



Juries

Jury News Research Services

The Jury News is written by [G. Thomas Munsterman](#) and appears regularly in *The Court Manager*. *The Court Manager* is published quarterly by [National Association for Court Management](#)

What to Do, Oh What to Do with Persons Who Don't Answer the Summons?

(Published Summer, 1995)

When people are summoned to serve and do not respond, most courts do nothing. Courts hide this embarrassing little secret by saying, "We prepare a list for the judges or sheriff," when they know that nothing results from this. A lack of any follow-up is justified by "our law enforcement personnel have better things to do" or "these people wouldn't make good jurors." Some courts are in fact doing something about this problem, which might provide guidance to others.

Courts that first qualify jurors and then summon them to serve, should enforce at both stages. If only the summons is enforced, only those who send in the qualification questionnaires are held accountable. This has been characterized as "standing on the interstate and shouting at speeding cars and giving tickets to those who stop." Under a one-step system in which the qualification questionnaire and the summons are combined in a single mailing, the follow-up is easier. This follow-up should include those persons who do not respond, whether this means not returning the questionnaire or not reporting after completing the questionnaire. A well-automated system can automatically send a follow-up notice to these persons after a sufficient period of time.

Some assume that all persons not responding are recalcitrant and will shun their duty for whatever reason. Many times the reason for a nonresponse is simply that the person cannot be found. A daughter or son may no longer live at home or are at school. An apartment dweller does not leave a forwarding address with the post office, or the post office thinks it has successfully left the summons in some mailbox. Before drastic steps are taken, an assessment of the situation may prove worthwhile. A second mailing to one or two hundred and an analysis of the response to them should be the first step. Typically about half of the persons not responding are found. Some will eventually serve and some will now claim their exemption, disqualification, or request an excuse from serving. The question then is whether it is worthwhile given the response? This depends to a large extent upon the percentage who report and the policy of the court. In Colorado the use of the card shown in Figure 4 reduced nonresponse by half, and the percentage of those receiving the card who eventually reported for jury service varied across the counties from a low of 8 percent to a high of 29 percent.

One of the courts attacking this problem most assiduously is the San Diego Superior Court. Two mailings precede an order to show cause. The unexplained percentage of the names selected is usually less than 1 percent. That is, the rest either served or were excused, disqualified, exempted, or the post office was not able to deliver the document within the county. Jury administrator Gerry Stevens, who has testified many times when challenged, feels this level of accountability and system integrity is needed.

In Wayne County (Detroit), Michigan, the second mailing of the qualification questionnaires reduced the nonresponse by 32 percent. (If a nonresponse rate was reduced from 30 percent to 15 percent, this would be a reduction of 50 percent.) In Atlanta, a 50 percent reduction was found by a test of a second mailing.

When all else fails some courts have resorted to orders to show cause and the embarrassment of press coverage to reduce the number of recalcitrant persons. In Grant County, Washington, each term two randomly selected unlucky persons are brought before the judge. Similar efforts in Bismarck, North Dakota, and Essex County, New Jersey, have been reported in the press.

In Houston, Texas, Judge Shearn Smith has instituted a follow-up program whereby a group of nonresponders are sent certified letters. Those not responding are verified by the sheriff. About 40 percent of the certified letters were received by the prospective jurors, and, of these, some were found to have a valid reason for not serving or responding. The others

were ordered to appear and were fined from \$500 to \$100. The statute permits a fine of up to \$1000 for failing to respond.

In Baltimore, Maryland, Judge Edward Anseletti, who is the jury judge, plans to bring in about six persons per month. In April the court selected persons who had not responded after their names had been selected many times. Those without valid reasons spent several hours in jail. Following the coverage in the press, the phones "rang off the hook" according to acting jury commissioner Marilyn Tokarski. Her favorite response was from a person who called to ask, "Did you send me something I didn't receive?"

Inquiries regarding **Juries** or to obtain copies of any of these resources
may be directed to the Research Division Office

research@ncsc.dni.us

1-800-616-6164

Last Modified: March 11, 2002

Copyright 2002 – The National Center for State Courts. All rights reserved.