



Jury News

BY PAULA HANNAFORD-AGOR

The Green Mountain Jury System Gets a Major Overhaul

In 2011, the state of Vermont undertook the most significant jury system upgrade of its 220-year history. It simultaneously replaced its locally administered jury operations, which relied on a legacy jury automation system, with a centralized jury processing center supported by a commercial jury automation system; converted all of its local courts from two-step to one-step jury operations; outsourced the printing and mailing tasks to one of the executive branch agencies; and implemented an online qualification process. Like many other courts around the country, all of these efforts were being accomplished on a shoestring budget and in record time. Throughout the year, I had the unique privilege of providing ad hoc advice (otherwise known as kibitzing from the sidelines) to the dedicated team of court administrators, information technology (IT) professionals, and clerks of court that managed the process. I recently checked back with Renny Perry, director of trial court operations, and Cindy Foster, a business analyst with the Vermont Court Administrator's Office, who directly oversaw the implementation efforts, to hear about how things had settled out. They shared several useful lessons that other courts might find useful if they attempt any of these types of jury improvement efforts in the future.

A Little Background

To understand the magnitude of the changes the Vermont judiciary implemented, it is useful to understand how the state managed its jury operations until the recent improvements were put in place. The superior court is the general jurisdiction trial court under the Vermont judiciary. It has separate divisions for civil and criminal matters, which operate in each of the state's 14 counties. These divisions operate largely independently of one another, although administrative supervision for both divisions is the responsibility of the local clerk of court. In the past, the civil division conducted virtually all of the pre-service jury operations. The IT department of the Vermont Court Administrator's Office compiled the master jury list and sent a specified number of names and address records to the local civil division to be used to qualify jurors. The civil division printed, mailed, and processed the juror qualification questionnaires. On a statewide basis, the civil division mailed approximately 12,000 to 15,000 qualification questionnaires annually. After the qualified juror list was complete, it provided a designated number of names to the criminal division to summons jurors for criminal trials; it retained the remaining names on the qualified juror list to summons jurors for civil trials. The two divisions did not share jury pools. Jurors in Vermont can be summonsed to serve up to three times in any two-year period, however some counties would routinely exhaust their allotment of qualified jurors before the end of the two-year term, making it necessary to conduct juror qualification on an annual basis. After service, the local courts were responsible for calculating juror compensation, preparing and mailing the checks, and submitting a financial report.

In 2011, the state of Vermont undertook the most significant jury system upgrade of its 220 year history.

Why implement all of these changes simultaneously?

I asked Renny and Cindy why the Vermont judiciary decided to implement so many major changes in its jury operations all at once. After all, any of the three changes — replacing a jury automation system, expanding jury operations from a local to a statewide system, and converting from two-step to one-step jury operations — ordinarily would be more than enough disruption for most courts. Doing all three at once struck me as pretty aggressive — that is, until I heard what else the Vermont courts had in the works. This included developing a new case management system for all of trial courts: the civil and criminal divisions, plus the probate division, the family division, the environmental division (which hears administrative appeals related to land use, environmental permits, and municipal zoning and planning agencies), and the judicial bureau (which hears matters related to traffic violations, municipal ordinance violations, fishing and hunting violations, alcohol and tobacco violations, and other civil violations). In addition, the judiciary was developing an e-filing system as well as a number of other technology upgrades. Putting all of these disparate pieces together was fairly complex and time-consuming. In comparison, implementing the new jury automation system was a relatively discrete task that could be accomplished fairly quickly. The thinking behind it all was “let’s just do the jury system and get it done.”

The decisions to create a centralized jury office and to convert to a one-step jury operation were not part of the original implementation plan but came about through a combination of fortuitous discussions with the vendor and information gathered at a court technology conference. The vendor initially

raised the possibility of converting to a one-step jury option during discussions of the pros and cons of various approaches in jury management. At roughly the same time, the state court administrator was asking if there was a way to reduce the number of mailings associated with jury operations. The one-step approach to jury operations was both achievable and made more sense in terms of cost and human resources. The creation of the centralized jury office and the decision to outsource the printing and mailing tasks were also done in the name of improved efficiency.

Specific changes to jury operations

The jury automation system that Vermont selected was *Jury+ Next Generation*, developed by Jury Systems, Inc. The vendor now compiles the master jury list annually from the list of registered voters and the list of licensed drivers. When the civil and criminal divisions need jurors, they enter the number of jurors to be summoned into the automation system, which randomly selects names from the master jury list. The entire master jury list is available to the local courts, so they no longer risk running short of jurors. The electronic data file is then automatically sent to the Vermont Department of Buildings and General Services (BGS), which prints and mails a packet that includes the jury summons and the qualification and voir dire questionnaires for all of the local courts. BGS typically mails summonses the day after receiving the data file, but no later than Friday if it receives the data file by close of business Tuesday. The docketing staff of the civil and criminal divisions no longer has to print summonses and questionnaires, stuff envelopes, and mail packets. The printing and postage costs are charged back to the state judiciary. The Vermont Court Administrator’s Office hasn’t conducted a

To operate effectively, it was also critical to implement some standard policies and **procedures across all of the counties.** Although some staff struggled with the difference in functionality between the legacy system and the new automation, **most believed** that the procedural standardization was a fair trade insofar that it relieved local courts of having to **reinvent the wheel every time a problem arose.**

detailed financial accounting yet, but staff believe the cost of outsourcing these tasks has largely been offset by the ability of BGS to take advantage of bulk mailing rates from the U.S. Postal Service and by having a substantially smaller annual mailing.

Jurors have two options for responding to the jury summons: they can complete the qualification and voir dire questionnaires and mail them back to the Central Jury Office for processing, or they can respond online. Staff of Central Jury Office conducts much of the pre-service support for jury operations, such as confirming the eligibility of prospective jurors, that was previously done by the civil division of the superior court. The civil and criminal divisions still retain authority to excuse jurors for hardship or defer their service, however. If a juror submits a request to be excused or deferred, the Central Jury Office staff forwards the request to the local court for its decision. If granted, the local court authorizes the excusal in the jury automation system, which automatically generates a letter that is transmitted electronically to BGS for printing and mailing. Similarly, if a juror fails to respond to a summons for jury service, the automation system generates a letter to be printed and mailed by BGS directing the juror to respond to the summons or face possible penalties.

A key element in the implementation plan was the extent of training offered to the affected court staff that was included in the vendor contract. The vendor conducted regional training for different levels of local court staff, including very detailed, operations-oriented training for the front-line docketing staff and supervisory functions training for local operations managers and clerks of court. This classroom-style training was supplemented with real-time, on-site training for the

local court staff on a rolling basis for each court's first "draw day" when jurors appeared for service under the new system. Central Jury Office staff also received extensive operational training on the pre-service and post-service functions of the automation.

The training was essential because the commercial database functioned very differently than the old legacy system, with very different built-in assumptions about when and how certain tasks needed to be performed. To operate effectively, it was also critical to implement some standard policies and procedures across all of the counties. Although some staff struggled with the difference in functionality between the legacy system and the new automation, most believed the procedural standardization was a fair trade insofar as it relieved local courts of having to reinvent the wheel every time a problem arose. Even more critically, all jurors in Vermont now serve under an equitably administered structure of guidelines.

Some Challenges

Overall, the planning and implementation process went fairly smoothly, but they did encounter some challenges along the way. Ironically, the conversion from two-step to one-step jury operations was the least problematic, even though that change was introduced much later in the process. Local courts simply began summoning double the number of jurors anticipated to be needed. With the exception of one county, this has proven to be more than sufficient. In fact, a number of courts have had to cancel jurors either the night before or on the day of service and plan to reduce their summoning rates accordingly.

The other major challenge they encountered involved some of the necessary, but peripheral, tasks associated with jury operations such as **generating and submitting juror compensation reports** to the Judiciary Finance department. The local courts are still responsible for compensating jurors, but they **hope to centralize that process in the future.**

Uncertainty as to response rates was more of an issue for the Central Jury Office staff, particularly as it related to the number of staff needed to support the new centralized office. The online qualification option for jurors responding to their summons was expected to reduce the volume of manual processing, but they had no estimates of how many jurors would choose this option. In addition, there is no coordination among the local courts with respect to when the courts issue summonses for jury service or how many summonses are mailed. As the local court rollout began, the Central Jury Office found that the workload was cyclical. Sometimes they were inundated with work and became backlogged; at other times the volume was lighter. There has been some thought to coordinating the jury summons and trial schedules to even out the workflow in the Central Jury Office, but as of yet they have not begun serious discussions.

Another challenge they encountered was the speed with which they conducted the implementation process, especially the rollout to the local courts. The process involved onsite training with the vendor and a person from the Central Jury Office (most often Cindy) both the day before and the day of each court's "jury draw" (the juror appearance date) in each court. At one point, they had six courts rolling out the new system in the same month, which was logistically difficult, to say the least. Asked what they would do differently if they had the chance, Renny said he would have expanded the rollout period to minimize the extent of the "crunch." He also thought additional post-rollout training for local court staff would be valuable, especially for the more rural courts that have fewer opportunities to become accustomed to the new system.

The other major challenge they encountered involved some of the necessary, but peripheral, tasks associated with

jury operations, such as generating and submitting juror compensation reports to the judiciary finance department. The local courts are still responsible for compensating jurors, but they hope to centralize that process in the future. The vendor training largely focused on primary jury operation tasks such as checking in jurors, creating jury panels for each case, and documenting each juror's ultimate disposition (e.g., selected as trial juror, alternate, removed for cause or hardship, removed by peremptory challenge). It didn't focus as much on the back-end reporting functions.

When asked what she would have done differently during the implementation process, Cindy explained, "I wish I had tested the whole software system by walking through it from start to finish with as many of the relevant perspectives as possible—finance and IT, especially. We did our best, but there were some gaps which might have been lessened by more frequent and in-depth collaboration with our other departments."

ABOUT THE AUTHOR

Paula Hannaford-Agor is director of the Center for Jury Studies at the National Center for State Courts.