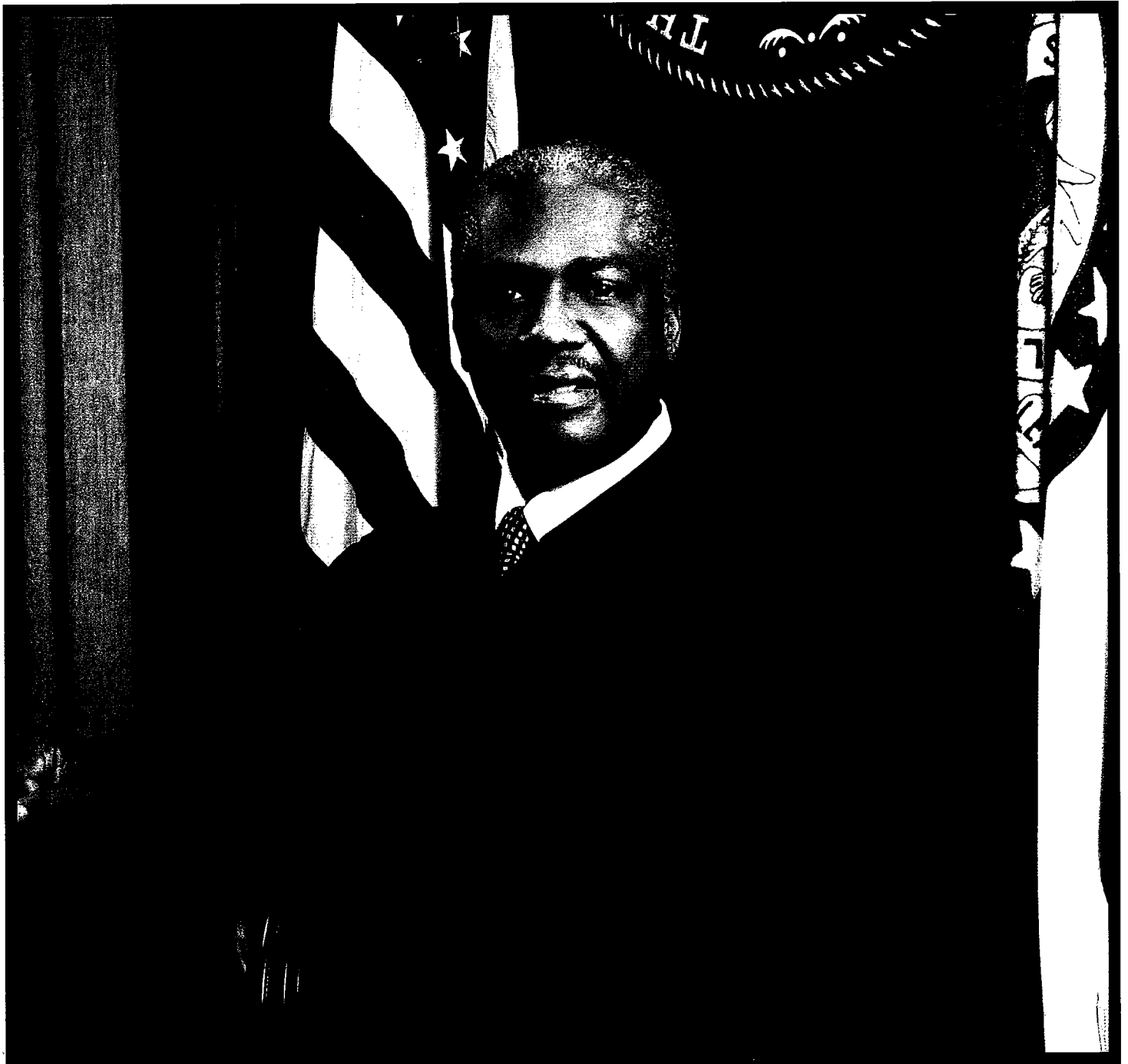


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**Chief Justice Ronnie L. White
Supreme Court of Missouri**

Fulfilling the Promise of a Representative Jury

This article suggests reforms based on a “Jury Patriotism Act” recently developed by the American Legislative Exchange Council (ALEC), the nation’s largest bipartisan membership organization of state legislators, to both reduce opportunities to avoid jury service and lessen the burdens placed on citizens who serve.

Both the Constitution of the United States and that of the State of Missouri guarantee litigants the right to a representative jury in civil and criminal trials,³ as well as a citizen’s right to serve on a jury.⁴ Yet there are so many exemptions, opportunities for excuses, and obstacles to service in Missouri that juries can hardly be said to represent a true cross-section of their communities. For example, Missouri allows more professionals out of jury duty than most, if not all, other states in the union and places a disproportionate burden on those who are not members of privileged groups. Meanwhile, many of those who do serve on Missouri juries have little or no flexibility as to when they will serve, and may be asked to serve for long periods of time with little pay. Given this state of affairs, it is not surprising that many citizens cringe at the mention of jury duty and seek to avoid service at any opportunity. The situation is so dire that Supreme Court of Missouri Judge Michael A. Wolff recently observed that, in the City of St. Louis, nearly two-thirds of those summoned for jury service are either excused, ineligible, or do not show up in court.⁵ The response rate is even worse in St. Louis County.⁶

Public frustration regarding jury duty does not reflect a lack of respect for the jury system. According to a 1998 American Bar Association opinion poll, 78% of the public rate our jury system as the fairest method of determining guilt or innocence; 69% consider juries to be “the most important part of the justice system.”⁷ Missouri should build upon this trust and improve jury service to meet the



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expectations of its citizens by enacting legislation modeled after a “Jury Patriotism Act” recently developed by the American Legislative Exchange Council (ALEC), which, with more than 2,400 members, is the nation’s largest bipartisan membership organization of state legislators.^{7a} The Jury Patriotism Act would eliminate certain disqualifications, exemptions, and flimsy hardship excuses that allow many to avoid jury service. The act also would lessen the burdens placed on citizens that render them unable to serve or discourage their service on juries.⁸

I. ALL PEOPLE SHOULD SERVE ON JURIES

The first reason that not all Missouri citizens serve on juries is that the law lets many people out of jury duty based on their occupation. Missouri law disqualifies lawyers and judges from jury service.⁹ It also allows clergymen as well as doctors, osteopaths, chiropractors, dentists, pharmacists, and certain police officers out of jury duty upon request.¹⁰ For some reason or another, these people are regarded as too important socially, politically or economically to serve on a jury. Other exemptions appear to be obsolete remnants of a time past. For instance, Missouri is one of only two states that disqualifies citizens who are less than 21, rather than 18 years of age, from jury service.¹¹ Missouri’s list of exemptions may well be the longest in the country.¹²

New York once held the record for occupational exemptions. Prior to its 1995 jury reform initiative, there were 26

occupational exemptions covering professions ranging from judges, lawyers, physicians, and police officers to ministers, podiatrists, optometrists, volunteer firefighters, and Christian Science practitioners.¹³ Remarkably, these exemptions excluded more than one million New York citizens from the jury pool and contributed to a shortage of jurors in New York in the 1990s.¹⁴ In 1995, the New York legislature, upon the recommendation of a Citizens Jury Project under the leadership of Chief Judge Judith Kaye, eliminated all occupational exemptions. Taking away occupational exemptions was one of the more controversial provisions of the legislative

package, most likely because it required even the privileged to fulfill their civic duty.¹⁵

Evidence suggests that even those who receive special exemptions to jury service do not believe they are too valuable to take time off to sit on a jury, or too biased or influential to serve. For example, when New York doctors were asked whether they should be exempt from jury service following New York's reform, only 12 percent said that physicians should be exempt from service.¹⁶ New York lawyers had a similar reaction. One attorney who was furious immediately following the elimination of occupation exemptions exclaimed, "Are they out of their minds in

Albany? Lawyers are never going to let other lawyers, much less judges or docs, serve on a jury."¹⁷ One year later, the same attorney was "quite proud" when selected for a jury.¹⁸ According to the study, only three and 10 percent of Manhattan and Brooklyn attorneys, respectively, thought they should be exempt from jury service.¹⁹ Even Chief Judge Kaye herself was called for jury duty. Rudolph Guiliani, despite being a sitting mayor, lawyer, and former prosecutor, also made headlines in 1999 when he was summoned and selected to serve on a jury hearing a \$7 million civil suit.²⁰

Many states have recognized that continuing occupational exemptions to

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³ See U.S. CONST. art. III, § 2, cl. 3 and amend. VI (establishing the right to a jury trial in criminal prosecutions); U.S. CONST. amend. VII (establishing the right to a jury trial in civil matters where the value in controversy exceeds \$20 in federal courts); MO. CONST. art. I, § 22(a) (providing "[t]hat the right of trial by jury as heretofore enjoyed shall remain inviolate . . ."); see also *Taylor v. Louisiana*, 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 Amendment right to a jury trial" and striking down the systemic exclusion of women from jury venires).

⁴ See *Batson v. Kentucky*, 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); *Patton v. Mississippi*, 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).

⁵ See *State ex rel. Linthicum v. Calvin*, 57 S.W.3d 855, 860-61 (Mo. banc 2001) (Wolff, J., concurring in part and dissenting in part) (noting that only 13,720 of 58,800 people summoned in St. Louis County appeared for jury service).

⁶ See *id.* at 862 (noting that only 26,160 out of 72,228 people summoned in the City of St. Louis appeared for jury service).

⁷ See ABA PERCEPTIONS OF THE U.S. JUSTICE SYSTEM 6-7 (1998), available at <http://www.abanet.org/media/perception/perceptions.pdf> (last visited June 12, 2003).

⁸ For more information about ALEC, see <http://www.alec.org>. As of the time of this writing, legislation based on the Jury Patriotism Act has become law in Arizona and Utah, is pending final passage in the Louisiana legislature, and under consideration in several other state legislatures. See H.B. 2520, 46th Leg., 1st Reg. Sess. (Ariz. 2003) (signed by Governor Janet Napolitano on May 12, 2003); H.B. 2008, Reg. Sess. (La. 2003) (passed Louisiana House of Representatives 99-1 on May 19, 2003, passed Louisiana Senate 36-0 on June 16, 2003, and awaits Governor Murphy James "Mike" Foster, Jr.'s signature); H.B. 324, Gen. Sess. (Utah 2003) (signed by Governor Michael O. Leavitt on March 17, 2003).

⁹ Educational outreach can also play an important part in building and reaffirming the importance of jury service. One positive example of such educational initiatives is a program called "We the Jury," developed by the 2002 Leadership Academy of The Missouri Bar to educate high school students regarding the importance of jury service. The program format is a video and script designed for presentation by a member of The Missouri Bar and to fit into a 50-minute class schedule. The program provides a brief history of juries, how a jury is selected and what to expect during a trial. The video includes clips of Supreme Court of Missouri judges who stress that jury service is an important obligation of citizenship in this country. For more information about the "We the Jury" program or to obtain presentation materials, contact Carla Council at The Missouri Bar, (573) 638-2242 or carlac@mobar.org.

¹⁰ See § 494.425(7), (8), RSMo 2000.

¹¹ See § 494.430(1), (5), § 494.431, RSMo 2000.

¹² See § 494.425(1), RSMo 2000. THE ADVISORY COMM'N ON THE ORGANIZATION OF THE JUDICIAL DEP'T, FINAL REPORT 9-10 (1995) (on file with authors) [hereinafter MO. ADVISORY COMM'N REP.].

¹³ See Tom Jackman, *State Commission Urges Jury Reforms; More Pay, Lower Age Among Proposals Sent to Missouri Legislators*, KANSAS CITY STAR, Jan. 22, 1996, at B1 (citing former Missouri Bar President John S. Black).

¹⁴ See JULIA VITULLO-MARTIN ET AL., FIVE YEARS OF JURY REFORM: WHAT JURORS ARE SAYING: FINAL REPORT ON JUROR CONCERNS TO THE UNIFIED COURT SYSTEM 2, 10-11 (Citizens Jury Project, Vera Inst. of Justice 2000) [hereinafter FIVE YEARS OF JURY REFORM].

¹⁵ See *id.* at 2, 10.

¹⁶ See *id.* at 10. Following implementation of New York's jury reform, press reports hailed the increased diversity of the jury pool and the greater willingness of those summoned to serve. See, e.g., Merri Rosenberg, *Eligibility Changes, Widening the Pool of Potential Jurors*, N.Y. TIMES, Oct. 13, 1996, at 10W.

¹⁷ See FIVE YEARS OF JURY REFORM, at 12.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ See *id.* at 13.

²¹ See Robert D. McFadden, *Court Surprise: Giuliani Picked As Juror No. 1*, N.Y. TIMES, Aug. 31, 1999, at A1; David Rohde, *Mayor Is Praised as Just Another Juror*, N.Y. TIMES, Sept. 8, 1999, at B3; David Rohde, *The Nation: One Angry Man; What's the Verdict When the Mayor Is Also Jury Foreman?*, N.Y. TIMES, Sept. 5, 1999, sec. 4, at 6.

"After all is said and done, too many people find a way out of jury service or are forced out of jury duty."

jury service is elitist and unnecessary, and that such exemptions place an unfair burden on those who do not qualify for special treatment. As the American Bar Association has recognized, "broad categorical exceptions not only reduce the inclusiveness and representativeness of a jury panel, but also place a disproportionate burden on those who are not exempt."²¹ Like New York, approximately two-thirds of the states have now taken the positive step of repealing broad occupational exemptions to jury service. In 1995, an advisory commission to the Supreme Court of Missouri recommended that Missouri eliminate all automatic exemptions:

[J]ury service is an obligation and privilege of citizenship from which no eligible citizen should be disqualified or exempt. All persons, regardless of profession or occupation should, therefore, be entitled to the opportunity to serve and to not be able to decide for themselves when to assume the responsibility. The inability to serve and the ability to be excused upon request is counter to the notion that a jury should be drawn from a fair representative cross-section of a community, an essential component of the Sixth Amendment guaranty of trial by impartial jury. The ability to be excused upon request contributes substantially to reducing a representative jury since it is likely that those who can avoid jury service will do so. Furthermore, the

existence of the disqualification and exemptions from jury service to certain professionals not only reduces the inclusiveness and representativeness of a jury panel, it places a disproportionate jury service obligation on other professionals and non professionals.²²

The commission also recommended lowering the age for jury service from 21 to 18.²³ Missouri should act on these sound recommendations, follow the lead of most other states, and ensure that all people have the opportunity and obligation to serve on a jury.

II. TOO MANY PEOPLE ARE EXCUSED FOR REASONS NOT REFLECTING TRUE HARDSHIP

Even if the elimination of professional exemptions and reduction of the minimum age for service draws more jurors into the courthouse, this effort will be in vain if those who show up for jury duty take advantage of Missouri's broad standard for obtaining a hardship excuse. Missouri law currently provides that a court may excuse any person from jury service "whose absence from his regular place of employment would, in the judgment of the court, tend materially and adversely to affect the public safety, health, welfare or interest."²⁴ Missouri law also requires courts to excuse "[a]ny person upon whom service as a juror would in the judgment of the court impose an extreme hardship."²⁵

The statute does not provide any further

guidance on what situations constitute grounds for an excuse and provides courts with a great deal of discretion to decide who to dismiss from jury duty. Those called for jury service, particularly professionals, may abuse this flimsy standard to avoid their civic responsibility.

While increasing the penalty for ignoring a summons and eliminating occupational exemptions may be sufficient to bring more people into the courthouse, this gain will be lost if prospective jurors arrive only to obtain an excuse from service. Missouri should amend its standard for an excuse 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 three circumstances: (1) the impossibility of obtaining an appropriate substitute caregiver for a person under the prospective juror's personal care or supervision; (2) the incurring of costs that would have a substantial adverse impact on the payment of the individual's necessary daily living expenses or on those for whom he or she provides the primary means of support; or (3) physical illness or disease. Missouri should also amend its law to permit only members of the judiciary, and not court employees, to authorize excuses. Jurors should be expected to appear in court and provide the judge with documentation supporting their request for an excuse. These grounds would more closely reflect true hardship and limit the opportunity for abuse. Lesser inconveniences, such as conflicts with business or personal commitments, could be accommodated by a simple postponement policy, another element of the ALEC model act.

²¹ ABA STANDARDS RELATING TO JUROR USE AND MANAGEMENT, at 6 (1983).

²² THE ADVISORY COMM'N ON THE ORGANIZATION OF THE JUDICIAL DEP'T, FINAL REPORT, at 11-12 (1995) (internal citations omitted) (citing *Taylor v. Louisiana*, 419 U.S. 522 (1975) and *Duren v. Missouri*, 439 U.S. 357 (1979) (holding that Missouri statute authorizing women to request automatic exemption from jury service violated "fair cross section" requirement of Sixth Amendment as applied to the states by the Fourteenth Amendment to the United States Constitution)).

²³ See *id.* at 9-10.

²⁴ Section 494.430(3), RSMo 2000.

²⁵ Section 494.430(4), RSMo 2000.

III. JURY SERVICE SHOULD NOT REQUIRE EXTRAORDINARY FINANCIAL SACRIFICE

Many citizens summoned for jury service in Missouri receive no more than \$6 per day from the court, the minimum compensation amount set by statute. This juror fee is among the lowest rate in the nation. Today's juror fee may not be sufficient to pay for parking and a decent lunch, and certainly is not enough to reimburse a juror for lost income. Since employers in Missouri are not required to pay their employees during any portion of jury service, some working people must seek to be excused from service or suffer severe financial hardship.

The lack of adequate compensation for jurors is particularly problematic when the term of jury service requires citizens to spend several days or weeks in court, or a juror is selected to serve on a lengthy trial. As Supreme Court of Missouri Judge Duane Benton observed in his 1999 State of the Judiciary speech:

Juror compensation is a glaring shortfall. . . . Statutory minimum jury compensation remains \$6 per day, and has been so since 1957.²⁶ . . . Such minimal pay causes many of your constituents to avoid juror service due to the financial hardship of serving on a jury. Inadequate juror compensation most hurts those called for lengthy jury trials. The National Center for State Courts has proposed that the states adopt legislation that keeps low levels of juror compensation for short service, say two or three days, but then dramatically increases juror payment for longer service. I am pleased to report that the average length of a jury trial in Missouri is less than three days, so an increase

in compensation beyond such a point could ease juror hardship while not greatly increasing total jury expenses.²⁷

As Judge Benton cautioned, lack of adequate pay for jurors has unfortunate results. Some citizens may simply not show up in court because of the lack of juror compensation and the chance of being called to serve on a lengthy trial. People who appear for service and who will lose their salary may 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 other choice, given that they do not have the resources to provide any significant compensation above the 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. As a result, the jury pool may become disproportionately composed of those who will not lose income, including unemployed or retired citizens. Such jurors may lack the perspective of persons working in business, and may have difficulty comprehending scientific evidence, expert testimony or other complex issues, such as fair and reasonable damages calculations. Non-diverse juries hardly represent a true cross-section of the community. Plaintiffs and defendants all would benefit from the diverse experience, values, and education of a truly representative petit jury.

Better juror compensation may be key to obtaining more representative juries. Unfortunately, a significant increase in the juror fee by the state may not be possible in the near future. The situation,

therefore, requires innovative solutions. For example, in 2001 the legislature heeded Judge Benton's call and gave cities and counties the flexibility to provide jurors with no compensation during the first two days of service, but then pay jurors \$50 for the third and subsequent days of service.²⁸ While this is a positive step, Missouri can do more to protect those who, by luck of the draw, are selected to serve on an extended case.

In order to ensure that all people have the opportunity to serve on a jury, ALEC's Jury Patriotism Act includes an innovative Lengthy Trial Fund that would make it less likely that working Missourians would be excused from jury service when a civil trial is expected to last several days, weeks, or months. Adoption of a Lengthy Trial Fund would also lessen the hardship on citizens who serve on such trials.

The fund, which would be fully financed through a minimal court filing fee, would provide wage replacement or supplementation to jurors who serve on civil trials lasting longer than three days. These individuals would be eligible to receive supplemental compensation from the fund if they would otherwise be excused from service due to financial hardship. Any juror who is not fully compensated by his or her employer would be eligible for additional wage replacement or supplementation upon the tenth day of service on a civil jury. This system would lend considerable support to jurors serving on lengthy trials.

Another alternative may be to require employers to continue to compensate their employees during the first few days of jury service. The Lengthy Trial Fund would then provide wage supplementation and replacement in the few exceptional cases exceeding the employer's obligation. Under such conditions, the

²⁶ See § 494.455(2), RSMo 2000. In 1995, an advisory commission to the Supreme Court of Missouri recommended that juror pay should be "increased substantially." THE ADVISORY COMM'N ON THE ORGANIZATION OF THE JUDICIAL DEP'T FINAL REPORT, 23-25 (1995). In furtherance of the commission's recommendation, the legislature took the positive step in 1999 of providing that if a county provides jurors with an additional six dollars per day, the state will provide a matching contribution of an additional six dollars per day, thus encouraging juror compensation of \$18 per day. See S.B. 1, 92, 111, 129 & 222, 90th Gen. Assem., 1st Reg. Sess. (Mo. 1999). A majority of counties have now raised the juror fee to \$18 per day for those who are empanelled on a trial. Some counties, however, including Atchison, Clay, Douglas, Holt, Howard, Jackson, Maries, Nodaway, Oregon, Phelps, Platte, Pulaski, Reynolds, Texas, Washington, Worth, and Wright continue to pay the legal minimum of six dollars per day. See A GUIDE TO MISSOURI JURY SERVICE, available at <http://www.osca.state.mo.us/osca/> (last visited Feb. 1, 2003).

²⁷ Hon. Duane Benton, *State of the Judiciary Address*, 55 J. MoBAR 10 (1999), available at <http://www.mobar.org/journal/1999/janfeb/chief.htm>.

²⁸ See H.B. 945, 91st Gen. Assem., 1st Reg. Sess. (Mo. 2001) (codified at § 494.455(3), RSMo Cum. Supp. 2002).

fund might better sustain itself and offer greater compensation to those who need it most on particularly long trials.

Many employers already take their corporate citizenship seriously, and voluntarily compensate employees who are called for jury duty. According to one study, approximately 75% of large corporations nationwide already pay their workers while on jury duty as a matter of company policy.²⁹ Missouri should require that all businesses that can afford to do so do their part to secure representative juries. Small businesses might be exempt from this requirement.³⁰ Again, employer compensation of employees for time spent in jury service is not part of the ALEC model act, but it is a good idea that deserves additional consideration.³¹

IV. NO-SHOWS SHOULD RECEIVE AN APPROPRIATE PENALTY

It is all too easy to simply ignore a juror summons. 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." Missouri law authorizes a court to hold those who ignore a juror summons in criminal contempt enforceable by an order to show cause for the failure to comply and by a fine of not more than \$250.³² It is no secret, however, that fines are rarely

imposed by many judges.³³ Missouri should adopt and enforce stiffer penalties against those who shirk their civic duty.

Jury service is an important obligation of citizenship. Criminal defendants rely on a representative jury to receive a fair trial. Parties in civil litigation also have a right to a representative jury. A person's failure to appear in court hurts the judicial system and impairs the rights of litigants. Quite simply, ignoring a jury summons has real and serious consequences. The state should threaten those who do not appear in court with a penalty that offers appropriate deterrence. This penalty should communicate to jurors the importance of jury service and notify them that shirking one's civic obligation to serve will be criminally punished as a misdemeanor. Under this provision, 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. Enforcement would lie not only with the courts, but also with state prosecutors.

V. JURY SERVICE SHOULD BE MORE FLEXIBLE

Aside from relieving the financial hardship and making it more difficult to avoid jury duty, there are several other ways to turn jury service from a burden into a true civic privilege. In 1999, the Missouri legislature moved forward in

this area when it limited the time that a prospective juror would have to spend in court to no more than two days or, if selected to serve, the completion of one trial.³⁴ Missouri can and should provide jurors with additional flexibility by giving them an easy means to re-schedule service when called to appear at an inconvenient time.

Current Missouri law provides that a juror can apply to a jury supervisor or board of jury commissioners for a postponement of service.³⁵ The requirements for obtaining a postponement vary based on guidelines adopted by each circuit court.³⁶ In some counties, a summoned juror may be required to appear in the courthouse and provide a reason as to why he or she cannot serve on the summoned date in order to obtain a postponement.³⁷

All Missouri courts should provide 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 or vacation plans, 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

²⁹ See ROBERT G. BOATRIGHT, IMPROVING CITIZEN RESPONSE TO JURY SUMMONSES: A REPORT WITH RECOMMENDATIONS 16 (Am. Judicature Society 1998).

³⁰ See, e.g., D.C. CODE ANN. § 15-718 (2001) (requiring employers with 10 or more employees to compensate full-time employees for the first five days of service); N.Y. JUD. LAW § 519 (Cum. Supp. 2003) (requiring employers with 10 or more employees to compensate any employee for the first three days of service, not to exceed \$40 per day); TENN. CODE ANN. § 22-4-108 (2001) (requiring employers with five or more employees to compensate any employee for the entire period of jury service).

³¹ Protection of employee wages during jury service is not a novel proposal. Eight states and the District of Columbia require employers to continue paying their employees during some period of jury service. See ALA. CODE § 12-16-8 (2001); COLO. REV. STAT. § 13-71-126 (1998); CONN. GEN. STAT. § 51-247 (2003); D.C. CODE ANN. § 15-718 (2001); LA. REV. STAT. ANN. § 23:965 (West 2002); MASS. GEN. LAWS ch. 234A, § 48 (2000); NEB. REV. STAT. ANN. § 25-1640 (1996); N.Y. JUD. LAW § 519 (Cum. Supp. 2003); TENN. CODE ANN. § 22-4-108 (2001); see also MIAMI-DADE COUNTY MUN. CODE §§ 11-31 to 11-34 (2002) (requiring employers located or residing in Miami-Dade County, Florida, and having more than 10 full-time employees to pay their employees during the entire period of jury service).

³² See § 494.450, RSMo 2000.

³³ Compare Tim Bryant, *Those Who Skip Jury Duty Face Fines in Crackdown*, ST. LOUIS POST-DISPATCH, May 23, 1996, at 1B (reporting that a circuit court judge and the circuit attorney announced a crackdown of repeated no-shows for jury service in St. Louis County).

³⁴ See S.B. 1, 92, 111, 129 & 222, 90th Gen. Assem., 1st Reg. Session (Mo. 1999) (codified at § 494.445, RSMo 2000) (requiring all courts to implement a two-day/one-trial term of service no later than January 1, 2005). This legislation adopted the recommendation of the state advisory commission. See THE ADVISORY COMM'N ON THE ORGANIZATION OF THE JUDICIAL DEP'T, FINAL REPORT, at 15-16 (1995).

³⁵ See § 494.415(3), RSMo 2000.

³⁶ See *id.*

³⁷ See A GUIDE TO MISSOURI JURY SERVICE, available at <http://www.osca.state.mo.us> (last visited June 12, 2003).

³⁸ ABA STANDARDS RELATING TO JUROR USE AND MANAGEMENT 61 (1983).

originally premised, while enabling a broader spectrum of the community to serve as jurors.”³⁸

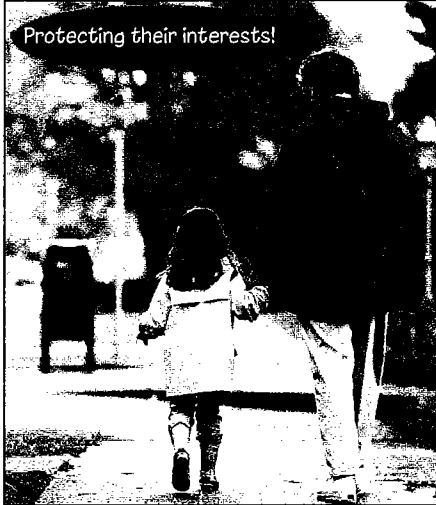
The process for obtaining a postponement under the Jury Patriotism Act would be quick and easy. The summoned juror would simply contact the appropriate court official via telephone, electronic mail, or in writing. He or she would not have to provide any reason for the postponement – only a date on which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

VI. PRESERVING THE JURY SYSTEM

Missouri citizens continue to overwhelmingly support the jury system.

Yet many people fail to appear for jury duty when summoned or strive to get out of jury duty once they enter the courthouse. Most of these individuals do not lack a sense of civic duty. Rather, they are discouraged from jury service due to the hardship and headache imposed by an antiquated system. The Jury Patriotism Act developed by the American Legislative Exchange Council would break down each of the barriers that frustrate jury service in Missouri. Many of the changes suggested by the act could be accomplished by courts, so judges may wish to consider them as well. Through these reforms, Missouri citizens, regardless of income or occupation, will be expected and able to serve. A defendant’s right to a representative jury and a citizen’s right to serve would be secured.

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