

## JURY DUTY



### ANDREWS LAW CENTER 2011

Generally speaking, a person is subject to jury duty in their state of residence. However, many states use driver's licenses, vehicle registration, or other methods to determine the list of jury eligible individuals. If you have a driver's license in a state other than your state of legal residence, you may receive notifications of jury duty in both states. If you are active duty member and receive a summons to state or local jury duty, you must immediately notify your commander.

#### **AIR FORCE EXEMPTION: GENERALLY**

If you are an active duty member and receive a summons to state or local jury duty, you must immediately notify your immediate commander. It is Air Force policy that members be allowed to fulfill their civic responsibilities by serving on state and local juries. However, Air Force members are exempt from jury duty when such duty would:

- Interfere unreasonably with the member's military duties, or
- Adversely affect the readiness of the unit, command, or activity to which the member is assigned.

Many states will accept the following as evidence of your active duty status and will excuse you from jury duty: a letter from you explaining that you are on active duty with a branch of the United States military stationed outside the state accompanied by a copy of your active duty identification card, leave and earnings statement, and your PCS orders for your current location. However, it is best to pursue the formal procedures listed below.

The member's immediate commander decides if this exemption applies. If the immediate commander decides to exempt the member, the immediate commander obtains a final decision or exemption from the special court-martial convening authority. Here at Andrews AFB, that is the Wing Commander.

The special court-martial convening authority may decide that the exemption is:

- Inappropriate and instructs the member to comply with the jury duty summons, or
- Appropriate and tells the immediate commander to send a written notice of the exemption to the issuing state or local official.

A written notice of exemption should contain the following information:

“(Grade and Name), a member of the United States Air Force on active duty, has been summoned to perform jury duty (when, where, and on what jury). Under 10 U.S.C. 982, DoDD 5525.8, and Air Force Instruction 51-301, this member has been determined by the Secretary of the Air Force or an authorized designee as exempt from duty on the jury in question because such jury service would unreasonably interfere with the performance of the member's military duties or would adversely affect the readiness of the unit, command, or activity to which the member is assigned. Under 10 U.S.C. 982(b), this determination is conclusive.”

If a member fulfills their jury service, the unit should not charge against leave or deduct pay or entitlements for the period of service.

All fees to members for jury service are payable 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.

#### **AIR FORCE EXEMPTION: SPECIAL SITUATIONS**

In addition, all general officers, commanders, operating forces personnel in training and personnel stationed outside the U.S. are exempt from serving on a state or local jury. If the member is exempt under this rule, the immediate commander or designee should notify the issuing state or local official.

If you have questions about jury duty, please make a Legal Assistance appointment by calling the legal office at (301) 981-2042.