

Justice Depends On Jurors

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By: Judge Keith B. Levy, District Court Judge in Juneau.

Have you ever been called for jury duty in Haines? If so, there is a good chance that at some point during your year of jury service you reported to the courthouse for a trial only to be told that it had been called off or delayed at the last minute. And there is an equally good chance you've wondered how that could happen. As the judge presiding over most of the jury trials in Haines, I would like to offer an explanation of why your service is so important and why trials are postponed or cancelled at the last minute.

The right to trial by jury is embedded in both the Alaska and United States Constitutions. That right is exercised most often in criminal cases, where a person's liberty is at stake. But litigants in civil matters suing for money damages are also entitled to have their cases decided by a jury rather than a judge. The fundamental right to trial by jury is so important that the denial of that right was specifically mentioned in the Declaration of Independence as one of a "long train of abuses and usurpations" by the King of England.

Citizens like you who serve as jurors form the corner-stone of our democracy. The constitutional right to a trial by a jury of one's peers stands as a safeguard of our liberties. Serving on a jury is one of the greatest responsibilities and exercises of authority entrusted to a citizen in our country. Thomas Jefferson said, "I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution."

The judge, the district attorney, and the public defender serving Haines are all located in Juneau. Because the Juneau criminal caseload makes it impossible to plan travel to Haines throughout the month, we schedule most criminal jury trials during the first week of each month. A calendar call is held the week before trial, to enable the judge to determine which cases are actually ready to begin. If the lawyers for both sides say they are ready, Haines Magistrate John Hutchins sends a summons to a group of potential jurors telling them when to arrive at the courthouse.

Unfortunately, between the calendar call and the trial date, a number of things can happen resulting in the delay or cancellation of trial. For example, I

recently traveled to Haines in the morning for a trial that was set to start in the afternoon. After I arrived the parties advised me that the defendant had decided to accept a settlement proposal made by the prosecutor. Trials are also sometimes delayed at the last minute because of the unexpected illness or unavailability of a witness, lawyer, party, or judge. And of course trials can be delayed because the weather makes it impossible to get from Juneau to Haines on the day of the trial.

I am very aware of the inconvenience caused by having to serve on jury duty. People are understandably frustrated when they rearrange their lives, provide for day care, cancel their vacations, or take leave from work, only to be told the trial has been cancelled or delayed. The Alaska Court System does everything in its power to minimize the disruption caused by jury duty. Unfortunately, we cannot always prevent last minute delays. But all of us who work in the justice system recognize that your service is critical to the functioning of the courts and the preservation of individual liberties. I am grateful to each individual who has reported for jury service. Your open minds and willingness to serve despite the inconvenience are what make our system of justice work.