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# Call to Jury Duty Strikes Fear of Financial Ruin

By [JOHN SCHWARTZ](#)

FORT LAUDERDALE, Fla. — One by one, jurors answered Judge Robert A. Rosenberg when he asked whether serving a trial of four to five weeks would be a hardship. Chemelle Charles, a nurse, said it definitely would: “I’m the only one working in my house right now.”

Ms. Charles’s husband, a lumberyard employee, was laid off in July, she said. On that recent morning, Judge Rosenberg dismissed Ms. Charles, along with more than half of the 80 potential jurors he interviewed, many of them for similar reasons.

Few people like jury duty. But for many people squeezed by the recession, a jury summons holds a new fear: financial ruin.

Judges and court officials around the country say they are seeing the impact of the recession in their courtrooms. While no one keeps overall statistics on juror excuses, those closest to the process say that in many parts of the country an increasing number of jurors are trying to get out of service, forcing courts to call an ever larger pool of jurors to meet their needs.

Ranae Johnson, the jury commissioner for Bonneville County, Idaho, said that she typically summoned 400 people for each two-week term of service, but that lately she “had to pop it up to 500” because of rising numbers of economic hardship claims. “We’re hearing it more than we used to,” Ms. Johnson said. “A lot more.”

She read from her notes of recent calls. “I was laid off, have no car, no job and no friends that can even bring me there,” one caller had argued. Another said, “I cannot even afford the gas to have to come down there.”

Jane Hybarger, the jury administrator for the United States District Court in Las Vegas, said the pleas she was hearing were more urgent, even desperate.

“Now I’m hearing people who are living day to day, who are months behind in their mortgage,” Ms. Hybarger said. “There’s tears in their voice — they don’t know how they’re going to put food on the table.”

Judge Rosenberg, in Florida, said in an interview that when the “pervasive cloud of financial insecurity” reaches the jury room, “a judge has to be sensitive to the economic times.” He had also dismissed Michael Lazar, a self-employed “steel detailer,” or designer of steel structures. Mr. Lazar said “it would kill me” to miss opportunities to work; he might lose his home.

Alan Abeles, who owns a company that makes promotional items like T-shirts, also told Judge Rosenberg he could not serve — “no, sir, not in this economy.” The judge pressed Mr. Abeles about whether any of his employees could fill in. “I fired everybody,” he replied; just three employees remained, and none were capable of taking on his duties. He, too, was released.

Other judges say they sense a shift as well. Judge Barbara M. G. Lynn of the Federal District Court in Dallas said that as she geared up recently for a trial that was to last several months, the pleas from jurors differed from those in a case of similar length she impaneled a few years ago.

“I did have more people who had lost their jobs,” Judge Lynn said, “or were looking for a new job, or were relocating for a job.” Many potential jurors told her that their employers would not pay for their jury time — employers that she knew, from the previous long trial, had paid in the past.

Unemployment — or the fear of it — is hardly a barrier to jury service, of course, and being without a job could even make it easier for some people to do their civic duty. Jury experts say that many people have an exaggerated sense of the hardship that service requires.

“Most people, when they’re called for jury duty, assume if they are going to be on a trial, it’s going to be a long trial,” said Shari Seidman Diamond, a law professor at [Northwestern University](#). In fact, Professor Diamond said, the typical trial takes just two or three days, and in many jurisdictions jurors are dismissed after one day if they are not placed on a jury.

Longer cases prompt greater efforts to head for the exits, said Douglas L. Keene, a trial consultant in Austin, Tex. Those who are unemployed “can’t afford to not be out there looking for a job,” Mr. Keene said. And despite laws that protect jurors from being fired for their service, he said, people whose

companies have gone through rounds of layoffs worry about the impact on them of several days away from the office.

Fretful or angry jurors are a concern for plaintiffs' lawyers in civil suits, Mr. Keene said, because the plaintiffs brought the suit and "are more likely to be blamed by the jurors for any inconvenience that jury duty caused them."

Judge Rosenberg agreed. He could force more jurors into the box than he does, he said, but a miserable juror who is straining to get back to work might be too eager to reach a quick verdict instead of engaging in a full and careful deliberation. "That's not the juror you want," he said. "That's not justice."

There are actions that states could take to make jury service less painful financially, said Patricia Lee Refo, a lawyer in Phoenix, principally paying jurors more. Jury service, Ms. Refo said, is "a critically important civic service," and "we should pay them in accordance with the importance of their work."

That is not a likely path for financially squeezed states to take, and some areas are openly hoping that people without incomes will find jury pay attractive. Matt Benefiel, a court official in Orange County, Fla., which includes Orlando, said that while the area's unemployment rate was higher than the national average, the number of people claiming hardship to get out of service had not increased.

"We might actually have jurors who are looking to get the money," Mr. Benefiel said, which amounts to \$15 a day for the first three days and \$30 thereafter.

Norman Goodman, the county clerk for Manhattan, agreed.

"If somebody's out of work, I guess jury service is a paying job," Mr. Goodman said, even if the daily check from the court is just \$40. "It's not going to get you into Tiffany's," he said, "but it's something."