

JURY DUTY IN NEW HAMPSHIRE

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Many years ago, I used to receive calls from clients, friends, and acquaintances asking how on earth they could get out of, or postpone serving on jury duty. As a younger lawyer, eager to please all who called me, I was willing to try to help them find a way to postpone their obligations until a later date. Sometimes I was able to help them, and sometimes I was not. Today, I have a very different perspective on this situation, as jury duty is something that should be embraced by all responsible people as one the most important obligations we have as individuals. If you are a registered voter or the holder of a valid New Hampshire driver's license, sooner or later, you will be selected to participate.

Until your fate is placed in the hands of twelve complete strangers, you cannot appreciate how frightening the judicial system is. "How can they possibly understand these complicated issues?" one might ask. "How will they know what to award me for all of my pain and suffering?" another might wonder. Lawyers must educate the jury by presentation of evidence in a way that allows the jury to understand information they might not otherwise comprehend. If the question is whether the doctor committed medical malpractice, or whether there was negligence which caused a serious car accident, or what amount of damages are adequate to compensate an injured person, jurors must bring an open mind to the courthouse as well as their life experiences, and then use those experiences as tools to fairly decide the issues at hand.

In years past, certain professions were exempt from participating as jurors. Today, very few exemptions exist for people to avoid fulfilling their obligations to the court, and that is a good thing. Even lawyers, who were once excused from serving, are now being called to serve on a regular basis. There are other concerns which have been expressed by the parties, lawyers and the court. How would you feel if you walked into court for your big day of trial and the jury panel consisted of several people in cut off shorts and tee-shirts with some colorful sayings printed on them expressing dissatisfaction with life? This has happened on many occasions in courts within the state, and all parties involved in the trial of the case are normally concerned with that type of juror. Judges have, on occasion, sent these folks home to come back with appropriate clothing, and on other occasions, have simply dismissed them from the jury panel, probably believing that they do not have the proper understanding of the importance of the judicial process.

For the most part, however, citizens come to court, and learn from the general instructions given by the court, that the constitution mandates their presence in court, and without jurors, the court system could not survive. The creature comforts around the courthouse could be a little bit better for the jurors, the pay could certainly improve, and better food would probably improve overall spirit when they are required to sit for long periods of time. However, these are matters which would be more appropriately dealt with by the Legislature.

Despite these obstacles, our selected jurors take their work very seriously, and are very conscientious in their deliberations. This participation in the legal system is one of the great privileges we have in our country, and I would urge all citizens to embrace the opportunity.