

## Avoiding jury duty no longer an option

Judge getting tough with slacker citizens

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A Big Island judge has been cracking down on deadbeat jurors who don't bother showing up for court.

Circuit Judge Ronald Ibarra, whose courtroom is in Kona, said he's been doing it out of fairness to the people who do report for service.

"Jury duty is an important, significant responsibility of every United States citizen in the community," Ibarra said. "The jury system is the foundation of every democracy."

Ibarra said 30 percent of jurors summoned to his courtroom for jury selection don't appear in court. "It's why I have to take action," he said.

People who don't show face community service or arrest for contempt of court, depending on the circumstances.

One of the biggest complaints from prospective jurors is that Hilo residents often get summoned to court in Kona and vice versa.

Ibarra said jurors are required to make the long drive because state law requires that a jury be selected from the same circuit as the defendant. The entire Big Island comprises the Third Circuit and is not divided into separate judicial districts, he said.

The state judiciary collects names of prospective jurors from driver's licenses, state taxes and voting rolls, and then sends out juror qualification questionnaires. The form says failure to respond within 10 days may result in a penalty.

A person who is not a U.S. citizen or a Hawaii resident, is under 21, has been convicted of a felony or is unable to speak English is automatically disqualified.

Others are entitled to an exemption but may choose to serve anyway. Those include lawyers, elected officials, heads of executive government departments, clergy, doctors, dentists, police officers, firefighters, active members of the armed forces and persons who served as jurors within a year of filling out the form.

The judiciary randomly selects names from the eligible list. Each name selected is assigned to a panel of 18. In Ibarra's court, the jurors on the next panel in rotation are instructed to call a recorded message after 5 p.m. on a given Friday.

If the message tells them to report to court, they are then subject to another random drawing followed by questioning by the judge and lawyers to determine if they can be fair.

In many cases, the telephone message simply instructs the person to call back the following Friday. After the fourth week, the citizen is considered to have served and won't be selected again at least for the rest of the year.

During this phase, a prospective juror may still ask for an excuse for a personal hardship. That means "not hardship to your boss, but to you," Ibarra said.

The judge receives letters regularly with requests to be dismissed from service. "I review every one of them," he

said. He then either excuses the person or denies the excuse. The names of those not excused remain on a roster. "We expect all the names on the roster to show up," Ibarra said.

Once in court, prospective jurors have another chance to explain why serving will be a hardship.

If they just don't show up, however, the court sends a letter saying "your absence was noted" and asks them to write back and explain why they failed to report, Ibarra said.

In many cases, the judge then requires the person to explain in court or over the phone during an official court proceeding why they didn't appear for jury duty.

The ones who don't make the court date face a bench warrant for contempt of court.

Those who do comply often volunteer to do some form of community service as a consequence for ignoring the jury summons.

Over the past two months, Ibarra has begun giving recalcitrant jurors the option of writing letters to three Big Island newspapers to explain the importance of jury duty. In other cases, he has suggested that employees write such letters to the human resources department at their workplace or that business owners display posters explaining the virtues of jury service, Ibarra said.

He said the state doesn't prosecute for contempt of court if the citizen completes the community service or writes the letter.

Judiciary spokeswoman Marsha Kitagawa said the judiciary and the Hawaii State Bar Association are planning a juror appreciation week in May to stress the importance of service.

According to Ibarra, a juror has more power over a defendant's fate than any elected government official.

"They have the final say," he said, "on whether a person should go free or not."

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