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Jury Patriotism Act

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

Section 1. Short Title

This Act shall be known and may be cited as the Jury Patriotism Act.

Section 2. Full Participation on Petit Juries of All Citizens.

It is the policy of this State that all qualified citizens have an obligation to serve on petit juries when summoned by the courts of this State, unless excused.

Section 3. Postponements of Petit Jury Participation.

a. All provisions of the law of this State, or of any political subdivision thereof, that establish or recognize excuses or exemptions for postponing or excusing service as a petit juror are hereby repealed.

b. Individuals scheduled to appear for jury service have the right to postpone the date of their initial appearance for jury service one time only. When requested, postponements shall be granted, provided that:

1. The juror has not previously been granted a postponement;
2. The prospective juror appears in person or contacts the [appropriate court official] by telephone, electronic mail, or in writing to request a postponement; and
3. Prior to the grant of a postponement with the concurrence of the [appropriate court official], the prospective juror fixes a date certain on which he or she will appear for jury service that is not more than six months after the date on which the prospective juror originally was called to serve and on which date the court will be in session.

c. A subsequent request to postpone jury service may be approved by a judicial officer **only in the event of an extreme emergency**, such as a death in the family, sudden grave illness, a natural disaster or a national emergency in which the prospective juror is personally involved, that could not have been anticipated at the time the initial postponement was granted. Prior to the grant of a second postponement, the prospective juror must fix a date certain on which the individual will appear for jury service within six months of the postponement on a date when the court will be in session.

d. **An individual who fails to appear** in person on the date scheduled for jury service and who has failed to obtain a postponement in compliance with the provisions for requesting a postponement, or who fails to appear on the date set pursuant to subsection (b)(3) or (c) of this Section, **shall have committed a [Class A] misdemeanor and shall be subject to imprisonment or fines in accordance with the laws of this State. shall be in contempt of court and shall be punished by the imposition of a fine not to exceed [\$500].** The prospective juror may be excused from paying sanctions for good cause shown or in the interests of justice. In addition to or in lieu of the fine, the court may order that the prospective juror complete a period of community service for a period no less than if the prospective juror would have completed jury service, and provide proof of completion of this community service to the court.

Section 4. Excuses From Petit Jury Service.

a. An individual may apply to be excused from jury service for a period of up to [24] months, instead of seeking a postponement when either:

1. The prospective juror has a mental or physical condition that causes him or her to be incapable of performing jury service. The juror, or the juror's personal representative, must provide the court with documentation from a physician licensed to practice medicine verifying that a mental or physical condition renders the person unfit for jury service for a period of not less than the [24] month period for which the excuse is sought.

2. Jury service would cause undue or extreme physical or financial hardship to the prospective juror or a person under his or her care or supervision.

(a). A judge of the court for which the individual was called to jury service shall make undue or extreme physical or financial hardship determinations. The authority to make these determinations is delegable only to court officials or personnel who are authorized by the laws of this State to function as members of the judiciary.

(b). A person asking to be excused based on a finding of **undue or extreme physical or financial hardship** must take all actions necessary to have obtained a ruling on that request by no later than the date on which the individual is scheduled to appear for jury duty.

(c). For purposes of this Act, "undue or extreme physical or financial hardship" is limited to circumstances in which an individual would:

- (1). Be required to abandon a person under his or her personal care or supervision due to the impossibility of obtaining an appropriate substitute caregiver during the period of participation in the jury pool or on the jury; or
- (2). Incur 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 principal means of support; or
- (3). Suffer physical hardship that would result in illness or disease.

(d). "Undue or extreme physical or financial hardship" does not exist solely based on the fact that a prospective juror will be required to be absent from his or her place of employment.

(e). A person asking a judge to grant an excuse based on "undue or extreme physical or financial hardship" shall be required to provide the judge with documentation, such as, but not limited to, federal and state income tax returns, medical statements from licensed physicians, proof of dependency or guardianship, and similar documents, which the judge finds to clearly support the request to be excused. Failure to provide satisfactory documentation shall result in a denial of the request to be excused. These documents are not public records and shall not be disclosed to the general public.

(f). After [24] months, a person excused from jury service shall become eligible once again for qualification as a juror unless the person was excused from service permanently. A person is excused from jury service permanently only when the deciding judge determines that the underlying grounds for being excused are of a permanent nature.

b. Notwithstanding subsection (a) of this Section, a prospective juror who is at least 75 years of age may submit a written statement to the court requesting that the person be excused from service. The prospective juror may request to be excused temporarily or permanently. On receipt of the request, the [appropriate court official] shall excuse the prospective juror from service.

Section 5. Rights of Petit Jurors.

a. Jobs Preservation. Any person who is summoned to serve as a juror and who notifies his or her employer of such summons within a reasonable period of time after receipt of a summons and prior to his or her appearance for jury duty may not be removed or otherwise be subject to any adverse employment action as a result of such service.

b. Benefits Protection. An employee may not be required or requested to use annual, vacation, or sick leave for time spent responding to a summons for jury duty, time spent participating in the jury selection process or for time spent actually serving on a jury. Nothing in this provision shall be construed to require an employer to provide annual, vacation, or sick leave to employees under the provisions of this statute who otherwise are not entitled to such benefits under company policies.

c. Length of Service. Service of prospective jurors shall be for no more than one court day in actual attendance, unless a prospective juror is selected to serve in a trial or is under consideration to serve on a trial and such consideration covers a period of two or more days. Once selected, a juror shall serve on the jury for the duration of the trial unless excused by the presiding judge.

d. Frequency of Service. A juror who has served on a petit jury in this State shall not be summoned to serve again as a petit juror in any court of this State for [2 or 3] years following the last day of such service.

e. Small Business Protection. A court shall automatically postpone and reschedule the service of a summoned juror of an employer with five or fewer full-time employees, or their equivalent, if another employee of that employer is summoned to appear during the same period. Such postponement will not effect an individual's right to one automatic postponement under Section 3(b).

Section 6. Lengthy Trial Fund.

The [judicial body with court rulemaking authority and responsibility for the State courts] shall promulgate rules to establish a Lengthy Trial Fund that shall be used to provide wage replacement or supplementation to jurors who serve on petit juries in civil or criminal trials litigation after the third day of jury service.

a. The court rules shall provide for the following:

1. The selection and appointment of an Administrator for the fund.

2. Procedures for the administration of the Fund, including payments of salaries of the Administrator and other necessary personnel.

3. Procedures for the accounting, auditing and investment of money in the Lengthy Trial Fund.

4. The highest court of the State shall report on the administration of the Lengthy Trial Fund in its annual report on the judicial branch, setting forth the money collected for and disbursed from the fund.

b. Each trial court in the State shall collect from each attorney who files a civil case, unless otherwise exempted under the provisions of this Section, a fee of [\$] per case to be paid into the Lengthy Trial Fund. A lawyer will be deemed to have "filed a case" at the time the first pleading or other filing on which an individual lawyer's name appears is submitted to the court for filing and opens a new case. All such fees shall be forwarded to the Administrator of the Lengthy Trial Fund for deposit.

c. Wage Replacement or Supplementation.

1. The court shall use the fees deposited in the Lengthy Trial Fund to pay wage replacement or supplementation to any petit juror in civil litigation serving on a civil or criminal trial otherwise eligible to be excused from service pursuant to Section 4(2)(c)(2) of this Act beginning on the fourth day of service. The amount paid from the Fund shall be no more than is needed to relieve such financial hardship and, in no event, may exceed [\$100] per day per juror.

2. The court shall use the fees deposited in the Lengthy Trial Fund to pay wage replacement or supplementation, not to exceed [\$300] per day, to any petit juror beginning on serving on a civil or criminal trial after the tenth day of service.

3. The court may, in its discretion, limit the amount of disbursements from the Lengthy Trial Fund based on the availability of financial resources.

d. Any juror who is serving or has served on a jury that qualifies for payment from the Lengthy Trial Fund, provided the service commenced on or after the effective date of this Act, may submit a request for payment from the Lengthy Trial Fund on a form that the Administrator provides. Payment shall be limited to the difference between the state paid jury fee and the actual amount of wages a juror earns, up to the maximum level payable, minus any amount the juror actually receives from the employer during the same time period.

1. The form shall disclose the juror's regular wages, the amount the employer will pay during the term of jury service, the amount of replacement or supplemental wages requested, and any other information the Administrator deems necessary for proper payment.

2. The juror also shall be required to submit verification from the employer as to the wage information provided to the Administrator, for example, the employee's most recent earnings statement or similar document, prior to initiation of payment

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from the Fund.

3. If an individual is self-employed or receives compensation other than wages, the individual may provide a sworn affidavit attesting to his or her approximate gross weekly income, together with such other information as the Administrator may require, in order to verify weekly income.

4. Documents submitted pursuant to this paragraph are not public records and shall not be disclosed to the general public.

e. The following attorneys and causes of action are exempt from payment of the Lengthy Trial Fund fee:

1. Government attorneys appearing in the course of their official duties;

2. Pro se litigants;

3. Cases in small claims court or the state equivalent thereof; or

4. Claims seeking social security disability determinations; individual veterans' compensation or disability determinations; recoupment actions for government backed educational loans or mortgages; child custody and support cases; actions brought in forma pauperis; and any other filings designated by rule that involve minimal use of court resources and that customarily are not afforded the opportunity for a trial by jury.

Section 7. Severability.

The provisions of this Act are severable. If any portion of this Act is declared unconstitutional or the application of any part of this Act to any person or circumstance is held invalid, the remaining portions of the Act and their applicability to any person or circumstance shall remain valid and enforceable.

Section 8. Effective Date.

[To be determined in accordance with state law.]

Did you know that Victor Schwartz--a lawyer who represents companies in product litigation--was the corporate co-chair in 2011?

Adopted by the Civil Justice Task Force at the States and Nation Policy Summit on December 14, 2002. Approved by the ALEC Board of Directors January, 2003.

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda--underwritten by global corporations--includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

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From CMD: This "model" legislation denominated as "jury patriotism" legislation attempts to remove the discretion of judges and court officers to allow a person called for jury duty to be excused based on a claim of hardship or to obtain an extension of postponement of jury service. It limits what counts as hardship and in some states may increase the criminal and civil penalties for an unexcused absence from jury duty. It also imposes costs for compensating jurors on plaintiffs' attorneys only, even if a corporate defendant unreasonably refuses to settle a personal injury claim, thus necessitating the filing of a lawsuit to obtain damages for an injured American. Jury duty is certainly a civic responsibility, but the evaluation of the circumstances for excusing a person from jury duty should be left to local officials and not dictated by corporate interests in broadening the pool of prospective jurors able and willing to serve this important function. Several states have adopted similar acts, such as Wisconsin (in Chapter 756 of the WI Statutes).