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# Improving the Jury System in Kansas: A Call for Jury Patriotism Legislation

Mark A. Behrens\* and Edward O. Gramling\*\*

A few years ago, the Kansas Supreme Court authorized the creation of a program known as The Kansas Citizens Justice Initiative (KCJI) to consider ways to improve Kansas' jury system. The KCJI Report concluded that "[j]uries are a key feature of American democracy. Almost unique in the world is the American practice of providing jury trials to determine guilt or innocence in criminal cases and to determine the facts in civil disputes. How well juries do their job is central to the success of the justice system."<sup>1</sup>

The KCJI's Report echoes an American tradition that embraces trial by jury as a fundamental right of a democratic people. In *The Federalist Papers*, the right to a jury trial was praised as a "valuable safeguard to liberty" and "the very palladium of free government."<sup>2</sup> A century and a half ago, national observer Alexis de Tocqueville wrote about the jury system's importance in preserving a free and democratic society.<sup>3</sup>

Recent national polls indicate that Americans continue to hold the jury system in high regard. According to an American Bar Association (ABA) opinion poll, 78 percent of the public rate our jury system as the fairest method of determining guilt or innocence; sixty-nine percent consider juries to be the most important part of the justice system.<sup>4</sup>

Yet, despite the strong support Americans have for the jury system, many in the public seek to avoid jury service at virtually every opportunity. According to an American Judicature Society study, on average, about twenty percent of those summoned to jury duty each year in state courts do not respond.<sup>5</sup> In at least one rural area, sheriffs' deputies were recently forced to round up people shopping in the local Wal-Mart to fill the jury box.<sup>6</sup>

Given this apparent conflict, it is important to consider why citizens have such negative feelings about jury service and to find ways to relieve their concerns. The American Legislative Exchange Council (ALEC), the nation's largest bipartisan organization of state legislators, has developed model legislation – the Jury Patriotism Act – that reflects on these issues and seeks to remove the barriers that frustrate jury service in Kansas and elsewhere.<sup>7</sup>

The Jury Patriotism Act finds support across the political spectrum. Just a few of its supporters include the Council of State Governments, the AFL-CIO, the National Black Chamber of Commerce, the National Association of Manufacturers, and the

National Association of Wholesaler-Distributors. Elected officials have responded to this broad-based support. Within months after its development, laws based on the model Jury Patriotism Act were enacted in Arizona, Louisiana, and Utah.<sup>8</sup>

This article highlights several key problems with the current jury system in Kansas. It then explains how the ALEC model act would address these issues. It concludes that jury service improvements legislation based on ALEC's model act should be enacted in Kansas.

## **I. WHY KANSANS AVOID JURY SERVICE**

### **A. Easy Ways Out**

Kansas law currently allows any juror to avoid service "for reasons of compelling personal hardship or because requiring service would be contrary to the public welfare, health or safety."<sup>9</sup> This language is so broad and ambiguous that it may exempt whole categories of people. For example, it has been reported that one Kansas county reads the "contrary to the public welfare, health or safety" clause as an automatic exemption for all physicians to opt out of service.<sup>10</sup> Anderson County interprets the clause to allow an exemption for all truck drivers.<sup>11</sup> Those called for jury duty, particularly professionals, may abuse the lax "personal hardship" or "public welfare, health or safety" standards to avoid their obligation to serve.

Kansas' porous hardship standards "not only reduce the inclusiveness and representativeness of a jury panel, but also place a disproportionate burden on those who are not exempt," most notably blue-collar workers and retired and unemployed citizens.<sup>12</sup> When some groups of people are regularly dismissed from jury service, others bear more than their fair share of the burden. The privileged should not be allowed to escape jury duty and leave those with less political or financial clout with the burden of service. As a report of the ABA Commission on the 21st Century Judiciary recently concluded: "Meaningful steps should be taken to ensure that every jury pool represents a fair cross-section of the community from which it is drawn."<sup>13</sup>

Furthermore, the absence of certain individuals from jury pools eliminates many important perspectives. A jury that lacks doctors or other professionals, or is disproportionately composed of the unemployed, may lack the collective knowledge of a more representative jury. It is also possible that this small slice of our society may not evaluate or properly weigh complex technical, scientific, or other evidence. Such jurors may even believe that their role is to transfer wealth and not render justice on the merits of the case.

Plaintiffs and defendants would all benefit from the diverse experience, values, and education of a truly representative jury.

## **B. The Length and Inflexibility of Jury Service**

Ask almost anyone why they want to avoid jury service and they will tell you it is a headache – jury service is inconvenient and the system is not very “user friendly.” In Kansas, citizens summoned for jury duty must be prepared to serve one term of court. Depending on where the prospective juror lives, this term can be rather lengthy. It is no wonder that some citizens cringe upon opening the jury summons, fearful of the possible disruption to their lives. Citizens have jobs that require their presence, children or other family members for whom they are responsible, travel plans that cannot be altered without penalty, and other commitments. Although some courts provide for a substantially shorter term, as in Sedgwick County where jurors are “on call” for a week, such terms still represent an interruption of personal, business, and family commitments.

The inconvenience of jury duty is exacerbated by the lack of flexibility provided to potential jurors. Summoned jurors are instructed to appear on a certain date and are not provided with an easy means of rescheduling their service should they have a conflict. Therefore, those summoned are left with three options: drop all other commitments during the allotted time, request that the court excuse them from service for hardship, or, if the other two alternatives are not available, ignore the jury summons.

## **C. Loss of Income**

Another major reason that people seek to avoid jury duty is the financial burden service may impose. Kansas pays jurors a ten dollar daily fee (plus reimbursement for mileage).<sup>14</sup> This amount may barely cover the cost of transportation, parking, and lunch.<sup>15</sup>

The ABA has recognized that “[f]ew persons making more than the minimum wage can afford [the] . . . sudden and involuntary cut in pay” imposed by jury service.<sup>16</sup> Likewise, an opinion survey of Kansas jurors authorized by the Kansas Supreme Court found that one out of three jurors in the lowest income bracket consider the economic loss associated with jury service to be a “hardship.”<sup>17</sup>

As a result, courts must excuse from service many laborers, salespersons, and parents with childcare expenses because of the economic hardship that they may suffer. Those who remain in the jury pool are primarily those who are not employed or whose employers will continue to pay their salary. Consequently, the basic democratic right to be tried by a jury of one’s peers may be largely illusory to many litigants. Non-diverse and unrepresentative juries may produce arbitrary results for plaintiffs, defendants, and prosecutors. Equally important, many people who would like to serve on a jury, and have both a right and obligation do so, are not, in practice, able to

participate.

The lack of available compensation may be particularly troublesome for jurors selected to serve on lengthy trials. Although somewhere between one-half and three-quarters of all trials conclude within three days, and very few cases extend beyond ten days, jurors who find themselves called to serve on the rare, lengthy trial may be subject to extreme financial hardship.<sup>18</sup>

Lack of adequate compensation for jurors has several unfortunate results. Some jurors may opt to simply not show up in court. Those with jobs who will lose their salary during jury service are likely to plead with the court to be excused, particularly when the trial is expected to last several days, weeks, or months. Individuals who are not excused from service may be forced to make an inequitable and unfair personal sacrifice.

#### **D. Lack of a Significant Penalty**

Research shows that a significant number of those who do not respond to jury summonses fail to do so because they have little fear of receiving a penalty, or believe that the penalty will be a mere "slap on the wrist." In Kansas, those who do not respond to a jury summons face a fine "not exceeding one hundred dollars (\$100)."<sup>19</sup> When the penalty for not showing up for jury service is comparable to driving above the posted speed limit, it is no wonder that so many people disregard their jury summons with impunity. Furthermore, courts have little resources with which to follow up on and penalize those who do not show. It is no secret that what is already a minimal fine rarely is imposed.

## **II. PROMOTING JURY SERVICE IN KANSAS**

There are many ways the jury system could be improved to make jury service a more pleasant experience for Kansans. The KCJI authorized by order of the Supreme Court of Kansas examined some of these issues. That Initiative was composed of a statewide cross-section of academicians, attorneys, and judges. In 1999, the Initiative submitted a report recommending jury service improvements in the state, such as more comfortable facilities and juror orientation videos.<sup>20</sup>

Some jury improvements can and should be implemented by courts. But, there are also certain measures that the Kansas legislature can and should take to safeguard the right to a representative jury. ALEC's model "Jury Patriotism Act" would promote jury service by alleviating the inconvenience and financial burden placed on those called to serve, while making it more difficult for people to escape from jury service

without showing true hardship. The model act would also lessen the burdens placed on citizens that render them unable to serve, or discourage their service on juries.

**A. Excuses Only for True Hardship**

The Jury Patriotism Act would repeal Kansas' vague language currently used as a ground by many to be excused from jury duty. Instead, the act would provide that a juror might be excused when jury service would result in an "undue or extreme physical or financial hardship." The act would limit the acceptable grounds for such hardship to three circumstances: (1) the impossibility of obtaining an appropriate substitute caregiver for a person under the prospective juror's personal care or supervision; (2) the incurring of 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 primary means of support; or (3) physical illness or disease. These grounds would more closely reflect true hardship and limit the opportunity for abuse.

The model act would also establish a procedure to make it more likely that the excuses will be strictly applied. Jurors would be required to provide the court with documentation supporting their request for an excuse. This minimal requirement would ensure that jurors are not inventing or exaggerating claimed hardships. The model legislation also places the responsibility for deciding all requested excuses with a judge, rather than a court clerk or other judicial employee. This practice might make people think twice about articulating a bogus hardship excuse.

**B. Jury Service Should be Made More Appealing**

ALEC's model act seeks to eliminate some of the headaches of jury service by making the jury system more "user friendly" to jurors and their employers.

**1. Jurors Should be Given an Easy Means to Reschedule Service**

Requiring all citizens to serve on juries, regardless of their importance or position, does not mean being disrespectful of their business or personal lives. Citizens summoned to jury duty should have the opportunity to postpone and reschedule their service to a more convenient date if necessary. An automatic postponement would reduce the incentive for professionals who have commitments to clients or patients, or others who have family responsibilities or vacation plans, to avoid jury service. The ABA has observed that such procedures "enabl[e] a broader spectrum of the community to serve as jurors."<sup>21</sup>

The Jury Patriotism Act would provide jurors with one automatic postponement of service for any purpose. This provision is unlike the current deferral procedure, which appears to apply only to busy businesspersons. Rather, it would apply to all people and may be used for any reason. The process for obtaining a postponement under the model act would be quick and easy. The summoned juror would simply contact the appropriate court official via telephone, electronic mail, or in writing. He or she would not have to provide any reason for the postponement – only a date on which he or she will appear for jury service within six months. Subsequent postponements would only be available in emergency situations.

ALEC's model act also provides a second type of postponement aimed at protecting small businesses. Currently, it is possible for more than one employee of a business to be called for jury service during the same period. Such a situation may be particularly hard on small businesses. For this reason, the model act requires courts to postpone and reschedule the jury service of a summoned juror if another employee of his or her business is already serving jury duty. This postponement would not count toward the one postponement extended to all jurors for any reason.

## **2. A Shorter Term of Service: One Day or One Trial**

A shorter term of service would also relieve some of the hardship placed upon jurors. Several Kansas courts, such as those in Shawnee and Johnson Counties, have adopted policies by which jurors are not required to spend more than one day at the courthouse unless they are selected to serve on a jury panel. This practice is known as the one-day/one-trial system; about 50 percent of all U.S. citizens live in jurisdictions that adhere to this system.<sup>22</sup> The Jury Patriotism Act would make the one-day/one-trial system the law throughout Kansas.

The one-day/one-trial system works. For example, by adopting this system New York reduced its statewide average term of service, previously over five days, to just 2.2 days – a decrease of more than 50 percent.<sup>23</sup> In Massachusetts, which has adopted the one-day/one-trial system, 85 percent of those who appear complete their jury service in just one day and 95 percent finish in three days.<sup>24</sup>

Jurors favor the one-day/one-trial term of service. In a study of juror attitudes, approximately 90 percent of 5500 jurors selected the one-day/one-trial system as preferable to a thirty-day term, and a majority would not object to being called again.<sup>25</sup> The one-day/one-trial system term also may vastly reduce the need for hardship excuses. One court found that requests for excusal after the adoption of the one-day/one-trial system dropped to almost one percent, and most of these requests were accommodated by the court's postponement policy.<sup>26</sup> It should be no surprise that the survey also revealed that the one-day/one-trial system increased positive attitudes about jury duty and about the justice system generally.<sup>27</sup>

Employers also like the one-day/one-trial approach because it means fewer days of employee absences from work for jury duty. Research by the California Judicial Council found that the majority of employees return to work the next business day after reporting for jury service under the one-day/one-trial system.<sup>28</sup> In announcing the adoption of the one-day/one-trial system throughout the California judiciary, Los Angeles Superior Court Presiding Judge James Bascue commented, "We know that one-day/one-trial is in the best interest of our employers and the communities we serve."<sup>29</sup>

In addition, implementation of a one-day/one-trial term of service could lead to fiscal savings for the state because the system is so efficient.<sup>30</sup> Rather than have a large number of jurors sitting around in a jury room for days on end, reading the newspaper and playing cards while collecting a juror fee, the one-day/one-trial method would bring in only the number of jurors that the court anticipates will be needed.<sup>31</sup>

Recently, the National Center for State Court's Best Practices Institute (NCSC) recognized the one-day/one-trial system as a particularly effective practice.<sup>32</sup> According to the NCSC, "no state court that has made the change to the shorter term of service has 'looked back' and returned to the former practice."<sup>33</sup> In fact, "every statewide jury reform task force report of the past decade has recommended adopting the change."<sup>34</sup> The one-day/one-trial approach should be adopted in Kansas.

### **3. Wage Supplementation or Replacement**

Ideally, the state would be able to provide greater compensation to jurors to relieve them of the financial hardship that can result from jury service. After all, jury service is a civic obligation. In these times of tight state budgets, however, significantly increasing the juror fee through payments out of the Commonwealth's treasury may not be a realistic option. Even as long ago as 1993, the ABA recognized generally that "raising juror fees to compensate citizens for their time at current wage levels would place a nearly impossible burden on many financially hard-pressed jurisdictions."<sup>35</sup> This observation is no less true today in Kansas.

ALEC's Jury Patriotism Act addresses this problem. It includes an innovative "Lengthy Trial Fund" to help relieve the burden on jurors serving on lengthy civil cases.<sup>36</sup> The model act would provide jurors who serve on civil trials lasting longer than three days with supplemental compensation (up to \$100 per day) if they would otherwise be excused from service due to financial hardship. In the rare case that a civil trial lasts ten days or more, jurors who are not fully compensated by their employers would be eligible to receive additional supplemental compensation from the fund (up to \$300 per day). A court administrator, hired by the judicial system and



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compensated by the fund, would manage the fund under rules and guidelines established by the state supreme court.

In order to qualify for payment, the juror would complete a form identifying the amount requested and provide the court with verification of his or her usual wage and how much the employer paid the employee during jury service. An individual who is self-employed or receives compensation other than wages would submit a sworn affidavit to the court attesting to his or her approximate gross weekly income and attaching supporting documentation.

The lengthy trial fund would be self-sustaining and not require any allocation of resources by the legislature. Rather, the fund would be financed through a minimal court filing fee – in essence, a small “user fee.” The fund is based on the premise that those who use and benefit from the jury system should help pay to finance it. The filing fee is not intended to be a barrier to the filing of lawsuits and would be the minimum amount necessary to fairly support jurors who serve on lengthy civil trials (e.g., four dollars). At roughly the cost of a Happy Meal at McDonald’s, the fee will not place any credible burden on lawyers or their clients. Furthermore, since the fee applies to anyone who files a civil suit, it is just as likely to be paid by a business suing another business as it is to be paid by a personal injury lawyer. The lengthy trial fund would lend considerable support to jurors serving on extended civil trials.

### **C. An Appropriate Penalty for No-Shows**

In light of the added flexibility, shorter term, and better protection of compensation during jury service, there should be consequences for those who still choose to ignore their civic duty. Jury service is an important obligation of citizenship. Criminal defendants rely on a representative jury to receive a fair trial. Parties in civil litigation also have a right to a representative jury. A person’s failure to appear in court not only damages the judicial system, but it may also impair the rights of litigants. Ignoring a jury summons is an offense more serious than driving a few miles over the posted speed limit. It should be dealt with accordingly.

ALEC’s Jury Patriotism Act would punish a summoned juror’s failure to appear in court as a misdemeanor. Under this provision, citizens who fail to appear for jury service could be criminally punished, a threat sufficient to cause them to pause before simply ignoring a jury summons. Other options include increasing the maximum fine, placing a hold on the driver’s licenses of no shows until they appear, or providing judges with discretion to require absentee jurors to perform community service.

**D. Protecting Employment Rights**

Kansas law prohibits employers from discharging employees who take time off of work to serve on a jury.<sup>37</sup> The Jury Patriotism Act provides even more protection for employees. It explicitly states that a business may not require its employees to use their annual vacation or sick leave time for jury service. Employees should not fear that by responding to a juror summons, they might be required to sacrifice their annual vacation. This provision is one reason why the AFL-CIO supports the model act.

**III. CONCLUSION**

Kansans continue to overwhelmingly support the jury system. Yet, many people fail to appear for jury duty when summoned or strive to get out of jury duty once they enter the courthouse. Few of these individuals lack a sense of civic duty. Rather, they are discouraged from jury service by the hardship and headache imposed by a system that does not provide adequate financial compensation, leaves little or no flexibility, and may place a severe inconvenience on their lives. Moreover, the current occupational exemptions and standard for an excuse from service provide many people with an easy means of escape from jury service.

The Jury Patriotism Act developed by the American Legislative Exchange Council would break down each of the barriers that frustrate jury service in Kansas. Jurors would spend less frustrating and boring time in a courthouse waiting room with a one-day/one-trial system, and would not have to suspend their lives waiting "on call" for days on end. They also would receive better compensation through a court-administered "lengthy trial fund" financed by private litigants. Through these reforms, Kansans, regardless of income or occupation, will be expected and better able to fulfill their patriotic duty to serve on a jury.

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**Notes**

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1. Louis University Law School in 1999, where he served on the *Saint Louis University Law Journal*. See KANSAS CITIZENS JUSTICE INITIATIVE DRAFT FINAL REPORT, available at <http://www.kscourts.org/kcji/draft/intro.htm> (last visited Mar. 26, 2003) [hereinafter KAN. CITIZENS JUSTICE INITIATIVE REP.]. The jury reform recommendation can be found at <http://www.kscourts.org/kcji/draft/ratrec20.htm> (last visited March 20, 2003). The Initiative was authorized by the Kansas Supreme Court on June 3, 1997, and met over the course of the next two years until it set forth its recommendations on May 4, 1999.
2. THE FEDERALIST PAPERS, No. 83 (Alexander Hamilton).
3. See 1 ALEXIS DE TOCQUEVILLE, DEMOCRACY IN AMERICA 284-85 (J.P. Mayer ed., 1975) (“The jury, and more especially the civil jury, serves to communicate the spirit of judges to the minds of all the citizens; and this spirit, with the habits which attend it, is the soundest preparation for free institutions. It imbues all classes with a respect for the thing judged and with the notion of right. If these two elements be removed, the love of independence becomes a mere destructive passion. It teaches men to practice equity; every man learns to judge his neighbor as he would himself be judged. . . . By obliging men to turn their own attention to other affairs than their own, it rubs off that private selfishness which is the rust of society.”).
4. See AM. BAR ASS’N, PERCEPTIONS OF THE U.S. JUSTICE SYSTEM 6-7 (1998), available at <http://www.abanet.org/media/perception/perceptions.pdf> (last visited Mar. 18, 2003).
5. See ROBERT G. BOATRIGHT, IMPROVING CITIZEN RESPONSE TO JURY SUMMONSES: A REPORT WITH RECOMMENDATIONS 13 (Am. Judicature Soc’y 1998). Others have estimated that as many as two-thirds of the approximately 15 million Americans summoned to jury service each year fail to report for jury duty. See David Schneider, *Jury Deliberations and the Need for Jury Reform: An Outsider’s View*, 36 JUDGES’ J., no. 4, at 25 (Fall 1997).
6. See Amy Merrick, *When the Jury Box Runs Low, Deputies Hit Wal-Mart: Personal Summonses Get Job Done When Mail Doesn’t; Out for Milk, Off to Court*, WALL ST. J., Aug. 20, 2002, at A1, available at 2002 WL 3403962 (reporting on jury summonses for traffic court being served on 55 shoppers in a Shelby, North Carolina, Wal-Mart Supercenter).
7. See Victor E. Schwartz et al., *The Jury Patriotism Act: Making Jury Service More Appealing and Rewarding to Citizens*, THE STATE FACTOR (Am. Legis. Exch. Council, Apr. 2003), available at <http://www.alec.org/meSWFiles/pdf/0309.pdf> (last visited Oct. 23, 2003).
8. See H.B. 2520, 46th Leg., 1st Reg. Sess. (Ariz. 2003) (signed by Gov. Janet Napolitano on May 12, 2003); H.B. 324, Gen. Sess. (Utah 2003) (signed by Gov. Michael Leavitt on Mar. 17, 2003); H.B. 2008 (La. 2003) (signed by Gov. Mike Foster on June 27, 2003). Legislation based on the ALEC model act was introduced in Kansas in 2004. See Kan. H.B. 2846 (Kan. 2004). Such legislation also awaits the Governor’s signature in Colorado. See H.B. 1159, Reg. Sess. (Colo. 2004).
9. See Kan. Stat. Ann. § 43-155 (2002).
10. See John Hanna, *Legislature may Excuse Doctors from Jury Duty*, TOPEKA CAPITAL-J., Aug. 8, 1999, at 4E, available at [http://www.cjonline.com/stories/080899/cyb\\_docsjuryduty.shtml](http://www.cjonline.com/stories/080899/cyb_docsjuryduty.shtml) (last visited Sept. 17, 2003).
11. The authors learned of this exemption via a direct telephone discussion with one of Anderson County’s clerks on March 28, 2003.
12. AM. BAR ASS’N, STANDARDS RELATING TO JUROR USE & MANAGEMENT 51 (1993) [hereinafter

- ABA STANDARDS].
13. AM. BAR ASS'N, REPORT OF THE ABA COMMISSION ON THE 21ST CENTURY JUDICIARY 87 (Mar. 2003) (draft report).
  14. *See* Kan. Stat. Ann. § 43-171 (2002).
  15. Kansas law provides that employers may not discharge or threaten to discharge *permanent* employees due to jury duty, but businesses are not required to pay their employees during any period of jury service. *See* Kan. Stat. Ann. § 43-173 (2002).
  16. *See* ABA STANDARDS, *supra* note 12, at 133-34 (quoting JON VAN DYKE, JURY SELECTION PROCEDURES: OUR UNCERTAIN COMMITMENT TO REPRESENTATIVE PANELS 112 (1977)).
  17. *See* Dr. Steven Cann & Michael Kaye, *Report to the Honorable Kay McFarland Chief Justice of the Kansas Supreme Court on "Juror Satisfaction With the Kansas Court System,"* at 17.
  18. *See* ADMIN. OFFICE OF THE U.S. COURTS, JUDICIAL BUSINESS OF THE U.S. COURTS 166, tbl. C-8 (2001), available at <http://www.uscourts.gov/judbus2001/contents.html> (finding that 75 percent of all civil and criminal trials in the federal courts were completed within three days and four percent extended beyond nine days during the 12-month period ending Sept. 30, 2001); U.S. DEP'T OF JUSTICE, BUREAU OF JUSTICE STATISTICS, CIVIL TRIAL CASES AND VERDICTS IN LARGE COUNTIES, 1996, at 13 (1999), available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/ctcvlc96.pdf> (finding that the median number of days in jury trials in the nation's 75 largest counties was three days).
  19. *See* Kan. Stat. Ann. § 43-165 (2002).
  20. *See* KAN. CITIZENS JUSTICE INITIATIVE REP., *supra* note 1 (citing THE D.C. JURY PROJECT).
  21. ABA STANDARDS, *supra*, note 12, at 51.
  22. *See* Nat'l Center for State Courts, Best Practices Inst., *Jury Administration and Management: Term of Service*, at [http://www.ncsconline.org/Projects\\_Initiatives/BPI/JuryAdminManage.htm](http://www.ncsconline.org/Projects_Initiatives/BPI/JuryAdminManage.htm) (last visited Sept. 16, 2003) [hereinafter *Best Practices*].
  23. *See* N.Y. STATE UNIFIED COURT SYSTEM, CONTINUING JURY REFORM IN NEW YORK STATE 12 (2001), available at <http://www.courts.state.ny.us/juryreform.pdf> (last visited Mar. 18, 2003).
  24. *See* Office of Jury Commissioner for the Commonwealth, *Introduction*, <http://www.state.ma.us/courts/jury/introduc.htm> (last visited Sept. 16, 2003).
  25. *See* David E. Kasunic, *One Day/One Trial: A Major Improvement in the Jury System*, 67 JUDICATURE, Aug. 1983, at 81 (citing a 1976 study of juror attitudes conduct by a professor with a specialty in statistics and sociology).
  26. *See id.* at 81-82.
  27. *See id.* at 81.
  28. *See* Don Wolfe, *Employers: Support Jury Service or Stop Complaining*, SILICON VALLEY / SAN JOSE BUS. J. (July 5, 2002) available at <http://sanjose.bizjournals.com/sanjose/stories/2002/07/08/editorial3.html>.
  29. Judicial Council of California, News Release No. 45, *One-Day or One-Trial Rule Now in Effect Throughout California* (June 10, 2002) available at <http://www.courtinfo.ca.gov/presscenter/newsreleases/NR45-02.HTM>.
  30. *See* Kasunic, *supra* note 25, at 82.
  31. *See id.* at 82-83; *see also* *Best Practices*, *supra* note 22 (stating that "[a]lthough the direct costs of summoning so many more people adds to the budget, jurisdictions that have adopted this practice have also realized offsetting cost savings by making other changes to their jury management

- systems and juror compensation schemes.”).
32. *See Best Practices, supra* note 22.
  33. *Id.* (emphasis in original).
  34. *Id.* (emphasis in original).
  35. ABA STANDARDS, *supra* note 12, at 134.
  36. The ALEC model act does not provide wage replacement or supplementation for jurors selected for criminal trials. Nevertheless, states might consider providing special compensation to jurors in lengthy criminal trials. *See* H.B. 2520, 46th Leg., 1st Reg. Sess. (Ariz. 2003) (enacted) (applies to civil and criminal petit juries); H.B. 2008 (La. 2003) (enacted) (lengthy trial fund applies to civil cases and criminal cases in which conviction carries a sentence of 20 years or more at hard labor).
  37. *See* Kan. Stat. Ann. § 43-173 (2002).