

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2383

2001 SENATE JUDICIARY

SB 2383

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2383

Senate Judiciary Committee

☐ Conference Committee

Hearing Date February 5th, 2001

Tape Number	Side A	Side B	Meter #
1		x	14.1-27.8
3	x		2.5-4.9
Committee Clerk Signature			

Minutes: **Senator Traynor** opened the hearing on SB 2383: A BILL FOR AN ACT TO AMEND AND REENACT SECTION 27-09.1-14 OF THE NORTH DAKOTA CENTURY CODE, RELATING TO THE COMPENSATION OF JURORS.

**Jim Ganje**, submits testimony on behalf of Judge Christofferson. (testimony attached) There are a variety of practices on jury duty. Senior citizens will do it out of duty, whereas younger generation needs to be more motivated.

**Senator Traynor**, why is the first day less than the subsequent days?

**Jim Ganje**, quite frankly, money.

**Senator Traynor**, how much more?

**Jim Ganje**, double the fiscal note.

**Senator Dever**, are jurors reluctant to serve because of money.

**Jim Ganje**, it is becoming a problem.

**Senator Dever**, why do they pay ten dollars for a corners inquest?

Page 2

Senate Judiciary Committee

Bill/Resolution Number SB 2383

Hearing Date February 5th, 2001

**Jim Ganje**, that is the counties expense.

**Christine Hogan**, representing the State Bar Association of ND, testifies in favor of SB 2383.

(testimony attached)

**Senator Dever**, is there anything that would prohibit the amendment?

**Christine Hogan**, no.

**Senator Trenbeath**, having this in law would allow district court to say you will be paid this amount.

**Senator Traynor** closed the hearing on SB 2383.

**SENATOR WATNE MOTIONED TO DO PASS, SECONDED BY SENATOR NELSON.**

**VOTED INDICATED 6 YEAS, 0 NAYS AND 1 ABSENT AND NOT VOTING.**

**SENATOR TRAYNOR VOLUNTEERED TO CARRY THE BILL.**

**FISCAL NOTE**  
Requested by Legislative Council  
01/29/2001

Bill/Resolution No.: SB 2383

Amendment to:

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	1999-2001 Biennium		2001-2003 Biennium		2003-2005 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$136,118	\$0	\$136,118	\$0
<b>Appropriations</b>	\$0	\$0	\$0	\$0	\$0	\$0

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

1999-2001 Biennium			2001-2003 Biennium			2003-2005 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

Estimated funds required to increase juror pay from \$25 to \$50 for each day of service after the first day.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

Estimated expenditures are based on approximately 5,445 days of jury service after the first day of service.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

<b>Name:</b>	Kelthe E. Nelson	<b>Agency:</b>	Supreme Court
<b>Phone Number:</b>	328-4216	<b>Date Prepared:</b>	01/29/2001

Date: 2/5  
Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. *SB 2383*

Senate	Judiciary	Committee
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☐ Subcommittee on \_\_\_\_\_

**or**

☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Move Amendment to provide jury to direct payment.

Motion Made By Watne Seconded By Trebbath

[illegible]

Total (Yes) 5 No 6

Absent

### Floor Assignment

**If the vote is on an amendment, briefly indicate intent:**

Date: 2/5  
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 2383

Senate	Judiciary	Committee
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☐ Subcommittee on \_\_\_\_\_  
or \_\_\_\_\_

☐ Conference Committee

**Legislative Council Amendment Number** \_\_\_\_\_

Action Taken	Do Pass
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Motion Made By Watne Seconded By Nelson

[illegible]

Total (Yes) 6 No 0

Absent

Floor Assignment Craynor

**If the vote is on an amendment, briefly indicate intent:**

**REPORT OF STANDING COMMITTEE (410)**  
February 6, 2001 1:21 p.m.

**Module No: SR-21-2490**  
**Carrier: Traynor**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2383: Judiciary Committee (Sen. Traynor, Chairman) recommends DO PASS**  
(6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2383 was placed on the  
Eleventh order on the calendar.



2001 HOUSE JUDICIARY

SB 2383

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2383

House Judiciary Committee

☐ Conference Committee

Hearing Date 03-07-01

Tape Number	Side A	Side B	Meter #
TAPE II	x		5672 to 6217
TAPE II		x	01 to 227
Committee Clerk Signature <i>Joan Diers</i>			

Minutes: Vice Chr Kretschmar opened the hearing on SB 2382. Relating to the compensation of jurors.

Jim Ganje: office of the State Court Administrator. This bill will increase the pay of jurors. in the bill after a juror must be compensated at the rate of twenty-five dollars and insert for the first day and fifty dollar for each subsequent day. Also attach is written testimony from Lee Christofferson, District Judge (see attached).

TAPE II SIDE B

Jim Ganje testimony continues.

Rep Eckre: What is the rate for federal court.

Jim Ganje: I believe that it is forty to forty five dollars a day.

Rep Klemin: What is the rational for leaving it at twenty five dollars for the first day.

Jim Ganje: When the judicial conference reviewed it they thought it would be nice to raise it to fifty for the first day, but thought they could not sell that from a fiscal standpoint.

Page 2  
House Judiciary Committee  
Bill/Resolution Number SB 2383  
Hearing Date 07-03-01

Rep Klemin: What about a coroners inquest.

Jim Ganje: This bill is directed at the costs incurred by the state not the county.

Vice Chr Kretschmar: The first day of the jury session there is a whole panel there, after that there are fewer people.

Jim Ganje: Correct.

Vice Chr Kretschmar: Are there any further questions, thank you for appearing. Is there anyone else wishing to testify in support of SB 2383. in opposition, seeing none, we will close the hearing on SB 2383.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2383b

House Judiciary Committee

☐ Conference Committee

Hearing Date 03-12-01

Tape Number	Side A	Side B	Meter #
TAPE I		X	3903 to 4232
Committee Clerk Signature <i>Joan Diers</i>			

Minutes: Chairman DeKrey called the committee to order on SB 2383.

COMMITTEE ACTION

Rep Delmore moved a DO PASS on SB 2383, seconded by Rep Grande.

DISCUSSION

Chairman DeKrey: the clerk will call the roll on a DO PASS motion of SB 2383. The motion passes with 12 YES, 0 NO and 3 ABSENT. Carrier is Rep Delmore. Motion to refer to Appropriations Committee, motion by Vice Chr Kretschmar and seconded by Rep Grande.

Date: 03-12-01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB-2383

House JUDICIARY Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Rep Delmore Seconded By Rep Grande

Representatives	Yes	No	Representatives	Yes	No
CHR - Duane DeKrey	✓				
VICE CHR -- Wm E Kretschmar	✓				
Rep Curtis E Brekke					
Rep Lois Delmore	✓				
Rep Rachael Disrud	✓				
Rep Bruce Eckre	✓				
Rep April Fairfield					
Rep Bette Grande	✓				
Rep G. Jane Gunter	✓				
Rep Joyce Kingsbury	✓				
Rep Lawrence R. Klemin	✓				
Rep John Mahoney	✓				
Rep Andrew G Maragos					
Rep Kenton Onstad	✓				
Rep Dwight Wrangham	✓				

Total (Yes) 12 No 0

Absent 3

Floor Assignment Rep Delmore

If the vote is on an amendment, briefly indicate intent:

*referred to  
Apprs.*

**REPORT OF STANDING COMMITTEE (410)**  
**March 12, 2001 12:05 p.m.**

**Module No: HR-42-5322**  
**Carrier: Delmore**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2383: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2383 was rereferred to the Appropriations Committee.**

2001 HOUSE APPROPRIATIONS

SB 2383

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **SB2383**

House Appropriations Committee

☐ Conference Committee

Hearing Date **March 20, 2001**

Tape Number	Side A	Side B	Meter #
I		x	2044 - 3599
Committee Clerk Signature <i>Z. J. Jouheir</i>			

Minutes:

**HOUSE APPROPRIATIONS COMMITTEE HEARING ON SB2383.**

**Rep. Timm:** We will open the hearing on SB2383.

**Mr. Jim Gange, Staff Attorney , Office of the State Court Administrator:** (Followed written testimony and answered questions after his testimony)

**Rep. Timm:** Does this include people that are called in the pool? One of the biggest complaints that I always hear about jury duty is that they call a bunch of people and then the people that aren't selected they are told to go home but they don't get paid.

**Mr. Gange:** The twenty five dollars a day would cover anyone who responds to jury call and goes through the jury questioning process, I have done it twice myself. I wasn't put on a jury panel, I got paid and I gave it back to the state. So if they are called and they appear for the jury questioning process they should be getting the twenty five dollars.



**Rep. Skarphol:** I'm just a little curious, this figures out to 2722 days per year, the fiscal note does, can you give us some idea of the number of jury trials in the State of North Dakota in a single year?

**Mr. Gange:** Over the last four or five years we have averaged about 340 jury trials per year, and in 2000 we dropped about 28 it went down to about 313 jury trials, but it remains fairly constant at about 320 and 340 per year.

**Rep. Byerly:** Is the money for this in the court budget? Answer: Yes it is.

**Rep. Timm:** Any other testimony in support of SB2383? Any opposition to SB2383?

**Mr. Wayne Eugene Hervey:** (Presented written testimony and answered questions following his testimony:

**Rep. Gulleeson:** I was just wondering, when you go to vote what name do you use?

**Mr. Hervey:** They have your surname first and then your first and then your middle name, which is all capital letters.

**Rep. Gulleeson:** So is the name that is on the voters list and the jurors list the same? Answer was yes.

**Rep. Timm:** Do you have any more testimony on the bill itself? Answer was yes.

**Rep. Kempenich:** Were you a juror, or were you a participant in the proceedings? Answer was yes he was a participant in the proceedings.

**Rep. Timm:** That is all the further testimony I am going to take on this particular bill. If you were serving on a jury would you like to get paid fifty dollars for the day following the first day? Answer was yes. Any other testimony in opposition to SB2383? If not I will close the hearing on SB2383.

**HOUSE APPROPRIATIONS COMMITTEE END HEARING ON SB2383.**

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **SB2383A**

House Appropriations Committee

☐ Conference Committee

Hearing Date **March 21, 2001**

Tape Number	Side A	Side B	Meter #
1	x		4550 - 4919
Committee Clerk Signature <i>L L Jorheim</i>			

Minutes:

**HOUSE APPROPRIATIONS COMMITTEE ACTION ON SB2383A.**

**Rep. Timm:** Let us take up action on SB2383. This bill deals with the compensation for jurors. \$25.00 the first day and \$50.00 the following days.

**Rep. Koppleman:** I would move a DO PASS, seconded by Rep. Byerly. Just a comment, the Chief Justice did talk about this a little bit when we heard the Judiciary budget and we when you think about the reimbursement of \$25.00 per day it is pretty sparse when were calling people into juror duty and it is not optional and its something that you can request to be relieved of that responsibility but basically its a civic duty in our society and even \$50.00 a day barely makes up for child care and those sorts of things and doesn't being to reimburse someone for there lost earnings.

**Rep. Timm:** Any other discussion? Call the roll for a DO PASS ( 21) YES (0) NO. Motion passes. Rep. Koppleman will carry the bill to the floor.

Date: 3/21/01  
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2383

House APPROPRIATIONS Committee

☐ Subcommittee on \_\_\_\_\_  
or  
☐ Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By KOPPELMAN Seconded  
By Byerly

Representatives	Yes	No	Representatives	Yes	No
Timm - Chairman	✓				
Wald - Vice Chairman	✓				
Rep - Aarsvold	✓		Rep - Koppelman	✓	
Rep - Boehm	✓		Rep - Martinson	✓	
Rep - Byerly	✓		Rep - Monson	✓	
Rep - Carlisle	✓		Rep - Skarphol	✓	
Rep - Delzer	✓		Rep - Svedjan	✓	
Rep - Glassheim	✓		Rep - Thoreson	✓	
Rep - Gulleeson	✓		Rep - Warner	✓	
Rep - Huether	✓		Rep - Wentz	✓	
Rep - Kempenich	✓				
Rep - Kerzman	✓				
Rep - Kliniske	✓				

Total (Yes) 21 No 0

Absent \_\_\_\_\_

Floor Assignment KOPPELMAN

If the vote is on an amendment, briefly indicate intent:

2001 TESTIMONY

SB 2383

Testimony before the Senate Judiciary Committee  
Regarding Senate Bill 2383  
February 5, 2001  
By Christine Hogan  
State Bar Association of North Dakota

The State Bar Association recommends passage of Senate Bill 2383, raising juror compensation. This bill resulted from a study conducted by the Jury Standards Committee of the North Dakota Supreme Court. The Committee reviewed a number of issues concerning the operation of the jury system.

The justice system in this state depends upon the willingness of our citizens to participate in the jury trial system when summoned for jury duty. This proposal simply increases juror pay from \$25 to \$50 for the second day and each succeeding day of required attendance at a court trial. Jurors would continue to receive \$25 for the first day.

The Jury Standards Committee that studied the system determined that a reasonable increase in juror pay would help ease the burden of jury duty and promote wider citizen participation in jury trials by enabling more people to take time off work to serve as jurors.

The State Bar Association acknowledges that not all persons who are summoned for jury duty require compensation in order to be able to serve. In the event a juror does not need compensation, the Association has recommended an amendment to the bill that would simply permit individual jurors to have the option of directing his or her payment to the support of civil legal services for the indigent. The donation would be made to a fund

established by the North Dakota Bar Foundation for the support of civil legal services programs such as Legal Assistance of North Dakota. The draft amendment is attached. It is my understanding that the bill sponsors have no objection to this amendment.

Thank you. I would be happy to answer your questions.

Proposed Amendment to Senate Bill 2383:

At the end of line 12 add: The juror may direct payment of the compensation to a fund established by the North Dakota Bar Foundation for the support of civil legal services programs.

**March 7, 2001**

**TESTIMONY BEFORE THE HOUSE JUDICIARY COMMITTEE  
RE: SB 2383**

My name is Lee Christofferson. I serve as a District Judge at Devils Lake in the Northeast Judicial District. I apologize for not being present in person, but I was unable to clear my juvenile court calendar for today. Therefore, please accept my comments through Jim Ganje of the State Court Administrator's Office. He is well versed on the subject matter of this bill. This bill was developed by the Supreme Court Jury Standards Committee and approved by the North Dakota Judicial Conference.

North Dakota currently pays \$25 per day for each day of juror service. This bill would increase daily pay to \$50 per day for each day after the first day.

While I tell jurors that jury duty is a responsibility of citizenship and a sacrifice of both time and money, I do not believe it should be a financial hardship. It appears it has become a hardship for some hourly wage earners and parents with young children. While we presently have an excellent record of juror response when called for duty, more perspective jurors are voicing concern over the financial impact of jury duty.

I have four brief points to help persuade the approval of this bill.

FIRST, jurors are complaining that child care is costly for a juror with young children, whether it is a stay-at-home parent or a hourly rate employee, who is not earning any wages during jury service. Rather than our courts setting up a child care system for jurors or purchasing child care services for jurors, this extra money will cover some of the juror's child care costs and also off-set some lost wages.

SECOND, most citizens summoned for jury duty appear only on the first day, but are not selected from the pool of potential jurors, and are released. Accordingly, the majority of the juror costs occur on the first day. For those people selected to serve beyond the first day, the additional payment would compensate for the burden of longer service.



THIRD, other states have increased the daily pay to \$50/day after the first day.

FOURTH, I do not believe any citizen will complain about getting additional money back from the State of North Dakota. They will appreciate being treated better by the legislature and judiciary.

The fiscal impact of this bill is projected to be **\$136,000** for a biennium. I ask you to support this bill. Thank you for this opportunity to testify through Mr. Ganje.

Lee Christofferson  
District Judge

## ***SUMMARY OF SENATE BILL NO. 2383***

Senate Bill 2383 was introduced at the request of the North Dakota Judicial Conference. The bill originated as draft legislation with the Conference's Jury Standards Committee. The Judicial Conference is provided for by statute (NDCC Ch. 27-15) and consists of all supreme and district court judges, the attorney general, the dean of the UND School of Law, the clerk of the supreme court, five representatives of the state bar association, all surrogate judges, and two municipal judges. The Jury Standards Committee reviews the operation of the state jury system and issues concerning juror use and management.

During its study of a variety of issues concerning jury service, the Jury Standards Committee considered possible ways of alleviating the financial hardship sometimes associated with jury service. North Dakota citizens recognize that jury service is an important civic obligation and the record for response to calls for jury duty is excellent. However, at \$25 per day jury service does become a financial hardship for some hourly wage earners and parents, single or otherwise, of young children. The costs of childcare is a particular concern for parents. The Jury Standards Committee considered the possible establishment of a program to provide or purchase childcare services for jurors, but concluded it was likely not feasible fiscally or administratively. As an alternative, Senate Bill 2383 would increase juror compensation to \$50 per day beginning the second day of jury service. The fiscal impact is contained because the majority of juror costs are incurred on the first day. The increased compensation beginning the second day, however, would aid in offsetting the impact in extended trials on child care costs and lost wages. Other states, including South Dakota and Wyoming, have similarly increased juror compensation after the first day of service.

The biennial fiscal impact of Senate Bill 2383 is estimated to be \$136,000.

Submitted by:

**Jim Ganje, Staff Attorney**  
Office of State Court Administrator

Return in Five Days to  
P.O. BOX 1055  
**CLERK OF DISTRICT COURT**  
BURLEIGH COUNTY  
BISMARCK, NORTH DAKOTA 58502

**JURY SERVICE**  
is a most vital function of  
CITIZENSHIP

**Service**

**Required**

3023

HERVEY, WAYNE EUGENE  
1205 3 ST N  
BISMARCK, ND 58501

ALUMP 58501

FROM

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**JURY SERVICE**

**Clerk of District Court**  
**Burleigh County**  
**Box 1055**  
**Bismarck, North Dakota 58502**

# JURY SUMMONS

STATE OF NORTH DAKOTA  
COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

YOU ARE HEREBY SUMMONED BY THIS COURT  
TO APPEAR FOR JURY DUTY IN THE  
BURLEIGH COUNTY DISTRICT COURT

Your first day of jury  
service is scheduled for JUNE 6, 2000

Please call the Burleigh County Clerk of District Court's Office  
222-6690 or 222-6688 on the date indicated between the  
hours of 1:00 and 3:00 p.m. When calling, please refer to your  
juror number.

Call-In-Date: JUNE 5, 2000

Juror No.: 3043

## IMPORTANT!! PLEASE READ CAREFULLY

According to State Law, you must answer the questions at the bottom of this page entitled "Juror Qualifications" and sign the Juror Declaration. In addition there is a "Juror Information Form" on the backside of the form. When you have complete both sides, detach and return in the self-addressed, stamped envelope provided.

There is a possibility that the case(s) scheduled for trial on the date you have been summoned for jury service may settle or be continued to a later date. In this event, your services may not be required. To avoid inconvenience, the Court requests that you call the office of the Burleigh County Clerk of District Court between the hours of 1:00 and 3:00 p.m. on the date indicated in the upper right-hand corner.

Please return this form within 5 days

(Detach and keep this portion for your information)

## JUROR INFORMATION FORM

Please print legibly with a ball point pen.

Juror No.

3043

NAME Last <u>Wayne Eugene, Hervey</u>	First <u>Wayne</u>	Middle Initial <u>E</u>	Date of Birth <u>July 24, 1938</u>	Address <u>1205 Third Street North Bismarck, North Dakota, U.S.A.</u>
YEARS OF RESIDENCE IN NORTH DAKOTA <u>About 20</u>	YEARS OF RESIDENCE IN COUNTY <u>About 20</u>	MARITAL STATUS <u>Single</u>	AGES OF CHILDREN <u>NA</u>	
YOUR OCCUPATION <u>Carpenter</u>	YEARS SO EMPLOYED <u>About 10</u>	EMPLOYER <u>NONE AT THIS TIME</u>		
NAME OF SPOUSE <u>NA</u>	OCCUPATION OF SPOUSE <u>NA</u>	EMPLOYER OF SPOUSE <u>NA</u>		

Have you or any member of your immediate family ever brought suit for personal injuries? Yes \_\_\_ No X  
Have you or any member of your immediate family ever been sued for personal injuries? Yes \_\_\_ No X  
Have you or any member of your immediate family ever been a party to any other kind of lawsuit? If yes, what kind?  
Yes \_\_\_ No X  
Do you drive a motor vehicle? Yes X No \_\_\_ If "Yes", how long? Since 1957  
Have you ever served on a jury? Yes \_\_\_ No X  
If yes, was it Civil \_\_\_ or Criminal \_\_\_? Indicate when \_\_\_  
Criminal, did it involve an alcohol driving violation? Yes \_\_\_ No \_\_\_  
Do you have any religious scruples against sitting in judgment over a controversy involving other persons? Yes \_\_\_ No X

For payment purposes: <u>1 Reimbursement</u> Mileage (Round trip) <u>all Jury</u> Payments <u>payments</u>	Home Telephone <u>258-7178</u>	Business Telephone <u>NA</u>	Emergency Telephone <u>NA</u>
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## GENERAL INFORMATION

The following provides information often requested by jurors. Additional questions concerning jury service should be addressed to the Clerk of District Court's Office, Burleigh County Courthouse, telephone 222-6690. Please refer to your juror number when contacting the Court.

**LENGTH OF SERVICE:** (Any of the following constitutes jury service.)

1. Having your name on the jury panel list for 30 days and not being called for a specific case.

2. Having deliberated on one case as a juror.

**COURT HOURS & LOCATION:** Unless, otherwise instructed, court is in session Monday through Friday from 9:00 a.m. to 12:00 noon, and 1:00 p.m. to 5:00 p.m. Lunch hour is 12:00 noon to 1:00 p.m. The Courthouse is located at 514 East Thayer Avenue.

**PARKING:** Free parking is available at the City Parkade located one block south of the Courthouse, between 5th and 6th street on Broadway.

Please bring your parking receipt with you to the Courthouse. The receipt will be stamped so that you will not have to pay for parking while on jury duty. The Court will only accept parking receipts for the City Parkade unless other arrangements are made before you report for jury duty. The Court will not be responsible for any overtime parking tickets you receive while on jury duty.

**FIRST DAY:** You should report for jury service on the third floor of the Burleigh County Courthouse, where you will receive further instructions.

**AVAILABLE FACILITIES:** The courthouse is handicap accessible. There is a ramp on the west side of the courthouse and an elevator inside. In case of an emergency, you can be reached through the clerk of court's office at 222-6690. The courthouse does not have a cafeteria. Coffee is available in the jury room. Restrooms are located on each floor of the courthouse.

**JURY FEES:** You are paid \$25 each day you report to the Courthouse, plus 25 cents per mile, round trip, from your residence. Payment will be made within 45 days of service. A check will be mailed to your home address.

**EMPLOYMENT STATUS:** According to State Law, serving on a jury cannot threaten a person's employment. (However your employer does not have to pay you while you are on jury duty.)

**TO REPORT AN ABSENCE:** If illness or a last minute emergency prevents your attendance, call the Clerk of Court's Office as near to 8:00 a.m. as possible. Telephone 222-6690.

**EXCUSE FROM JURY DUTY:** The law establishes the reasons for which a qualified juror may be excused from jury service. There must be a showing of undue hardship, extreme inconvenience, or public necessity. Therefore, the Court very reluctantly excuses otherwise qualified persons from service. PLEASE DO NOT ASK TO BE EXCUSED EXCEPT FOR URGENT REASONS.

The Court depends on you to fulfill an extremely important function. The Court also hopes that your service as a juror will be an educational and rewarding experience. If there is anything that the Court or staff can do to make your service as pleasant as possible, please don't hesitate to contact us. Thank you.

(Detach and keep this portion for your information)

## JUROR QUALIFICATIONS

Please answer the following questions:

1. Are you a United States citizen and a resident of Burleigh County?

Yes

No

☒

2. Are you able to read, speak, and understand the English language?

☒

3. Are you 18 years of age or older?

☒

4. Do you have any physical or mental disabilities which would affect your ability to serve on a jury? *No.*

If so, please describe:

5. Have you served as a juror within the last two years? If yes, when and where? *X*

*CAUCASIAN*

Please indicate your race:

☐ - White

☐ - Black

☐ - American Indian, Eskimo, Aleut

☐ - Asian & Pacific Islander

Are you of Hispanic Origin?

Yes ☒ No

This information is for statistical purposes only and will remain confidential.

## JUROR DECLARATION

I hereby declare that the responses to these questions on this form are true to the best of my knowledge. I also understand that a willful misrepresentation of a material fact may be punishable by law.

*May 26, 2000 Hand Delivery.*

*X Margie Eugene Hervey*  
SIGNATURE

Juror No. *3043*

(For official use only)

Juror disqualified by

Juror temporarily excused until



# How government tampers with juries

By William Vosburgh

1. Government schools *fail to teach* students how juries can control government by refusing to enforce bad, misapplied, confusing, or unjust laws. Government schools produce citizens who are generally unaware that the price of liberty is eternal vigilance.

2. Federal jury panels are *selected only from registered voters*. This eliminates more than half the population. Persons excluded from jury panels include many who are well informed about incompetence and corruption in government and are so disillusioned with politics that they won't vote. Many states (including Oregon) have determined that voter lists are *not representative*.

3. Courts *do not inform* jurors of their power, right, and duty to use their individual sense of right and wrong to determine justice. This is clearly the central purpose of juries.

4. Courts *falsely instruct* jurors they *do not* have the right and duty to pass judgment on government's laws and to judge the application of the law. This disinformation is given even in states (such as Oregon) where the state's constitution expressly lists these rights. Some judges go so far as to instruct jurors that they *must convict* if relevant facts are proved.

5. Courts *coerce and intimidate* jurors to swear an "oath" they will accept and follow the government employee's (judge's) opinion and "instructions" on the law.

6. Courts typically *disqualify jurors who know* their powers, rights, duties and responsibilities

7. Prosecutors and courts *coerce jurors into reaching unanimous verdicts* by saying that mistrials waste tax money. Jurors are not informed that their purpose is to see that justice is done, that a hung jury can convey a needed critique of the law, that a mistrial is less expensive than building more prisons and is preferable to early release of violent criminals to make room for people convicted of a victimless "crime".

8. Courts restrain and/or *forbid defense attorneys from informing* jurors of their duty to acquit if the law is unjust or if the motives or circumstances of the defendant merit acquittal. Defense attorneys are threatened and/or held in contempt of court and can be jailed for informing juries.

9. Government prevents jurors from learning about harsh and cruel penalties imposed by mandatory minimum sentencing laws. Jurors are therefore *deceived into convicting* people for victimless or other political "crimes" without knowledge of the excessive sentences judges are required to give.

10. Prosecutors brag they can get grand juries to indict anyone for anything. Grand juries seldom ask for or get full information about alleged "crimes", rarely hear anything from the accused, and get unsupported or false information from prosecutors. *Grand juries are therefore often mere rubber stamps for government tyranny*. Citizens are regularly so intimidated by meaningless indictments and the "threat" of trial by jury that they agree to plead guilty to something, even to crimes never committed. Ninety-five percent of all cases are now *"resolved without trial"* via our judicial system's infamous "plea bargaining" process.

11. *Subliminal messages by lawyers!*

## THE TRUE DUTIES OF THE JURY

Lysander Spooner, a well respected early jurist, in an essay on trial by jury said in essence:

It's not only the right and duty of juries to judge what are the facts, what is the law, and the moral intent of the accused, but it is also their right and paramount duty to judge the justice of the law, and hold all laws invalid that are, in their opinion, unjust or oppressive, and all persons guiltless of violating, or resisting the execution of such laws.

He said, "unless that were so, instead of being a safe-guard of liberty - a barrier against tyranny and injustice of the government (courts), they are mere tools in its hands, for accomplishing any injustice it may desire to impose."

Jurors would be no protection to the accused even as to matters of fact, for, if the government (courts) can dictate to the jury any law whatever in a criminal case, it can dictate also the laws of evidence. That is, it can dictate what evidence is admissible or inadmissible and also what force is given to the evidence admitted. If they can thus dictate that, they can make the jury convict on any evidence it suits to give.

To secure the right of the people to judge of their own liberties against government, the jurors are taken from the body of the people by lot, or some process that eliminates any previous knowledge or selection of them on the part of government (courts), this is to prevent jury packing with the aim of maintaining its own laws and purposes. It is certain that if 12 men be taken from the people at large without the possibility of any previous knowledge or selection on the part of the government (courts), the jury will be a fair representation of the community and not merely a rubber stamp for the government (court).

If the government (courts) could decide who may and may not be jurors, it will of course, elect only those who will be friendly to its dictates and reject any who are found to be unfavorable to their aims. A jury like that is nothing more than a tool of oppression in the hands of government (lawyers and judges).

The jurors are also to judge whether laws are rightly given by the court. If they don't, they do nothing to protect against oppression that are capable of being practiced under cover of a corrupt explanation of the law. If the judiciary can authoritatively dictate to the jury any explanation they wish of the law, they can dictate the law itself as they please because laws are, in practice, according to how they are explained.

## THE CORRUPTED JURY

The background of today's jurors is exhaustively researched by the courts prior to selection, and selected on the basis of that investigation and questioning to determine the extent of their willingness to be dictated to. This is an invasion of the jurors' right to privacy.

Besides giving their interpretation of the law, judges screen what evidence juries hear (motion hearings) and thus manipulate verdicts according to their own opinions rather than leaving it up to the jury. How can a jury render a true verdict if it is not allowed to hear all the facts?

Today's jury is nothing more than an advisory panel and the judge exercises the right to override their verdict in direct opposition to the Supreme Court's finding that verdicts are final and unreviewable. As a result, ALL that Lysander Spooner warned about long ago has come to pass, and instead of being a safe-guard of liberty, a



9-18-98

Fully Informed Jury Assoc. (FIJA)  
P.O. Box 59  
Helmsville, Montana 59843.

Attention: Kathy

You probably are aware of the "Gordon Kahl Case" and the subsequent imprisonment of his son, Yori Kahl along with a family friend, Scotty Paul. These two young men were sentenced and imprisoned without the benefit of a trial merely on the basis of their association with Gordon Kahl.

During his time in prison, Scott Paul discovered what he believes to be a subliminal message in the jury instructions. Ted Gunderson, whom you also may know, referred Alvin Paul (Scott's father) to an authority in Texas to determine whether or not there was a subliminal message in the jury instructions given at the Gordon Kahl trial in absentia following the "shoot out" at Medina where the U.S. Marshalls attempted to eliminate the Kahl family.

The authority in Texas advised that there was indeed a subliminal message in the jury instructions, but to obtain a parole/pardon or at least an opportunity for a trial, the defendants here must obtain at least one, but preferably a team, of Constitutional lawyers.

My question and request to you is, would you consider picking up the ball on this and attempt to correct this horrible miscarriage of justice perpetrated upon these two young men and their families? I will provide further information to you as soon as humanly possible.

Sincerely in Christ Yalshua, with His eternal love and wisdom,

*Ron Stuart*

Ron Stuart, His servant/watchman

**tres'pass**, *tres'pas*, *tres'pas*, *vi.* 1. *Law.* To violate wilfully and forcibly the personal or property rights of another; commit a trespass: with *on* or *upon*; as, to trespass on land. 2. To pass the bounds of propriety or rectitude, to the injury of another; intrude offensively; go too far; encroach: with *on* or *upon*. 3. To violate a moral law; transgress; sin; hence, to break a rule or custom: with *against*; as, he trespassed against fashion.

Ye shall even warn them that they trespass not against the Lord, and so wrath come upon you, and upon your brethren.

2 Chron. xix, 10.

4†. To pass the bounds of life; die. 5†. To offend: with *to*. [*< OF. trespasser, < LL. transpasso, < L. trans, over; and see PASS, v.*] **tres'passer**. *Syn.*: encroach, infringe, intrude, obtrude, trench. See TRANSGRESS.

**tres'pass, n.** 1. Any voluntary transgression of law or rule of duty, as by neglect of an obligation or by an injury or offense done to another; offense; sin; as, forgive our trespasses.

Once did I lay an ambush for your life,  
A trespass that doth vex my grieved soul.

SHAKESPEARE *King Richard II.* act i, sc. 1.

2. In Mosiac law, a transgression, voluntary or involuntary, against the ceremonial law, or an injury done to another. 3. *Law.* (1) Any misfeasance or wrongful act of one person accompanied with force, either actual or implied, whereby another is injuriously treated or damaged; any transgression of the law less than treason, felony, or misprision of either, whether it relates to a man's person or his property. (2) An action of trespass.

Where a direct injury is committed to the person or the tangible and corporeal property of another, the law will imply violence altho none is actually used, as where a person makes a peaceable but wrongful entry on another's land. So, if a person by a fraudulent device obtains property from another with intent to steal it, he commits a trespass.

4. Any transgression of propriety or unwarrantable contravention of another's right or liberty. [*< OF. trespass, < trespasser; see TRESPASS, v.*] *Syn.*: see AGGRESSION; OFFENSE. **action of trespass**, a common-law action for the recovery of damages for trespass. **tres'pass of fer-ling, n.** In the Mosiac law, a sacrifice made to atone for a trespass: usually accompanied with compensation for the wrong done (*Lev. vi*). **t. on the case**, a common-law remedy assimilated to the action of trespass, but adapted to the circumstances of the particular case, for the recovery of damages where the action of trespass will not lie, as where the injury is not the immediate result of force, or where the idea of force is inapplicable, as in the case of mere culpable omission, or of injury not committed to the person or to tangible property, as in libel, slander, malicious prosecution, or an injury to a franchise. **- t. to lands**, entry or intrusion upon another's ground without lawful authority, and in doing some damage, however inconsiderable, to his realty. **- t. vi et armis**, same as ACTION OF TRESPASS.

**tres'pass-er**, *tres'pas-er*; 2 *tres'pas-er, n.* One who trespasses; especially, one who commits a trespass as recognized in law. [*< OF. trespasser; see TRESPASS, v.*]

**tres'past**, *pp.* *Tresp* *ed.*

8.