

The Federal Jury

José A. Fusté
Chief Judge
U.S. District Court

When I was a child my parents and teachers taught me to respect civil institutions, since these, together with the family, are the foundation for our society. There is an institution within the judicial branch that merits acknowledgement and much appreciation. We are talking about the jury. In federal court the jury plays a very important role in criminal and civil cases.

Over 200 years ago, those gentlemen who created the North American nation made the decision to protect the freedom of speech, freedom of religion, and the right to a trial by jury. Leaders back then were in an uproar over the abuses committed by the British Crown on the thirteen colonies. To abolish the trial by jury was one of the greatest insults to the citizens at that time.

The Sixth Amendment to the U.S. Constitution protects a defendant's right in a criminal case to have a speedy and public trial before an impartial jury. The Seventh Amendment to the Constitution grants the right to a trial by jury in civil cases. Following the federal model, all states and Puerto Rico have adopted the trial by jury as a fundamental right.

Federal juries are selected at random from voter registration lists. Some citizens feel that jury duty is an onerous imposition on them, but the truth is that most of those who do serve on juries confirm they would gladly do it again as many times as they may be required to do so. Federal jurors are paid \$40 a day plus mileage at a rate of 37.5 cents a mile, and service in a typical case will not take more than 4 or 5 days.

Studies conducted on the subject confirm my opinion about juries. Jurors carry out their duties with a high degree of social consciousness, an open mind, and great respect for the process before they come to a fair decision. The collective common sense, together with the honesty of our jurors, is a guarantee that in the majority of cases honest and complete justice will prevail.

The federal jury is the community's conscience in full action and balances the government powers with the individual's interests. That is why we are thankful to those who have served and continue to serve on our juries. Without the jury, without their presence and work, judges would not be able to provide a quality service to the community during a judicial process. The jury is an integral part of the judicial system. A juror becomes a judge of the facts and shares the judicial task with the presiding judge.

Finally, I want to state that Puerto Rico as well as federal laws stalwartly protect the citizens who serve as jurors. An employer may not discriminate against an employee because he or she is on jury duty. A juror's salary is protected and any employer who is found to be engaging in a discriminatory practice against an employee serving as a juror may be penalized with the payment of a compensation for any damages caused to that employee.

In federal court we are very zealous in the protection of our jurors. In the few cases that have come up, we have appointed top-rate attorneys to represent the juror so

affected. We also take every measure necessary to protect jurors from improper interventions from the participants in the judicial process.

Once more, thank you ladies and gentlemen of the jury for such an indispensable service.

Do embrace the opportunity to serve with interest and dedication, and in turn you will receive the satisfaction of having complied with your duty as citizens.

*Translated into English by Janis Palma, USCCI, Official Staff Interpreter
United States District Court for the District of Puerto Rico*