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FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Bill No. SS HB 383

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act exempting certain persons BRU: Trial Courts
from jury service Components: _____
 Sponsor: Koponen
 Requestor: _____ COMPONENT SERIAL NO.

000 000	000 768
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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	6.9	6.9	6.9	6.9	6.9	6.9
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	6.9	6.9	6.9	6.9	6.9	6.9
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	6.9	6.9	6.9	6.9	6.9	6.9
FEDERAL FUNDS						
OTHER						
TOTAL	6.9	6.9	6.9	6.9	6.9	6.9

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: C. S. Christensen III, Staff Counsel *CS* Phone: 264-8228
 Division: Alaska Court System Date: 02/25/92

Approved by: Arthur H. Snowden, II, Administrative Director *AS* *CS* Date: 02/25/92
 Agency: Alaska Court System

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Alaska Court System

Fiscal Analysis

SS HB 383

This bill will exempt certain currently-eligible persons from jury service. These new exemptions will increase the number of prospective jurors the court must contact. The initial contact with prospective jurors is in the form of a questionnaire. The questionnaire is mailed by the court to a list of randomly selected persons. The prospective jurors return mail the questionnaires to the local court. With the possibility of a greater number of exemptions, the court must mail a larger number of juror questionnaires in order to fill jury panels.

It is not possible to accurately estimate the number of additional exemptions arising from each of the proposed new exemptions. However, in the area of exemptions for persons with children under the age of six, the fiscal impact can be estimated. According to recent statistics, approximately 12% of Alaskan households have children under six.

In 1991, the court mailed 78,500 questionnaires to prospective jurors. Each questionnaire costs 73 cents for the form and round trip postage. If the number of questionnaires must be increased by 12% to cover the expected number of additional exemptions from person with custody of children under six, the court will incur an additional \$6,900 of direct costs. The court will also incur additional personnel costs in the mailing and reviewing of the added questionnaires. These costs have not been estimated.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. SSHB 383

Revision Date: _____ Department Affected: Department of Law
 Title: "An Act exempting certain persons from jury service." BRU: Prosecution/Legal Services
 Component: Prosecution- All
 Sponsor: Representative Koponen Legal Services - Operations and Antitrust
 Requestor: House Judiciary COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars)

85 through 91, 93 and 94

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see attached analysis

Prepared By: Richard L. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: February 25, 1992
 Approved by Commissioner: Charles E. Cole, Attorney General
 Agency: Department of Law Date: February 25, 1992

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. SSHB 383

This bill amends AS 09.20.030 to include among those who may claim exemption and may be excused from jury service a person who is an expectant mother and a person who has custody of a child under six years of age and is not regularly employed for 30 hours per week or more. This bill deals with court system operations and therefore will not impact the Department of Law.

Alaska State Capitol
Juneau, AK 99801-1182
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
Juneau, Alaska 99801
(907) 465-4992

Alaska State Legislature
Representative Niilo Koponen
House District 21

119 N. Cushman, Suite 207
Fairbanks, Alaska 99701
(907) 456-8172

Position Paper for SSHB 383

Until the State of Alaska provides day care facilities in public buildings, we must correct inconsistent policies within the state regarding excuse from jury duty. House Bill 383 will provide a choice for any person having custody of a child or children under the age of six or any expectant or nursing mother who meets a given set of standards, to be excused from jury duty. In our society, respect for the parent who chooses to raise their children for a career is waning as more women join the work force. Some parents have never left their children with another person due to either their own commitment to their children or financial constraints, or both. Additionally, given the smaller number of people choosing to be professional parents, the possibility of the defendant being a professional parent as well, is minimal. Also, as this legislation will provide the choice not to attend jury duty, assuming the person meets requirements, it will apply only to a small population, and will not have a negative affect upon the courts and finding a jury of peers.

Currently, various courts and judges around the state have policies to allow for the above. However, differing standards create an unfair delineation based upon where one lives. This must be corrected by creating a statewide set of standards by means of, possibly an affidavit.

It has been suggested that an alternative form of community service could be performed by the excused individual where he/she could bring their children. It is apparent that these people seek not to shirk civic duties, but to prevent unnecessary stress upon their families and the financial burdens of locating available day care.

We must accommodate the varying cultures within our culture and not only respect these differences, but also, to ensure freedom is shared by all.



Coalition of Labor Union Women

OUR STRENGTH IS IN OUR NUMBERS - HELP BUILD CLUW!

Mt. Redoubt, Ak. Chapter

P.O. Box 1587
Kenai, Alaska 99611

February 15, 1992

Representative Niilo Koponen
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

RE: HB 383 & SSHB 383
"An Act exempting certain persons from jury service."

Dear Representative Koponen

The Coalition of Labor Union Women takes this opportunity to oppose line 9 of both HB 383 and SSHB 383..."(2) the person is an expectant or nursing mother;"...It is our position that neither pregnancy nor lactation is a disability and with this proposed exemption many women of child bearing age in the work force might feel pressured into asking for release from a very important duty as a citizen. Any medical hardship the prospective juror might foresee could be handled through discussion with the court as is done now, under AS 09.20.030 EXEMPTIONS.

We are concerned with lines 11 through 13..."is not regularly employed for 30 hours a week or more, and has custody of a child under six years of age who is not enrolled in a head start or state licensed day care program;"...

Our concerns with these lines are that it might serve to undermine lines 10 and 11..."(3) the person has no access to day care provided by the court in that community,"...we support the idea of court provided child care and

Rep. Niilo Koponen
HB 383 & SSHB 383
CLUW 2/15/92
page 2

ask for clarification of the term DAY CARE to more correctly reflect the needs of shift workers to CHILD CARE. These workers schedules may not fit into the schedules of the day care centers. We support lines 10 & 11 with this change.

The second concern deals with the possible limiting of jury service to those workers who work more than 30 hours each week. We know it is not the intent of this Bill to limit any workers right and opportunity to serve on a jury, but misunderstanding can arise, between workers and the pressure they might feel from employers, family and community.

Thank you for your attention to our concerns.

Sincerely

Joan Bennett Schrader
Joan Bennett Schrader
State Vice President
Coalition of Labor Union Women

CC: Rep. B. Davis
Rep. K. Brown
Rep. G. Lincoln
Rep. G. Kubina
House Judiciary Committee ✓

Sat Dharam Khalsa
2768 Triplehorn Lane
Fairbanks, AK 99709
(907) 455-6529

July 17, 1991

The Honorable Judge Rabinowitz
604 Barnette Street
Fairbanks, AK 99701

Dear Judge Rabinowitz:

I was selected for jury duty for August and I asked to be excused because I am a mother of young children and am pregnant with medical complications. My request was denied. Judge Steinkruger gave me two options under the law: 1) sit on duty for one week, or 2) postpone the duty for 10 months. Translated into the reality of my situation, either I: 1) leave my two and three year old sons, who have never been put in day-care, adding stress to an already stressful pregnancy, or 2) wait until my baby is born and leave a nursing infant and my preschoolers. I opted to do one week, although it was not an easy choice. The current regulations do not take into account the needs of nursing and young children who are used to the stable and loving care of a parent. They reflect the ignorance of the court with regard to the art of breastfeeding, and show a lack of appreciation for mothering and the mother-child bond.

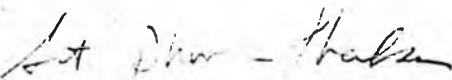
Nursing babies may be introduced to solid food as early as six months and as late as 12 months. Had I postponed jury duty I would be faced with leaving an 8 month old baby who may have solely been dependent on my breastmilk. Perhaps the courts do not realize that a breastfed baby may not take a bottle, not to mention the fact that expressing milk is no easy task, and it takes time to adjust the mother's let-down reflex from a baby to a mechanical pump.

Small children who are not used to being left for long periods of time go through mental anguish and separation anxiety. Jury duty is a minimum of 5 hours plus travel time and can be longer with deliberation. I consider this too long of a separation period. My opinion is based on 14 years of mothering five children and on my mothering lifestyle.

I propose a solution. Every time a woman called for jury duty requests to be excused due to mothering responsibilities, I suggest she put in 15 hours of volunteer community service in a situation where she could bring her nursing child with her. In fact I am willing to research volunteer organizations that would be comfortable with this arrangement and am willing to set-up and implement such a program.

As a parent I am responsible for the health and well being of my children. The courts are forcing me to make choices that are clearly not in the best interests of my children who cannot appeal to you themselves. My added growth and experience gained through mothering should make me even more likely to be selected to serve as a juror in the future when my young child is older and enters kindergarten.

Sincerely,



Sat Dharam Khalsa
2768 Triplehorn Lane
Fairbanks, AK 99709

cc: Christine Johnson
Court Rules Attorney
305 K Street
Anchorage, AK 99501

Michael Hostina
Alaska State Ombudsman
250 Cushman Street
Fairbanks, AK 99701

Nilo Koponen
119 Cushman Street, Suite 207
Fairbanks, AK 99701

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La Leche League International

9616 Minneapolis Avenue P. O. Box 1209
Franklin Park IL 60131-8209 USA

Phone: 708-455-7730

FAX: 708-455-0125

August 6, 1991

Sat Dharam Khalsa
2768 Triple Horn Lane
Fairbanks AK 99709

Dear Sat Dharam,

Recently you contacted La Leche League International and requested information in regard to breastfeeding, and the attachment needs of nursing babies and young children.

Our organization has been offering information and support to breastfeeding mothers since 1956. It has always been our policy to offer support and encouragement to those who are aware of the need of the baby or young child and the mother to be together without lengthy or traumatic separations.

Since 1973 La Leche League International has been accredited to give a comprehensive program on breastfeeding to physicians. Our annual Seminar offers 15 hours Continuing Medical Education credits. This meeting is accredited by the Accreditation Council for Continuing Medical Education and has been approved by the American College of Obstetricians and Gynecologists, the American Academy of Pediatrics, the American Academy of Family Physicians, and the American Osteopathy Association.

There are a number of reasons why the mother/child relationship needs of a minimum of separation time. In the case of a younger child there is the physiologic aspect of breastfeeding that needs to be considered first. A nursing mother must feed her baby frequently in order to keep up her milk supply, because it is based on the principle of supply and demand. Routine separation of mother and nursing baby frequently involves the use of supplements and this interferes with demand feeding and can lead to a premature weaning from the breast. In addition, separation from the baby can lead to plugged milk ducts or breast infection in the mother, allergy in the baby from the use of cow's milk or cow's milk formula, and confusion for

page 2
August 6, 1991

the baby's sucking instinct in having to nurse from an artificial nipple when not with the mother.

Research has also shown that human milk provides superior infant nutrition, immunological protection resulting in less illness (even in an older child), a lower incidence of allergy, and a close and important bonding relationship with the mother.

Selma Fraiberg, Professor of Psychoanalysis at the University of Michigan, discusses the developmental aspects of a baby's attachment to the mother:

"If we follow the growth of the infant's human attachment from the first day of his life to the end of his first year, we see that he values his parents above all other persons in his small world. And because the mother is the primary figure during the first year of life, the selective responses to the mother (become) a sound guide for all the scientists engaged in this work."

Dr. Fraiberg then describes the preference the baby has for the mother. She notes that the baby cannot be comforted by "just anyone."

"At this stage, then the baby has discriminated his mother from others, shows preference for her and associates her with the satisfaction of his hunger and body needs."

During a child's further development he also experiences a fear of unfamiliar caretakers and of separation from his mother. These are normal steps in his growth and are not a sign that the child is spoiled according to Dr Fraiberg.

"At this time, his mother is still the most important person in his world. And he behaves the way all of us behave when a loved one is absent for awhile: 'I can't bear to be without you. I am lost.'"

Donna K. Kontos, PhD, consultant psychologist states:

"Major prolonged maternal separations cause distress to the child...Upon reunion after a

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August 6, 1991

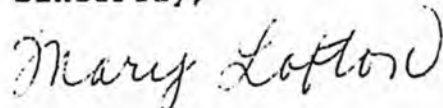
major separation, attachment behavior is likely to be heightened...Minor, every-day separations may also produce effects. Exploratory behavior is dependent upon a secure infant-mother attachment...Fostering attachment behavior does not spoil a child...A highly desirable maternal trait is sensitivity to an infant's signals."

Finally, Dr. Peter Cook, a child and family psychologist states:

"Many human troubles would be lessened if emotional needs of infants and young children were better understood in our society. This applies particularly to attachment needs and effects of separation."

We hope this letter will help to point out some of the special needs of breastfeeding babies and young children and support you in your desire to meet the needs of your child by avoiding lengthy mother-child separations.

Sincerely,



Mary Lofton, Director
Communications and Special Projects

Enclosure

September 23, 1991

Presiding Superior Court Judge
The Honorable Judge Savell
604 Barnette Street
Fairbanks, AK. 99701

Dear Judge Savell:

I received a summons for jury duty in early May, 1991 to serve the month of July. I was 9 months pregnant when I received the summons and my son was born on May 16th. I was concerned about having to leave my baby and called the Jury Clerk to find out what options I had. I was advised that I could request to serve one week of jury duty within 10 months of my original month to serve. I was very busy taking care of my newborn son as well as an active three year old daughter, and decided to go ahead and select a week in the future to serve; the week of October 21-25. I was granted the deferral. I have been extremely anxious about the upcoming week of jury duty and for the following reasons would like to request that I be excused from duty rather than deferring until October 21st.

My son will be 5 months old in mid-October. He is presently totally breast fed and nurses on demand. I do not expect this to change in the next month. He is not used to being separated from me for long periods of time. The few times I have left him with a close friend for an hour or two, he has refused to take a bottle and cried a good deal of the time. Leaving him to serve on jury duty for 5 or more hours per day for possibly 5 days, would be extremely stressful for him as well as for myself. Infants and young children who are not used to being left for long periods of time experience extreme mental anguish and trauma.

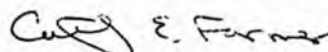
My three year old daughter is also not used to being left on a daily basis for this length of time. Presently she attends preschool only twice a week and for 3 1/2 hours on those days. She also would be affected negatively by this daily separation.

I support the judicial system and have served without reservation when called in the past, but I feel very strongly that mothers who do not work outside the home and have young children (5 years or younger) should either be excused from jury duty or given the option to perform an alternate form of service in which the infants or young children can remain with their mother. I consider my role as mother to be an important one and have worked hard to insure that my children not endure unnecessary trauma due to separation. I have made it a priority to be with my children at this time in their lives and believe it is my fundamental right to do so. If I felt I could leave my children for the length of time necessary to serve on

jury duty and that they would be happy and content, I would gladly do so. I seek excusal not to shirk duty, but to fulfill a present duty to my dependent children.

I would welcome the opportunity to discuss my concerns with you or someone else from the court system in order to clarify my position, if necessary. My hope is that a policy regarding jury service could be developed and implemented in the near future that would take into account the needs of mothers and dependent children.

Sincerely,



Cathy Farmer
514 Sunnyside Rd.
Fairbanks, AK 99709
479-4561

cc: Christine Johnson
Court Rules Attorney
305 K Street
Anchorage, AK 99501

Michael Hostina
Alaska State Ombudsman
250 Cushman Street
Fairbanks, AK 99701

~~Nilo Koponen~~
119 Cushman Street, Suite 207
Fairbanks, AK 99701



Superior Court

State of Alaska

FOURTH JUDICIAL DISTRICT

604 BARNETTE STREET

FAIRBANKS, ALASKA

99701

Chambers of
RICHARD D. SAVELL, Judge

November 22, 1991

Cathy Farmer
514 Sunnyside Road
Fairbanks, AK 99709

Dear Ms. Farmer:

I have carefully reviewed your request to be excused from jury duty, as well as prior requests and the information furnished by others in similar circumstances. Your need, and that of your family, is one that I recognize and wish to address. However, in trying to give you relief, I must nonetheless hold paramount the court's ability to assemble citizens to hear and decide disputes between private citizens and cases where the government has accused a citizen of criminal wrongdoing.

As presiding judge, I am instituting a policy for allowing sole care providers to be excused from jury service, with limits. A person who states a need to be excused based on the "health and proper care of the person's family" will be given an opportunity to file an affidavit which sets out certain information. At a minimum, the affidavit must demonstrate the following facts:

1. That the person is the main care provider of child/children three years of age or under;
2. That the person does not have employment outside of the home and spends full time with the child/children;
3. That the child/children have not been previously placed with a baby sitter, day care provider, friend or other family member; and
4. That the person asserts that his/her absence would be harmful to the health and proper

care of the child/children.

If this affidavit is filed with the jury clerk, the citizen may be excused for the year. A prospective juror may be called again for the next year's panel. If, at that time, the juror desires to be excused again, the request and affidavit procedure would have to be repeated. The juror would also be given the option to serve the minimum period and then be excused from further duty for a two year period.

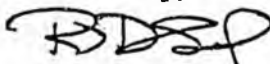
The court rule governing exemption from jury duty mirrors the statute. There is no current movement to amend the court rule. If you wish greater relief from jury service than that which I feel I can offer, I urge you to contact your legislator and request a change in the law governing jury service.

The need for a pool of jurors that represents all walks of life must be obvious to you. You have stated that you have performed jury service in the past. In serving, you brought all of your life experiences with you. In its deliberations, a jury relies upon the collective life experiences of its members. By their very nature, the experiences are constantly changing. As you now know the demands and joys of parenthood, you are changed in what you would bring to the decision-making process. We need people in every stage of life, with all experiences, to make the important decisions that jurors are called upon to make.

I am instructing Ronald J. Woods, the Area Court Administrator, to work with the jury clerk to implement the program of limited exemption for child care providers. If you have questions regarding the procedure, please address them to him at 452-9201.

Thank you for bringing your concerns to my attention and providing the information that allowed me to better understand your needs.

Sincerely,



RICHARD D. SAYELL
Presiding Judge

cc: Deborah Bennet
Sat Oharam K. Khalsa
Ronald J. Woods, ACA
Brenda Richard, Jury Clerk
Christine Johnson, Court Rules Attorney



State of Alaska
ombudsman

Duncan C. Fowler

October 3, 1991

Cathy Farmer
514 Sunnyside Road
Fairbanks, Alaska 99709

RE: Jury Duty For Nursing Mothers

Dear Cathy:

Thank you for the copy of your letter to Judge Savell regarding exemption from jury duty for nursing mothers. As you may know, the ombudsman can have only limited involvement in this situation because it directly involves a judicial decision. Such decisions are beyond our jurisdiction.

I note that you have sent a copy of your letter to Christine Johnson, Court Rules Attorney. I have previously spoken with Christine about this issue and I believe that she is processing other requests for a change in the applicable court rule.

I have also recently suggested to another complainant on this same issue that she provide Ms. Johnson and Judge Savell with information developed on practices in other states. Apparently several other states are in the forefront of recognizing the special problems jury duty presents for nursing moms.

The current Alaska rule allows judges the discretion to excuse nursing mothers, but does not require that they do so. Obviously such discretion allows for variability in the treatment of nursing mothers. While I do not have first hand information about disparate treatment I have been told by one complainant affiliated with the La Leche League that there is evidence of unequal treatment statewide.

While I cannot express an opinion as to whether the current law should be changed, there are two avenues for such change. The first approach is to seek change in the court rule. As I noted, I believe the process of requesting such a change has already been started, but it is an extremely long process with no guarantee of success.

The second avenue is through legislation. This may also prove difficult unless there is widespread support for a change. The Alaska Constitution gives the Supreme Court the primary authority to set rules of procedure for the courts. While the legislature has the authority to change court rules, generally such legislation must explicitly amend the rule and pass by a two-thirds majority of each house rather than a simple majority.

Reply to:

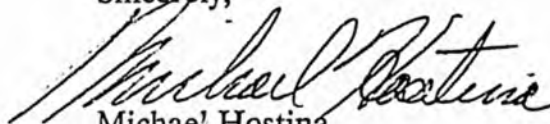
P.O. Box 102036
Anchorage, AK 99510-2636
(907) 277-8848
(800) 478-2624

P.O. Box WO
Juneau, AK 99811-3000
(907) 485-4970
(800) 478-4970

P.O. Box 74358
Fairbanks, AK 99707-4358
(907) 452-4001
(800) 478-3257

Please let me know if I can provide any additional information on the rule change process. I have taken the liberty of copying my response to those parties who received your letter. This should assist in communication on this issue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Hostina".

Michael Hostina
Regional Director

MPH:jb

cc: The Honorable Richard Savell
Representative Niilo Koponen
Christine Johnson, Court Rules Attorney

This seems to be a state wide problem.
S.W. Khakua

November 26, 1990
P O. Box 5495
Ketchikan, AK 99901
225-4147

Dear Honorable Judge:

Last week I received notification to report for jury duty in December Group #30. Please excuse me from jury duty. I am a full-time homemaker and mother of young children. My baby is breastfed; and my children have not been left with a sitter.

It would be very traumatic for my baby to be separated from me for the length of time jury duty would require. He nurses for sustenance and for the emotional security provided. I would become very uncomfortable and would risk serious breast infections. Because he nurses frequently, we have a constant physical relationship based on mutual needs. My milk provides immunities, vitamins and enzymes essential to his well-being; and I cannot jeopardize his health by separation from him.

There is information available on the breastfeeding relationship published by the foremost authority on the subject, La Leche League International, which I would submit to you, if requested. My children's health and well-being are extremely important and that is why I have elected to remain at home with them. This, I believe, is their fundamental right to have me in the home.

In the future when my children are older and their needs are met, I will look forward to serving on jury duty. Thank you for your consideration regarding my excusal.

Sincerely,

Anne-Marie Hain





Superior Court

State of Alaska

FIRST JUDICIAL DISTRICT
415 MAIN STREET, ROOM 402
KETCHIKAN, ALASKA
99901

Chambers of
THOMAS E. SCHULZ, Presiding Juuge

December 4, 1990

Mrs. Anne-Marie Hain
P.O. Box 5495
Ketchikan, Alaska 99901

Dear Mrs. Hain:

I have your letter of November 26. Our records indicate that you have been deferred from jury service for 11 months. I am not able to excuse you from jury service for the reasons listed in your letter, but I have requested that the jury clerk put you on a District Court panel that will be involved only in the shorter trials.

Very Truly Yours,

Thomas E. Schulz
Superior Court Judge

TES:dhr

cc: Sally Starr

Gary E. Carlson, M.D., FRC
3235 Tongass Avenue
Ketchikan, Alaska 99901
907-225-9830

December 11, 1990

TO WHOM IT MAY CONCERN:

RE: Anne-Marie Hain

Mrs. Hain recently contacted me stating that she had been denied a recent request for deferral of December jury duty. She states that though her infant is eleven months old, that he is still nursing frequently and receiving the majority of his nutrition from this source. This woman feels very strongly that nursing is important for her infant's physical and psychological well being and would be extremely distressed at having to abruptly terminate this aspect of bonding. In addition to this, this woman has a history of mastitis, or inflammation of the breast which can easily be potentiated by the abrupt cessation of nursing. I, therefore, respectfully request that you reconsider this patient's petition for deferral of her December jury duty.

Thank you in advance for your consideration to this woman and her child's welfare. If you have any questions or if I can be of help to you in any way, please do not hesitate to contact me.

Stephanie J. Brown
Advanced Nurse Practitioner

SJB/mm

Plastic & Reconstructive Surgery
Surgery of the Hand
Micro Surgery



Diplomate, American Board of Plastic Surgery

September 23, 1991

Dear Mr. Koponen,

Recently, I was selected to serve on jury duty for the month of July 1991. At that time I would have been seven months pregnant and nursing a toddler. I explained that I could not leave a nursing toddler for more than 4 hour periods. Also, that I would not be able to leave a toddler if I was selected to a jury. I am a stay-at-home mother and I do so because I feel it is important to my children, my family and society as a whole to be at home raising my children.

I received a reply stating that the State of Alaska is not set up to accommodate a nursing mothers' situation. But they did allow me to serve a one week period during that month instead of the full month or defer for a period of ten months whichever I preferred to do. But they did not realize that neither of these choices changed my situation. If I chose a one week period, it was still possible that I would be called to serve on a jury and I could not leave my child to do that. If I chose to defer for ten months then I would have to leave a toddler and an eight month old baby who could be nursing every couple of hours. Since these were my only choices I took the one week option hoping each day that I would not be called. I was lucky. I was not called to serve. But I literally stayed up nights worrying what I would do if I was called to serve.

I have a bachelor of Science degree and a certification to teach elementary education. I had a job with the Water Research Center in the field of science when I became pregnant with my first child. I also could pursue the field of teaching which I also enjoy very much. But I have put these careers on hold until my children are in school because I believe they should come first.

My children have not been left with babysitters for more than a dozen times in their short lives and never for more than a couple of hours because at least one has always been nursing. They have never been left at a daycare and I do not believe that I should have to expose them to viruses and a different diet just to serve on a jury when I could and would very happily serve when they are a little older. I feel that to leave them at this time would be traumatic for both of them. I would actually be interested in seeing how the judicial process works, but could it not wait until my children are in school?

A friend has mentioned to me the idea of doing some sort of community service instead of jury duty. If it is that important that I do my service right now then I would gladly do a community service project that would enable me to bring my children with me and which I would be free to nurse when my child needed to do so.

I do not know who sets the policy for jury duty but I would be glad to discuss this matter further with the person or persons who does so. Please contact me if you have any questions or comments at 479-6842 or 1479 Farmers Loop Road, Fairbanks, AK 99709.

Sincerely,

Deborah A. Bennett

Deborah A. Bennett

Rebecca L. Stevens
Rt. 1 Box 328
Fuquay-Varina, NC 27526
September 13, 1991

Sat Dharam Khalsa
2768 Triple horn Ln
Fairbanks ,Ak. 99709

Re: issue of jury duty as submitted to
Karen McAlister, ACL NC

Dear Ms. Khalsa,

Karen has referred your letter to me. I am on the area council of NC as a District Advisor, but I am also a licensed attorney in this state. I understand your frustrations and anger with the system, but the question you asked is not always as easy as a yes or no.

In NC there is no law that would require or excuse mothers from jury duty. We have 34 court districts, and in practice each Chief District Court Judge in those 34 districts makes it policy of when and whom to excuse. This is information I received from Sally Dunn, Trial Court Administrator for NC.

In reality, if a mother phones the court when she receives notice to serve, and explains there is a small child (or children) at home she will be allowed to serve at another time. This might happen numerous times with a mother with several small children over the years. To be asked to be "excused" usually is taken to mean not to have to serve - ever. That may be what your court objected to, as opposed to a postponement of service.

As you probably know there are several very active attorneys who are prominent members of LLL. First, Mary Ann Kerwin comes to mind, followed by Ilene Traiger, Judith Elder, Catherine Marquis and Roberta Johnson. These attorneys lead several sessions on legal issues at the Chicago conference in 1987 which I had the pleasure of attending. Jury duty was briefly touched on in one of these sessions, and they noted that is always decided on a case by case basis. They suggested: 1) answer immediately when you get notice; 2) tell them you're breastfeeding; 3) offer a certificate from your Doctor; 4) offer a LLL medical certificate; and finally to cite the US Federal Court case of Dike v. School Bd. of Orange Co., 650 F. 2d 783.

They noted a difficult case had been resolved when a mother got press coverage, thereby applying pressure to a Judge who would not reason about the issue. Also note that breastfeeding as the sole reason to postpone service, will probably not be good enough - too many mother work and breastfeed successfully. What you are really stressing is separation anxiety, which is medically accepted and documented (and with particular reference to breastfed children) and of much more import to the court. This can be documented by a psychologists. The legal rights packets from LLLI contains much of this information and perhaps more that you could use or share.

I hope this has been of some help. I really believe you should address a not to Mary Ann Kerwin regarding this issue. She

has often expressed the same opinion as you, that judges need to be educated. She might also know if the Family and Medical Leave Act of 1987, ~~House~~ Resolution 4300/Senate 2278, pending in the 99th Congress, introduced in House by Congresswoman, Patricia Schroeder (Democrat-Colorado) was passed and if it might be thought to apply to this type of situation.

Good luck to you.

Sincerely

A handwritten signature in cursive script that reads "Rebecca L. Stevens". The signature is written in dark ink and is positioned above the printed name.

Rebecca L. Stevens

cc: Karen McAlister

Alaska State Legislature

Legislative Research Agency



P.O. Box Y
Juneau, AK 99811-3100
Phone: (907) 165-3991
Fax: (907) 163-3351

August 26, 1991

MEMORANDUM

TO: Representative Niilo Koponen

FROM: Christine M. Cheff *CME*
Legislative Analyst

RE: Jury Duty Exemptions for Pregnant Women and Mothers with Infants
Research Request 92.009

You asked us to identify those states which exempt pregnant women or women with infants from jury duty, and for copies of the applicable statutes. Specifically, you asked if California and Oregon have enacted such laws.

From our review of laws in other states, it appears that most states (including Alaska, California and Oregon) have a general provision to excuse from service those prospective jurors who can prove that jury duty will work a personal, family, employment or public hardship.¹ A sampling of those statutes is attached (Attachment A).

We did identify one state which allows an expectant mother to be excused from jury duty and several which allow exemptions to parents or other persons responsible for minor children. Following is a description of those statutes.

Florida law provides that "Any expectant mother and any parent who is not employed full time and who has custody of a child under six years of age, upon request, shall be excused from jury service." (Attachment B)

Any woman in South Carolina who has legal custody of and the duty to care for a child under seven years of age can be excused from jury duty by submitting an affidavit to the clerk of court (Attachment C). Laws in New Jersey and Massachusetts allow a similar exemption to any person or parent responsible for children under the ages of fifteen and six respectively (Attachment D).

Section 22(b) of the Missouri constitution provides that women jurors can be exempted from service upon request (Attachment E). In 1979 however, the U.S.

¹Statutory research was conducted through the Westlaw legal database service.

Representative Koponen
August 26, 1991
Page 2

Supreme Court found the provision to be in violation of the U.S. Constitution's sixth amendment requirement for a "fair cross section" of jurors.²

I hope this information will be useful. Please do not hesitate to call if we can be of further assistance.

Attachments

²*Duren v. Missouri*, 439 US 357, (1979).



La Leche League International
Post Office Box 1209
Franklin Park IL 60131-8209 USA

No. 78b
Revised May 1988

ACCESSORY LEGAL PACKET
JURY DUTY EXEMPTION

A CONSTITUTIONAL RIGHT

A federal appeals court in the United States ruled recently that breastfeeding is a constitutionally protected right. This ruling involved a kindergarten teacher from Florida, Janice Dike, who had been prohibited from nursing her baby during her lunch hour. Her husband had been bringing the baby to the school to be breastfed at lunch time for three months before the principal objected, citing a rule barring teachers from bringing their children to school.

Rather than wean her baby, Janice took an unpaid leave of absence for the rest of the school year. She then sued the school board for denying her the right to breastfeed her baby.

When the case first came up, a U.S. District Court judge dismissed the suit, saying it was frivolous. But an Appeals Court has overturned that ruling and declared that Mrs. Dike has the right to a full hearing of her suit. In making this ruling, the appellate court declared:

Breastfeeding is the most elemental form of parental care. It is a communion between mother and child that like marriage, is intimate to the degree of being sacred...

We conclude that the Constitution protects from excessive state interference a woman's decision respecting breastfeeding her child.

Precedent Setting Case - DIKE CASE, Cite No. 6502d783 (5th Circuit 1981)

LEAVEN, July-August 1981

LETTER DATED MAY, 1982

In reference to my problem with breastfeeding and jury duty, I am pleased to say that to date, I have not been summoned despite my original denial of ineligibility status on the grounds that nursing was an inadequate excuse.

However, since it is still possible that I will be served with a summons during the balance of the year that I'll be nursing, I have developed the following strategy which I will share with you:

Initially I will make a court appearance accompanied by my nursing baby in arms and request postponement. If denied, I have a letter from my pediatrician outlining his position in support of non-interference with the nursing couple. This will be accompanied by my own position paper outlining the risks involved in sudden interference including maternal infection, diminished milk supply, engorgement and the negative psychological effects to the nursing infant who is too abruptly weaned. I will also quote the legal precedent published in the LLLI publication (July, Aug '81 - Vol. 17, No. 4) from the appellate court in Florida. "Breastfeeding is the most elemental

form of parental care. It is a communion between mother and child that like marriage is intimate to the degree of being sacred. We conclude that the Constitution protects from excessive state interference a woman's decision respecting breastfeeding her child." If all else fails, I am prepared to bring the issue to the forefront by contacting the "Washington Post" newspaper as I feel a human interest story would be in the public interest.

Quite honestly I doubt that I will have to pursue each tier in my strategy but nonetheless I am prepared to offer insights the court may heretofore not be informed about. I feel strongly in my arguments and feel confident I will be able to convey these facts to the appropriate court officials. I will keep you abreast (no pun intended) should the situation materialize.

JURY DUTY SUMMONS

In January of 1983 I received a jury summons in the mail. I am very proud of our judicial system and would normally have been very happy to serve. However, I have two substantial reasons for needing an excusal. You guessed it—I am the full-time mother of a four-and-a-half-year-old Steven and eight-month-old Valerie. Though I understand the defendant's right to have a jury of his peers, it is also my children's right to have their mother present to meet all their daily needs—especially baby Valerie, who at eight months was not yet interested in eating solids and so was totally breastfed on demand. Valerie had never been separated from me and I was determined not to be separated from her now. Steven also seemed concerned over the impending court date in February.

I felt a momentary sense of panic. I wasn't sure where to turn or what to do. All of a sudden I remembered reading a story in the La Leche League NEWS a couple of years ago about another LLL mother who had a jury summons and how she handled it. I knew I could turn to LLL for help.

LLL has always been a haven of love and support for me when I've run across mothering "setbacks." I'll never forget how much calmer and more confident I felt after speaking to an LLL resource person. Her help was just what I needed.

Where I live you receive your questionnaire and jury summons in one mailing instead of two. Since I had received a legal summons I had to prove I had sufficient grounds to be excused. I almost felt as though motherhood itself was on trial! I had to bear the burden of proof that my infant's need for me was more important than society's need for a "peer" to serve on a jury.

With LLL's help, I answered the most pertinent questions on the form:

OCCUPATION: Mother

(I didn't want to say HOUSEWIFE! I am not married to my house but to my husband and my children are my career.)

REASONS FOR REQUESTING EXCUSAL: Mother of nursing infant and preschooler. If the court requires my physician's statement regarding my infant's need to be breastfed I will be happy to provide it.

(If you are the mother of an "older" nursing baby or toddler

it is not usually necessary to divulge his age on the questionnaire.)

I bundled up both children and drove straight to the post office. I wasn't taking any chances on my response card getting lost or stuck in a mailbox. While I was driving I was trying to explain to Steven just what a jury was and how our court system worked. I also explained that as important as civic duty was, my first duty was to my children and that I could not be away from home for "the duration of the trial." Steven looked at me and said, "I'd be okay Mommy, but who would nurse our Valerie?" To me, that said it all!

The days seemed endless as I waited for the court's answer. I was determined to keep Valerie with me no matter what! Less than one week after I mailed my forms the answer came: EXCUSED! I laughed and cried both at the same time. My sense of relief was tremendous. I had won--or I should say my children had won their right to have me with them. On the morning my jury duty had been scheduled I sat in my favorite chair nursing my baby instead of taking my place in court.

Thank you for helping me and giving me the confidence to stand up for what I believe.

LA LECHE LEAGUE NEWS, July-August 1983

EXEMPT THE MOTHERS

In this, the Year of the Child, we have lost our right to care for our own children. Those of us who choose to mother our children ourselves rather than hiring someone to do it for us have no automatic exemption from jury duty. I realize that automatic exemption for all females is wrong. But nothing could be more right than to exempt us full-time moms, without the hassle of a court appearance.

We are at the mercy of court officials. Should they decide that having children at home, nursing a child, being the sole means of transportation to school, etc., isn't a good reason for exemption, a mother can be held in the jury pool regardless of hardships--expense of sitters, taxis and so forth. One official might excuse the mom of a three-year-old, another keep the mother of a six-month-old. I don't want the care and well-being of my child left to the whims of the court.

Juvenile crime is rising. Teen pregnancy is a problem and research shows that most sexual encounters take place in the home while no one is there. Juvenile suicide is rising. Our school halls are unsafe. Our children are doing drugs and booze. The experts agree that the one common denominator of all these problems is the weakening of the family.

Shouldn't we put more value on the at-home mom than we do now? Shouldn't we be making it easier for women to provide home care for their children? Couldn't we start by giving full-time moms automatic exemption from jury duty?

Our time to serve will come, but not now. Right now we are serving society by properly rearing our children.

Kansas City Star, September, 1979

LETTER DATED APRIL, 1979

Re: Jury Duty

In noble tradition Connecticut has always been concerned about the children's need for mother.

Conn. Statutes; Sec. 52-219

"Exemption from Jury Service"

"...who has care of one or more children living in his or her home under the age of 16 years, shall, if such person so desires, to exempt from any jury duty during such time such person is caring for a member of his or her family."

Many states probably have the same provision, so would recommend any mother concerned about this check with her public library where the statutes are available.

EXEMPTION LETTER SUBMITTED BY LEAGUE LEADER AND USED SUCCESSFULLY

I seek excusal not to shirk duty, but to fulfill a present duty to my dependent children. I strongly feel that a mother's place is with her children. They are dependent on me; I am responsible for them. I do not believe in sitters under any circumstance, and I do not use them.

I am well aware that in our culture today, mothers, even with young infants, are leaving the home for outside fulfillment and money. It is no wonder that the courts have been influenced by this. I cannot express my disagreement enough. Even teenagers need after school parental supervision. Perhaps if more parents felt this way, there would not be so much juvenile delinquency, drug abuse, teen pregnancy, rape, murder, and burglary. It is no secret that the course was set for many convicted criminals in their home life or lack of it.

JURY SYSTEM BRINGS FLEXIBILITY TO COURTS

The new system is not only a boon to county residents as taxpayers; when they become jurors they benefit again. Before Jan. 22 when one day-one trial was inaugurated in Montgomery, citizens called to jury service had to make themselves available to the courts for two weeks, a difficult length of time for parents with small children, physicians, and, for that matter, anyone who held a regular job, since employers rarely warmed to the prospect of losing two weeks of an employee's services, even in the name of civic responsibility.

Many sought to be excused, involving a lot of paperwork and time from county employees. Professionals rarely served because their own work was important to the community. Thus, juries did not always represent a true cross-section of residents.

Those who did serve were often bored and frustrated because their time was used inefficiently. In addition, judges and attorneys sometimes complained of

"contaminated" jurors, those who had served often enough to be familiar with courtroom procedures, judges and attorneys, and who might therefore be prone to pay casual attention to testimony and to render careless judgments.

The new system that Pearo and his staff are implementing for the county does away with all that. Because a computer can process thousands of names far more quickly than human hands, the system is able to spread the obligation among so many people that no one has to give very much time.

"We try to spread the wealth," says Clerk of the Circuit Court Howard M. Smith. In 1978, without benefit of computerized lists and questionnaires, the county called 6,000 jurors to service from its voter registration rolls. In 1979, under the one day-one trial systems, the court will call almost seven times as many--40,000 people.

Within four and a half years, Pearo said he expects to call everybody in the county. If summoned on a day he cannot serve, a county resident can be deferred to a day he chooses.

"With the new system," Smith said, "we can now defer any juror to any time convenient for the juror. We have the flexibility we always wanted."

Teachers who have scheduled an important lecture for the day they are summoned can be deferred until a school holiday or summer vacation. Nursing mothers can be deferred until the baby is weaned. Orthodox Jews who object to serving on Fridays can be deferred to a Monday or Tuesday.

Pearo tells of the surgeon who telephoned, upset because he was called to jury service on a day he was scheduled to operate. When could he come, Pearo wanted to know? "I won't be free for another six months," the surgeon fussed. "That would be just fine," Pearo assured him, and arranged a future date the surgeon could manage.

Mothers with no child care present the biggest problem for Pearo's office, but so far no one has ever shown up with children in tow.

The experience of Lawrence Carr, a trial attorney and former president of the Bar Association of the District of Columbia, is a case in point. Summoned to jury duty on a date he was scheduled to appear in court himself, Carr got a deferment.

In courtroom circles, attorneys generally consider other attorneys too knowledgeable in legal procedures to make unbiased jurors, so Carr was surprised, the day of his service, to find himself sworn to a panel. "Most practicing attorneys assume they will not be called. Forty people were stricken (from the jury list), but they kept me," he recalls.

He was juror on a criminal case that lasted two days. Seeing the deliberation process for the first time, Carr said he was particularly impressed by the caliber of the panel.

"Under the old system," he asserted, "juries got bored and lost interest. This panel was excited and interested; they gave full attention."

Most of the other jurors who have served since January 22 agree. When first

summoned, most citizens' reactions range from "displeased" to "resigned." After experiencing jury selection and courtroom procedures, however, most said they found their day or two of service interesting, and many volunteer to come back.

Washington Post, May, 1979

TRIAL HALTS IF BABY'S HUNGRY

When Mary Hoving's baby gets hungry, the longest trial in Ventura County history halts once more.

Mrs. Hoving, twenty-seven, is a juror in the medical malpractice trial. She is also the mother of a two-and-a-half-month-old girl named Laura who was born prematurely and who, under doctor's orders, must be breastfed.

"I try to feed her before I go in the morning," Mrs. Hoving explained Wednesday. "She's eating every two or three hours. When she gets hungry, the baby-sitter calls the court, the judge calls a recess, and I leave to feed her."

Of Judge Ben Ruffner and her fellow jurors, Mrs. Hoving said: "They've been more than understanding. We just all want to get it over with."

The eleven-month-long trial resumed Tuesday with final arguments.

Mrs. Hoving said that when the trial started last March, she didn't know she was pregnant. Her baby was due December 9, but arrived three weeks early.

The judge stopped the trial and waited until she was able to return to court.

Laura was premature and had a heart murmur, Mrs. Hoving said, so she was told by her pediatrician to breastfeed the baby.

Ruffner then moved the trial ten miles from Oxnard to this small community where Mrs. Hoving lives. The court even hired the babysitter who looks after Laura while Mrs. Hoving sits in the courtroom three miles from her home.

Detroit Free Press, February, 1979

LETTER, 1980

To date I have heard nothing more since I filled out the form for trial juror. On one spot on the form it asked a question something like "Is adequate child care available?" I checked NO! (Not adequate enough for me, anyway.)

I thought you would be interested in what I finally wrote at the bottom... "It would be very difficult for me to leave my two children at this time. It would be an emotional stress and hardship on them, particularly on my three year old. I do not leave my daughter for any long period of time (i.e., a whole day or over-night) and I need to be home when my son arrives home from kindergarten.

Please note that I am not trying to shirk my duties as an American citizen. I will be happy to serve when my children are older. I appreciate your consideration on this matter."

FOLLOW-UP POSTCARD STATED SHE NEVER DID HEAR FROM THE COURT.

JURY DUTY

In February of this year I received a call for jury duty. Jasmine, who is our youngest, had just turned one and still nursed frequently. I wrote a two-page letter to the judge explaining that I was breastfeeding, and that I had never left her for more than a few hours and felt the separation would be difficult for both of us.

I just took it for granted that I would be excused. Imagine my devastation when I received a letter less than a week later saying I would NOT be excused!

Well! The judge just didn't realize who he was up against. I called my Area Coordinator of Leaders who gave me verbal support and sent me information on mother-baby separation.

My appointment with the judge was on a Thursday morning and my husband, Jasmine, and I appeared in his office.

He gave us his reasons for not excusing me—the main one seemed to be his opinion that at one year Jasmine was old enough to be separated from me.

I then gave him my reasons for not wanting to be separated. I told him I felt I only had two options: either to be excused, or bring Jasmine to court with me. I then presented him with a supportive letter and two newspaper articles where the judge gave special consideration to mothers and babies, and also five pages of research on mother-baby separation. After reading Marian's letter and glancing at the research, he said he could see we were sincere and on that basis, I could be excused.

I left the courthouse ten pounds of anxiety lighter, and so very thankful to LLL for helping me. Our family had been in turmoil for two weeks (we have two older children, Nathan, three, and Sara, six, who were also affected by this), but now it was over. I felt very intimidated by this, but wanted to press for the excusal because I hope the next time he considers calling a mother with a baby to court he remembers me, and it will be easier for that mom.

However, I could not have done this without the resources of LLL at my disposal. I will never be able to measure how grateful I am to LLL for support and encouragement and feel prouder than ever to be affiliated with this great organization.

LA LECHE LEAGUE NEWS, July-August, 1980

NURSING MOTHER TAKES ON COURT OVER JURY DUTY SUMMONS

Evelyn Bowers is a farm wife, a member of the Church of Jesus Christ of Latter-day Saints, mother of seven children and is wanted by U.S. District Court in Tacoma.

The court wants her to report for jury duty. In fact, court personnel insist on it.

They wanted her to do so since last April, but Mrs. Bowers says certain factors keep preventing her from complying with the court's summons.

"I'm nursing our new baby, and they want me to appear November 15," she said. "I don't feel I can do it. They will not accept my other reasons for not appearing....they say they are not sufficient for dismissal from jury duty.

"I was told in no uncertain terms by a woman in that office that you do not ignore a subpoena from the U.S. District Court. She also wanted to know how long I would be nursing the baby because they did not want me to bring him with me."

Mrs. Bowers contends she is not ignoring the subpoena. She is only trying to get excused from jury duty for cause, adding that she had never ignored any summons from the court, starting in April when she received a registered letter notifying her that she had been selected for jury duty for the court.

Mrs. Bowers said she wrote the court that she considered it an honor to be selected, but she was unable to do so, explaining she was pregnant and requesting them to contact her later.

They did. A subpoena to appear for jury duty was received by Mrs. Bowers in July that directed her to report October 6.

"My baby was due, according to my doctor, about September 30," Mrs. Bowers recalled, "and when I informed them by phone of this, a woman in the office told me that being pregnant was not a good enough reason to be dismissed."

Mrs. Bowers admits she was getting frustrated and a little angry by this time because "there were other things preventing me from going just then.

"For one thing, I have children who would need babysitters in my absence because my husband works nights. Also, the doctor did not want me to travel and insisted that I be within 30 minutes of a hospital at all times.

"When I told this to the woman at the court's office, she replied, 'That is your problem.' My doctor sent them a letter saying I was pregnant, and I received a registered letter deferring me until November 15, which would be six weeks after the baby's due date of September 30."

The baby boy, Lance, was born September 19, just 20 minutes after labor started, Mrs. Bowers said. When she returned home from the hospital she wrote a letter to the clerk of the court reporting her conversation with the woman in the clerk's office and explaining why she felt she should be excused.

"I wrote that my husband farms 40 acres and is renting 400 more, we have 150

head of stock, seven children, one that I am nursing, and that my husband is working nights," she said. "I honestly feel that my priorities right now are with my family and, in addition to that, we only have one car and he needs that to get to work. Also, if I drove up there I would have to leave here at 4 a.m. and would be returning home after dark and I am not a good driver after dark."

It was after this attempt to communicate with the court by letter that Mrs. Bowers received the phone call from the court asking how long she would be nursing the baby.

C. Joyce Jew of the clerk's office told The Daily Chronicle that "anyone subpoenaed by the court has to appear." She declined to explain the procedure for being excused from jury duty.

Asked why someone living so far away from Tacoma as Mrs. Bowers was being summoned, she replied, "People can be subpoenaed from anywhere in the United States."

Mrs. Bowers found out from the Lewis County courthouse that only Federal Judge Jack Tanner could excuse her from jury duty so she asked for his address.

Later, she received a call from Bruce Rifkin, the clerk of the Jury Selection Office for U.S. District Court in Tacoma.

He insisted that Mrs. Bowers appear as ordered on November 15 and observed that "you have to understand our problems," Mrs. Bowers said.

Rifkin again asked her how long she intended to nurse her baby, and when she replied, "For about two years," she was informed that she would be receiving a summons in the mail to appear as previously instructed.

She received such a letter in late October.

"Let there be no doubt about it," Mrs. Bowers said, "I am not trying to dodge my public duty. I would love to serve if I could, but I get this feeling that I am on trial, too, and I don't understand the attitude of the jury selection people up there.

"My duty to my children and the obligation I have to my husband and home have been fully explained to them. I have been informed that I will be arrested if I don't appear, but we will just have to wait and see. I'm going to call their bluff. I hope I'm not arrested.

"Frankly, I don't feel that the attorneys involved would select me anyway if they knew I had to appear under duress. Also, it is just a little ridiculous to force me to serve on a jury when I would have to leave from time to time to nurse the baby," she said.

As it now stands, Mrs. Bowers has two choices — unless Judge Tanner excuses her, and there is no indication that he is aware of the situation.

She can ignore the summons to appear and face possible arrest, or she can go to Tacoma on the appointed date and help administer justice.

As of Tuesday, she had no transportation to Tacoma. It appears almost certain that she will not show up to answer the summons.

The Daily Chronicle, November, 1982

NURSING MOM GETS REPRIEVE FROM SERVICE ON FEDERAL JURY

A nursing mother who's been unsuccessfully attempting to get excused from jury duty at U.S. District Court in Tacoma won a temporary reprieve Friday when she was informed she didn't have to report today as earlier scheduled.

"I feel a little sanity coming back now," Evelyn Bowers of Winlock said when she found out Monday's appearance was called off.

D. R. Kimzey, assistant chief deputy of U.S. District Court, told The Associated Press that jurors were not being called Monday.

He said Mrs. Bowers' case was being taken under advisement and that she would be informed by letter whether she will eventually have to appear for jury duty.

Mrs. Bowers the mother of seven children, has made repeated attempts to get excused from jury duty because of the hardship it would impose on her and her family.

She says she would have to take her newborn son, whom she is nursing, with her to court. She would also have to pull her older children out of school to watch the youngsters. A friend would have to help with driving her to the court, 75 miles north of Winlock.

Mrs. Bowers also helps her husband operate their 440-acre farm and, to add to the difficulties, her husband works at night and must spend a couple hours commuting to his job each day—driving the family's only vehicle.

"I would love to serve (on the jury)...but my first obligation is to my family," she said.

The Winlock mother could face the possibility of arrest if she defied the summons to appear for jury duty. "I don't really want to be arrested," she said. "I don't need that. If I have to," she said, "I will go up there even though it will be hard for me to do.

"But the first chance I get, I am going to talk to the judge. I'm taking my baby, too."

Kimzey told The Associated Press the general rule on jury duty allowed only people in certain occupations, such as doctors and nurses to be permanently dismissed by the court staff. The judge can dismiss whomever he or she wishes.

Kimzey said he was not aware that Mrs. Bowers had been called for November 15, but that the jurors were not required to report that day anyway.

The Daily Chronicle, November, 1982

LETTER FROM MOTHER WHO RECEIVED EXEMPTION FROM JURY DUTY, October, 1980

Recently, I was in contact with you about my having to serve jury duty even though I was, (and am still) nursing my twenty-two-month-old son. I'm sorry I haven't contacted you sooner about the outcome.

You sent me a lot of valuable information dealing with mother/baby separation generally as well as the physical problems inherent in separation of a breastfeeding couple. I was well armed and prepared to fight for my rights when the whole ordeal suddenly ended. I spoke with my lawyer, whose secretary contacted the secretary of the judge involved to arrange an appointment with him for me. The judge's secretary was to contact me the next day to set up a time. As it turned out, the judge himself called me, and asked me if we could settle the matter over the phone (he did not recall me from the time I had spoken with him before). I took a deep breath and told him I was still nursing my baby, at which point he interrupted me, asked me the date of my scheduled appearance and said, "Well, we'll just go ahead and excuse you."

I was flabbergasted and told him so, but he didn't pursue the matter. So, I thanked him, and that was that.

I'm not good at confrontations, so I'm very glad the matter was settled so uneventfully for me. I was, however, prepared to do anything I had to to retain my right to stay with my child, breastfeeding or not.

My advice to anyone in similar circumstances would be to gather as much literature on the subject as possible, contact the person in charge of jurors by telephone or mail first, and if that fails, see him/her in person. I had planned to have my son and my husband along with me. In the case of a very stubborn official, it might help to have a La Leche League Leader along as well.

BREASTFEEDING MOTHER ON A GRAND JURY

A mother contacted LLLI who is currently on a Grand Jury, and will be for another year. She was called when she was pregnant, asked for a deferral and was refused. She has to drive about 100 miles for a two-day session every two weeks. She has a baby who is five months old. She began jury duty when the baby was about two months old. However, the jury is most attentive to their needs. She is encouraged to bring the baby with her. They take two-hour lunch breaks and will break any other time as needed. Her mother lives nearby so the mom and baby stay there. She hasn't taken the baby to court yet that I know of, but that is her choice. The judge is very open to the baby being there. The court's refusal to allow her a deferral from jury duty may seem like a "loss" but their very good understanding and acceptance of the baby's needs is a "gain." She is fortunate to have the frequent contact with grandma as a consistent mother substitute.