

PHOENIX REPUBLIC

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Jurors play a vital role in our justice system

This Thanksgiving weekend, let's take a moment to recognize the contribution we make to our democracy by performing jury duty. While it may seem strange to accept thanks for compulsory public service, we shouldn't overlook jurors' vital involvement in preserving our justice system.



FRANK J. CONTI

Legal rights are understood as personal. We don't think about them until we're involved in litigation or subpoenaed to appear in court as a witness. But when someone exercises their constitutional right to a trial by jury it triggers a corresponding obligation for the rest of us. We must step away from our daily lives to ensure that a jury of the defendant's peers is provided.

Recently I presided over a jury trial in a DUI case. The issues were technical, focused on the breathalyzer machine used by the Department of Public Safety, and the intricate law regard-



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ing admission of evidence. More than five hours of pretrial-motion hearings were conducted to resolve these thorny legal questions.

Jury selection went smoothly. The 24 citizens who responded to their summons that Friday morning were whittled to seven — six jurors and an alternate.

Once the trial started the lawyers resumed their fierce battle over what evidence the jury should hear. Numerous objections were made, prompting a never-ending series of sidebars to dis-

MY TURN

cuss issues out of the panel's ear-shot.

As the trial lurched forward it became obvious that finishing in one day would be impossible. The state's first witness was the arresting DPS officer. The prosecutor was methodical in her questioning. The defense lawyer thoroughly cross-examined on every minute detail.

At day's end the state still hadn't started redirect examination. Somehow the jury had remained conscious.

At 5 p.m. I alerted the jury that I had good news and bad news. We were done for the day, but the seven-member panel would have to come back bright and early Monday morning.

When they returned from their weekend they were greeted with coffee, an assortment of doughnuts and muffins, and the morning paper. These insignificant creature comforts could scarcely compensate them for their time, the most precious commodity on Earth. But despite the bother all seven were cheerful, polite and eager to get

back on the case.

The law permits jurors to pose written questions to witnesses so long as they survive objection. Juror interest is directly related to the number of questions asked, and this jury asked plenty.

Monday brought the state's plodding redirect of the officer, one expert witness per side, and the defendant to the stand, with no reduction in testy objections and sidebars.

Finally at 2:30 p.m. the exhausted jurors were sent to deliberate. They labored for four hours, long after the building had closed for the night, and reached a verdict that both counsel found just. As did the judge.

So next time you get called for jury duty, take a moment to thank yourself for being a good citizen. Your friendly neighborhood justice of the peace will likely do the same.

Frank J. Conti is justice of the peace for the Dreamy Draw Justice Court, which serves northeast Phoenix and parts of Paradise Valley and Scottsdale. He can be reached at frank@contiforjustice.com.