

## Justice in Alaska Depends on Jurors

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*By: Judge Trevor Stephens, presiding judge for Alaska's First Judicial District.*

The right to trial by jury developed over centuries in England beginning with Viking raiders. Trial by jury was a concession the English barons extracted from King John in 1215 in the Magna Carta.

On July 4, 1776, members of the Continental Congress signed the Declaration of Independence, declaring that the United States of America was dissolving its "political bands" with Great Britain because King George III had denied the colonists their rights as British citizens, including "in many cases, the benefits of trial by jury."

Benjamin Franklin was quoted as saying at the time that: "We must, indeed, all hang together or, most assuredly, we shall hang separately." Whether he actually said this or not, the signers believed that the rights at issue were so important that they were willing to risk their lives to secure the same.

The right to trial by jury is enshrined in the United States Constitution in the Sixth and Seventh Amendments. The right of the accused to grand jury review of felony charges is protected by the Fifth Amendment. These rights are also protected under Article I, Sections 8, 11 and 16 of the Alaska Constitution. All persons who are residents of Alaska, can read or speak the English language, are of sound mind, in possession of their natural faculties, at least 18 years of age, citizens of the United States, not on felony probation or parole, and who have not served as a juror within the preceding 12 months are qualified to serve as jurors. The Alaska Court System will provide an interpreter or reader to allow a person with impaired hearing or sight to serve, and will make reasonable accommodations for persons with limited mobility.

Jurors may be called every 13 months. Juror names are centrally drawn at random from the Alaska Permanent Fund dividend applicant rolls and then assigned to local master lists for each court location. Those local lists generally include communities within 50 miles of each court location. The length of jury service depends on the size of the local list, and range from the entire year for lists with fewer than 2,000 jurors to 90 days for lists with 2,000-7,000 jurors, and 30 days for lists of 7,000 or more jurors. A juror may request exemption from service under certain circumstances and defer their service for up to 10 months.

An Alaska statute provides that a juror's employer "may not deprive" the person "of employment or threaten, coerce or penalize an employee because the employee

receives or responds to a summons for jury service, serves as a juror, or attends court for prospective jury service.”

The system of justice in Alaska depends on citizens who are willing to take time from their busy lives to exercise their right and duty to serve as jurors. We do not leave it to law enforcement, prosecutors or judges to determine guilt or innocence in a criminal case, or whether there is sufficient evidence for a felony charge to proceed to trial, nor in many instances do we leave it to judges to determine who prevails in a civil case.

We in the Alaska Court System recognize that jury service is inconvenient, for some a significant hardship, and that jurors hear cases that may involve unsettling subjects. We also recognize that juror pay is not commensurate with jurors’ time or efforts. So we are working to make jury service user-friendly, efficient and comfortable. We will soon have a new juror orientation video, we are taking steps to improve our juror utilization rates, and we plan to take advantage of available technologies to improve our communications with jurors.

I have participated in jury trials throughout Southeast Alaska. It has been my experience that jurors take their responsibilities seriously, work hard and are, and should be, proud of their service.

November is Juror Appreciation Month. We appreciate jurors year-round and are taking the opportunity this month to formally express our appreciation. Thank you jurors! Justice in Alaska depends on you.