

Answers to Your Questions About

Your Colorado Jury System



Excellence

In

Customer Service

Colorado Judicial Branch

<http://www.courts.state.co.us>

April 2000

Introduction

This pamphlet provides basic information for prospective jurors and employers about the Colorado Jury System. About 95 percent of all jury trials in the world take place in the United States. The jury system is a very important part of the court process in Colorado. The opportunity to serve on a jury allows you to become better informed about your courts and the law. Citizens who serve as jurors usually feel a sense of pride and respect for our system of justice.

Since 1990, Colorado law has made jury service more convenient by using a one day/one trial system. This means that, in a 12-month period, persons summoned for jury service must serve only one day or, if selected for a trial, for the length of that trial. In addition, the Judicial Branch has been working to further reform the jury system. Changes are being made that are designed to ensure that jurors are treated with appropriate respect and courtesy, improve the quality of the jury decision-making process, and increase the overall efficiency of the system. Some of these significant reforms include:

- Respecting the use of the juror's time.
- Respecting the personal privacy of jurors.
- Reducing the burden of jury service.
- Expanding the composition of the jury pool.
- Permitting juror questions, note taking, and discussion.
- Communicating with jurors in plain English.

The legal information contained in this pamphlet is from §§ 13-71-101 through 13-71-145, Colorado Revised Statutes (C.R.S.).

Frequently Asked Questions

What are the legal qualifications for jury service?

- You must be 18 years of age or older.
- You must live in the county or municipality that summoned you.
- You must be a United States citizen.
- You must read, speak, and understand English.
- You must not have served on a jury for five or more days in the past 12 months.
- You must not be solely responsible for the daily care of a permanently disabled person living in your home.
- You must not have a physical or mental disability that would prevent your ability to serve as a juror.

If you do not qualify to serve because of any of the reasons listed above, you should discuss your situation with the jury commissioner. You may be required to provide written proof of disqualification. By law, there are no economic, age-related, or occupational exclusions from jury service.

How was I chosen for jury service?

Each year, the Judicial Branch receives lists of all registered voters and all holders of driver's licenses and non-driver identification cards throughout the state. The lists are merged, duplicates and names of deceased citizens are removed, and the resulting list is divided by county location. Throughout the year, each county requests a certain number of names, based on the number of trials scheduled, which are randomly selected from the list.

Why do I receive summonses year after year, when other people don't?

Since the summons process is random, there is no easy explanation to this question. Each name goes into the system with a different random number attached to it each year. In some counties with small populations, almost every qualified citizen will be called for jury service each year due to the number of jury trials requested. While some citizens may receive more frequent jury summonses, service is for only one day or the length of one trial. This is a big improvement over prior years, when citizens were on call for weeks and even months at a time.

What if I have other commitments for the date I'm supposed to appear?

Call the jury commissioner's number listed on your summons. Your jury service can be postponed to a date that is more suitable for you.

What is the "one day/one trial" system?

The "one day/one trial" system has been in effect since 1990 and describes the length of service required for trial jurors. Grand jurors serve a term of twelve months. "One day/one trial" means that any person who is summoned and appears for service may be released from further service unless that person is assigned to a particular trial. When a juror is assigned to a trial, the length of jury service will be for the duration of that trial. In Colorado, the average length of a trial is three days.

How are jurors assigned to trials?

Before a trial begins, jurors may be required to complete questionnaires, which provide information relevant to jury service. The attorneys in the case will review this information prior to jury selection. When the jurors arrive in the courtroom, the judge will provide some initial instructions and the attorneys will ask additional questions of each juror. Each side in the case may ask the court to excuse any juror for a specific cause. Each side is also allotted a certain number of "peremptory" or discretionary challenges for which a cause need not be given. However, the law does not permit these challenges to be made in a discriminatory manner.

Who will pay me for serving as a juror?

If you have a regular job, your employer must pay you for the first three days of jury service. If you are self-employed, you must compensate yourself for the first three days. Unemployed persons may apply for reimbursement of certain expenses during the first three days. After the third day, all jurors receive \$50 per day from the state. There are provisions for special hardships and certain expenses; please discuss these with the jury commissioner.

Can I lose my job if I serve as a juror?

State law protects a juror's job. Section 13-71-134, C.R.S. says, "*An employer shall not threaten, coerce, or discharge an employee for reporting for juror service as summoned.*"

What if my employer doesn't want to pay me for the first three days of service?

Your employer has a duty under state law (§ 13-71-126, C.R.S.) to pay regular wages up to \$50 per day if you are regularly employed. Employers may pay more than \$50 by mutual agreement. If you are a part-time or temporary worker and have worked for the same employer for three months or more, then you are a regular employee. You may sue an employer who fails to pay you for jury service.

Information for Employers

(Excerpted from Article 71, Title 13 of the Colorado Revised Statutes)

13-71-126, C.R.S.: Compensation of employed jurors during first three days of service.

All regularly employed trial or grand jurors shall be paid regular wages, but not to exceed \$50 per day unless by mutual agreement between the employee and employer, by their employers for the first three days of juror service or any part thereof. Regular employment shall include part-time, temporary, and casual employment if the employment hours may be determined by a schedule, custom, or practice established during the three-month period preceding the juror's term of service.

13-71-127, C.R.S.: Financial hardship of employer or self-employed juror. The court shall excuse an employer or a self-employed juror from the duty of compensation for trial or grand juror service upon a finding that it would cause financial hardship. When such a finding is made, a juror shall receive reasonable compensation in lieu of wages from the state for the first three days of juror service or any part thereof. Such award shall not exceed \$50 per day of juror service. A court hearing on an employer's extreme financial hardship shall occur no later than thirty days after the tender of the juror service certificate to the employer. The request for a court hearing shall be made in writing to the jury commissioner. (Note: the employer must request the hearing no later than five days after receiving the employee's certificate.)

13-71-133, C.R.S.: Enforcement of employer's duty to compensate jurors. Any employer who fails to compensate an employed juror under applicable provisions of this article and who has not been excused from such duty of compensation shall be liable to the employed juror. If the employer fails to compensate a juror within thirty days after tender of the juror service certificate, the juror may commence a civil action in any court having jurisdiction over the parties. Extreme financial hardship on the part of the employer shall not be a defense to such an action. The court may award treble damages and reasonable attorney fees to the juror upon a finding of willful misconduct by the employer.

13-71-134, C.R.S.: Penalties and enforcement remedies for harassment by employer.

(1) An employer shall not deprive an employed juror of employment or any incidents or benefits thereof, nor shall an employer harass, threaten, or coerce an employee because the employee receives a juror summons, responds thereto, performs any obligation or election of juror service as a trial or grand juror, or exercises any right under any section of this article. An employer shall make no demands upon any employed juror which will substantially interfere with the effective performance of juror service. The employed juror may commence a civil action for such damages or injunctive relief or both, as may be appropriate, for a violation of this section. The court may award treble damages and reasonable attorney fees to the juror upon a finding of willful misconduct by the employer. Any trial of such an action shall be to the court without a jury. (2) Any employer who willfully violates this section commits willful harassment of a juror by an employer, as defined in Section 18-8-614, C.R.S., which is a class 2 misdemeanor punishable as provided in Section 18-1-106, C.R.S.

Further Information

If you need more information or wish to discuss your status for jury service, please call the jury commissioner for your county. You will find the telephone number on your jury summons. If you have other questions about the Colorado jury system, please contact:

**Office of the State Court
Administrator**

*Court Services Division, Jury Administration
1301 Pennsylvania St., Suite 300
Denver, CO 80203
Telephone: (303) 837-3677
FAX: (303) 837-2340*

or click on the "Juror Information Center" at www.courts.state.co.us