

# Jury News

PAULA HANNAFORD-AGOR



## THE BRAVE NEW WORLD OF JURY TECHNOLOGY

The last issue of *Jury News* discussed what we've learned from the National Center for State Courts State-of-the-States Survey of Jury Improvement Efforts about terms of jury service in state and local courts. As part of the study, we also asked courts to describe the automation that supports their jury operations, especially Internet and interactive voice recognition (IVR) applications. We found that upgrades to jury technology was the single most frequently reported focus of local jury improvement efforts, undertaken by 59 percent of courts reporting any type of improvement efforts. This issue of *Jury News* focuses on what these courts told us about these automation upgrades, how they are using new technologies, and what implications their use has for jury operations.

Let's begin with the base automation systems that courts are using to run their jury operations. Approximately two-thirds of courts use some form of commercial software for their jury management systems. The commercial jury automation market tends to be dominated by two national vendors — Jury Systems, Inc. (based in Encino, California) and ACS Government Systems (based in Lexington, Kentucky). Combined, these two firms held 42 percent of the commercial jury management contracts in the State-of-the-States Survey courts. These national vendors also tended to dominate in more populous jurisdictions compared to other commercial vendors. For example, the national vendors held 83 percent of the commercial contracts for courts in counties greater than 500,000 population and 59 percent of the commercial contracts for courts in counties with a population between 100,000 and 500,000, but only 35 percent of commercial contracts in courts with populations less than 100,000.

The remaining commercial vendors appear to concentrate their market on a statewide or regional basis. Just over one-third of local courts (34.8 percent) reported that they maintain in-house jury management systems. Courts in rural and smaller suburban jurisdictions were more likely to use commercial jury management software than those in more populous areas that, presumably, can afford to develop and support an in-house system.

Several years ago, the NCSC Center for Jury Studies published a monograph entitled *The Promise and Challenges of Jury System Technology*, in which we described how an effective jury management system should support the primary objectives of jury operations as well as how technology glitches — or more often, how unintended technological consequences of official court policies — can undermine those objectives. The monograph can be downloaded from the Center for Jury Studies Web site at <http://www.ncsconline.org/D%5FResearch/cjs/publications.html>.

One issue that we didn't address in that monograph was the importance of system documentation and adequate technical support for ongoing maintenance and operation of the jury system. Far too often, we hear about situations in which the programmer who developed and runs the jury system on a regular basis is the only person who really knows how it works. What happens when that person suddenly becomes ill, or retires, or leaves to take a new job? Is the system documented well enough for other MIS staff to step in and run the system without major problems?

These questions are equally applicable for courts that have commercial jury management systems, especially those developed and maintained by smaller vendors, and those whose jury systems are operated and maintained by the county or other local government MIS department. If something was to happen to the lead jury management programmer, could the vendor or county continue to provide maintenance and support to local jury operations? Continuity of operation (COOP) policies usually refer to the plans that courts develop in the


event of a major catastrophe (fires, floods, bombs), but courts should also routinely inquire about and plan for the possibility of unexpected interruptions in jury operations due to staffing changes. This is one area where an ounce of prevention is worth a pound, or even a ton, of cure.

Turning back to the State-of-the-States Survey findings, what kinds of bells and whistles are courts adding to their jury automation systems? Many of these new technologies offer tremendous improvements in the speed and ease of communication with prospective jurors for the purpose of qualification, reporting, and orientation. Not surprisingly, the use of more sophisticated forms of automation was more prevalent in courts located in urban areas compared to those in suburban and rural areas. See Table 1.

**TABLE 1: PERCENT OF COURTS USING VARIOUS TYPES OF TECHNOLOGY**

	POPULATION SIZE				
	500,000 OR MORE	100,000 TO 500,000	25,000 TO 100,000	LESS THAN 25,000	ALL COURTS
N =	84	233	404	526	1,247
<b>Commercial Jury Software</b>	56.5	59.2	62.4	76.1	65.2
<b>Juror Qualification</b>					
Online	47.6	19.7	9.9	1.9	11.0
IVR Technology	33.3	12.0	8.4	.8	7.5
<b>Reporting Technology</b>					
Telephone Call-In System	86.9	82.4	70.9	42.7	62.2
Online	40.5	22.3	12.1	1.9	11.5
Automated Call-Out System	2.4	2.3	3.5	3.5	3.2
<b>Orientation</b>					
Basic Information Online	61.9	36.6	17.8	61.0	19.1
Orientation Video Online	22.6	10.1	8.0	1.6	6.6
Orientation Video on Cable Television	3.6	1.2	.9	.7	1.0

The most popular form of technology, by a large margin, continues to be the telephone. Nearly two-thirds of courts employ a telephone call-in system to inform citizens about whether they should report for jury service. One-third of urban courts have implemented interactive voice recognition (IVR) technology to permit citizens to respond to qualification questionnaires using their telephones. Some commercial vendors have developed an interface between the court's jury management system and the telephone system to enable courts to send an automated voice message to prospective jurors the day before they are scheduled to report reminding them of their obligation or informing them that their service will not be needed that day. But this feature does not appear to have caught on in most courts yet. Indeed, it appears that rural and smaller suburban courts are



actually more likely to telephone jurors manually to inform them about reporting status than larger suburban and urban courts are to use an automated call-out system.

Although Web-based technology is ubiquitous in most areas of contemporary life, most courts have not embraced it for jury management purposes. Less than 20 percent provide basic juror orientation information online and barely more than half that percentage use the Internet for juror qualification or informing jurors about their reporting status. This technology was somewhat more prevalent for various applications in urban courts, but with the exception of posting orientation information online, fewer than half of the courts serving populations greater than 500,000 used Internet technology for jury management purposes. Interestingly, courts that rely on commercial jury management software were actually less likely to employ more sophisticated types of automation, even after controlling for population size.

Several factors may be influencing courts' decisions to use or not use these technologies. For example, courts employing either JSI or ACS commercial software were significantly more likely to use Internet or IVR technology for qualification, reporting, and orientation purposes than courts using state or regionally based commercial vendors. This suggests that state and regionally based vendors may not have incorporated the capacity for their jury management systems to interface with the courts' telephone and Internet systems yet. Existing technology options may also be prohibitively costly for less populous courts, or possibly, those courts may be unwilling to employ technologies that they believe are not readily available to the majority of citizens in their communities due to the digital divide.

The slow rate at which local courts have implemented these technologies, which by now have proven their worth in terms of efficiency and cost-effectiveness many times over, points once more to the importance of state support for jury automation. It was clear from the State-of-the-States Surveys that some automation improvements had been initiated on a statewide basis. For example, in the District of Columbia, Massachusetts, New York, and North Carolina, all or nearly all of the local courts reported ongoing upgrades to jury system technology. Other examples that suggested a coordinated statewide effort included Arizona, in which three-quarters of the local courts reported the use of video during juror orientation; Iowa, in which more than half (54 percent) of local courts reported that citizens can check their reporting status online; California, which reported a statewide effort to equip jury assembly rooms with Internet access; South Dakota, which reported a legislative mandate to improve jury management technology; Missouri, which is implementing a statewide jury management system (30 percent of local courts reported that this had been completed in their jurisdiction); and Alaska, which is in the process of implementing an online jury software program. These statewide initiatives have an immediate impact on the availability of new technologies for which many local courts lack the funding and expertise to acquire for themselves.