decrease of more than fifty percent.³⁶ In Massachusetts, which has also adopted the one-day/one-trial system, eighty-five percent of summoned jurors complete their jury service in just one day, and ninety-five percent finish in three days.³⁷

Jurors favor the one-day/one-trial term of service. In an early study of juror attitudes, approximately ninety percent of 5,500 jurors selected the one-day/one-trial system as preferable to a 30-day term, and a majority would not object to being called again.³⁸ The one-day/one-trial system term also may vastly reduce the need for hardship excuses. One court found that requests for excusal after the adoption of the one-day/one-trial system dropped to almost one percent, and most of these requests were accommodated by the court's postponement policy.³⁹ It should come as no surprise that the survey also revealed that the one-day/one-trial system increased positive attitudes about jury duty and about the justice system generally.⁴⁰

Employers also like the one-day/one-trial approach because it means fewer employee absences from work for jury duty. Research by the California Judicial Council found that the majority of employees return to work the next business day after reporting for jury service under the one-day/one-trial system.⁴¹ In announcing the adoption of the one-day/one-trial system throughout the California judiciary, Los Angeles Superior Court Presiding Judge James Bascue commented, "We know that one-day/one-trial is in the best interest of our employers and the communities we serve."⁴²

Recently, the National Center for State Courts' Best Practices Institute (NCSC) recognized the one-day/one-trial system as a particularly effective practice.⁴³ According to the NCSC, "no state court that has made the

³⁶ N.Y. STATE UNIFIED COURT SYSTEM, CONTINUING JURY REFORM IN NEW YORK STATE 12 (2001), at <http://www.courts.state.ny.us/juryreform.pdf> (last visited July 9, 2003).

³⁷ OFFICE OF JURY COMMISSIONER FOR THE COMMONWEALTH OF MASSACHUSETTS, *Introduction*, at <http://www.state.ma.us/courts/jury/introduc.htm> (last visited Nov. 8, 2003).

³⁸ David E. Kasunic, *One Day/One Trial: A Major Improvement in the Jury System*, 67 JUDICATURE 78, 81 (Aug. 1983) (citing a 1976 study of juror attitudes conducted by a professor with a specialty in statistics and sociology).

³⁹ *See generally id.*

⁴⁰ *See id.*

⁴¹ Don Wolfe, *Employers: Support Jury Service or Stop Complaining*, SILICON VALLEY/SAN JOSE BUS. J., July 8, 2002, available at <http://sanjose.bizjournals.com/sanjose/stories/2002/07/08/editorial3.html>.

⁴² Judicial Council of California, *One-Day or One-Trial Rule Now in Effect Throughout California*, June 10, 2002, available at <http://www.courtinfo.ca.gov/presscenter/newsreleases/NR45-02.htm>.

⁴³ Best Practices, *supra* note 32.

change to the shorter term of service has 'looked back' and returned to the former practice."⁴⁴ In fact, "every statewide jury reform task force report of the past decade has recommended adopting the change."⁴⁵ The OJMA has endorsed the one-day/one-trial system, and has recommended that Ohio "[c]ourts should reduce, to the extent possible, the number of days a person serves and the period of availability."⁴⁶ Courts in smaller counties could be provided with a means to opt-out of the one-day/one-trial system if summoning more citizens more frequently would place a substantial burden on the jury system.

C. *Strengthen Protection of Employment Rights*

Ohio can do more to protect the employment rights of citizens called for jury service. Current Ohio law prohibits an employer from "discharge[ing] or threaten[ing] to discharge any permanent employee who is summoned to serve as a juror" so long as the juror "provides reasonable notice to the employer of the summons prior to the commencement of [jury service]."⁴⁷ Ohio can strengthen these protections through two legislative reforms. First, it should amend the law to clarify that an employer may not take any adverse action against an employee because he or she serves on a jury. No citizen should fear being penalized in any way because he or she responds to a juror summons. Second, the law should explicitly state that a business may not require its employees to use their annual, vacation, or sick leave time for jury service. An employee should not have to choose between responding to a juror summons and sacrificing an annual vacation. Both of these provisions are contained in the Jury Patriotism Act and are consistent with OJMA's Standards.⁴⁸

D. *Providing Fair Compensation to Jurors in Lengthy Civil Trials*

Most jurors in Ohio receive only \$7.50 to \$10.00 per day from the state for their service,⁴⁹ even though state law authorizes courts to provide up to \$40 per day.⁵⁰ As the *Cincinnati Post* recognized, the juror fee "won't even cover the cost of parking and a bag lunch, much less begin to compensate people for the time away from their jobs if their employer

⁴⁴ Best Practices, *supra* note 32.

⁴⁵ Best Practices, *supra* note 32.

⁴⁶ OHIO TRIAL CT. JURY USE & MGMT. STANDARDS, OHIO REV. CODE ANN. C.P. SUP. RULES app. B, standard 5 Commentary (Anderson 2001).

⁴⁷ OHIO REV. CODE ANN. § 2313.18 (Anderson 2002).

⁴⁸ OHIO TRIAL CT. USE & MGMT. STANDARDS, OHIO REV. CODE ANN. C.P. SUP. RULES app. B, standard 15 C.

⁴⁹ See Editorial, *supra* note 31.

⁵⁰ See OHIO REV. CODE ANN. § 2313.34(B)(1) (Anderson 2001).

won't let them serve with pay."⁵¹ This is particularly harsh on people when a juror is selected to serve in a lengthy trial. Though such trials are rare (only about four percent of trials last ten days or more),⁵² those who are selected to serve in an extended case may endure extraordinary financial hardship. Jury service may be a civic duty, but it should not require an extraordinary financial sacrifice.

Lack of adequate compensation for jurors has several unfortunate results. As one Cincinnati attorney recognized: "[L]ow pay discourages the less affluent from serving on a jury. Those who work for employers who don't pay for jury service simply cannot afford to do jury duty."⁵³ Some jurors may opt to simply not show up in court. Those with jobs who will lose their salary after the first day of service will plead with the court to be excused. When it is apparent that a trial will be long and complex, it is likely that the court will excuse many working jurors due to the financial burden jury service will place on them, their families, or their businesses. Courts often find they have no choice other than to excuse jurors given that they do not have the resources to provide any significant compensation above the jury fee.

Evidence indicates that better juror compensation may be key to obtaining more representative juries.⁵⁴ Unfortunately, due to a loss in general revenues and budget cuts, a significant increase in the juror fee by the state is not likely to occur in the near future. The Jury Patriotism Act provides an innovative means of alleviating this problem. It creates a Lengthy Trial Fund that would provide wage replacement or supplementation (of up to \$300 per day) to jurors who serve in trials lasting longer than ten days.⁵⁵ The Fund would be financed through a minimal court filing fee—in essence, a small "user fee" for litigants who utilize and benefit from the jury system.⁵⁶ Any civil juror who is not fully compensated by his or her employer during jury service would be eligible

⁵¹ Editorial, *supra* note 31.

⁵² See ADMIN. OFFICE OF THE U.S. COURTS, JUDICIAL BUSINESS OF THE U.S. COURTS 165, tbl. C-8 (2002), available at <http://www.uscourts.gov/judbus2002/appendices/C08Sep02.pdf> (finding that seventy-five percent of all civil and criminal trials in the federal courts were completed within three days and four percent extended beyond nine days during the 12-month period ending September 30, 2002).

⁵³ Editorial, *supra* note 31.

⁵⁴ See AM. BAR ASS'N, JUSTICE IN JEOPARDY 87 (Mar. 2003) available at <http://www.manningproductions.com/ABA263/finalreport.pdf>; see also OHIO TRIAL CT. USE & MGM'T STANDARDS, OHIO REV. CODE ANN. C.P. SUP. RULES app. B, standard 15A.

⁵⁵ MODEL JURY PATRIOTISM ACT § 6 (ALEC 2003), available at <http://www.alec.org>.

⁵⁶ See MODEL JURY PATRIOTISM ACT § 6(b).

for a wage replacement or supplement.⁵⁷ Individuals who are self-employed or who receive compensation other than wages would provide a sworn affidavit attesting to his or her approximate gross weekly income, and would be required to provide additional documentation upon request.⁵⁸ The Supreme Court of Ohio would promulgate rules for the administration of the Fund and detail the Fund's activity in its annual report. This system would lend considerable support to jurors serving in lengthy trials, and would not require any state allocation of tax revenue.

II. LIMITING EXCUSES TO TRUE HARDSHIP

All citizens should have the opportunity and obligation to serve on a jury. The Ohio Legislature took a positive step toward this goal when it eliminated automatic exemptions from jury service for members of certain professions, such as attorneys, doctors, and dentists, in 1997.⁵⁹ Nevertheless, some Ohio citizens continue to avoid jury service, either by taking advantage of the vague standard for a hardship excuse or by simply not showing up in court. More can be done to ensure that the burden of jury service is shared equally among all members of the public and that citizens of all backgrounds serve on juries.

A. *Limiting Excuses from Jury Service to True Hardship*

One reason many Ohio citizens avoid jury service is that it is easy for them to do so. The Jury Patriotism Act suggests moving away from Ohio's current standard, which allows the county board, jury administrator, or jury commissioner to excuse a prospective juror from service when "the interests of the public or of the juror will be materially injured by the juror's attendance."⁶⁰ The model act does not provide further guidance on which types of situations constitute grounds for an excuse, and it leaves courts with a great deal of discretion to decide who to dismiss from jury duty.

The added flexibility provided by the Jury Patriotism Act, such as one automatic postponement for any reason, strengthened employment protections, a shorter term of service, and additional compensation for jurors serving in long trials, should significantly reduce the need for citizens to request a complete excuse from jury service. For this reason,

⁵⁷ MODEL JURY PATRIOTISM ACT § 6.

⁵⁸ See MODEL JURY PATRIOTISM ACT § 6.

⁵⁹ S.B. 69, 122nd Gen. Assem. (Ohio 1997).

⁶⁰ OHIO REV. CODE ANN. § 2313.17(B) (Anderson 2002). A person may also be excused when he or she is necessarily out of the county and will not return in time to serve, when physically unable to serve, when a spouse of near relative has recently died or is dangerously ill, or if the person has been called as a juror within the past year. See OHIO REV. CODE ANN. § 2313.17.

the legislature should limit the grounds for a long-term excuse from jury service to undue or extreme physical or financial hardship to the prospective juror or a person under care or supervision.⁶¹ This standard might be met in three circumstances: (1) when a prospective juror cannot obtain a substitute caregiver; (2) when a prospective juror would incur costs that would have a substantial adverse impact on the individual's ability to live or support his or her family; and (3) when a prospective juror would be unable to serve due to illness or disease. In addition, the law should make clear that an individual is not eligible for an excuse from service solely because he or she will need to be absent from work.

Requests for excuses should be heard only by members of the judiciary, and not by court employees. Jurors may have less hesitation about inventing or exaggerating an excuse when faced with a court employee rather than a judge in a courtroom. Jurors should also be expected to appear in court and provide the judge with documentation, such as an income tax return or medical statement from a physician, supporting their request for an excuse.

The standards and procedures provided in the model act would limit the opportunity for abuse by those who seek to avoid jury service and place an undue burden on those who faithfully perform their civic duty. Citizens who would be inconvenienced by jury service, but who would not qualify for a hardship exemption, could take advantage of the postponement procedure provided by the bill and request deferral of their service to a more convenient time.

B. *No-Shows Should Receive an Appropriate Penalty*

Efforts to tighten hardship excuses, reduce financial burdens, and make the jury system more flexible and convenient would go a long way toward improving the jury system and achieving more representative juries. It is an unfortunate fact, however, that even with these reforms many citizens may still choose to ignore their important civic obligation to serve. In doing so, they place an unfair burden on other citizens who must take their place.

A significant number of those who do not respond to jury summonses may fail to do so because they have little fear of receiving a penalty, or because they believe that the penalty will be a mere "slap on the wrist." Ohio law provides that a person who fails to respond to a summons *may* be held in contempt of court and fined no more than \$25 to \$250, which may be wholly or partially remitted by the judge if the juror shows good cause.⁶²

⁶¹ MODEL JURY PATRIOTISM ACT § 4(b).

⁶² OHIO REV. CODE ANN. §§ 2313.29, 2313.99 (Anderson 2002).

Ohio should consider greater penalties and enforcement for those who shirk their civic duty. When some people choose not to appear, the responsibility of jury service unfairly and inequitably falls upon others. The state should provide a potential penalty for those who do not appear in court that offers appropriate deterrence and communicates to jurors the importance of jury service. For example, Ohio might consider increasing the minimum fine from \$25 to \$50 or \$100 for each time a citizen fails to respond to a juror summons. In addition, Ohio should consider making this penalty mandatory, rather than discretionary, and impose the fine consistently on those who do not appear.

Legislation might also provide courts with the discretion to require those who attempt to avoid jury duty to perform community service, in addition to, or instead of, imposing a fine. Educating judges and court administrators on how to most effectively use the tools available to them can also provide an effective means of ensuring that people appear for jury service when summoned. Recent press reports indicated that Ohio judges have taken action when jurors fail to appear for service, at least in extreme circumstances. For example, Hamilton County Judge Robert Ruehlman held a juror in contempt of court and sentenced her to forty days of community service, ordered that she pay a \$250 fine, and ordered that she repay Hamilton County \$460.88 it spent in overtime for sheriff's deputies who tried to find her when she left on vacation during jury deliberations.⁶³ No matter how the law is written and how high the potential fine, enforcement by the court system is critical to bringing more citizens into the jury box.

III. CONCLUSION

There is a surge of patriotism in America today. While there is a positive feeling on the part of many Ohio citizens who want to serve their state and country, not everyone can serve in the military or as a public official. Our democracy provides two ways that every citizen can participate in government—as a voter and as a juror. The work of the Supreme Court of Ohio's Jury Task Force and the suggestions provided by ALEC's Jury Patriotism Act provide great potential for the legislature to

⁶³ Kimball Perry, *Sentence Sends Message; Case Intrigues Potential Jurors*, CINCINNATI POST, Feb. 26, 2002, at A7, available at 2002 WL 6525135. In another recent case, a woman who requested an excuse from jury service because her eight-year-old son had a doctor's appointment was jailed for nine days for direct contempt of court when the judge learned that she did not even have children. See Kimball Perry, *Juror Who Lied to Judge Goes to Jail*, CINCINNATI POST, June 4, 2003, at A13, available at 2003 WL 2918809. The juror has appealed, asserting that the contempt of court proceeding violated her due process rights. See Sharon Turco, *Reluctant Juror Wins Day in Appeals Court*, CINCINNATI ENQUIRER, June 7, 2003, at 1, available at 2003 WL 57250724.

make it easier for citizens to act on this patriotism and serve their country as a juror.