

Can You Get Out Of Jury Duty For Pregnancy? It's Not An Open & Shut Case

By Lindsay E. Mack

When you're expecting a baby, receiving a jury summons is probably the last thing on your mind. So can you get out of jury duty for pregnancy, or do you just have to grin and bear it? The answer will vary from person to person and case to case.

Officially, jury duty is still on the table. "Pregnancy is not a disqualifying event," Norm Pattis, a civil rights and criminal defense lawyer and the bestselling author of *Juries & Justice*, tells Romper. Other experts support this idea, including Jeffrey Abramson, Professor at Univ. of Texas School of Law. For the most part, "pregnant women are not entitled to an automatic or statutory exemption from jury duty," he tells Romper.

In reality, however, pregnant people are often excused from jury duty. For instance, judges may excuse those who are in their third trimester of

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pregnancy, or those who have a physician's note stating that serving would cause a medical hardship, as Abramson explains. For the most part, jurors need to be mentally and physically present for a trial, and sometimes pregnancy can disrupt this ability. If a pregnant juror is mentally preoccupied by the pregnancy, or unable to sit for long periods of time, then they may be excused from jury duty, explains Pattis. In general, exemption from jury duty is decided on a case-by-case basis. "Some pregnancies are more difficult than others. If a juror truly believes they cannot perform the job because of their pregnancy they need to speak up," says Pattis.

The type of trial itself could also affect whether pregnant jurors may be excused. "I suspect a case involving injury to a fetus, or to a pregnant woman, would lead the lawyers to conclude a pregnant juror is not a good fit," says Pattis. In addition,

“a pregnant woman could ask to be excused from a case involving child abuse or neglect, or a lawsuit over custody or parental determination,” says Abramson. Every trial is a bit different, so pregnant jurors may be excused from cases with particularly troubling information. Interestingly (and encouragingly), some states do excuse breastfeeding mothers from jury duty.

If you do serve on jury duty, then there are ways to make the process more comfortable and convenient for pregnant people. “In most jurisdictions, a summonsed juror may ask to postpone her jury duty until another time,” says Abramson. It’s also totally appropriate to ask for accommodations if you’re going to be a juror while pregnant. “If selected to serve, a pregnant juror should alert the judge to issues of discomfort requiring her to take more frequent breaks,” says Abramson.

So if you find yourself called to serve while expecting, remember that pregnant people have many options when it comes to serving jury duty, including accommodations, postponement, or being excused entirely. ■