

# Jury Managers' Toolbox

## *Best Practices to Decrease Undeliverable Rates*

### Overview

Nationally, an average of 12% of qualification questionnaires and jury summonses are returned by the U.S. Postal Service marked “undeliverable as addressed.”<sup>1</sup> Undeliverable rates are the single largest factor contributing to decreased jury yields. In most instances, the qualification questionnaire or summons was returned because the person moved to a new address since the master jury list was last created or updated. In other instances, the juror’s address may be incorrect from the source list or the U.S. Postal Service may have returned the qualification questionnaire or jury summons in error. While it may not be possible to eliminate the undeliverable rate completely, courts can take steps to greatly reduce it.

### Create/Update the Master Jury List at Least Annually

According to the U.S. Census Bureau, 17% of the U.S. population moved to a new house in 2007. Migration rates ranged from a low of 10% in New Jersey to a high of 20% in Alaska and Wyoming. Approximately 9% moved from a different house within the same county, 3% from a different county within the same state, 3% from a different state, and 1% from abroad.<sup>2</sup>

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<sup>1</sup> Gregory E. Mize, Paula L. Hannaford-Agor & Nicole L. Waters, *State-of-the-States Survey of Jury Improvement Efforts* (2007).

<sup>2</sup> U.S. Census Bureau, *Selected Social Characteristics in the United States: 2007, Residence One Year Ago*

Based on these figures, a court that began the year with a perfectly accurate master jury list annually could expect an undeliverable rate of up to 17% by the end of the year just due to local migration rates. The process of creating the master jury list typically takes one to three months, so some records will be out-of-date even before the court begins summoning and qualifying from a new list. For this reason, the NCSC recommends that courts create a new master jury list, or update their existing list, at least annually. Courts that are located in states or metropolitan areas with higher than average migration rates should consider creating or updating their master jury lists even more frequently (e.g., semi-annually or quarterly) if feasible.

### When Removing Duplicate Records, Retain Records from the Most Reliable Source List

Of course, the accuracy of the address records from the source lists used to create the master jury list is critical. Courts typically have no authority to mandate how the administrative agencies (e.g., Department of Motor Vehicles, State Voter Registrar, etc.) maintain their records and many courts complain about the quality of those records.

If the court uses multiple source lists to create its master jury list, try to identify which list(s)

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(2007 American Community Survey 1-Year Estimates).

have the highest undeliverable rate. Determine the proportion of undeliverable questionnaires or summonses based on the source list from which they originally came. The D.C. Superior Court conducted such an analysis in 2006, for example, and found that the undeliverable rate for records from the D.C. Tax and Revenue list was 14% compared to 43% for the master jury list overall. Ostensibly, the tax files were maintained annually as compared to the lists of licensed drivers and registered voters, which were maintained less frequently.<sup>3</sup> If such an examination reveals that one or more source lists have demonstrably more reliable addresses, the court should retain the records from the more reliable source lists when removing duplicate records during the merge/purge process.

It is also advisable to verify the criteria that the administrative agency uses to select records to send to the court to ensure that they are not outdated or inactive records on the agency's own files. Someone who fails to renew a driver's license after it expires, for example, may have moved out of state. If the agency includes that record in the source list on the mistaken belief that the court desires **all** records of licensed drivers, however, any mail sent to that address will most likely be returned as undeliverable or, if it is forwarded by the U.S. Postal Service, will result in disqualification for jury service based on non-residency.

If it is not feasible to conduct this type of analysis, or if the results of the analysis do not show conclusive findings, the court should use

the most frequently maintained source list as the default option for retaining records. For example, most states issue drivers' licenses for five years before the licenses become inactive. A person's registration to vote, however, stays valid unless the voter registrar receives notification that the person is no longer eligible to vote in that precinct. The notification takes place when the voter registrar is informed that person has registered to vote in another jurisdiction, when the voter registrar mails an updated voter registration card that is subsequently returned as undeliverable (typically mailed every 4 to 8 years), or when the voter registrar obtains verification that the person has died. Otherwise, the person's record as a registered voter is maintained indefinitely.<sup>4</sup> Thus, if the court uses the combined list of registered voters and licensed drivers for the master jury list, it should retain the licensed driver record for the master jury list as that list is most likely to have an accurate address.

Another option is to request the administrative agency to include a "record updated" field in the dataset that indicates the most recent date of any changes made to the record. When comparing records that have the same name, Social Security Number, and/or date of birth, but different addresses, for example, the court should retain the record with the most recently updated information.

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<sup>3</sup> Council for Court Excellence, *Improving Juror Response Rates in the District of Columbia: Final Report* 48 (March 2006).

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<sup>4</sup> The National Voter Registration Act requires states to remove the names of persons who have failed to vote in two consecutive presidential elections.

## National Change of Address (NCOA) Updates

The U.S. Postal Service maintains a National Change of Address (NCOA) database to forward mail after people move to a new address. The Postal Service also licenses private vendors to access the NCOA database to provide updated address records for individuals, families and businesses that have moved.<sup>5</sup> This service is used extensively by commercial mail customers to minimize undeliverable rates. Many NCOA vendors also provide Zip+4 updates and address verification services in addition to NCOA updates. The U.S. Postal Service requires that customers using bulk mail rates certify that they have updated the mailings with an NCOA vendor within 90 days of the posting date.

Typically, NCOA vendors can process and return update lists electronically 24 to 48 hours after receipt. After completing the NCOA updates, the vendor is required by its licensing agreement with the U.S. Postal Service to destroy all copies of the mailing list it received from the customer. Costs vary depending on the number of records to be updated and the price structure established by the vendor. Most commercial jury automation vendors have contracts with NCOA vendors to provide these services to their court customers. Anecdotal reports from commercial jury vendors suggest that NCOA address verification returns 10% to 15% of records with an updated or corrected address. In almost every instance, the savings in postage and printing costs greatly exceed the

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<sup>5</sup> For a current list of NCOA vendors, see the U.S. Postal Service NCOA<sup>Link</sup> pages at [http://ribbs.usps.gov/ncoalink/documents/tech\\_guides/CERTIFIED\\_LICENSEES/](http://ribbs.usps.gov/ncoalink/documents/tech_guides/CERTIFIED_LICENSEES/).

cost of the NCOA update. Click [NCOA<sup>Link</sup>](#) for a list of licensed NCOA vendors.

The court should establish a policy concerning updated records that show a mailing address is that is no longer located in the geographic area served by the court. In some jurisdictions, for example, it is common practice for individuals to maintain a mailing address near or at their place of employment rather than at their residence. If this is the case, a policy to mail qualification questionnaires or jury summonses to apparently out-of-county addresses may be appropriate to ensure that jury-eligible persons are not inappropriately excluded from jury service. In other jurisdictions, it may make more sense to remove records with out-of-county addresses from the list of qualification questionnaires or jury summonses, rather than send a jury service document that is unlikely to result in a qualified juror.

For maximum effectiveness in reducing undeliverable rates, courts should apply NCOA updates to the master jury list upon creation and to all qualification questionnaires and jury summonses within 90 days of posting. Updates to the master jury list will ensure the most accurate address records and updates to the qualification questionnaires and jury summonses will permit courts to take advantage of bulk mailing rates.

## U.S. Postal Service Reliability

Most undeliverable mail can be attributed to bad addresses on the master jury list. In some instances, however, the U.S. Postal Service itself is the actual source of the problem as it returns

validly addressed mail to the original sender. The NCSC Center for Jury Studies had heard anecdotal reports from courts that routinely resent jury summonses that had been returned as undeliverable, getting response rates of more than 25% on the second mailing to the same address. To investigate the possibility of U.S. Postal Service unreliability as a potential contributor to undeliverable rates, the NCSC conducted a study in which 13 state trial courts, one federal trial court, and the statewide jury operations for Connecticut and Massachusetts participated.<sup>6</sup> Each court re-mailed up to 100 jury summonses that had been previously returned as undeliverable by the U.S. Postal Service. Overall, an average of 4.6% of the summonses were delivered and responded to on the second mailing. Two of the courts had juror response rates in excess of 10%.

Courts that have already taken steps to decrease undeliverable rates, such as those discussed above, but still have high rates of undeliverable jury summons may wish to duplicate the experiment to determine if some of the problem lies with the local postal service.

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<sup>6</sup> The courts that participated in the study were the Superior Court of Arizona, Maricopa County; Superior Courts of Nevada and Orange Counties, California; the Connecticut Judicial Branch, the Circuit Court of Palm Beach County, Florida; the Seventh Judicial District Court in Bonneville, Idaho; the Superior Court of Allen County, Indiana; the Circuit Court of Prince George's County, Maryland; the Office of the Jury Commissioner for the Commonwealth of Massachusetts; the District Court in Douglas County, Nebraska; the Superior Court in Union County, New Jersey; the Second Judicial District Court in Bernalillo County, New Mexico; the Circuit Courts in Malheur and Lane Counties, Oregon; the District Court in Denton County, Texas; Circuit Court of Lake County, Illinois; and the U.S. District Court, District of Arizona.

If so, the court should consult the local postmaster or the U.S. Postal Service consumer affairs office to discuss the problem and inquire about potential solutions. For the local consumer affairs office, call 1-800-ASK-USPS and either say "help" or "customer service." Once a representative is on the line, you can request the number for your local customer affairs office or you can document a complaint with the representative and he/she will forward this information to the most appropriate person. If you choose to document a complaint, you should be contacted regarding this issue within the next business day.

## Special Considerations for 2-Step Courts

Courts that employ a 2-step qualification and summoning process often find that the undeliverable rate for jury summonses is almost as high as the undeliverable rate for the initial qualification questionnaires. This is especially common in courts that conduct the initial qualification process relatively infrequently (e.g., annually).

Table 1 compares the undeliverable rates for qualification questionnaires and for jury summons in 2-step courts serving different size communities. The prevalence of relative high undeliverable rates for individuals who previously have responded to a qualification questionnaire strongly suggests that the time lapse between when the individual is deemed qualified for jury service and when that individual is actually summonsed is long enough to permit a significant portion of the qualified list to become out-of-date. This effect is the result of normal migration patterns for the local

community and operates in a similar fashion to the degradation rate for the master jury list.

The most direct remedy for high undeliverable rates for jury summonses in two-step courts is to convert to a one-step jury operation that employs all of the techniques previously described in this document. To explore this option, go to the “2-Step to 1-Step Conversion Tool” at Step 5 of the Jury Managers’ Toolbox.

If conversion to a 1-step operation is not feasible at this time, 2-step courts should apply NCOA updates to the list of jury summonses within 90 days of the mailing date. This will ensure that the court receives adequate notice of address changes for qualified jurors before mailing the jury summons as well as permitting the court to take advantage of reduced rates for bulk, first-class mail from the U.S. Postal service.

	Courts serving communities of			
	More than 500,000 population	100,000 to 500,000 population	25,000 to 99,999 population	Less than 25,000 population
<b>Qualification Questionnaires</b>	15.1%	14.4%	16.0%	13.5%
<b>Jury Summonses</b>	6.6%	10.2%	8.2%	10.0%

Source: NCSC *State-of-the-States Survey of Jury Improvement Efforts* (2007)

Disclaimer: The guidelines discussed in this document have been prepared by the National Center for State Courts and are intended to reflect the best practices used by courts to minimize undeliverable rates for qualification questionnaires and jury summonses.