

JURY DUTY: WHAT YOU SHOULD KNOW AS A MILITARY MEMBER



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What do you do if you receive a notice to serve on a civilian jury?

Jury duty is an important civic duty that remains important even while we serve on active duty in the Air Force. However, with the force-wide OPS tempo being what it is today and facing a spin-up practically every other month as we do here at Offutt, being called for jury duty can be a stressful and distracting experience.

Congress recognized our plight and enacted a federal statute which provides that a member of the armed forces cannot be required to serve on a state or local jury if the Secretary of the service involved determines that jury service would **(1) unreasonably interfere with the performance of the member's duties or (2) would adversely affect the readiness of the unit, command or activity to which the member is assigned.** Secretarial authority has been exercised and delegated in Air Force Instruction 51-301, *Civil Litigation*, 1 July 2002. That instruction provides that all flag or general officers,

squadron commanders and above, operating forces engaged in warfare, personnel in a training status, and personnel stationed outside the US are automatically exempt from serving on a state or local jury under Federal law. Other Air Force members are exempt *if* their installation commander determines that one of the two criteria highlighted above apply.

Upon receiving a state or local jury duty summons, members should *immediately* inform their unit commander who will determine whether the member's absence for jury duty meets one of the two mission-related exceptions or one of the automatic exemptions. If the immediate commander decides that exemption is inappropriate, the member must serve jury duty. However, if one of the mission-related exemptions does apply, the unit commander will inform the Special Court-Martial Convening Authority (at Offutt this is 55 WG/CC), who can approve the exemption in writing to the local or state court. The specific language to include in a commander's exemption letter for jury service is stated in AFI 51-301, paragraph 9.27.4.

While the above rules apply to local and state jury duty, the rules for Federal jury service are slightly different. Under the Soldiers and Sailors Civil Relief Act (28 U.S.C. §1863(b)(6) (1982)) all active-duty servicemembers are automatically exempted from service on federal juries. Members who receive Federal jury summons can notify the court of their status and be relieved of their jury service without command involvement.

If members do serve on a jury, they qualify for permissive TDY and should not be charged leave or lose pay. All fees and stipends earned by the member from their jury service must be turned over to the U.S. Treasury. However, members may receive reimbursement from the state or local jury authority for expenses incurred in the performance of jury duty, such as transportation costs or parking fees.

***The information in this handout is general in nature. It is not to be used as a substitute for legal advice from an attorney regarding individual situations.**