

LOUIS D. BRANDEIS SCHOOL OF LAW
UNIVERSITY of LOUISVILLE

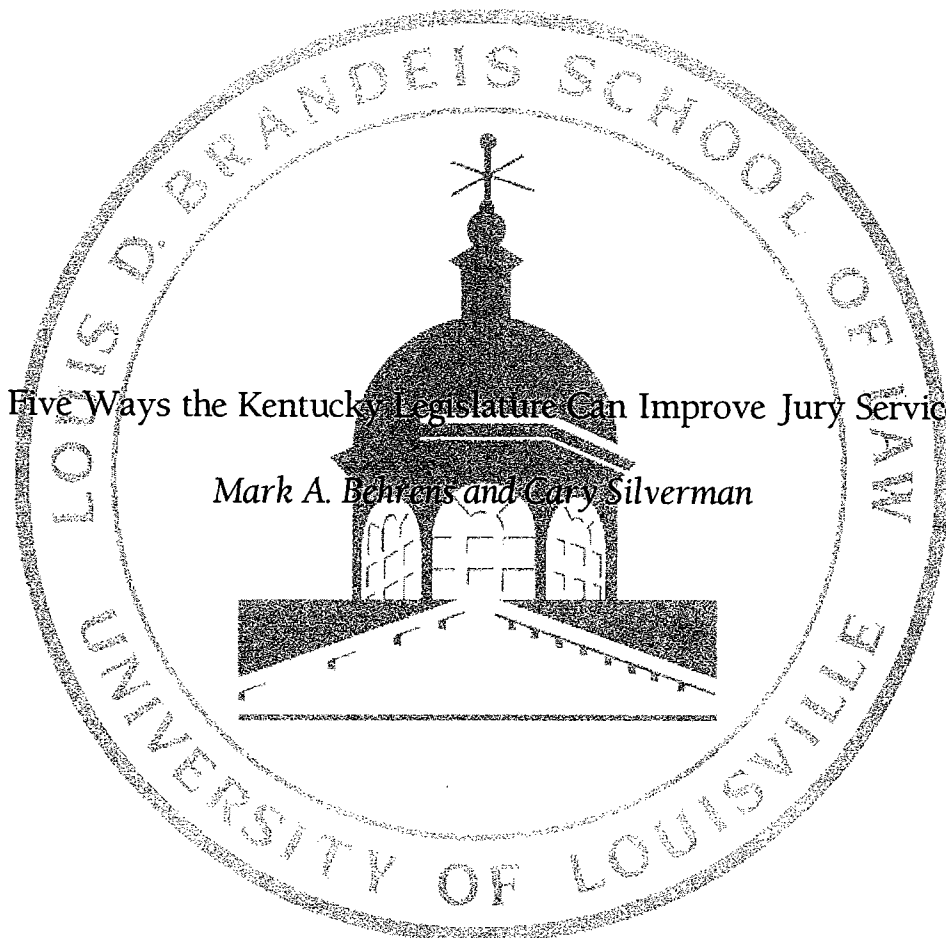
BRANDEIS LAW JOURNAL

VOLUME 42 - NUMBER 1

FALL ISSUE 2003

Five Ways the Kentucky Legislature Can Improve Jury Service

Mark A. Behrens and Cary Silverman



FIVE WAYS THE KENTUCKY LEGISLATURE CAN IMPROVE JURY SERVICE

Mark A. Behrens* and Cary Silverman**

Why do so many Kentucky citizens cringe at the mention of jury duty? Consider the case of the ordinary Jolie Juror. Jolie receives a summons. I requires her to remain available for a period that may last several weeks o months, depending on where she lives. If Jolie had a vacation or a business tri planned, she may need to cancel her plans, or try her luck at getting a deferra from the court. Jolie may need to call the court on a regular basis to determin whether she needs to report and take off from work. Her employer will not b happy given the uncertainty of whether Jolie will be able to report for work. I selected to resolve a dispute between two private litigants, who may hav millions of dollars at stake, Jolie may be forced to forego any real compensatio for an extended period. All the while, Jolie incurs her usual bills and possibl additional expenses, such as day care for her children or in some areas, parkin fees near the courthouse. Jolie's employer may not fire or threaten to fire her but she may be required to use her leave time for jury service. There goes he annual vacation. Jury service is a civic obligation, but perhaps it asks a littl too much.

The anxiety that ordinary citizens like Jolie may feel when they open th mailbox to find a jury summons does not reflect a decline in respect for the jur system. In fact, according to a 1998 American Bar Association opinion poll sixty-nine percent of the public consider juries to be the most important part o the justice system.¹ Given this apparent conflict, it is important to consider wh

* Mark A. Behrens is a partner in the Public Policy Group of Shook, Hardy & Bacon L.L.P. in Washington, D.C., and serves as an advisor to the American Legislative Exchange Council's Civil Justice Task Force. He received his B.A. in Economics from the University of Wisconsin-Madison in 1987 and his J.D. from Vanderbilt University in 1990, where he served on th *Vanderbilt Law Review*.

** Cary Silverman is an associate in the Public Policy Group of Shook, Hardy & Baco L.L.P., and practices in the firm's Washington, D.C. office. He received a B.S. in Manager Science for the State University of New York College at Geneseo in 1997, an M.P.A. from Th George Washington University in 2000, and a J.D. with honors from The George Washingto University Law School in 2000.

¹ See AM. BAR ASS'N, PERCEPTIONS OF THE U.S. JUSTICE SYSTEM 6-7 (1998), available c

citizens have such negative feelings about jury service and to find ways to relieve their concerns.

The American Legislative Exchange Council (ALEC), the nation's largest bipartisan organization of state legislators, has developed model legislation – called the "Jury Patriotism Act" – that reflects on these issues and provides real solutions for citizens in Kentucky.² Five simple reforms suggested by the Jury Patriotism Act should be enacted in Kentucky to make it easier for people like Jolie to fulfill their patriotic duty to serve on a jury when summoned.³

The Jury Patriotism Act finds support across the political spectrum. Just a few of its supporters include the Council of State Governments, the AFL-CIO, National Black Chamber of Commerce, National Federation of Independent Business, and National Association of Wholesaler-Distributors. Elected officials have responded to this broad-based support. Within months after its development, laws based on the model Jury Patriotism Act were enacted in Arizona, Louisiana, and Utah.⁴

I. CITIZENS SHOULD HAVE A NO-HASSLE WAY TO RESCHEDULE JURY SERVICE

Currently, when a Kentucky citizen receives a juror summons, he or she is required to appear in court at whatever date and time the summons instructs, unless the court has adopted a postponement procedure on its own initiative. Should a juror have a conflict, such as vacation plans or a business

¹ <http://www.abame.net/media/perception/perceptions.pdf> (last visited Aug. 25, 2003).

² See Victor E. Schwartz et al., *The Jury Patriotism Act: Making Jury Service More Appealing and Rewarding to Citizens*, THE STATE FACTOR (2003), at <http://www.alec.org/ines/WEL/esl/bddf/0309.pdf> (last visited Oct. 15, 2003).

³ Kentucky Supreme Court Chief Justice Joseph E. Lambert has demonstrated an interest in improving the jury system in Kentucky and should be praised for his efforts. Justice Lambert recently formed a Jury Study Commission to consider a variety of ways to make jury service more appealing to Kentuckians and to increase the system's effectiveness. In May, 2003, the Jury Study Commission completed an Internet survey polling the opinions of residents on several issues, such as the length of jury service, whether jurors should be permitted to question witnesses, the use of technology in the courtroom, juror compensation by the state and employers, juror privacy, and trial procedures. See Ky. Sup. Ct. Jury Study Comm'n, *Survey Regarding Jury Service* (2003) (on file with authors) [hereinafter Ky. Sup. Ct. Jury Study Comm'n]. Chief Justice Lambert also convened two "jury summits" in the summer of 2001 and 2002 at which attorneys, court administrators, and judges discussed ideas for jury reforms and courtroom innovations in Kentucky.

⁴ See Act of May 12, 2003, 2003 Ariz. Sess. Laws 200; Act of Mar. 17, 2003, 2003 La. Acts 678; Act of June 27, 2003, 2003 Utah Laws 194.

commitment, the juror may need go to court or submit a sworn statement demonstrating the need for a temporary postponement from service, which must demonstrate undue hardship or extreme inconvenience.⁵ Such a procedure can lead to resentment of jury duty. It shows a lack of respect for jurors and suggests to them that their personal and professional lives are not important to the court system.

All Kentucky courts should extend the courtesy of one postponement for any reason to those summoned to jury duty. Allowing jurors to postpone their service would reduce the incentive for professionals who have commitments to patients and clients, educational obligations, or others who have family responsibilities, to avoid jury service. As the American Bar Association 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."⁶

The process for obtaining a postponement under the Jury Patriotism Act would be quick and easy. The summoned juror would simply contact the appropriate court official by telephone, electronic mail, or in writing. He or she would not have to provide any reason for the postponement – only a date on which he or she will appear for jury service within six months. The court would be able to grant subsequent postponements only in the case of an emergency that the juror could not have anticipated at the time of requesting the first postponement.

In addition to the one automatic postponement, the Jury Patriotism Act would protect small businesses by requiring the court to postpone and reschedule the service of an employee of a small business if another employee of that business is summoned to jury service during the same period. This provision would eliminate the chance for a small business to lose two or more employees to jury service at the same time.

II. JURORS SHOULD BE ASKED TO SERVE NO MORE THAN ONE DAY OR ONE TRIAL

Jurors also dislike jury service because it may require them to remain available for a long period of time, even if they are not selected to serve on a

⁵ See Ky. REV. STAT. ANN. § 29A.100(3) (Michie 1999).

⁶ AM. BAR ASS'N, STANDARDS RELATED TO JUROR USE AND MANAGEMENT 51 (1993).

trial.⁷ According to Kentucky's Juror Handbook, in metropolitan areas, a person may be required to serve about two weeks.⁸ In some rural areas, the handbook warns, a person may be asked to serve as many as 150 days!⁹ In practice, jurors usually report seven or eight times and serve on three or four cases during a thirty-day period.¹⁰

A shorter term of service would relieve some of the inconvenience placed upon jurors. Today, about half of state courts around the country guarantee that a juror does not have to serve more than one day unless he or she is selected to serve on a trial.¹¹ Over the past three decades, courts nationwide have embraced this "one-day/one-trial" system, 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. According to the National Center for State Courts, every statewide jury reform task force report of the past decade has recommended adopting the change and no state court that has adopted the shorter term of service has returned to the former practice.¹²

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, previously over five days, to just 2.2 days – a decrease of more than fifty percent.¹³ In Massachusetts, which has adopted the one-day/one-trial system, eighty-five percent of those who appear complete their jury service in just one day and ninety-five percent finish in three days.¹⁴ Not only does the one-day/one-trial system result in less time spent in the courthouse for jurors, it also means fewer days of employee absences from work for jury duty. Research by

⁷ See KY. REV. STAT. ANN. § 29A.130 (providing that a person may be required to remain available for jury service for up to thirty days).

⁸ See COMMONWEALTH OF KY. ADMIN. OFFICE OF THE CTS., YOU, THE JURY: KENTUCKY JUROR HANDBOOK 4 (2001), available at http://www.kycourts.net/Resources/You_the_Jury_%20Handbook.pdf (last visited Oct. 15, 2003).

⁹ See *id.*

¹⁰ See Ky. Sup. Ct. Jury Study Comm'n, *supra* note 3.

¹¹ See Nat'l Center for State Courts, Best Practices Inst., *Jury Administration and Management: Term of Service*, at http://www.ncsconline.org/Projects_Initiatives/BJPJuryAdminManage.htm (last visited Oct. 15, 2003) [hereinafter Best Practices].

¹² See *id.*

¹³ See N.Y. STATE UNIFIED COURT SYSTEM, CONTINUING JURY REFORM IN NEW YORK STATE 12 (2001), available at <http://www.courts.state.ny.us/juryreform.pdf> (last visited Oct. 15, 2003).

¹⁴ See Office of Jury Commissioner for the Commonwealth, *Introduction*, <http://www.state.ma.us/courts/jury/introdoc.htm> (last visited Oct. 15, 2003).

2003] FIVE WAYS TO IMPROVE JUROR SERVICE

the California Judicial Council found that the majority of employees in state returned to work the next business day after reporting for jury service under the one-day/one-trial system.¹⁵

Jurors favor the one-day/one-trial term of service. In an early study of attitudes, over ninety percent of 5,500 jurors selected the one-day/one-system as preferable to a thirty-day term, and a majority would not object being called again.¹⁶ The one-day/one-trial system term also may vastly reduce the need for hardship excuses. One court found that requests for excusal, the adoption of the one-day/one-trial system dropped to almost one percent, most of these requests were accommodated by the court's postponer policy.¹⁷ It should be no surprise that the survey also revealed that the one-day/one-trial system increased positive attitudes about jury duty and about justice system generally.¹⁸ Recently, the National Center for State Courts' Practices Institute recognized the one-day/one-trial system as a particularly effective practice.¹⁹

III. JURORS SERVING ON LENGTHY CIVIL TRIALS SHOULD RECEIVE BETTER COMPENSATION

Anxiety over the prospect of jury service may also result from the chance being selected to serve on a long trial without any meaningful compensation. Those called for jury duty in Kentucky courts receive a nominal \$12.50 each day served on a jury (\$5.00 per day plus \$7.50 per day as reimbursement of expenses incurred).²⁰ This fee barely covers bus fare and a turkey sandwich let alone reimburse a juror for lost income. Not all employers pay their employees during jury service; this is one reason why some working people must seek to be excused from service or suffer severe financial hardship.²¹

¹⁵ See Don Wolfe, *Employers: Support Jury Service or Stop Complaining*, SILICON VALLEY/SAN JOSE BUS. J., July 5, 2002, available at <http://sanjose.bizjournals.com/sanjose/2002/07/08/editorial3.html> (last visited Oct. 15, 2003).

¹⁶ See David E. Kasunic, *One Day/One Trial: A Major Improvement in the Jury System*, JUDICATURE 2, at 81 (Aug. 1983) (citing a 1976 study of juror attitudes conducted by a professor with a specialty in statistics and sociology).

¹⁷ See *id.* at 81-82.

¹⁸ See *id.* at 81.

¹⁹ See Best Practices, *supra* note 11.

²⁰ See KY. REV. STAT. ANN. § 29A.170 (Michie 1999).

²¹ See *Kentucky Bar Association Hears from Former Jurors*, COURIER J. (Louisville), June 17, 2001, at B3, available at <http://courier-journal.com/localnews/2001/06/17/ke06>

This situation is particularly problematic when the term of jury service requires citizens to spend several days or weeks in court as part of a lengthy trial. Such cases are rare (between half and three-quarters of trials last no more than three days and only four percent of trials last ten days or more),²² but jurors who are selected to serve on an extended case may endure extraordinary financial hardship if they do not receive sufficient compensation. These citizens effectively lose their right to serve on a jury. Jury service may be a civic duty, but it should not require such an extraordinary financial sacrifice, particularly when citizens are called to decide disputes between private parties.

Lack of adequate pay for jurors has several unfortunate results. Some of those who would lose their salary may opt to simply not show up in court to avoid the risk of being selected for a long trial without pay. Those who do show up at the courthouse are likely to 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 business. Courts often find they have no other choice given that they do not have the resources or authority to provide any significant compensation above the standard jury fee.

After all is said and done, too many people find a way out of jury service or are forced out of jury duty due to economic hardship. This system is not only unfair to those who do serve, but also may result in juries that lack many working people and professionals.²³ Such juries may not be "representative of a cross section of the community," as required by the United States Constitution.²⁴ Furthermore, a jury that lacks professionals, or is

²² s38638.htm (last visited Oct. 15, 2003).

²³ See ADMIN. OFFICE OF THE U.S. COURTS, JUDICIAL BUSINESS OF THE U.S. COURTS 166, tbl. C-8 (2001), available at <http://www.uscourts.gov/judbus2002/contents.html> (last visited Aug. 25, 2003) (finding that 75% of all civil and criminal trials in the federal courts were completed within three days and 4% extended beyond nine days during the twelve-month period ending September 30, 2002); U.S. DEP'T OF JUSTICE, BUREAU OF JUSTICE STATISTICS, CIVIL TRIAL CASES AND VERDICTS IN LARGE COUNTIES, 1996, at 13 (1999), available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/cvle96.pdf> (last visited Aug. 25, 2003) (finding that the median number of days in jury trials in the nation's seventy-five largest counties was three days).

²⁴ See *Batson v. Ky.*, 476 U.S. 79 (1986) (ruling that use of peremptory challenges to exclude African American jurors from petit juries unconstitutionally denied a person participation in jury service because of his race under the Sixth and Fourteenth Amendments); *Paton v. Miss.*, 332 U.S. 463 (1947) (holding that a state may not deprive a class of citizens the right to serve on a jury, either by statute or by administrative practices).

²⁵ See *Taylor v. La.*, 419 U.S. 522, 529 (1975) (ruling that "the selection of a petit jury from a representative cross section of the community is an essential component of the Sixth

2003] FIVE WAYS TO IMPROVE JUROR SERVICE

disproportionately composed of the unemployed, may lack the knowledge of a more representative jury. It is also possible that this smorg of our society may not evaluate or properly weigh complex technical, scientific or other evidence. Such jurors may even believe that their role is to weigh wealth and not to render justice on the merits of the case. Plaintiff defendants would all benefit from a diverse and truly representative tri-

Better juror compensation may be key to obtaining more representative juries.²⁵ A significant increase in the juror fee by the Commonwealth requirement that employers pay their employees during the entire period service is not likely in Kentucky in the near future. In these difficult economic times and with a tight state budget, neither proposal is unlikely to be politically or fiscally feasible. In fact, proposals to require employer compensation increase the juror fee were introduced in the Kentucky legislature and finally receive support in 2002.²⁶

Nevertheless, there are other alternatives to increasing juror pay that lessen the burden and anxiety placed on Kentucky jurors. The Jury Patriot Act includes an innovative "Lengthy Trial Fund" to help relieve the burden on jurors serving on lengthy civil cases.²⁷ The model act would provide

Amendment right to a jury trial" and striking down the systematic exclusion of women (ventes).

²⁵ See AM. BAR ASS'N, REPORT OF THE ABA COMMISSION ON THE 21ST CENTURY JUROR (Mar. 2003) (draft report).

²⁶ As introduced in 2002, Kentucky House Bill 541 (not enacted), would have increased employer compensation, increased the daily juror fee from \$5.00 to \$25.00, and provided an additional \$10.00 lunch allowance (a 336% increase in juror pay estimated to result in an increase in expenditures from \$3.7 to \$12.3 million). House Bill 541 was reported on the House Judiciary Committee, but was recommended to the Appropriations and Finance Committee. It did not proceed further. Another bill, House Bill 781, as introduced, included a similar mandatory employer compensation requirement. A substitute bill adopted by the Judiciary Committee did not include this provision and, instead, would have increased the juror fee from \$5.00 to \$7.50. In addition, the substitute bill would have provided an additional compensation of \$10.00 per day for those jurors who do not receive compensation from their employer effective July 1, 2003. The bill would increase this fee to \$17.50 effective July 1, 2004. A second substitute bill, however, deleted all provisions impacting juror compensation. House Bill 781, as amended, passed the legislature and was signed by the Governor on May 1, 2002. See Act of Apr. 8, 2002, 2002 Ky. Acts 252. However, its only remaining provisions made minor clarifications and changes to juror source lists, the summoning process, and the procedure for obtaining hardship excuses and postponements.

²⁷ The model Jury Patriotism Act does not provide wage replacement or supplement for jurors selected for criminal trials. Nevertheless, states might consider providing compensation to jurors in lengthy criminal trials. See Act of May 12, 2003, 2003 Ark. Laws 200 (applies to civil and criminal petit juries); Act of Mar. 17, 2003, 2003 La. A (lengthy trial fund applies to civil cases and criminal cases in which conviction c

who serve on civil trials lasting longer than three days with supplemental compensation (up to \$100 per day) if they would otherwise be excused from service due to financial hardship.²⁸ In the rare case that a civil trial lasts ten days or more, jurors who are not fully compensated by their employers would be eligible to receive additional supplemental compensation from the fund (up to \$300 per day). A court administrator, hired by the judicial system and compensated by the fund, would manage the fund under rules and guidelines established by the state supreme court.²⁹

In order to qualify for payment, the juror would complete a form identifying the amount requested and provide the court with verification of his or her usual wage and how much the employer paid the employee during jury service.³⁰ An individual who is self-employed or receives compensation other than wages would submit a sworn affidavit to the court attesting to his or her approximate gross weekly income and attaching supporting documentation.³¹

The lengthy trial fund would be self-sustaining and not require any allocation of resources by the legislature. Rather, the fund would be financed through a minimal court filing fee – in essence, a small user fee.³² The fund is based on the premise that those who use and benefit from the jury system should help pay to finance it. The filing fee is not intended to be a barrier to the filing of lawsuits and would be the minimum amount necessary to fairly support jurors who serve on lengthy civil trials (e.g., \$7.00). At roughly the cost of a movie ticket or Happy Meal at McDonald's, the fee will not place any credible burden on lawyers or their clients. Furthermore, since the fee applies to anyone who files a civil suit, it is just as likely to be paid by a business suing another business as it is to be paid by a personal injury lawyer. The lengthy trial fund would lend considerable support to jurors serving on extended civil trials.

sentence of twenty years or more at hard labor).

²⁸ See Am. Legislative Exch. Council (ALEC), JURY PATRIOTISM ACT § 6(c).

²⁹ See *id.* § 6(a).

³⁰ See *id.* § 6(d)(1), (2).

³¹ See *id.* § 6(d)(3).

³² Recently, the Michigan Legislature adopted its own "Juror Compensation Reimbursement Fund." Like the Jury Patriotism Act, the Michigan fund relies, in part, on a small increase in court filing fees to increase compensation for jurors serving on lengthy trials. See H.B. 4551, 4552, 4553, 91st Leg., Reg. Sess. (Mich. 2002) and S.B. 1448, 1452, 91st Leg., Reg. Sess. (Mich. 2002).

2003]

FIVE WAYS TO IMPROVE JUROR SERVICE

IV. NO-SHOWS SHOULD RECEIVE AN APPROPRIATE PENALTY

Research shows that a significant number of those who do not respond to jury summonses fail to do so because they have little fear of receiving a penalty or believe that the penalty will be a mere slap on the wrist. Current Kentucky courts may hold those who do not respond to a juror summons in contempt of court.³³ It is no secret, however, that courts rarely take action against those who fail to appear for jury service.

Jury service is an important obligation of citizenship. Criminal defendants rely on a representative jury to receive a fair trial. Parties in civil litigation have a right to a representative jury. A person's failure to appear in court the judicial system and impairs the rights of litigants. Ignoring a jury summons has real and serious consequences. For example, in February of 2002, a juror had to be declared in Campbell County Circuit Court (Newport) person charged with first-degree sodomy because roughly thirty percent of potential jurors summoned for jury duty in the case failed to show up in court or call in.³⁴ The defendant's lawyer told a reporter that his client would have to sit in jail "for almost two more months" before the next available court date. Moreover, when some people do not appear for jury service, responsibility is unfairly and inequitably placed on their fellow citizens. Commonwealth should do more to encourage jury participation. There are several ways the legislature could accomplish this objective.

One option would be to strengthen the current contempt penalty provide for more uniform application of the law. This could be done simply making fines against no-shows mandatory rather than discretionary. Kentucky could also impose progressive fines against those who repeatedly fail to respond to a juror summons. For example, after notice and an opportunity to be heard, a juror who fails to appear could be fined \$100 for a first violation, \$250 for a second, and \$500 for subsequent violations.³⁵ These amounts could be remitted by the court if a summoned juror shows good cause for his or her failure to appear.

Kentucky might also consider placing a hold upon driver's license renewal of those persons who fail to respond to a juror summons following the issuance of a summons.

³³ KY. REV. STAT. ANN. § 29A.150 (Michie 1999).

³⁴ Terry Flynn, *No-show Jurors Put Off Trial*, CINCINNATI ENQUIRER, Feb. 20, 2002, at Metro, available at 2002 WL 103749776.

³⁵ *Id.*

³⁶ A.B. 1180, 2003-04 Reg. Sess. (Cal. 2003) (taking a similar approach).

of an order-to-show-cause and the failure of the juror to appear at the hearing. Similarly, the Commonwealth could require no-shows to perform community service. This period should be at least equal to the time that the citizen would have spent in jury service and could be in lieu of, or in addition to, a monetary fine.

Under the Jury Patriotism Act, those who fail to appear for jury service will have a criminal record, a threat sufficient to cause one to pause before ignoring a jury summons.³⁷ Enforcement will lie not only with the courts, but also with state prosecutors. "The point is not to punish people but to encourage people to answer the summons and make arrangements to do their jury service."³⁸

V. ALL CITIZENS SHOULD BE REQUIRED TO SERVE ON JURIES

Even if increased penalties and enforcement draw more jurors into the courthouse, this effort will be in vain if those who show up for jury duty take advantage of Kentucky's broad standard for obtaining a hardship excuse. Kentucky law provides that a court may excuse a person from jury service upon a showing of "undue hardship, extreme inconvenience, or public necessity."³⁹ The statute does not provide any further guidance regarding the situations that constitute grounds for an excuse and provides courts with a great deal of discretion to dismiss people from jury duty. It also permits the judge to designate court clerks and administrators to hear and decide requests for temporary excuses from service.⁴⁰ Consequently, some called for jury service, particularly professionals, may abuse Kentucky's flimsy standard to avoid their civic responsibility. Some jurors who will not suffer true hardship may invent excuses and, all too often, they may be successful in avoiding jury service.

Kentucky should amend its law to make it difficult for the privileged to avoid jury service by providing greater guidance to the courts with respect to the acceptable reasons for excusing a prospective juror from service. Grounds for excuses might be limited to the three circumstances set forth in ALEC's Jury Patriotism Act: (1) the impossibility of obtaining an appropriate substitute caregiver for a person under the prospective juror's personal care or

³⁷ See JURY PATRIOTISM ACT § 3(d).

³⁸ Troy Anderson, *Show Up or Else: Courts Get Tough: Ignore Another Jury Summons and Get a \$1500 Fine*, L.A. DAILY NEWS, Jan. 19, 2002, at N1 (quoting the supervising judge of Pomona, Cal.)

³⁹ KY. REV. STAT. ANN. § 29A.100(1).

⁴⁰ See *id.* § 29A.100(2).

2003]

FIVE WAYS TO IMPROVE JUROR SERVICE

supervision; (2) the incurring of costs that would have a substantial impact on the payment of the individual's necessary daily living expenses those for whom he or she provides the primary means of support; (3) physical illness or disease.⁴¹ Summoned jurors should also be expected to appear in court and provide the judge with documentation supporting a request for an excuse.⁴² These grounds would seem to more closely reflect hardship and limit the opportunity for abuse. Jurors who would expect lesser inconveniences would benefit from the Act's liberal postposponement system, can reschedule their service, and would not need to request a hardship excuse.

VI. CONCLUSION

Kentuckians, like other citizens, continue to overwhelmingly support the jury system. Yet, many people fail to appear for jury duty when summoned to get out of jury duty once they enter the courthouse. Most individuals do not lack a sense of civic duty. Rather, they are discouraged from jury service due to the hardship and headache imposed by a system that longer serves either our jurors' or our courts' needs, that does not provide adequate financial compensation for jurors, leaves little or no flexibility in the dates of service, and may involve unnecessary time in a waiting room. Moreover, Kentucky's loosely defined standard for an excuse from service, the lack of a sufficient deterrent to ignoring a summons provides many easy means of escape.

The Jury Patriotism Act would reduce the barriers that frustrate jury service in Kentucky. All jurors would be able to postpone their service one time or more. Jurors would not have to call into the courthouse for permission or weeks to determine if they must appear in court, and would possibly avoid the frustration and boring time in a courthouse waiting room with a day/one-trial system. They also would not take the risk of service or trial without fair compensation. Through these reforms, Kentucky would be able to provide a more equitable system for jurors, regardless of income or occupation, would be better able to fulfill their duty to serve on a jury. Kentucky also would have a more "user friendly" system. The Kentucky legislature would be wise to adopt the sound reforms contained in the Jury Patriotism Act.

⁴¹ See JURY PATRIOTISM ACT § 4(2)(c).

⁴² See *id.* § 4(e).