

The American Jury: We the People in Action  
Law Day Ceremony  
Court of Appeals  
April 29, 2005  
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Good afternoon, fellow jurors, and welcome to our Law Day celebration. All across the nation Americans are celebrating Law Day, as they have every May 1 for nearly half a century, since this special day was first conceived by the American Bar Association back in 1958. It's my favorite day.

Originally intended as this country's counterpart to the Soviet Union's display of military might on May Day, Law Day for us is an occasion for rededication to the strength of this great nation, the rule of law. It's a reminder of the need for constant attention to the goal of providing a full measure of justice to all our people.

The ABA every year chooses the nationwide theme for Law Day. And this year's theme is especially dear to my heart--"The American Jury: We the People in Action." The ABA has also suggested that, this year, the festivities be extended a full week, through May 6, and we are pleased to oblige. Personally, I'm for continuing the celebration of jurors every day, all year long.

Putting a spotlight on the jury is a terrific Law Day theme: it reaches far back into history yet remains vital today. Our founders viewed the right to trial by jury as essential to the protection of liberty--an "anchor by which government can be held to the principles of its Constitution." And indeed, throughout America's history to this very day, juries have been a bedrock of our justice system, and a unique opportunity for every citizen to come into the courts as a participant in the Third Branch of government.

Each year, we bring about 650,000 New Yorkers into our courthouses as jurors, to assist in the delivery of justice. This is not only an exercise in citizenship for each of them, it's also hopefully a positive, educational, edifying, even enjoyable, experience that fortifies their trust and confidence in the courts. Jury service has led to lifetime friendships--even marriages. It's inspired jurors to change careers to study law. A lawyer-friend I spoke to the other day--general counsel of a major corporation--told me that her recent jury service was among the great experiences of her life. Would that we could multiply that verdict by 650,000 every year!

Regrettably, however, many members of the public are uninformed about our prized jury system. They know neither its proud history nor its vital role today. For too many people a

jury summons ranks just above a tax audit or root canal. They exclude themselves from service, believing negative images from the world of entertainment, or fearing unwelcome interruption of their lives. Then too, the unusual circumstances of a few media marathons eclipse the reality of jury service in the cases tried every day. That's unfortunate. When more people are there to serve, the burden is lighter for everyone, and the array of potential jurors more diverse, as it should be. In the end, "it isn't fair if you're not there." That's the simple truth. The system only works when everyone does their part.

So getting the word out to the public about juries is a big part of our Law Day celebration. We need to encourage more people to "seize the power," to take the opportunity to "think inside the box"--the jury box, that is. As part of spreading the word during our own Juror Appreciation activities, Mark Zauderer, Chair of the Jury Commission, has arranged for town meetings across the State--one right here in our courthouse following this ceremony; next week in Syracuse, Buffalo, Manhattan and Central Islip. These will be lively, enlightening exchanges with students, judges, court staff and former jurors about jury service and the jury system.

In that same vein, throughout New York State, courts, bar associations and community organizations will be sponsoring all

sorts of Law Day and juror appreciation events. Many will be giving out tokens of appreciation, like the bookmarks about jury service and gavel key chains. There'll be a flood of radio announcements promoting jury service all through next week, and posters featuring Harrison Ford in his role as a former juror on display at major airports. These are just a few of the small ways we will be reaching out to the public, both to raise awareness about jury service and to tell jurors that we genuinely appreciate what they do.

But our Law Day celebration has a second aspect. It's a two-part deal. We, the court insiders, need and expect the public to honor its responsibility to serve. We in turn must honor our own responsibility to make their jury experience a good one. Always, jurors' time should be valued and respected, proceedings made efficient and understandable, and facilities kept adequate and clean. So the second part of this Law Day celebration is our own renewal of that pledge to the public. We too must seize an opportunity, and that is an opportunity, to earn public trust and confidence by our conduct of the jury system.

Indeed, over the past decade, a spirit of jury reform has swept the corridors of courthouses throughout the nation. In New York State, we began a serious reform program more than a

decade ago, and we continue to work hard at it every day. Juror facilities have been upgraded, compensation increased, the term of service shortened, automatic sequestration abolished, and the period between jury calls lengthened. One-day-or-one-trial has become the norm in many counties, serving both juror and employer convenience.

We've expanded source lists to bring more people into the pool--New York uses the broadest array in the country for jury calls. Automatic exemptions have been abolished, so that now everyone can serve, including lawyers, judges and, yes, even Presiding Justices and Chief Judges. Indeed, it remains an unfulfilled objective of this Chief Judge to be selected as a juror. Presiding Justice Cardona has already achieved that distinction.

But pleased as we are with what has been accomplished to date in New York, our work is far from over. The fact is, as jury reform has swept the nation, there has been a great deal of scholarly attention paid to the subject and a great deal of experimentation within the states. Many, many new ideas have emerged, and been tested elsewhere, to promote better utilization of court time and greater comprehension for jurors--in short, to improve the experience for everyone. It is, after all, true in this modern age of technology and communications, we listen

differently, and we learn differently. The public brings new expectations into jury rooms. We have to know them and meet them.

On Law Day, we recommit ourselves to continuing the spirit of reform--we owe that to the public--so that our prized jury system remains true to its historic objectives, while serving the needs and expectations of modern-day society.

I conclude by coming full circle to my opening thought. We have the perfect Law Day theme, don't we?--"The American Jury: We the People in Action." By focus on the jury, we reflect on the history of this great democracy; on the vision and values of our founders, most especially the right to trial by jury; on the unique privileges and responsibilities we have as beneficiaries of the American justice system; and on the cherished trust we in the courts and the bar have as guardians of the rule of law.