

Editorial: What's keeping people away from jury service?

Municipal court trials have been canceled over a lack of jurors. Jury pay of \$10 a day may be a reason.

Wednesday, August 24, 2022 9:31am

Everett Herald

By The Herald Editorial Board

Among our civic duties — voting, paying taxes, grumbling about having to pay taxes — jury duty can be one task that more easily slips our minds when the summons comes in the mail and then goes up on the fridge.

That reminder apparently is being forgotten — or ignored — more frequently, as least for municipal court summons in Marysville and Edmonds recently, [reports The Herald's Ellen Dennis](#) this week.

While the Snohomish County Superior Court has reported healthy response to its juror summons, at least two jury trials for the Marysville Municipal Court were postponed this summer when not enough potential jurors responded to summons letters. To get a jury of six community members for a trial, the court starts by selecting 12 potential jurors from a pool of jurors for voir dire, to weed out any with a potential bias or conflict of interest. In July, only five of about 50 people summoned responded for a particular trial, forcing a postponement and jeopardizing the defendant's constitutional right to a speedy trial.

Edmonds Municipal Court, similarly, sent out summons to about 80 people — names taken from the rolls of registered voters — to secure a trial jury, and only about 20 percent responded.

“By not responding or not appearing, it delays the judicial system, and we have to delay cases. So everybody loses out on their day in court,” Marysville court administrator Suzanne Elsner told The Herald.

While there's little excuse for not responding — for outright ignoring the summons — there often are legitimate reasons for seeking to be excused from duty, such as a current covid infection or other illness. But even a good reason such as child care or work issues, Elsner said, may not get you excused.

“If somebody has a medical issue, particularly with covid, if they're higher risk, we'd probably excuse them over somebody whose employer won't offer them pay for days they miss due to jury duty,” she said.

The need to empanel full juries, in other words, may take precedence over your job.

But it's not as if many of us called for duty don't have other responsibilities.

[A recent report](#) to the Washington state Administrative Office of the Courts by two associate professors for criminology and forensics at Seattle University surveyed jurors in King, Snohomish and Pierce counties in 2021. The report outlined some of the barriers to service for many jurors and also looked at how those barriers were affecting the demographic makeup of juries in the three counties and their potential for ensuring a jury that more closely reflects the community.

The most frequently reported category of barriers to service were related to juror responsibilities, the survey found, with 82 percent giving that response, of which 53 percent cited work issues and another 20 percent cited financial hardship.

The next most frequently cited category (36 percent) were care-related barriers, including lack of child care, at 25 percent. A total of 16 percent cited problems with transportation or physical or health issues.

Those barriers, the survey suggests, may be selecting pools of jurors who may not reflect their communities closely enough. The surveys of jurors found that whites were over-represented on juries by 6 percentage points, compared to the three counties' general population; that the median age was 50 years of age; and that women were slightly over-represented. About 61 percent reported being married, while 37 percent reported having a dependant at home.

As well, the majority of respondents (54 percent) were employed full-time; followed by retirees at 25 percent. And a significant percentage (48 percent) in the three counties had combined household annual incomes of \$100,000 or more; the figure was 44 percent for Snohomish County residents.

Among the potential solutions to those barriers, the study reports that respondent's suggestions included improved compensation by the county or state; reimbursement for child care; allowing potential jurors a voice in scheduling; working with employers to provide time off and pay for jury service; and better communication and information for potential jurors.

[State law](#) allows for juror compensation between \$10 and \$25 a day for municipal courts. Jurors in [Snohomish County courts](#) are paid \$10 a day. For comparison's sake, the state's current minimum wage is \$14.49 an hour.

While jury duty is considered "public service," giving up a full day's pay for \$10 would be a hardship for many families.

Providing better compensation to jurors would be an increased expense for local government, but postponing and rescheduling trials also results in costs that can add up

and cause delays for other court work, an important consideration as courts work through pandemic backlogs.

It's time for local and county jurisdictions, as well as the state at large, to consider increasing juror compensation and provide help with child care if their courts are going to be able to ensure their ability to seat a jury — in particular a jury of one's peers — that reflects a court district's community.