

[Return to regular web page](#)

This is a printer friendly version of an article from **The Detroit News**

To print this article open the file menu and choose Print.

July 6, 2007

**Opinion**

## Courts need help to impanel fairer juries

**Clifford W. Taylor**

*Jury: A group of twelve men who, having lied to the judge about their hearing, health and business engagements, have failed to fool him.*

-- H. L. Mencken

There's a popular "how-to" Web site that includes instructions on "How To Get Out of Jury Duty." I was dismayed, but not surprised, that there are actually online guides to avoiding jury duty. Many people look on jury service as a needless intrusion on their time.

It's understandable that people would be tempted to avoid jury service. But it is deeply unfortunate that so many actually do. Throughout Michigan, lack of response to jury questionnaires and jury summonses is a chronic problem. Earlier generations would be shocked if they knew how lightly we take this responsibility of citizenship.

The American Revolution was fought in part because British authorities prosecuted American colonists for revenue violations in admiralty courts without juries, rather than in common pleas courts where juries could have acquitted and freed protesters.

The founders guaranteed the right to a jury trial by enshrining that right in the Constitution. They understood that the jury was an essential element of American democracy, balancing the power of the state with the power of the community.

But not all members of the community were permitted to serve on juries. Far from it -- until the Civil War, all but one of the states effectively limited jury service to white men who were property owners or taxpayers. Minorities and women fought for inclusion on juries, recognizing that they could not be full citizens otherwise.

Today, we take our ability to serve on juries very much for granted. That is why the Michigan Supreme Court has declared July 2007 to be "Juror Appreciation Month" in Michigan. At the same time, the court is working towards practical reforms that will help jurors in the pursuit of truth. For the past year, the court has been studying jury reform proposals aimed at involving jurors more actively in the fact-finding process.

Potential changes include allowing the jury to request a view of a crime scene or other "material event" in a case. Other proposals concern jurors taking notes, asking questions of witnesses, and having "case notebooks" that include exhibits, jury instructions and other documents. The Supreme Court is now considering testing these possible reforms in pilot project courts.

I support the goal of having more representative juries and a larger pool of potential jurors.

Bills have recently been introduced in the state Legislature to expand the sources from which lists of jurors can be drawn, including registered voters and state taxpayers. Adjusting the laws may help; I hope so.

But we also need to adjust our attitude. We need to appreciate this precious right and duty for what it is: an essential part of democracy.

*Clifford W. Taylor is chief justice of Michigan.*

[Return to regular web page](#)